

Attachment F

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

Resolution No. 22-021)
Resolution of the Monterey County Planning)
Commission granting a 3-year extension to)
the expiration of the Combined Development)
Permit and Vesting Tentative Map for the)
Domain Corporation (Ferrini Ranch)
Subdivision) through March 17, 2026.)
)
[PLN210167 DOMAIN CORPORATION)
(FERRINI RANCH SUBDIVISION) 715)
Monterey Salinas Highway, Salinas, CA])

WHEREAS, on December 16, 2014, the Board of Supervisors approved a Combined Development Permit consisting of a Vesting Tentative Map to create 185 residential lots, a Use Permit for the removal of 921 trees, and a Use Permit to allow development on slopes in excess of 30 percent. The Board of Supervisors also certified the related Final Environmental Impact Report and Statement of Overriding Considerations for the Ferrini Ranch Subdivision; and

WHEREAS, the Combined Development Permit would have expired two years after approval on December 16, 2016; and

WHEREAS, a lawsuit was filed January 15, 2015, one-month into the life of the permit leaving 23 months remaining; and

WHEREAS, subsequent to the filing of the lawsuit, the Board of Supervisors granted a stay on the expiration of the permit for a period of five years or until the case was resolved, whichever occurred first (Resolution No. 16-847); and

WHEREAS, on October 17, 2019, the litigation on the project was resolved and the two-year expiration time resumed providing a new expiration date for the project of September 17, 2021; and

WHEREAS, on September 28 2020, Assembly Bill 1561 (AB 1561) became effective granting an 18-month extension to qualifying residential development entitlements, such as a tentative subdivision map, if the entitlements were issued prior to, and were in effect as of March 4, 2020, but were set to expire prior to December 31, 2021; and

WHEREAS, the project entitlements were issued prior to March 4, 2020 (December 16, 2016) and would have expired prior to December 31, 2021 (September 17, 2021) so the project qualified for the AB 1561 automatic 18-month extension, which extended the expiration date to March 17, 2023; and

WHEREAS, in compliance with Monterey County Code section 19.05.065, the agent for the owner filed a written request for a 6-year extension of the project with the Director of Housing Community & Development on June 29, 2021, more than 60 days prior to the expiration. The reason for the extension request was that the Applicant needs additional time to satisfy the conditions necessary to finalize the final map;

WHEREAS, on July 13, 2022, the Planning Commission considered the request for a 6-year extension of the Combined Development Permit and Vesting Tentative Map at duly noticed. At the hearing the Planning Commission continued to matter to August 24, 2022, with direction to staff to clarify the criteria applicable to review of the extension and to provide additional information on the water source;

WHEREAS, granting an extension on a vesting tentative map is a discretionary act under Government Code section 66452.6(e). However, the Planning Commission cannot impose additional conditions other than those related to the length of time a map is valid.

WHEREAS, pursuant to Section 19.05.005 of the Monterey County Code (Inland Subdivision Ordinance), the Planning Commission also has the authority to deny the extension if granting the extension would place the residents of the subdivision or the immediate community, in a condition dangerous to their health or safety; or because denial is required in order to comply with State or Federal law;

WHEREAS, the length of time that the map should be extended is related to factors surrounding a reasonable amount of time needed to comply with tentative map conditions, to file a final map, and any market or outside forces that may impact this timing as well as the applicants stated reasoning for the extension.

WHEREAS, the Ferrini Ranch project was approved subject to 138 conditions of approval. Excluding the stay of extirpation due to litigation and accounting for the automatic 18-month extension, the applicant has had a total of 3 and ½ years (October 2019 through March 2023) to work on satisfaction of these 138 conditions.

WHEREAS, the Planning Commission recognizes factors that have delayed progress toward condition compliance including the number and complexity of conditions and factors related to the Covid-19 pandemic.

WHEREAS, Pursuant to Section 19.05.060 of the Monterey County Code, an approved vesting tentative map expires 24 months after its approval. Given 24 months is the length of time afforded to comply with conditions associated with vesting tentative maps after initial approval, and acknowledging a rapidly changing land use environment in Monterey County, the length of time the map should be extended in this case may be reduced from the requested 6 years.

WHEREAS, there is no evidence in the record that extending the project will place people in conditions dangerous to their health or safety as there have been no substantial changes in circumstances since the project approval in 2016;

WHEREAS, denial of the extension is not required under state or federal law;

WHEREAS, as approved by the Board of Supervisors, the Ferrini Ranch Subdivision will be served by the California Water Services Company (Cal-Water) system. Cal-Water wells serving the development were/are located in Spreckels which is within the 180/400-foot Pressure Subbasin of the Salinas Valley Groundwater Basin (See Finding Number 21 in Board Resolution

No. 14-371). An Urban Water Management Plan (UWMP) was prepared for the Cal-Water (Salinas District), referenced in the findings for the project as documentation of the ability of Cal-Water to serve the project. Analysis contained in the Resolution and in the EIR for the project recognized the Salinas Valley Groundwater Basin (SVGB) and the 180/400 foot Pressure Subbasin (Subbaisin) are in overdraft. It was found that the estimated use of 95 acre feet of water for the project represented a less than significant impact on the basin because there are a number of groundwater projects planned or in place, that are designed to slow seawater intrusion and reduce or replenish pumping of the basin and that the 95 acre feet needed for the project represented approximately 0.08% of the water in storage in the Subbasin and 0.0013% of the water in storage in the SVGB.

WHEAREAS, in 2020, pursuant to the State Groundwater Management Act (SGMA), The Salinas Valley Basin Groundwater Sustainability Agency (GSA) adopted a Groundwater Sustainability Plan (GSP). The GSA does not have authority over land use planning. However, the GSA will coordinate with the County on General Plans and land use planning/zoning as needed when implementing the GSP. As it pertains to this extension request, the GSP describes projects and management actions (Chapter 9) aimed at achieving groundwater sustainability by meeting Subbasin-specific sustainable management criteria by 2040. Actions in the GSP are focused on basin-wide infrastructure and programs that do not address individual land-use projects. In fact, some population growth is expected within the basins (based on AMBAG population forecasts and the 2010 General Plan).

WHEAREAS, the GSP reaffirms overdraft conditions that were recognized at the time of the decision on the project and it provides additional detail regarding groundwater projects planned or in place, that are designed to slow seawater intrusion and reduce or replenish pumping of the basin to achieve sustainability within the basin. There is no indication that the project would conflict or hinder the ability to implement the GSP.

WHEREAS, section 19.05.065 of the Monterey County Code (MCC) authorizes the Planning Commission to grant an extension(s) not to cumulatively exceed 3 years for standard subdivisions. In contrast, section 66452.6(e) of the Subdivision Map Act (SMA) authorizes local governments to approve or conditionally approve extensions to tentative maps or vesting tentative maps for a period or periods not exceeding a total of 6 years. The difference between MCC and the SMA timeframes for extensions is a result of a change in the Map Act that has not been reflected in Title 19 as of the date of this resolution. As it applies to changes in state law that are not reflected in the local subdivision regulations, MCC section 19.01.065 states: "The provisions of this Title are mandated by the Subdivision Map Act are subject to change without notice or action by the County in the event the State Legislature amends the Subdivision Map Act. This Title will be periodically updated to reflect such changes." Given that MCC has not been updated to reflect the three-year maximum extension provisions contained in the SMA, the County may allow a maximum extension of vesting tentative maps not to exceed 6 years pursuant to the state law and the state pre-emption language contained in MCC section 19.01.065.

WHEREAS, the Planning Commission has considered the certified environmental impact report (SCH#2005091055) for the Ferrini Ranch project prior to granting this extension.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby grant a three year extension to the expiration of the Combined Development Permit and Vesting Tentative Map for the Domain Corporation (Ferrini Ranch Subdivision) project, extending the expiration date to March 17, 2026.

PASSED AND ADOPTED this 24th day of August upon motion of Commissioner Diehl, seconded by Commissioner Roberts, by the following vote:

AYES: Roberts, Gonzalez, Mendoza, Coffelt, Getzelman, Diehl, Work, Carrillo

NOES: None

ABSENT: Daniels

ABSTAIN: Monsalve

DocuSigned by:

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Craig Spencer, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **AUG 26, 2022**.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **SEP 6, 2022**.

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.