

KATE McKENNA, AICP
Executive Officer

DATE: August 23, 2010
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
SUBJECT: **FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MIRAVALLE III
SPECIFIC PLAN (CITY OF SOLEDAD)**

SUMMARY OF RECOMMENDATIONS:

It is recommended that the Commission:

1. Receive this report from the Executive Officer;
2. Discuss and consider comments on the Final Environmental Impact Report for the Miravale III Specific Plan, and
3. Authorize the Chair to execute a comment letter to the City of Soledad. (A draft comment letter is attached for consideration as Attachment 1.)

EXECUTIVE OFFICER'S REPORT:

Overview

The City of Soledad released the Final Environmental Impact Report (EIR) for the Miravale III Specific Plan on August 11. The City is the Lead Agency for the preparation of the Environmental Impact Report. LAFCO is a Responsible Agency under CEQA and will rely on the City's environmental work for future processing of Sphere of Influence amendments and annexations for the Miravale III project.

The California Environmental Quality Guidelines state that a Lead Agency "may provide an opportunity for review of the final EIR by the public or by commenting agencies before approving the project. The review of a final EIR should focus on the responses to comments on the draft EIR." [CEQA Guidelines, Section 15089]. As a Responsible Agency under CEQA, LAFCO of Monterey County has the opportunity now to comment on the City's responses to our comments made in 2008 and 2009 on the Draft EIR for the Miravale III project.

Attachment 1 is a draft comment letter on the Final EIR. The letter may be modified after Commission deliberations.

Attachment 2 is an August 11 notice of the City Planning Commission and Council hearings on the Final EIR. Attachment 3 is a set of maps for reference. Attachment 4 is LAFCO's September 2006 letter requesting information to be provided in the Draft EIR. Attachment 5 is a Final EIR excerpt that includes LAFCO's letters from 2008 and 2009, commenting on the Draft EIR, and the City's 2010 responses to those comment letters. Attachment 6 is a Final EIR excerpt that shows the changes to the EIR made in response to LAFCO's comments on the Draft EIR.

The Final EIR can be viewed and downloaded through a link on the City's webpage (www.cityofsoledad.com).

Description of the EIR and the City's Next Steps

The Miravale III Specific Plan EIR evaluates the environmental impacts of a proposed Specific Plan and related Vesting Tentative Map on approximately 920 acres. The scope of the EIR also evaluates the environmental impacts of a future Sphere of Influence amendment and annexation of the Miravale III property. The property is located generally between San Vicente Road and Orchard Lane north of the current City limits. A location map and the proposed Miravale III Land Use Plan map are provided for reference in Attachment 3. Also for reference in Attachment 3 is the adopted General Plan Land Use Plan for the City of Soledad, showing the Miravale III site in relation to the City's comprehensive plan. The City's Land Use Plan does not include a proposed Sphere of Influence.

The Soledad Planning Commission met on August 12, and recommended that the City Council certify the Final EIR. The Planning Commission also recommended that staff and the project applicant be directed to prepare an application to LAFCO for a Sphere of Influence amendment for the Specific Plan Area. The Soledad City Council will consider the Planning Commission's recommendations at a September 1 public hearing. The City Council will not consider approval of the Specific Plan, the Miravale III Tentative Map or the area's annexation at that time. The City will consider those items later, after changes are made to the Specific Plan to include mitigations listed in the Final EIR.

LAFCO's Comments on the Final EIR on the Miravale III Project

In earlier letters to the City of Soledad, LAFCO expressed three basic comments about the Draft EIR for the Miravale III project. Those comments continue to be recommended in the draft letter in Attachment 1, and are summarized as follows:

1. Sphere of Influence Amendment and Annexation Application Process

In earlier comment letters, LAFCO identified policies that require the proposal to be considered as part of the City's comprehensive growth strategy. The letters also encouraged the City to coordinate closely with LAFCO in preparing the Sphere application, and to initiate the City-County consultation process that is required before the Sphere application is submitted to LAFCO. In its response to these comments from 2008 and 2009, the City notes in the Final EIR that these topics do not raise an environmental issue under CEQA.

The draft comment letter in Attachment 1 continues to raise these topics for consideration by the City of Soledad. In addition, given that the City may initiate a Sphere application process next month, the letter requests that the application should contain a 20-year horizon Sphere of Influence, consistent with LAFCO's definition of that term. It also requests designation of a proposed Urban Service Area (to be developed within 5 years) and an Urban Transition Area (to be developed within 5-20 years). The City may include a Future Study area (territory outside of an adopted Sphere of Influence that may warrant inclusion in the Sphere in future years, pending further study).

Future applications for annexations of land into the City limits, including the Miravale III project, will require preparation of detailed service plans and may need further environmental review.

2. Agricultural Buffers

In earlier comment letters, LAFCO requested that the City "examine the effectiveness of the proposed [agricultural] buffers, particularly on the western edge of the proposed development." In response, the City revised mitigations to require that the agricultural buffer along the western project boundary be increased to a width of 200 feet, although this width can be reduced to 100 feet "upon demonstration to the satisfaction of the City that other measures ... will adequately protect human health and safety and minimize potential conflicts." Mitigation measures in the EIR also require that the County Agricultural Commissioner be consulted regarding the adequacy of the proposed buffers.

The draft comment letter (Attachment 1) continues to express the Commission's position that 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. The draft letter also emphasizes the need to include information on the proposal's effect on maintaining the physical and economic integrity of agricultural lands in any Sphere of Influence amendment application.

3. Local Mitigation Fee for the Loss of Agricultural Lands, and/or Conservation Easement Program

In earlier comments on the Draft EIR, LAFCO requested information about the feasibility of the development and implementation of "a local mitigation fee and/or conservation easement program" to partially mitigate the significant and unavoidable loss of prime agricultural land. The Final EIR responded that "the proposed project would not result in additional environmental impacts beyond those previously identified in the General Plan EIR. ... No feasible mitigation measures were identified at that time to reduce and/or minimize cumulative level impacts. ... At this time, the City of Soledad does not have an agricultural mitigation program in place to address cumulative impacts due to the permanent loss of farmland."

The draft comment letter (Attachment 1) states that one of the legislative purposes of LAFCO is "to preserve open space and prime agricultural lands." The letter requests certain information in support of this purpose.

In earlier comment letters, LAFCO requested that the EIR include a list of actions LAFCO would need to take to implement the Specific Plan, clarification of the City's imposition of regional traffic impact fees, and a determination of how many acres in the project area meet the Cortese-Knox-Hertzberg definition of prime agricultural land. The City has accommodated these requests. The changes are listed in the Final EIR and shown in Attachment 6.

ALTERNATIVE ACTIONS:

The Commission may modify, delete or add to the draft comment letter (Attachment 1).

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

cc: Adela P. Gonzalez
Steven McHarris

Attachments:

1. Draft Comment Letter on Final EIR
2. Public Notice of Planning Commission/City Council Hearings on Final EIR
3. Maps:
 - a. Miravale III Location Map (includes City Limits and Sphere of Influence)
 - b. Proposed Land Use Plan (Draft EIR Figure 3-4)
 - c. City of Soledad Land Use Diagram, January 18, 2010
4. LAFCO's Comments on the Notice of Preparation for the Draft Environmental Impact Report for the Miravale III Specific Plan, September 29, 2006
5. Excerpts from Final EIR -- LAFCO's Letters of December 15, 2008 and February 23, 2009 and City's Response to Comments
6. Excerpts from Final EIR -- EIR Changes that are Referenced in the City's Responses to LAFCO's Comments on the Draft EIR

Attachment 1

Draft Comment Letter

KATE McKENNA, AICP
Executive Officer

DRAFT

August 23, 2010

Mr. Steven McHarris
Community Development Director
City of Soledad
248 Main Street
Soledad, CA 93960

RE: Comments on the Final Environmental Impact Report for the Miravale III
Specific Plan

Dear Mr. McHarris:

Thank you for the opportunity to comment on the Final Environmental Impact Report (EIR) for the Miravale III Specific Plan.

LAFCO provides the following comments that focus on the responses to our comments on the Draft EIR:

Sphere of Influence Application Process

The City has determined that LAFCO's comments on this topic do not raise an environmental issue under CEQA. However, we continue to raise these topics for consideration because they are relevant to the City's future Sphere of Influence application for the Miravale III proposal. The proposal will be considered as a part of the City's comprehensive growth strategy. Early coordination with LAFCO is encouraged, and consultation with the County is required prior to submittal of the application. We anticipate that the application will include phasing elements pursuant to local definitions of a Sphere of Influence (20-year horizon), Urban Service Area (5-year horizon) and Urban Transition Area (5-20 year horizon). The application may also include a proposed Future Study Area, outside of the Sphere of Influence, with a horizon beyond 20 years.

Agricultural Buffers

The City has revised the project's agricultural buffer mitigations at least partly in response to LAFCO's comments. It is the position of the Commission that 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. Within an application for a Sphere of Influence amendment, the City will be asked to discuss the proposal's effect on maintaining the physical and economic integrity of agricultural lands. We anticipate that the City's application will include a discussion of the effectiveness of the specific buffers included in the proposal. This information will be considered during in the Commission's deliberations on the application.

Mitigation Fee for Loss of Agricultural Lands, and/or Conservation Easement Program

The City's has stated that CEQA does not require a local mitigation fee for loss of agricultural lands or a conservation easement program because such a program was not included within the 2005 General Plan or the Environmental Impact Report adopted for the General Plan.

One of the legislative purposes of LAFCO is "to preserve open space and prime agricultural lands." LAFCO requests that the City include information in an application for a Sphere of Influence amendment concerning: 1) how the proposal balances the State interest in the preservation of open space and prime agricultural lands against the need for orderly development; 2) the proposal's effect on maintaining the physical and economic integrity of agricultural lands, and 3) whether the proposal could reasonably be expected to induce, facilitate or lead to the conversion of existing open-space land to uses other than open-space. This information will be considered by the Commission as a part of its deliberations on the application.

We appreciate this opportunity to provide comments. Executive Officer Kate McKenna will be pleased to meet with the City staff and consultants for more detailed discussions and assistance. .

Sincerely,

Don Champion, Ph.D.
Chair

Attachment 2

**Public Notice
of Planning Commission/City Council Hearings
on Final EIR**

LAFCO
AUG 13 2010



- PUBLIC NOTICE -

The Planning Commission of the City of Soledad will conduct a public hearing during a regularly scheduled meeting on Thursday, **August 12, 2010**, and the City Council of the City of Soledad will conduct a public hearing during a regularly scheduled meeting on Wednesday, **September 1, 2010**, to consider the following item:

FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MIRAVALLE III SPECIFIC PLAN: The Planning Commission will receive public comments on a Final Environmental Impact Report (FEIR) for the proposed Miravale III Specific Plan and consider a recommendation to the City Council for certification of the FEIR. In accordance with CEQA, the FEIR addresses potential environmental effects and mitigation measures associated with a proposed Specific Plan and related vesting tentative map and development of a 920-acre area located generally between San Vicente Road and Orchard Lane, north and west of the current boundaries of the City of Soledad. As proposed, the Specific Plan would allow the phased development of up to 4,200 residential units, a hotel, up to 275,000 square feet of retail commercial space and an 18-hole golf course.

The City Council will receive public comments on the FEIR for the proposed Miravale III Specific Plan, consider the recommendation of the Planning Commission and consider certification of the FEIR following the public hearing at its meeting on September 1st.

The FEIR is available for review at Soledad City Hall at 248 Main Street, or at the public library in Soledad or at the City's website at www.cityofsoledad.com. The FEIR and Draft EIR for the Miravale III Specific Plan may be reviewed on the City's website on or by August 12, 2010.

The meetings before both the Planning Commission and City Council will take place in the Council Chambers at 248 Main Street, Soledad, California. The Planning Commission meeting begins at 6:00 p.m., and the City Council meeting will begin at 6:30 p.m.

Anyone may attend and be heard. Please note that if at some later date you wish to challenge the final action on these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence at or prior to the public hearing.

For further information on the above projects, contact Steven McHarris, Community Development Director at 831/223-5041, City Hall, 248 Main Street, Post Office Box 156, Soledad, California 93960.

En caso que usted necesite ayuda en leer o en entender este aviso de Audiencia Publica, usted puede ponerse en contacto con la oficina del Edificio Municipal en 248 Calle Main o llamar al número 678-3963, y el aviso será traducido para usted.

TOM STEWART, CHAIRMAN
PLANNING COMMISSION

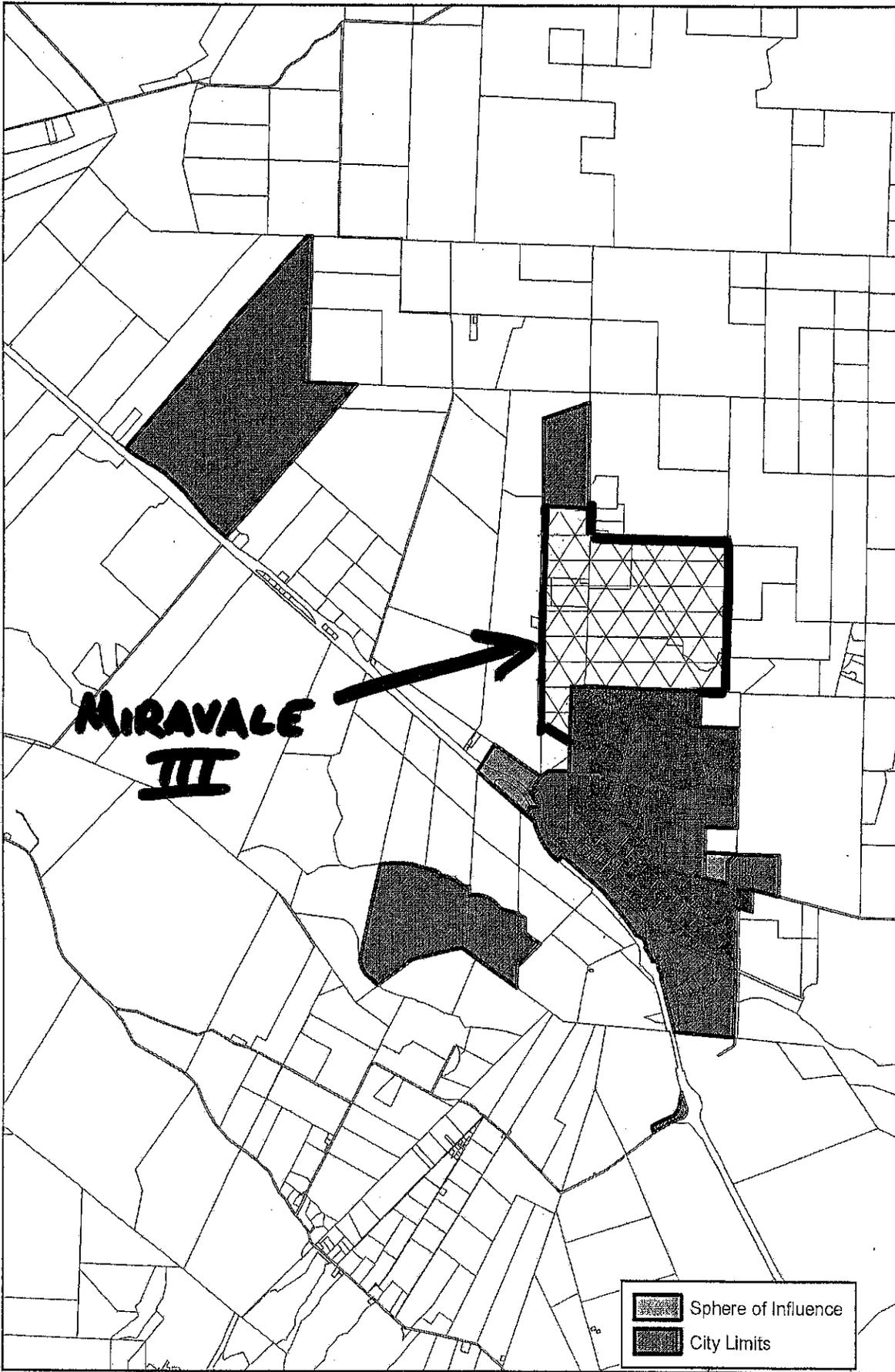
STEVEN MCHARRIS
COMMUNITY DEVELOPMENT DIRECTOR

Published:
Posted:

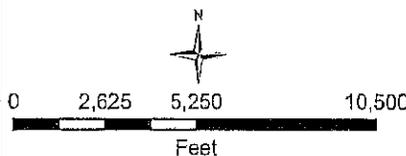
Attachment 3

Maps

- a. Miravale III Location Map (includes City Limits and Sphere of Influence)**
- b. Proposed Land Use Plan (Draft EIR Figure 3-4)**
- c. City of Soledad Land Use Diagram, January 18, 2010**



LAFCO of Monterey County
 LOCAL AGENCY FORMATION COMMISSION
 P.O. Box 1389
 Salinas, CA 93902
 Telephone: (831) 754-6836
 132 W. Gaither St., Suite 102
 Salinas, CA 93907
 FAX: (831) 754-5631



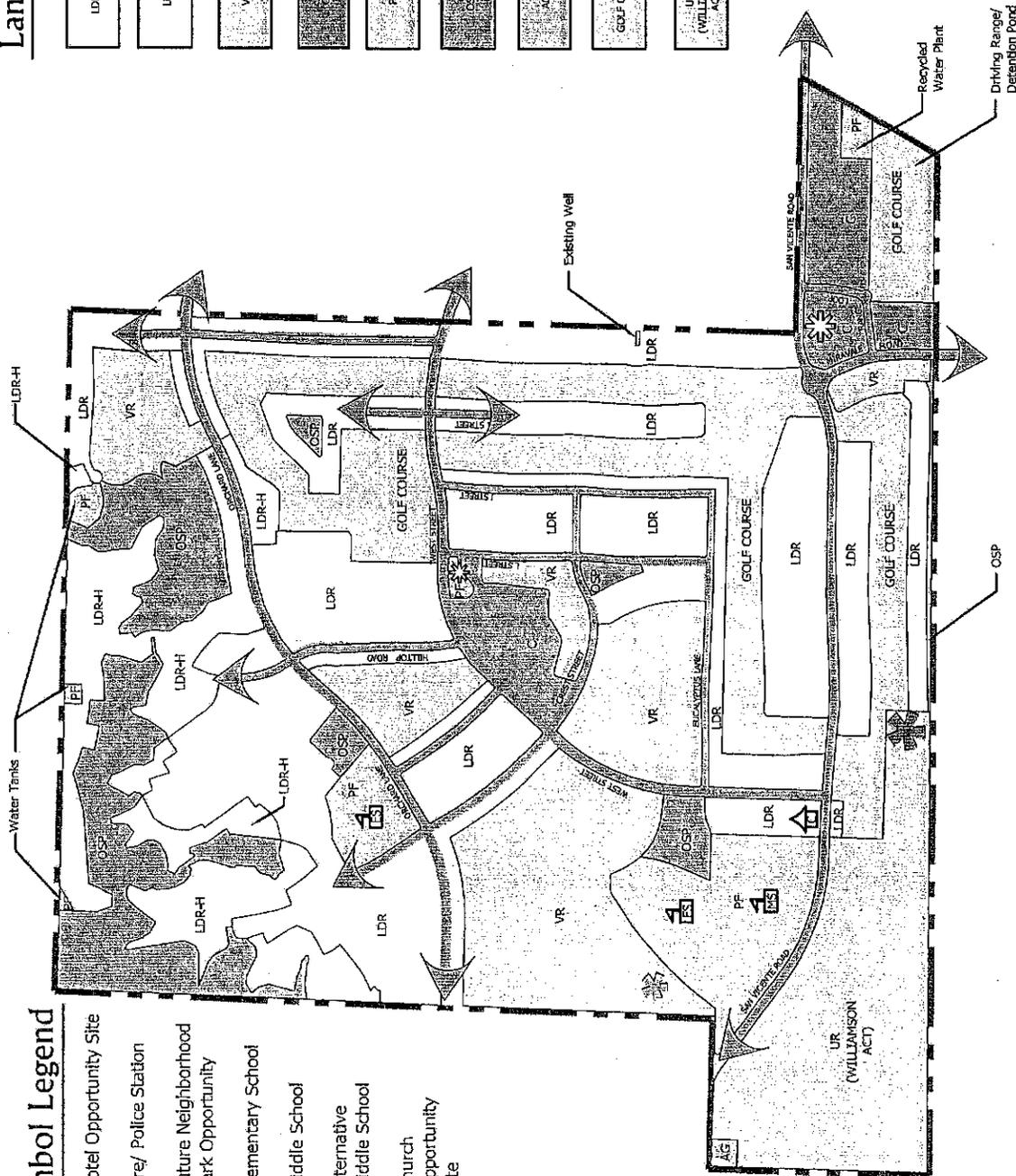
MONTEREY COUNTY CITIES
 SOLEDAD
ATTACHMENT 3-1
 (Last LAFCO-Approved Change: 12/24/06)
 (Map Produced on 09/18/08)

Land Use Legend

- Single Family Residential-Hillside (0-2 du/ ac)
- Single Family Residential (1 to 10 du/ ac) *
- Village Residential (12-30 du/ ac)
- Commercial
- Public/Institutional/Recreational (Schools, Water Storage, Police, Fire)
- Open Space/ Parks
- Agriculture
- Golf Course
- Urban Reserve - Williamson Act Property (Senior Living - 55 and older, Medical Facilities, High School, Mini/ RV/ Boat Storage, Farm Worker Housing)

Symbol Legend

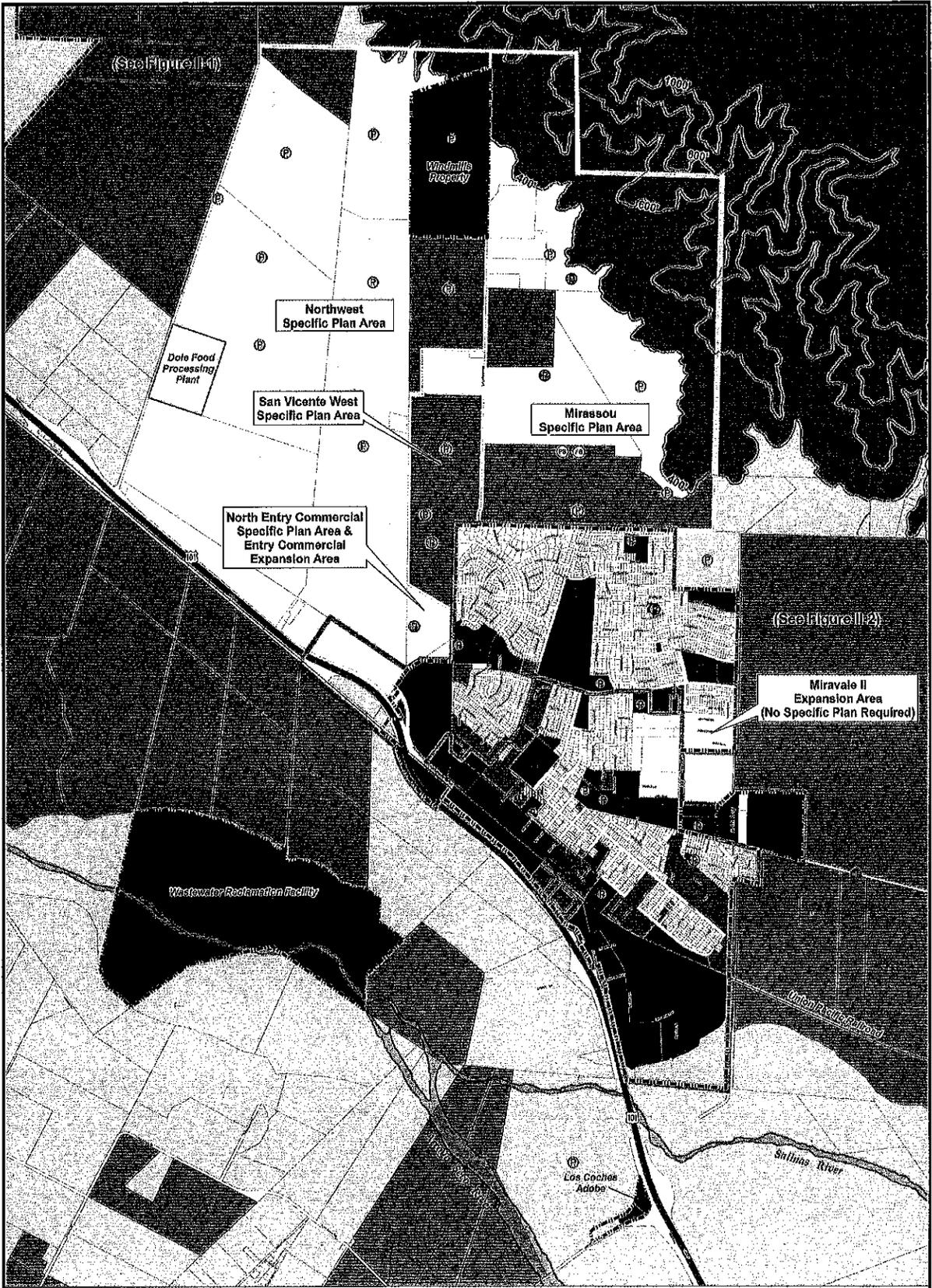
- Hotel Opportunity Site
- Fire/ Police Station
- Future Neighborhood Park Opportunity
- Elementary School
- Middle School
- Alternative Middle School
- Church Opportunity Site



Source: RRM Design Group, 2007

Figure 3-4

Proposed Land Use Plan



SOLEDAD
For the Mountains

Land Use Diagram

- | | | | |
|---------------------------------|-------------------------|---|---|
| Single Family Residential | Neighborhood Commercial | Properties Subject to Williamson Act Contract | New Parks (location approximate) |
| Medium Density Residential | General Commercial | Open Space/Grazing | New Police or Fire Station (location approximate) |
| High Density Residential | Public Facility | City Limits | Schools |
| Downtown Commercial | Industrial | Adopted Sphere of Influence | Church |
| Service Commercial | Expansion Areas | Redevelopment Project Area | |
| Downtown Specific Plan Boundary | Agriculture | Existing/Approved Parks | |

Updated: 07/2009

Attachment 4

**LAFCO's Comments
on the Notice of Preparation
for the Draft Environmental Impact Report
for the Miravale III Specific Plan,
September 29, 2006**

LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369 132 W. Gabilan Street, Suite 102
Salinas, CA 93902 Salinas, CA 93901
Telephone (831) 754-5838 Fax (831) 754-5831

KATE McKENNA, AICP
Executive Officer

September 29, 2006

Mr. Don Fleming, Community Development Director
City Hall
City of Soledad
248 Main Street
Soledad, CA 93960

RE: Notice of Preparation for the Draft Environmental Impact Report for Miravale
Phase III Specific Plan

Dear Mr. Fleming:

Thank you the courtesy shown by your staff in accommodating our request for an extension of time to submit comments for the Miravale III Notice of Preparation.

As you know, LAFCO has the statutory responsibility to make determinations regarding changes in local government boundaries. For purposes of CEQA compliance, we are a responsible agency for the Miravale project. LAFCO requests that analysis of the following issues be included in the environmental review process:

Open Space and Agricultural Resources

- A detailed review of the project's direct impact on open space and farmland mapped as prime and of statewide importance. The review should include a full assessment of recommendations for avoidance of impacts and mitigation of impacts, such as permanent conservation and agricultural buffers. Some examples of potential conservation actions are on-site open space and agricultural reserves, off-site replacement of agricultural lands, and payment of mitigation fees to a regional agricultural lands conservation bank program.

Land Use and Planning

- A review of the proposal's compatibility and compliance with the "factors to be considered in review of proposal" for LAFCO (see Section 56668 of the Government Code).
- A review of the proposal's compatibility and compliance with the adopted LAFCO of Monterey County's "Sphere Of Influence Policies and Criteria" (attached).

- A review of the proposal's compatibility and compliance with draft Sphere of Influence policies currently under consideration by LAFCO of Monterey County (attached).
- A review of compliance with regional population and employment forecasts and regional air quality plans.

Municipal Services

- A review of impacts on delivery of municipal services including water, sewer, fire, schools, police, emergency medical services, flood protection, parks and open space.

Cumulative Impact

- The cumulative impact to the Salinas Valley of the conversion of farmland mapped as prime and of statewide importance and any required mitigations.
- The cumulative impacts to regional roadways and regional jobs/housing balance.
- The cumulative impacts to the regional water supply.

Alternatives

- Alternatives that would avoid and lessen the project's direct and cumulative impacts, particularly to agricultural resources, availability of water, regional housing needs and regional traffic.

The Miravale III proposal will need to be considered as part of the City's comprehensive Sphere of Influence amendment proposal and subsequent annexation proposals. We extend an invitation to the City of Soledad to participate in LAFCO's preliminary review process as a way to promote early and informal dialogue, understanding and cooperation. The preliminary review process would consist of an informal presentation and discussion about the City's comprehensive growth plans as identified in the recently adopted General Plan. The Miravale III project would be part of that discussion. We encourage the City to take part in the preliminary review process prior to formal submittal of Soledad's comprehensive Sphere of Influence amendment proposal and annexation proposals to LAFCO.

In addition, please note the statutory requirement for early consultation between the City and County (Government Code Section 56425b) before the formal Sphere of Influence amendment is submitted to LAFCO.

We appreciate this opportunity to provide comments, and would be pleased to meet with your City staff and consultants for more detailed discussions.

Sincerely,



Kate McKenna, AICP
Executive Officer

Attachments (2)

Attachment 5

**Excerpts from Final EIR –
LAFCO's Letters of December 15, 2008
and February 23, 2009
and City's Response to Comments**

cc: Stone

LAFCO of Monterey County

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369 132 W. Gabilan Street, Suite 102
Salinas, CA 93902 Salinas, CA 93901
Telephone (831) 754-5838 Fax (831) 754-5831

KATE McKENNA, AICP
Executive Officer

RECEIVED

DEC 16 2008

PLANNING DEPARTMENT

December 15, 2008

Susan Hilinski, Senior Planner
City Hall
City of Soledad
248 Main Street
Soledad, CA 93960

RE: Notice of Preparation for the Draft Environmental Impact Report for Miravale
Phase III Specific Plan

Dear Ms. Hilinski:

Thank you for the opportunity to review and comment on Draft Environmental Impact Report (DEIR) for the Miravale III Specific Plan.

As you are aware, LAFCO has the statutory responsibility to make determinations regarding changes in local government boundaries. For purposes of CEQA compliance, we are a responsible agency for the Miravale III project. In this role, on September 29, 2006, LAFCO commented on the Notice of Preparation for this environmental document.

F-1

As outlined in our September 2006 letter LAFCO will need to consider the Miravale III proposal in light of any other Sphere of Influence amendments and subsequent annexation proposals anticipated by the City. We continue to extend an invitation to the City of Soledad to participate in LAFCO's preliminary review process as a way to promote informal dialogue, understanding and cooperation. The preliminary review process would consist of an informal presentation and discussion about the City's comprehensive growth plans as identified in the City's adopted General Plan. The Miravale III project would be part of that discussion. We encourage the City to take part in the preliminary review process prior to formal submittal of Soledad's comprehensive Sphere of Influence amendment proposal and annexation proposals to LAFCO.

F-2

The September 2006 letter also noted the statutory requirement for early consultation between the City and County (Government Code Section 56425b) before the formal Sphere of Influence amendment is submitted to LAFCO. Consultations with other cities have included discussion of the preferred direction of city growth, agricultural buffers, mitigation for the loss of agricultural land, and regional transportation issues. This consultation is in addition to the requirements for the City to consult with the County regarding a tax transfer agreement in accord with Revenue and Taxation Code Section 99.

F-3

Regarding the specifics of the Draft Environmental Impact Report, LAFCO has the following comments:

- Page 3.0-9: We suggest that the description of the approvals required from LAFCO include a closing statement that: "This required LAFCO approval would include detachment of Miravale III from the Mission Soledad Rural Fire Protection District and the Resource Conservation District of Monterey County."
- Page 4.2-6: The section on "Cortese-Knox Capability Classification" outlines the process for classifying prime agricultural lands under the Cortese-Knox-Hertzberg Local Government Reorganization Act, but does not state the number of acres that are classified as "prime" by this process. Please state the number of acres classified as prime utilizing the Cortese-Knox-Hertzberg definition.
- Pages 4.2-12 through 15: The DEIR states that "the Monterey County Agricultural Commissioner generally recommends at least a 200 foot buffer between agricultural and non-agricultural uses." [page 4.2-13] The DEIR then outlines the project plans for a 60 foot buffer on Miravale III's western border and 50 feet on the north and east, without any discussion of the feasibility of implementing the recommended 200 foot buffer. Please examine the effectiveness of the proposed buffers, particularly on the western edge of the proposed development, which is noted to be adjacent to a large area of "row crops used for vegetable production." It should also be noted that the western, northern, and eastern borders of the proposed Miravale III development are adjacent to lands that are not within the City's approved Sphere of Influence.
- Page 4.13-35: Under the section on "Regional Transportation Impacts" it is stated that "at this time ... the City of Soledad has not committed to collecting the TAMC [Transportation Agency of Monterey County] fee." Conversations with TAMC staff have indicated that the City has executed the Joint Powers Agreement approving the Monterey County Regional Development Impact Fee Agency and that this agreement commits the City to the collection of TAMC Regional Development Impact Fees. Please clarify.
- Page 5.0-12: The DEIR states that the project would constitute a significant cumulative impact to agricultural resources and states that "currently there are no formal mitigation fee and/or conservation easement policies in place" and "no measures are available to fully mitigate the loss of prime agricultural land."

F-4

F-5

F-6

F-7

F-8

The DEIR should examine the feasibility of the City, or developer, developing and implementing a local mitigation fee and/or conservation easement program. This type of program was developed by the City of Salinas as a part of its 2007 application for an expansion of the its Sphere of Influence. While such a program is not likely to "fully mitigate" the loss of prime agricultural land, the Guidelines of the California Environmental Quality Act (Section 15091[a]) require that significant environmental effects be lessened even if they can not be fully avoided or mitigated.

F-8
CONT'

- Appendix E: Please include the entire February 21, 2007 letter from AMBAG regarding compliance with the Air Quality Management Plan. Only the first page of this letter is included in the document.

F-9

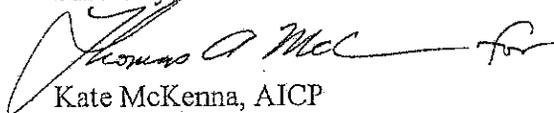
We appreciate the opportunity to provide comments on the Draft Environmental Impact Report of the Miravale III Specific Plan. Our comments are designed to ensure project compliance with the California Environmental Quality Act and to support the findings that LAFCO must make, pursuant to state law, before it can approve a Sphere of Influence update and annexation.

F-10

These staff comments are tentative and are subject to review and approval by the Commission. We anticipate that the Commission will consider this matter at the next regular meeting on January 26, 2009.

Please contact me, or Senior Analyst Thom McCue, if you have any questions regarding this letter.

Sincerely,



Kate McKenna, AICP
Executive Officer

Cc: LAFCO Chair Dennis Donohue and Members of the Commission

LETTER F: LOCAL AGENCY FORMATION COMMISSION (LAFCO) OF MONTEREY COUNTY

F1: This comment does not raise an environmental issue that warrants a response under CEQA. No response necessary.

F2: This comment states that LAFCO will need to consider the proposed project in light of any Sphere of Influence (SOI) amendments and subsequent annexation proposals anticipated by the City. This comment reiterates previous comments identified in LAFCO's September 2006 NOP comment letter regarding LAFCO's preliminary review process as a way to promote informal dialogue. This process is typically designed to discuss the City's comprehensive growth plans as identified in the City's adopted General Plan. This comment does not raise an environmental issue under CEQA and is referred to the City for further consideration. No response is necessary.

F3: This comment identifies that the applicable statutory requirements related to early consultation between City and County governments before the submittal of the formal SOI amendment to LAFCO. This comment does not raise an environmental issue under CEQA and is referred to the City for further consideration as part of their preparation for future SOI amendments associated with the proposed project. No further response is necessary.

F4: This comment identifies specific requests for revisions to the text of the EIR regarding LAFCO approvals. In response to this comment, revisions have been incorporated into the EIR; please refer to **Section 4.0 Revisions to the Draft EIR**, for more information.

F5: This comment requests that the Draft EIR state the number of acres classified as prime farmland according to the Cortese-Knox-Hertzberg definition. The text of the EIR identifies the amount of prime farmland per each classification criterion of the definition. Additional text has been added to clarify the analysis of lands classified as prime farmland. Please refer to **Section 4.0 Revisions to the Draft EIR, Agricultural Resources, Section 4.2**, for more information.

F6: This comment requests that the EIR examine the effectiveness of the proposed agricultural buffers. As noted in the comment and the Draft EIR, the County of Monterey Agricultural Commissioner generally recommends a minimum 200' agricultural buffer. The proposed project, however, includes a 60 foot buffer along the project sites western border and a 50 foot buffer on the north and east boundaries of the site. The comment contends that in the absence of an evaluation of the feasibility of the proposed buffers their effectiveness cannot be ascertained. As discussed in the Draft EIR (see page 4.2-1) an Agricultural Resources Report was prepared for the proposed project by Buchanan Associates, which evaluated the efficacy of the proposed agricultural buffers, in addition to other agricultural issues associated with the proposed project. Consistent with the evaluation contained in that report, the Draft EIR recommended a minimum 50 foot wide buffer along the northern and eastern boundaries of the project site as adequate based on adjacent land uses and uses proposed as part of the Miravale III Specific Plan project; please refer to the Agricultural Resources Report contained in Appendix T-1 for further information. In order to ensure the adequacy of future agricultural buffers located on the western project boundary, the Agricultural Resources Report did recommend a 200 foot buffer noting that "the prevailing wind direction and duration which increase the likelihood for potential conflict between agricultural and residential land uses." While the Draft EIR determined that adequate vegetative screening of the Project's proposed combined with substantial physical barriers (such as an 8 foot high wall) could adequately protect human health, Mitigation measures 4.2-1, 4.2-2, and 4.2-3 have nonetheless been revised to require that the agricultural buffer along the western project boundary be increased to meet the minimum distance requirements recommended by the County of Monterey Agricultural Commissioner. A larger agricultural buffer, in combination with physical barriers in areas where residential or commercial structures will be located, is considered adequate to mitigate potential impacts to a less-than-significant

level. Please refer to **Section 4.0 Revisions to the Draft EIR, Agricultural Resources, Section 4.2** , for the complete text of these revisions.

F7: This comment requests that statements contained in the Draft EIR regarding the City's commitment to collecting the Transportation Agency of Monterey County (TAMC) fee for regional improvements be clarified. At the time that the Draft EIR was prepared the City was in the process of determining whether they would collect the TAMC fee and at that point the City had not made a determination. This was reflected in the Draft EIR. As noted elsewhere in this FEIR, the City of Soledad adopted the TAMC Regional Fee Program by ordinance on June 4, 2008. In order to mitigate regional impacts, the proposed project will be subject to the TAMC fee. The EIR has been revised accordingly; please refer to **Section 4.0 Revisions to the Draft EIR**, for more information.

F8: This comment requests that the Draft EIR examine the feasibility of mitigating cumulative level impacts associated with the conversion of prime farmland through the payment of a local mitigation fee and/or a conservation easement program. As identified in the Draft EIR, the proposed project would result in the permanent conversion of farmland into urban uses. The permanent loss of farmland was identified as a significant and unavoidable impact. This determination was based in part on the analysis contained in the Agricultural Resources Report prepared by Buchanan Associates. Consistent with the analysis contained in the City of Soledad General Plan EIR this was identified as a significant and unavoidable cumulative level impact that cannot be reduced to a less-than-significant level. As described on page 5.0-12 of the Draft EIR and the Agricultural Resource Report contained in Appendix T-1, the City of Soledad does not have an adopted mitigation program for agricultural impacts. The proposed project site was identified in the General Plan's Land Use Element as an area of future urban expansion and the cumulative loss of agricultural land was previously considered in the General Plan EIR. The proposed project would not result in additional environmental impacts beyond those previously identified in the General Plan EIR. As described in **Section 1.0 Introduction**, the analysis contained in this EIR is tiered from the General Plan EIR prepared in 2005, which identified significant and unavoidable cumulative level impacts associated with the permanent loss of agricultural lands. No feasible mitigation measures were identified at that time to reduce and/or minimize cumulative level impacts. While the proposed project cannot mitigate the extent of its contribution towards this cumulative level effect, an agricultural educational facility is proposed by the draft Specific Plan,, as described in **Section 3.0 Project Description**. At this time, the City of Soledad does not have an agricultural mitigation program in place to address cumulative impacts due to the permanent loss of farmland. Accordingly, this comment is referred to the City of Soledad decision-makers for further consideration.

F9: This comment contends that the Association of Monterey Bay Area Government's (AMBAG) consistency determination with the Air Quality Management Plan (Appendix E) was not included in its entirety. AMBAG's consistency determination was previously included in its entirety as part of Appendix E. Please see Appendix E of the Draft EIR for more information.

F10: Comment acknowledged. This comment does not raise an environmental issue that warrants a response under CEQA. No response is necessary.

LAFCO of Monterey County

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369 132 W. Gabilan Street, Suite 102
Salinas, CA 93902 Salinas, CA 93901
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KATE McKENNA, AICP
Executive Officer

February 23, 2009

Susan Hilinski, Senior Planner
City Hall
City of Soledad
248 Main Street
Soledad, CA 93960

RECEIVED

FEB 25 2009

COMMUNITY
DEVELOPMENT DEPT

Re: Draft Environmental Impact Report for Miravale Phase III Specific Plan

Dear Ms. Hilinski:

This letter is a supplement to LAFCO's letter dated December 15, 2008, which provided comments on the Draft Environmental Impact Report for the Miravale Phase III Specific Plan. At its meeting of January 26, 2009, the Commission affirmed the comments contained in that letter. In addition, the Commission reserved its right to submit further comments to be submitted to the City before or at hearings where the City will consider certification of the Final Environmental Impact Report.

Also on January 26, Commissioners expressed concerns about the timing of the environmental proceedings given the necessity of City/County negotiations. This negotiation process is required prior to the submittal to LAFCO of a Sphere of Influence Amendment proposal (Government Code Section 56425 (b)). The results of those discussions will have an impact on the analysis in the Draft Environmental Impact Report. The Commission encourages the City to engage in that negotiation process at the earliest possible time.

I am also taking this opportunity to remind you of LAFCO's preliminary review process and to encourage the City's participation in that process prior to formal submittal of a comprehensive Sphere of Influence amendment proposal and annexation proposals.

We appreciate this opportunity to provide further comments on the Draft Environmental Impact Report, and look forward to working with the City of Soledad. Please notify me when the Final Environmental Impact Report is available for the Miravale Phase III Specific Plan, and of the proposed public hearing schedule to certify the report. If you have any questions, please contact Senior Analyst Thom McCue or me.

Sincerely,



Kate McKenna, AICP
Executive Officer

**LETTER G: LOCAL AGENCY FORMATION COMMISSION (LAFCO) OF
MONTEREY COUNTY**

G1: Comment acknowledged. This comment does not raise an environmental issue that warrants a response under CEQA. No response is necessary.

G2: This comment reflects concerns expressed by LAFCO commissioners regarding the time of environmental proceedings given the necessity of City/County negotiations. This comment notes that consultation between the City and County is required prior to the submittal to LAFCO of a Sphere of Influence (SOI) amendment pursuant to the requirements of California Government Code § 56425(b). The comment contends that the results of those discussions may impact the analysis contained in the Draft EIR. The analysis in the Draft EIR is specific to the potential environmental effects associated with the proposed project. This comment further suggests that the City initiate the consultation process as soon as possible. The County of Monterey has provided written comments on the Draft EIR and those comments are addressed in detail in this EIR. If, as a result of future conversations with the County, additional changes are requested and the project is changed in a fundamental way such that additional environmental impacts would occur, further environmental review in accordance with CEQA would be required. This comment is referred to decision-makers for further consideration.

G3: Comment acknowledged. This comment does not raise an environmental issue that warrants a response under CEQA. No response is necessary.

G4: Comment acknowledged. This comment does not raise an environmental issue that warrants a response under CEQA. No response is necessary.

Attachment 6

**Excerpts from Final EIR -
EIR Changes that are Referenced
in the City's Responses
to LAFCO's Comments on the Draft EIR**

Under Project Description, Section 3.3, Page 3.0-3, is revised as follows:

“Single Family Residential (M3 – R-1)

Single Family Residential zones occur on approximately 241 acres of the Plan area. These low density areas are located throughout the project site. A total of 1,470 units are proposed within this designation, at a density of approximately one to six dwelling units per acre. The single-family residential development will include a mix of architectural styles, lot sizes, and structure heights. Lot sizes range from ~~6,000~~ 5,000 square feet to ~~30,000~~ 55,000 square feet (for hillside homes).”

Under Project Description, Section 3.3, Page 3.0-6, is revised as follows:

“Sanitary Sewer System

The City of Soledad is responsible for treatment and disposal of wastewater for the project area. The sanitary sewer collection system is also operated and maintained by the City. Buildout of the project would generate approximately 1,579,500 gallons per day of wastewater. The existing treatment plant will need to be enlarged and improved to accommodate projected growth. These upgrades are scheduled to be completed by the end of 2010. Sanitary sewer lines will be located within the proposed street right-of-ways and connect to the existing sanitary sewer lines that serve the City. As proposed, project generated wastewater demands will be accommodated through an on-site reclamation plant, which will supplement the City’s existing wastewater treatment system. The sanitary sewer system is evaluated in **Section 4.14 Utilities and Service Systems.**”

Under Project Description, Section 3.3, Table 3.0-1, Page 3.0-4, is revised as follows:

First Column – Land Use
“Urban Reserve – ~~84.8~~ 88 acres”

Third Column – Acres
“Williamson Act Properties: ~~404.8~~ 108”

Under Project Description, Section 3.3, Page 3.0-7, final bullet under “Project Implementation” subsection, is revised as follows:

- “Application for a one or more Sphere of Influence amendments and subsequent Annexations approvals from LAFCO of Monterey County.”

Under Project Description, Section 3.0, Page 3.0-9, tenth bullet, is revised as follows:

- “Monterey County Local Agency Formation Commission (LAFCO) for the approval of sphere of influence amendment and annexation required for development within the incorporated limits of the City. This required LAFCO approval would include detachment of Miravale III from the Mission Soledad Rural Fire Protection District and the Resource Conservation District of Monterey County.”

Under Project Description, Section 3.0, Page 3.0-9, the following bullet is added after bullet 11, is revised as follows:

- “Tax transfer agreement with the County of Monterey pursuant to the requirements of Revenue and Taxation Code Section 99.”

RESPONSE F4

Note correction: Existing ramp operations for northbound Highway 101 from Moranda Road are operating at a Level of Service (LOS) "C" during a.m. peak hour, revised from LOS B as stated in the Draft EIR

RESPONSE F7

Under Traffic and Circulation, Section 4.13, Page 4.13-14, is revised as follows:

“Traffic Impact Fees. The City’s traffic impact fee (TIF) program was adopted in October 2007 by the City Council. The City TIF identifies fees per single-family unit and multi-family unit to be collected from proposed development and used towards identified improvements to the roadway system within and serving the City of Soledad.

Regional improvements cannot be completely funded by a single development. In lieu of one single project absorbing the total cost of freeway widening, a regional development impact fee program has been established for state highways and regional roads within Monterey County. The Transportation Agency for Monterey County (TAMC) implements the fee program based on the 2004 TAMC “Nexus Study for Regional Development Impact Fee.” The TAMC fee is levied against new developments within local member jurisdictions of TAMC, including the City of Soledad. At this time, however, the City of Soledad has not committed to collecting the TAMC fee. In order to address regional improvement, the City of Soledad has incorporated local TAMC improvements projects into their adopted TIF program. Therefore, the collection of impact fees as part of the City’s TIF program will include regional improvements and will be in lieu of payment of an independent TAMC fees. The City of Soledad adopted the TAMC Regional Development Impact Fee Program on June 4, 2008, thereby subjecting all new development in the City of Soledad to the regional impact fee. As a result, the proposed project will be subject to the TAMC Regional Development Impact Fee in order to mitigate project impacts to regional facilities such as Highway 101.”

Under Traffic and Circulation, Section 4.13, beginning on Page 4.13-30, Mitigation Measure 4.13-1, Mitigation Measure 4.13-3 and Mitigation Measure 4.13-4 are revised as follows:

“4.13-1 Due to large traffic volumes and vehicle speeds, at-grade golf cart crossings shall not be permitted along streets classified as collectors or arterials unless at a traffic light. Prior to the issuance of any building and/or grading permit for development associated with the golf course facility, the project applicant shall submit detailed design-level plans demonstrating compliance with this measure, subject to the review and approval of the Director of Public Works. Improvements shall be constructed in accordance with this measure prior to the issuance of any certificate of occupancy or final permit for development associated with the golf course.”

4.13-3 *San Vicente Road and Front Street:* Widen NB Front Street to two lanes, NB San Vicente Road to three lanes, add two EB left-turn lanes and a SB free-right-turn lane. Prior to the issuance of any building permit for each phase of development, the project applicant shall submit payment of the City of Soledad traffic impact fee in effect at the time of building permit issuance in order to mitigate the impact at this location. No certificate of occupancy shall be issued for new residential or commercial buildings requiring the implementation of these improvements until said improvements have been fully constructed, subject to the review and approval of the City of Soledad. Alternatively the project can contribute its fair share towards the construction of the extension of Gabilan Drive to US 101. If this alternative is chosen local roadways shall be monitored annually to ensure that LOS levels are maintained in accordance with the City of Soledad’s adopted standards until the extension is complete. All fees shall be paid prior to the issuance of any building permit for each phase of development and shall be subject to the approval of the Director of Public Works.

development below the 400 foot elevation contour. Moreover, according to the General Plan EIR, policies prohibiting development above the 400 foot elevation contour were identified as mitigation measures to ensure that adverse impacts to scenic resources, including the Gabilan Mountain Range, were minimized to the extent feasible. These measures were incorporated as part of the City's General Plan in order to ensure the preservation of the City's unique scenic resources. Due to the relative importance of the Gabilan Mountain Range, development above the 400 foot contour would constitute a potentially significant impact. Therefore, for the purposes of this analysis, these foothills are considered a scenic vista and development above the 400 foot elevation contour would constitute ridgeline development and thereby a significant impact. Development above the 400 foot elevation contour would conflict with several General Plan policies, including but not limited to L-45, C/OS-7, C/OS-8, and C/OS-9. For a detailed evaluation of the proposed project's consistency with applicable General Plan policies please refer to Table 4.9-2."

Under Aesthetics, Section 4.1, Page 4.1-14, Mitigation Measure 4.1-11, is revised as follows:

"4.1-11 Final design plans for proposed residential development shall include form, scale, and character elements which emulate the best characteristics of the existing residential neighborhoods, such as single and two-story dwellings with adequate off-street parking, landscaped front yards with trees, and sidewalks. Prior to the issuance of any building permit for residential development within the Specific Plan area, the project applicant shall submit design-level drawings consistent with the intent of this measure, subject to the review and approval of the City of Soledad. All residential development within the Specific Plan area shall be subject to a conditional use or design-review process as administered by the City of Soledad."

Under Aesthetics, Section 4.1, Page 4.1-15, Mitigation Measure 4.1-14, is revised as follows:

"4.1-15 Ornamental lighting use for streets, parks, public open spaces, trails, bike paths, parking lots, and walkways shall utilize fixtures consisting of metal halide with full cut-off luminaries or other form of similar fixtures in order to control light and glare. Prior to the issuance of any building permit, the project applicant shall provide documentation as part of the exterior lighting plan described in Mitigation Measure 4.1-12-14, demonstrating that these measures are incorporated into site lighting, subject to the review and approval of the Soledad Planning Department."

Under Agricultural Resources, Section 4.2, Page 4.2-6, under "Cortese-Knox Capability Classification", add the following text:

"Cortese-Knox Capability Classification. Three of the four criteria above apply to classifying prime lands within the project site. Approximately 500 acres meet criterion #1 exclusively, approximately 430 acres meet criterion #3, and the total potentially irrigated land area of 760 acres (actively cropped plus recently fallowed) could meet criterion #4. Therefore, the vast majority of the project site can meet one of the criteria under the definition for classification under Cortese-Knox. It should be noted that the City General Plan EIR also provides an assessment of land in and around Soledad and acknowledges that almost all of the soils surrounding the urban area of the City meets at least one of these qualifications and, therefore, can be considered prime agricultural land with the exceptions of GhC (Gloria sandy loam 2 to 9 percent slopes) and Xb (Xerorthents, sandy)."

Under Agricultural Resources, Section 4.2, Page 4.2-14 through 4.2-15, Mitigation Measures 4.2-1, 4.2-2, and 4.2-3, are revised as follows:

"4.2-1 Adequate buffer areas between urban and agricultural uses, including a minimum 50 foot buffer along the northern and eastern boundary of the project site and a -200 foot buffer along the western boundary, shall be incorporated into the proposed project. These buffers shall also be

RESPONSE
F6
RESPONSE F5

RESPONSE F6 (CONTINUED)

supplemented with physical barriers in areas where residential and commercial structures are to be located, as recommended by the Agricultural Resources Report contained in Appendix T-1. The 200 foot buffer along the project's western boundary may be reduced upon demonstration to the satisfaction of the City that other measures, including those recommended in Mitigation Measure 4.2-2, will adequately protect human health and safety and minimize potential conflicts, and provided that any such reduction shall not result in a buffer width of less than 100 feet. The County of Monterey Agricultural Commissioner shall be consulted regarding the adequacy of the proposed buffers and physical barriers and evidence of said consultation and recommendation shall be submitted to the City prior to approval of the tentative map. Prior to the recordation of any final map, the project applicant shall submit evidence in the form of agricultural setbacks delineating buffer locations consistent with the recommendations contained in the Agricultural Resources Report, subject to the review and approval of the City of Soledad. All agricultural buffers, excluding public right-of-ways, shall be maintained by the Project Proponent and/or his/her successor(s) in interest through easements dedicated to the City or other entity until such time that the adjoining agricultural operation and use no longer exists.

4.2-2 In order to ensure the adequacy of the proposed ~~60'~~ agricultural buffer located along the western boundary of the project site, as required by Mitigation Measure 4.2-1, the project applicant shall submit a detailed landscape plan that includes vegetative screening in addition to physical barriers, such as fences, walls or similar structures, to protect human health and safety. One or more of the following options may also be used in combination with landscaping requirements to create an ~~60-foot~~ adequate buffer between the agricultural parcel property line and habitable structures within the Plan area:

- a. Public or private road right-of-ways;
- b. Landscaped islands and planting areas;
- c. Recreational trail corridors; and/or
- d. Placing dwellings in the rear portion of lots.

Prior to the recordation of any final map along the western project boundary, the ~~an~~ agricultural buffer ~~setback~~ and any related easement shall be delineated on the final map, subject to the review and approval of the City of Soledad.

4.2-3 Prior to the issuance of any certificate of occupancy for residences adjacent or in close proximity to the agricultural buffer to on-going agricultural uses on along the western project boundary, the project applicant shall provide documentation demonstrating that adequate screening, landscaping, and structural improvements have been installed and/or constructed within the ~~60'~~ agricultural buffer, subject to the review and approval of the City of Soledad."

Under Air Quality, Section 4.3, Page 4.3-2, the fourth paragraph is revised as follows:

"The project site is located east of Highway 101 on the eastern border to the north and west of the City of Soledad, about 35 miles southeast of Monterey Bay, and about 25 miles south of Salinas. Winds from the northwest are most common in Soledad and the rest of the Salinas Valley. In general, wind flow is aligned along the valley orientation. In the winter, winds tend to flow down the Salinas Valley from the southeast toward Monterey Bay, averaging about 2.6 miles per hour (mph). In the spring, winds tend to blow from the west (on-shore) averaging about 6.5 mph. In the fall, winds flow from the southeast during the night, and switch to the west and northwest by about 10 a.m., and average about 2.4 mph.³ Rainfall in the area averages about 13.4 inches per year, with almost all substantial precipitation occurring between November and April. The presence or absence of winter storms and rainfall affect dust generation on

³ California Surface Wind Climatology, California Air Resources Board, Modeling and Meteorology Branch, June 1989.