

MONTEREY COUNTY PLANNING COMMISSION

Meeting: January 30, 2008 Time: 1:30 P.M.	Agenda Item No.: 6
Project Description: Three-year extension request for the previously approved Morisoli-Amaral Standard Subdivision Vesting Tentative Map for the subdivision of 402 acres into 319 residential lots including 48 lots for development of Inclusionary Housing Units, and 9 Open Space areas containing approximately 225 Acres and including 5.5 acres of improved parkland.	
Project Location: Pine Canyon Road & Jolon Road, approximately two miles west of the City of King.	APN: 221-122-021-000; 221-122-025-000; 221-155-013-000; 221-161-017-000; 420-063-044-000; 420-063-045-000; 420-063-046-000; 420-063-054-000; 420-063-055-000.
Planning File Number: PLN070444	Name: Morisoli- Amaral, Property Owner; Lombardo & Gilles, Agent.
Plan Area: Central Salinas Valley Area Plan	Flagged and staked: N/A
Zoning Designation: PG/B-6, PG/40, HDR/8-UR, LDR/1-UR, RG/20, LDR/B-6-UR, LDR/1, RG/40, and LDR/5-UR.	
CEQA Action: Environmental Impact Report certified by the Board of Supervisors. (State Clearinghouse # 97041029)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission: 1) consider the Environmental Impact Report certified for the Morisoli/Amaral subdivision; and 2) approve the Three Year Extension Request based on the Findings and Evidence (Exhibit C) and subject to the original Conditions and Mitigation Measures (Exhibit D) as contained in Board of Supervisors Resolution No. 06-043;

SUMMARY:

The subject project is a three year extension request of the Morisoli-Amaral Subdivision. This subdivision includes the division of approximately 402 acres into 319 residential lots; and it is part of a Combined Development Permit approved by the Board of Supervisors on February 14, 2006. The components of the approval are stated in the discussion below (Exhibit B). The Subdivision Ordinance (Title 19) allows for a two-year period for the initial approval of standard subdivisions; the State Subdivision Map Act allows for up to 5 years of extension of the approval period. The Morisoli-Amaral approval is to expire on February 14, 2008. The extension request was submitted timely per provisions of the Subdivision Ordinance. No significant changes in circumstances have taken place in the area of the project since the approval of the project.

ENVIRONMENTAL REVIEW

The certification of the final environmental impact report for the project included a Statement of Overriding Considerations for significant and unavoidable impacts on biological resources (tree removal, loss of habitat for the San Joaquin Kit Fox, and fragmentation of existing grassland, blue oak woodland, scrub and chaparral habitats), aesthetics (changes of the visual character of the site resulting from changes in topography from project development), and cumulative impacts to biological resources and long-term energy). The main issues related to implementation of the project include the upgrading of the Little Bear Water Company to provide potable water and wastewater treatment; and road infrastructure improvements including the improvement of Pettitt Road from Jolon Road to the project site to provide the main vehicular access. The latter requires (Condition of Approval No. 189) that the applicant acquire the necessary right-of-way from the adjacent property owner, or that the County acquire it through negotiation or eminent domain.

EXTENSION REQUEST

The applicant has stated (Exhibit E) the following reasons as support for the extension of the approval of the subdivision: 1) delays in obtaining necessary permits to upgrade the water and wastewater treatment plant; 2) the need for the County to condemn and acquire the land for construction of the main access road through Eminent Domain proceedings; and 3) additional Kit Fox habitat surveys required in the approval of the project. Additional discussion is provided under Exhibit B.

OTHER AGENCY INVOLVEMENT:

- ✓ California Department of Fire Protection, King City.
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by these agencies were incorporated into the condition compliance reporting plan (Exhibit D) originally approved by the Board of Supervisors on February 14, 2006. King City has submitted a letter in support of the extension request (Exhibit F); their support is based on the on-going cooperative discussions with the applicant regarding the infrastructure needs of the project and their relationship to the city.

No land use advisory committee is appointed for this area of the County.

Note: The decision on this extension request is appealable to the Board of Supervisors.

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January 11, 2008

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; California Department Fire Protection, King City; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Luis A. Osorio, Planner; Carol Allen; Carlos Amaral, Applicant; Sheri Damon, Lombardo & Gilles, Agent; Tom Kukol, Regional Water Quality Control Board, San Luis Obispo; File PLN07044.

Attachments: Exhibit A Project Data Sheet.
Exhibit B Discussion.
Exhibit C Recommended Findings and Evidence for Approval of the Extension Request.
Exhibit D Approved Condition Compliance and Mitigation Monitoring and Reporting Plan.
Exhibit E Applicant Correspondence
Exhibit F Correspondence from the City of King
Exhibit G Subdivision Plans

This report was reviewed by Mike Novo, Director, RMA- Planning

EXHIBIT A PROJECT DATA SHEET

Project Title: MORISOLI PARTNERSHIP ET AL
Location: PINE CANYON AREA KING CITY
Applicable Plan: Central Salinas Valley Area Plan
Permit Type: Standard Subdivision
Environmental Status: Environmental Impact Report Prepared
Advisory Committee: N/A

Primary APN: 420-063-045-000-M
Coastal Zone: No
Zoning: PG and RG
Plan Designation: PG and RG
Final Action Deadline (884):

Project Site Data:

Lot Size: n/a	Coverage Allowed: varies
Existing Structures (sf): n/a	Coverage Proposed: n/a
Proposed Structures (sf): n/a	Height Allowed: 30
Total Sq. Ft.: n/a	Height Proposed: 30
	FAR Allowed: n/a
	FAR Proposed: n/a

Resource Zones and Reports:

Environmentally Sensitive Habitat: Yes	Erosion Hazard Zone: High
Biological Report #: EIR	Soils Report #: EIR
Forest Management Rpt. #: EIR	
Archaeological Sensitivity Zone: High	Geologic Hazard Zone: Mod High
Archaeological Report #: EIR	Geologic Report #: EIR
Fire Hazard Zone: Very High	Traffic Report #: EIR

Other Information:

Water Source: Water System	Sewage Disposal (method): Sewer
Water Dist/Co: Little Bear	Sewer District Name: Little Bear
Fire District: South County	Grading (cubic yds.): 700,000.0
Tree Removal: 730 oaks	

EXHIBIT B DISCUSSION

PROJECT OVERVIEW

The Morisoli-Amaral Subdivision was approved on February 14, 2006 by the Board of Supervisors as part of a Combined Development Permit consisting of:

- 1) General Plan Amendment to amend the property's land use designation from Rural Grazing (10 - 160 Acre Minimum Lot Size) and Permanent Grazing (40 Acre Minimum Lot Size) to Low Density Residential (5 - 1 Acres Per Unit Minimum Lot Size) and Medium Density Residential (1-5 Units Per Acre Minimum Lot Size);
- 2) Zoning Reclassification to change the zoning designations of the subject site from PG/40, RG/20, LDR/1, and RG/40 to LDR/B-6, LDR/B-6-VS, MDR/1, MDR/1 (24) and O zoning designations;
- 3) Vesting Tentative Map for the subdivision of 402 acres into 319 residential lots including 48 lots for development of Inclusionary Housing Units, and 9 Open Space areas containing approximately 225 Acres and including 5.5 acres of improved parkland;
- 4) Use Permit to allow development on slopes in excess of 30%;
- 5) Use Permit to allow removal of approximately 730 Oak trees;
- 6) Use Permit to allow expansion of a sewage treatment facility; and
- 7) Grading (Approximately 700,000 cubic yards of cut and 630,000 cubic yards of fill).

REASONS FOR THE EXTENSION REQUEST

Condition of approval No. 177 (Mitigation Measure No. 33) requires a "Kit Fox Survey" to be conducted by a qualified biologist in accordance with the San Joaquin Kit Fox Survey Protocol established by the United States Fish and Wildlife Service; the work must be completed under a contract with the County and a reimbursement agreement with the applicant, and must be completed at the appropriate time of the year. Since the approval of the project, staff has received several inquiries from consulting firms regarding the surveys but no proposals have been submitted to the County for the work. Staff understands that the applicant continues his efforts to hire the consultant and complete the survey as soon as possible.

Condition of approval No. 189 (Mitigation Measure No.189) requires the improvement of Pettitt Road between Jolon Road and the subdivision site to provide the main vehicular access to the project; the area of the improvements is under separate ownership which would require that the applicant secures a right-of-way or, if the applicant is unable to acquire the right-of-way, that it be purchased by the County through negotiation or Eminent Domain. This condition was recommended by the Public Works Department and is consistent with the provisions of Section 66462.5 of the Subdivision Map Act. Staff understands that preliminary negotiations have taken place between the project applicant and the owner of the underlying area (Salinas Land Company). In addition, several meetings have taken place between the applicant and staff from both the Public Works Department and the County Counsel Office regarding the matter and the procedures. As stated above, if the applicant is unable to acquire the right-of-way, the County shall acquire it upon notification from the applicant that it has been unable to acquire it. The applicant has not officially requested the County to commence procedures to acquire the right-of-way.

Regarding the expansion of the Little Bear Water and Sewer Treatment Plant, it is staff understanding that the applicant continues to work with the State Regional Water Quality Control Board to obtain the necessary permits. No conditions of approval or mitigation measures have been met by the applicant.

EXHIBIT C
RECOMMENDED FINDINGS AND EVIDENCE

1. FINDING: CONSISTENCY – The previously approved project, as described in Condition No. 1 of the Board of Supervisors’ Resolution of Approval of the Morisoli-Amaral Combined development Permit (Resolution No. 06-043) and as conditioned per the adopted Mitigation Monitoring and Condition Reporting Plan, conforms to the policies, requirements and standards of the Monterey County General Plan, the Central Salinas Area Plan, and the provisions of the Monterey County Zoning Ordinance (Title 21) and the Subdivision Ordinance (Title 19).

EVIDENCE:

- (a) The text, policies, and regulations in the above referenced documents were evaluated during the original review and approval of the project. No conflicts were found to exist and/or conditions or mitigation measures were required to make the project fully conformant with the policies and regulations. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- (b) The property is located at Pine Canyon Road & Jolon Road, approximately two miles west of the City of King (Assessor’s Parcel Numbers 221-122-021-000; 221-122-025-000; 221-155-013-000; 221-161-017-000; 420-063-044-000; 420-063-045-000; 420-063-046-000; 420-063-054-000; 420-063-055-000), Central Salinas Area Plan.
- (c) The approval of the project included a General Plan Amendment and Zoning Reclassification of the project site to allow its development. The plan amendment and zoning reclassification allow development of the project in compliance with the site’s new land use and zoning designations..
- (d) The three year extension request was not referred to any Land Use Advisory Committee (LUAC) for review. No land use advisory committee is appointed for this area of the County.
- (e) Board of Supervisors Resolution 06-043, dated February 14, 2006, approving Combined Development Permit File No. PLN020016.
- (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File Nos. PLN020116 and PLN070444.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project (PLN020016) was reviewed for suitability by Planning and Building Inspection Department, Water Resources Agency, Environmental Health Department, Public Works Department, California Department of Forestry & Fire Protection; California State Department of Health Services, Monterey County Sheriff, Pacific Gas and Electric, Parks Department, Housing and Redevelopment, Agricultural Commission, California Regional Water Quality Control Board, City of King Union Elementary School District, US Fish and Wildlife Services, Monterey Bay Unified Air Pollution Control District, Association of Monterey Bay Area Governments (AMBAG), and California Department of Fish and Game. Conditions recommended have been incorporated where appropriate.

- (b) Technical background reports by outside consultants indicate that there are no significant physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats or similar areas that would indicate the site is not suitable for the use proposed. The reports are part of the Environmental Impact Report (EIR) prepared for the project. Copies of the reports and the EIR are contained in the original Project File (PLN020016).
- (c) Site inspections conducted by staff on February 20, 2003, March 28, 2003, and August 18, 2005 as part of the original review of the project.
- (d) Necessary public facilities are available or will be provided as condition of project approval and recordation of the final map.
- (e) Materials in Project Files PLN020016 and PLN070444.

3. **FINDING: CEQA (EIR):** - There are no substantial changes proposed to the originally approved project; there have been no substantial changes with respect to the circumstances under which the project was approved that would have required major revisions to the certified environmental impact report (EIR) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and there is no new substantial information which was not known and could not have been known at the time of the certification of the EIR and the EIR is adequate for the granting of the three year extension request.

EVIDENCE: (a) The certified EIR (Chapters 2 and 4) identified significant environmental impacts related to the following: Geology and Soils; Surface Hydrology and Water Quality; Biological Resources; Cultural Resources; Aesthetic/Visual Resources; Traffic and Circulation; Noise; Air Quality; Water Supply; Wastewater and Groundwater Quality; and Public Services. The impacts on these resources will be mitigated to less-than-significant levels or avoided by incorporation of the mitigation measures adopted as part of the certification of the EIR and the approval of the project. No change in circumstances has occurred since the time of the original approval of the project that would have required changes to the adopted mitigation measures.

- (b) There has been no new development approved in the area of the Central Salinas Valley Area Plan that would have resulted in substantial changes with respect to the circumstances under which the project was approved or that would have required updates or revisions to the EIR.
- (c) Board of Supervisors Resolution 06-042, dated February 14, 2006, certifying the Environmental Impact report prepared for the project (SCH # 97041029).
- (d) Materials found in File Nos. PLN020016 and PLN070444.

4. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Section 19.16.020 A Monterey County Subdivision Ordinance (Title 19).

