

**EXHIBIT C  
DRAFT RESOLUTION**

**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:

**BOLLENBACHER & KELTON (FERRINI RANCH) (PLN040758)  
RESOLUTION NO. ----**

Resolution by the Monterey County Planning Commission to recommend that the Monterey County Board of Supervisors take the following Actions:

- 1) Approve the Combined Development Permit consisting of a Vesting Tentative Map, Use Permit for the removal of 921 trees, and Use Permit to allow development on slopes exceeding 30%; and
- 2) Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan.

[PLN040758, Bollenbacher & Kelton (Ferrini Ranch), Fronting on and southerly of State Highway 68, encompassing two areas separated by Toro Regional Park. The eastern portion is bound by River Road and the western portion is bound by San Benancio Road, Toro Area Plan (APN: 161-011-009-000, 161-011-030-000, 161-011-039-000, 161-011-057-000, 161-011-058-000, 161-011-059-000, 161-011-078-000, 161-011-084-000; 161-031-016-000, and 161-031-017-000

**The Ferrini Ranch application (PLN040758) came on for public hearing before the Monterey County Planning Commission on October 8, October 29, and November 12, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**FINDINGS**

1.     **FINDING:**           **PROJECT DESCRIPTION** – The proposed project is Combined Development Permit consisting of: 1) Standard Subdivision Vesting Tentative Map for the subdivision of approximately 870 acres to into 185 lots including 168 market rate single family residential lots and 17 moderate income lots for Inclusionary Housing units; three Open Space parcels of approximately 700 acres (Parcels A, B, & C), and parcel for the future development of a visitor center (Parcel D); 2) Use Permit for removal of up to 921 protected Oak trees; and 3) Use Permit for development on slopes exceeding 30 percent.  
**EVIDENCE:**           The application, project plans, and related support materials submitted

by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN040758.

2. **FINDING:** **CONSISTENCY/SITE SUITABILITY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

**EVIDENCE:** a) **APPLICABLE PLAN AND APPLICABLE ZONING ORDINANCES**

During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the 1982 Monterey County General Plan;
- Toro Area Plan
- Toro Area Plan Inventory and Analysis;
- Monterey County Zoning Ordinance (Title 21);
- Monterey County Subdivision Ordinance (Title 19);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents. The project application was deemed complete in April of 2005. Pursuant to the 2010 General Plan Policy LU-9.3, subdivision applications deemed complete on or before October 16, 2007, shall be governed by the plans, policies, ordinances, and standards in effect at the time the application was deemed complete. Therefore, the 2010 Monterey County General Plan (adopted 10/26/2010) does not apply to this subdivision application. References in these findings to the General Plan are to the 1982 General Plan.

b) **SITE DESCRIPTION**

The property is located on parcels fronting on and southerly of State Route 68 encompassing two areas separated by Toro Regional Park. The eastern portion is bound by River Road and the western portion is bound by San Benancio Road (Assessor's Parcel Numbers: 161-011-009-000, 161-011-030-000, 161-011-039-000, 161-011-057-000, 161-011-058-000, 161-011-059-000, 161-011-078-000, 161-011-084-000; 161-031-016-000, and 161-031-017-000), Toro Area Plan.

c) **SITE DESCRIPTION (ZONING)**

The parcels currently lack zoning but have a land use designation of "Low Density Residential 5-1 acres per unit", which is intended to allow low density residential development. The proposed project proposes a density far below the minimum of 1 unit per acre. The subdivision map act requires that subdivisions be found consistent with the General Plan. The subdivision can be considered without zoning in place.

d) The project area will be zoned "LDR/2.5-VS-D" or Low Density Residential, 2.5 acre minimum, with Visual Sensitivity and Design Control Overlays, through the general plan update work program. This zoning designation will comply with the underlying "Low Density Residential" land use designation.

3. **FINDING:** **SITE SUITABILITY**

The site is physically suitable for the use proposed. The project has been reviewed for site suitability by the following departments and

agencies: RMA- Planning, Monterey County Regional Fire Protection District, Parks, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended by responsible departments have been incorporated.

**EVIDENCE:** a) **LAND USE ADVISORY COMMITTEE**

The project was referred to the Toro Land Use Advisory Committee (LUAC) for review on October 27, 2014. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves a development (subdivision) requiring CEQA review (EIR) and includes land use issues that could impact the local community. Consistent with the LUAC guidelines, the LUAC focused their review to visual resources, potential lot design/layout, and impacts related to development within the critical and sensitive viewsheds (landscaping/berming). The Toro LUAC reviewed the project and recommended approval of Alternative 5 (185 lots) by a 4-1 vote (3 members absent, 1 member abstained).

- b) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN040758.
- c) Staff conducted various site visits during the review of the project to verify that the site is suitable for this the proposed use.

**CONSISTENCY WITH 1982 GENERAL PLAN**

3. **FINDING:** **DEVELOPMENT ON SLOPES** – An exception to the prohibition to development on slopes in excess of 30 percent may be granted because there is no alternative to allow development to occur without encroachment on slopes and the project achieves the resource protection objectives and policies.

**EVIDENCE:** a) Per the discussion below (Finding 18-Use Permit for development on Slopes) the project is consistent.

4. **FINDING:** **RIDGELINE DEVELOPMENT** – Ridgeline development is not being permitted as part of this project.

**EVIDENCE:** a) The proposed development areas are located on large open spaces located between the steeper sloped areas of the site. Proposed lots are located in areas to discourage development on ridgelines and hilltops, therefore eliminating the ability of future structures to protrude above the ridgelines. The majority of the proposed sites have been located on the backside of existing natural topographic features. The project site will have Visually Sensitive (VS) and Design Control (D) overlays applied as part of the overall zoning (LDR/2.5-VS-D). These overlays require full flagging and staking prior to any structure development. Any structure which is visible above existing ridgelines will need to be lowered in height or relocated to another area of the lot. The application of the VS and D zoning overlays, will ensure compliance with this

policy.

5. **FINDING:** **PUBLIC FACILITIES** – The project is served by adequate public facilities and services, water availability, and sewer infrastructure.
- EVIDENCE:** a) The underlying land use designation for the subject property is “Low Density Residential”. The proposed subdivision consists of the creation of 185 residential lots. The subdivision design is consistent with the land use plan designation. The project is able obtain public services (emergency response), is located near public services (schools), has adequate water availability (see Finding 20 below), is able to obtain adequate sewage service (see Finding 11 below), and does not have environmental constraints which cannot be fully mitigated.
6. **FINDING:** **HAZARDS** – There are no physical hazards or development constraints which would render the site unsuitable for development.
- EVIDENCE:** a) The project site does not present physical hazards, does not lack public services and facilities, and has been designed to protect natural resources to the greatest extent feasible. Adequate water and sewage is provided (see Findings 11(b), 11(c), 20).

#### CONSISTENCY WITH TORO AREA PLAN

7. **FINDING:** **VISUAL SENSITIVITY** – The development will not adversely affect the natural scenic beauty of the area. The visually sensitive areas including ridgelines, mountain faces, hillsides, open meadows, natural landmarks, and unusual vegetation visible from scenic roadways have been retained in their natural state.
- EVIDENCE:** a) The proposed project includes development within an area of visual sensitivity. The EIR concluded that future development, where visual, would not be a significant adverse visual impact, based on the proposed Visually Sensitive (VS) and Design Control (D) overlays. The application of these zoning overlays requires full flagging and staking on proposed development areas, prior to approval of additional discretionary and construction permits. The implementation of the zoning overlays will ensure that future development will not adversely affect the natural scenic beauty of the area. These zoning overlays will be undertaken as part of the modifications of to the Zoning maps to implement the 2010 General Plan. This work is scheduled to be completed in the first quarter of 2015.
8. **FINDING:** **CRITICAL VIEWSHED** – No building sites are created within the critical viewshed. Critical viewshed areas will be retained in open space.
- EVIDENCE:** a) Figure 9 of the Toro Area Plan itself is not specific enough to discern the exact location of the critical viewshed, but portrays the general area of proposed lots 81-85 to be designated “critical viewshed”. When this general mapping is added to the VTM, it appears to protect an area located behind a prominent knoll, not the adjacent meadow. The intent of the text itself seems to provide protection to “ridgelines, mountain faces, hillsides, and open meadows...”, which can be

interpreted to more appropriately apply to the large flat meadow fronting proposed Lots 84, 83, 83a, 104, and 105. This interpretation would result in Lots 83, 83a, and portions of lots 82a and 84 being located within the critical viewshed. These lots would therefore need to be relocated or eliminated. A mitigation measure (MM 3.1-1a) has been applied to the project requiring the relocation of these lots outside of the critical viewshed area prior to recordation of the final map.

9. **FINDING:** **100 FOOT SETBACK** – The 100 foot building setback from County and State scenic route and the critical viewshed has been maintained as part of project design.
- EVIDENCE:** a) Within the project area, three State or County designated roadways exist: State Route 68, San Benancio (western parcel) and River Road (eastern parcel). The Vesting Tentative Map locates newly created parcels outside of the required 100 foot building setback from these designated scenic roadways with the exception of Lots 1a, and 15a (portion). Additionally, the policy requires a 100’ setback from the edge of the critical viewshed. The majority of proposed lots are located outside this required setback area, with the exception of lots 76, 81, 81a, 82, 83, 83a, 85, and 85a. A mitigation measure (MM 3.1-1a) has been applied to the project requiring all building areas to be located outside of the 100’ scenic road and critical viewshed setback prior to recordation of the final map.
10. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:** a) The project was reviewed by the RMA - Planning, Monterey County Regional Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities will be provided. Water will be provided by California Water Services Company through the Salinas District Office, utilizing existing wells within the Salinas Valley Groundwater Basin. Cal-Water has provided a “can and will serve” letter. The Urban Water Management Plan shows that Cal-Water has twice the capacity to provide water than will be demanded in 2040.
- c) California Utility Service (CUS) will provide sewer service. CUS has the capacity to provide treatment of the effluent from the project. In order to ensure that capacity is maintained, the applicant is required to verify that the CUS wastewater treatment plant will have sufficient capacity prior to recordation of the final map.
- d) The traffic mitigations measures contained in the Traffic/Transportation section of the EIR require construction of road improvements that will

ensure traffic safety on site and for traffic around the site. Improvements include: improvements to State Route 68 including installation of additional traffic lanes, and a traffic signal, which will remove uncontrolled movements on State Route 68 and cut through traffic through Toro Park Estates.

e) Preceding findings and supporting evidence for PLN040758.

11. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

**EVIDENCE:**

- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted various site visits during the review of the project to verify that the site is suitable for this the proposed use.
- c) There are no known violations on the subject parcel.
- d) Preceding findings and supporting evidence for PLN040758

12. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:

- 1. That the proposed map is not consistent with the applicable general plan and specific plans.
- 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
- 3. That the site is not physically suitable for the type of development.
- 4. That the site is not physically suitable for the proposed density of development.
- 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

**EVIDENCE:**

- a) Consistency. The project as designed and conditioned is consistent with the 1982 Monterey County General Plan, Toro Area Plan, and the Toro Area Plan Inventory and Analysis (see Findings 2-10).
- b) Design. The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030. Section 19.10.030 dictates that minimum lot size shall conform to the standards of the zoning regulations. The land use designation for the subject properties is Low Density Residential, which requires 1 acre minimum lots. The subdivision proposes to create lots below the 1 acre minimum standard; however the overall density of the development is above the 1 acre minimum. The subdivision proposes to divide 870 acres into 185 lots, which is 1 unit per 4.7 acres. This is consistent with lot design standards.

- c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding 2).
- d) Environment. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat. Vesting Tentative Map Alternative 5 reduces the density of development, provides additional open space, reduces potential impacts to California Tiger Salamander, and moves lots away from riparian areas and wildlife corridor connection linkages. Potential impacts can be mitigated to less than significant. (See Resolution B – CEQA).
- e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding 11).
- f) Water Supply. MCC Section 19.10.070 requires provision shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. MCC Sections 19.03.015.L and 19.07.020.K require Water Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long term water supply with the project. Water will be provided by California Water Services Company. (See Findings 11 and 20).
- g) Sewage Disposal MCC Sections 19.03.015.K, 19.070.020.J, and 19.10.075 require that provisions shall be made for adequate sewage disposal. Sewage collection will be provided by California Utility Services (See Finding 11).
- h) Easements. The subdivision or the type of improvements will not conflict with easements. No easements, public or private, exist on the project site.
- i) The application, tentative map and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040758
- j) Staff conducted various site visits during the review of the project to verify that the site is suitable for this the proposed use.

13. **FINDING:** **INCLUSIONARY HOUSING REQUIREMENT** – The subdivision complies with the County’s Inclusionary Housing Ordinance as codified in Chapter 18.40 of the Monterey County Code.

**EVIDENCE:** a) According to the Economic Development Department, the proposed project is subject to the Monterey County Inclusionary Housing Ordinance at the time the application was deemed complete, which was April of 2005. The applicable Inclusionary Housing Ordinance, Ordinance #04185, requires developers to contribute 20 percent of the new residential lots or units as very low-, low-, and moderate-income units. This ordinance allows several options for compliance, including payment of an in-lieu fee. The project is required to provide a total of 42 inclusionary units at different income levels. The project proposes to construct the 17 moderate income level homes; therefore the remaining 25 units shall be paid via in-lieu fee for a total payment \$4,015,250 (\$160,610 per inclusionary unit, 25 units required). Therefore the

proposed project is consistent with the Monterey County Inclusionary Housing Ordinance.

14. **FINDING:** **RECREATION REQUIREMENT** – The subdivision complies with the County’s Recreation Requirements as codified in Chapter 19.12 of the Monterey County Code.
- EVIDENCE:** a) MCC Section 19.12.010.G, requires a portion of the subdivided land be dedicated for park and recreational facilities and also includes provisions for payment of in-lieu fees. Mitigation Measure MM 3.10-3 recommended the applicant dedicate a minimum of 2 acres of on-site parkland to serve project residents; parks shall be “neighborhood scale” ranging in size from 0.50-1.0 acre in size. In this particular case, the payment of fees in-lieu of land dedication is deemed to be greater regional recreational benefit to the County as whole, because the payment of fees could be used to upgrade the recreational facilities within Monterey County. The replacement of the recommended mitigation measure MM 3.10-3 with a condition requiring the payment of in-lieu fees is equal or more effective mitigation in this case. The fee in-lieu of parkland dedication is based upon the estimated fair market value of the unimproved land being subdivided and the estimated fair market value of the land which would otherwise be required to be dedicated, at the time of the filing of the final map. A condition of approval has been placed on the project to require the payment of in-lieu fees to be paid prior to the recordation of the final map. Therefore the proposed project is consistent with the Monterey County Recreation requirements.
15. **FINDING:** **TREE REMOVAL – INLAND** The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.
- EVIDENCE:** a) The project includes application for the removal of a maximum of 921 Oak trees. In accordance with the applicable policies of the Toro Area Plan and the Monterey County Zoning Ordinance (Title 21), a Use Permit is required and the criteria to grant said permit has been met.
- b) Toro Area Plan policy 7.2.3 promotes the preservation of oak trees, by discouraging the removal of healthy oaks with diameters in excess of eight inches. Although oaks in excess of eight inches are proposed for removal, the Forest Management Plan prepared for the project identified that nearly 29,300 total trees are on site, and the removal of the 921 will not be detrimental to the overall health of the remaining trees. Additionally, approximately 25% of the trees proposed for removal, or 230 of the 921 trees, are suffering from excessive decay, breakage or low-health.
- c) The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible. The proposed lot and road pattern has been designed around the healthy stands of oaks to assist in the screening of potential building sites. However, proposed infrastructure development, specifically the development of internal roadways, will require removal of oaks due to grading and road cuts.
- d) The EIR prepared for the project identified the removal of oaks and the



loss of oak woodland habitat to be a potential significant impact, without mitigation incorporated. The EIR proposed two mitigation measures to reduce the impact to "less than significant", and implementation of the mitigation measures (MM 3.3-6a and 3.3-6b) would ensure that removal of coast live oak is kept to the minimum necessary for development by requiring field verification and modification of construction plan to preserve healthy trees, and requiring removed trees to be replaced at a 1:1 after construction activities. Additionally, protective fencing is required to be placed along driplines of remaining trees to keep construction activities and materials away from the critical rootzone(s).

- e) Best Management Practice for tree protection during construction have been incorporated and include tree protection zones; no storage of equipment or construction materials or parking of vehicles within tree rooting zones; pruning of roots; and monitoring by qualified forester, certified arborist, or tree professional.
- f) Staff conducted various site visits during the review of the project to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.

16. **FINDING:** **OAK WOODLANDS** – The project, as conditioned and mitigated, will not have significant environmental impacts to oak woodlands.

**EVIDENCE:** a) Pursuant to Public Resources Code section 21083.4, the County as a part of its environmental review must evaluate whether the project may result in a conversion of oak woodlands that will have a significant effect on the environment. If the County determines that the project may have a significant effect on oak woodlands, the County must require feasible mitigation measures to mitigate the significant effect of the conversion of oak woodlands. In this case, the project may result in a conversion of oak woodland that will have a significant impact on the environment but the effect is mitigated with the mitigation measures outlined in Section 3.3 of the EIR prepared for the proposed project. The proposed mitigation measures and conditions of approval fulfill and exceed those required by Public Resources Code Section 21083.4. Public Resources Code Section 21803.4 requires one or more of the following mitigation measures:

1. Conserve Oak woodlands through the use of conservation easements.
2. Plant an appropriate number of trees, including maintaining planting and replacing dead or diseased trees (maintenance measures are required for seven years after three are planted, and planting of trees does not fulfill more than one half of the mitigation requirement).
3. Contribute to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code.
4. Other mitigation measures developed by the county.

The proposed tree loss is minimal in relation to the overall number of

trees on the project site. Additionally, the trees proposed for removal are primarily located in the vicinity of the proposed roadway, with the proposed homesites within each lot are predominately in grassland areas, necessitating minimal oak removal. For these reasons, the overall oak woodland on site will remain intact. In addition, the lands outside of the proposed roads and lot areas will be placed into permanent Open Space (approximately 700 acres). The dedication of the Open Space is consistent with mitigation measure alternative (1) as established by Public Resources Code Section 21083.4.

The project proposed Mitigation Measure MM3.3-6a and 3.3-6b to ensure tree removal, replacement, and tree protection measure are implemented and reduce impacts to less than significant. Mitigation Measure MM3.3-6a requires that prior to issuance of grading and/or building permits, design and construction recommendation provided in the Forest Management Plan and Supplemental Forester's Report shall be implemented during the final design of improvement plans, and those plans shall be reviewed by a certified arborist and County planning staff. Additionally, MM3.3-6a, requires the preparation of tree removal and replacement plans to address removal of trees within any acre of land with a 5-inch dbh or greater native oak species; onsite replanting for 50% of direct impacts at a 1:1 ratio (approximately 460 trees); and contribution of funds to the Oak Woodlands Conservation Fund for the remaining 50% of impacted trees. These requirements are consistent with mitigation measure alternative (2) and (3) as established by Public Resources Code Section 21083.4 Mitigation Measure MM 3.3-6b requires the installation of protective fencing along the driplines of protected trees, prior to commencement of construction activities.

- b) The applicant is required to enter into an agreement to implement the Mitigation Monitoring and Reporting Plan.
- c) Staub Forestry and Environmental Consulting. Forest Management Plan (September 2006) and Supplemental Forester's Report (March 2010).
- d) Staff conducted various site visits during the review of the project to verify that the site is suitable for this the proposed use.
- e) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040758

17. **FINDING:** **DEVELOPMENT ON SLOPE IN EXCESS OF 30%** – The project includes development on slopes in excess of 30% and there is no feasible alternative which would allow development to occur on slopes of less than 30%.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Toro Area Plan and 1982 Monterey County General Plan a Use Permit is required and the criteria to grant said permit have been met.
  - b) The project includes application for development on slopes exceeding 30%. Proposed lots, including potential building sites, have been located on slopes of than 30 percent.
  - c) To access areas of the property determined suitable for residential development, limited areas of 30 percent slope must be crossed by

infrastructure, such as roads and utilities. The areas of 30 percent slope where development is allowed consist of required roadways, fire safety requirements (water lines/tanks), and undergrounding of other utility lines. The road system has been designed to achieve the maximum amount of resource protection while taking into account the topography of the property, to minimize resource disturbance.

- d) All remaining undeveloped areas of the project, including those of over 30 percent slope, will be dedicated into permanent open space (approximately 600 acres).
- e) The project planners conducted site inspections on numerous occasions.
- f) The subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Toro Area Plan and 1982 General Plan.
- g) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040758

18. **FINDING: WILDFIRE PROTECTION STANDARDS IN STATE**

**RESPONSIBILITY AREAS** – The subject project, as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 of the Public Resource Code.

- EVIDENCE:**
- a) The proposed project is within the Monterey County State Responsibility Area.
  - b) Two emergency access points, in addition to the main access point have been designed to allow emergency ingress and egress to the project site. The emergency access area/roadways shall be designed to standard as set forth by the responsible fire agencies.
  - c) The subject site has been historically been grazed to control and reduce the threat of grassland fires. The cattle grazing operations will continue after implementation and development of the project site; this continued grazing will reduce the available fuel load relative to the potential for grassland fires within the area.
  - d) Required clearance and defensive spaces will be required to be maintained around developed properties, subject to the applicable regulations from the responsible fire agency.

19. **FINDING: LONG-TERM WATER SUPPLY AND ADEQUATE WATER**

**SUPPLY SYSTEM:** The project has a long-term, water supply, both in quality and quantity, and an adequate water supply system to serve the development.

- EVIDENCE:**
- a) The project will receive potable water from California Water Services Company (Cal-Water). According to Figure 21-3 and Appendix B of the 2010 UWMP, the eastern portion of the project site is located within the Indian Springs/Salinas Hills/Buena Vista service area of the Salinas District. Cal-Water prepared an Urban Water Management Plan (UWMP) which identified that Cal-Water has the capacity to provide 50,000 acre feet of water per year; however their customer demand through the year 2040 is 25,572 acre feet per year; therefore the capacity to serve the project is available.
  - b) The 212 unit original project was estimated to have a total demand of 95

acre feet. Cal-Water will provide water from their wells near Spreckles, which draw water from the 180/400-foot Pressure Subbasin of the Salinas Valley Groundwater Basin. The EIR found this demand on the subbasin to be less than significant. The overall annual demand on the Pressure subbasin is approximately 117,242 acre feet per year, of which 19,101 is attributed to urban development. The total storage capacity of the Pressure subbasin is 6.8 million acre feet, while approximately 19 million acre feet are stored within the Salinas Valley Groundwater Basin as a whole. The estimated use of 95 acre feet by this project is approximately .08% of the water in the Pressure area subbasin, and approximately 0.0013% of the water in the Salinas Valley Groundwater Basin as a whole.

- c) The Salinas Valley Groundwater Basin, including the 180/400-Foot Aquifer subbasin, is in overdraft and has experienced seawater intrusion. The MCWRA and the Monterey Regional Water Pollution Control Agency (MRWPCA) operate two major capital projects, Salinas Valley Water Project (SVWP) and the Salinas Valley Reclamation Project (SVRP), to provide better management of groundwater quality and halt the long-term trend of seawater intrusion and groundwater overdraft.
- d) The subject property was included within the original Zone 2a. Zone 2 was the benefit zone originally defined for the Nacimiento Reservoir, which was built in 1957. Zone 2A was the benefit zone defined for the San Antonio Reservoir, which was built in 1967. Zone 2/2A was expanded to include Fort Ord and Marina in the 1990s. Zone 2B is the benefit area for the Castroville Seawater Intrusion Project (CSIP) project near Castroville. Zone 2C is the benefit zone defined for the Salinas Valley Water Project and new reservoir operations. These regional improvements were developed to better manage groundwater resources within the Salinas Valley Groundwater Basin. The project site is within Zone 2C, and the property owner pays Zone 2C assessments. Accordingly the owner is making a fair share contribution toward these groundwater management projects, which include the two reservoirs, CSIP, and the SVWP.
- e) The WRA continues to monitor groundwater levels within the basin in order to assess the long term effect of current management efforts and projects over wet and dry years, including the SVWP. The most recent WRA groundwater data (2013) demonstrates near-term benefits of these management efforts, with an understanding that monitoring will be ongoing.
- f) Although the proposed project will cause an increase the demand on the Salinas Valley Groundwater Basin, it would not be to a level that wasn't already analyzed and disclosed through preparation of the UWMP or the SVWP EIR.
- g) The SVWP provides additional releases of water to the Salinas River upstream, which provides recharge to the groundwater aquifers, increasing the amount of subsurface water. The CSIP/SVRP supplies irrigation water to farmlands in the northern Salinas Valley, allowing the farmers to reduce pumping a like amount, which counteracts the seawater attempting to intrude the aquifers thus reducing the advance of

- seawater intrusion.
- h) The Ferrini Ranch project site would be served by wells that are located within the 180-/400-Foot Aquifer Subarea (also referred to as MCWRA's Pressure Subarea) of the Salinas Valley Groundwater Basin and the project site is located within Zone 2C, which means the wells and water source that would serve the proposed project are served by the projects managed by MCWRA to address seawater intrusion, and the property owner is assessed fees to fund these projects. Through payment of the Zone 2C fees, the property owner funds its proportionate fair share towards regional improvements to help better manage the basin as a whole. This would be similar to paying toward Regional Development Impact Fees for roadway network improvements mitigating for cumulative traffic impacts.
  - i) Cal-Water provided a will serve letter in 2004, pending the Public Utilities Commission (PUC) approval of the expansion of the Salinas area district. The annexation has not yet occurred. The PUC approval process requires Cal-Water to document their ability to serve the annexed service area with existing resources while remaining consistent with statewide demand reduction policies. If the annexation were not approved, there would be no water to serve the development proposed on the western portion of the project, and no building permits would be issued for those lots. For this reason, a condition is added to the Tentative Map requiring that no final map creating lots within the Cal-Water service area can be recorded until the lots outside of the service area have been annexed by California Water Service Company (Condition 18).
  - j) The water quality for the water source complies with all requirements of Chapter 15.04 of the Monterey County Code and Chapter 15 of Title 22 of the California Code of Regulations. Water will be provided by California Water Service Company, a public water provider, regulated by the PUC. Cal-Water is required to provide potable water which meets or exceeds all applicable water quality standards.

### DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Monterey County Planning Commission recommends that the Monterey County Board of Supervisors take the following Actions:

- 1) Approve the Combined Development Permit and Vesting Tentative Map; and
- 2) Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan.

**PASSED AND ADOPTED** this 12<sup>th</sup> day of November, 2014 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mike Novo, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.