

# Attachment B

This page intentionally left blank.

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

In the matter of the application of:

**DOMAIN CORPORATION (PLN150731)**

**RESOLUTION NO. 15-050**

Resolution by the Monterey County Planning  
Commission:

Recommending that the Board of Supervisors  
approve an amendment to a previously approved  
Combined Development Permit for the Ferrini  
Ranch subdivision (PLN040758) to delete  
Condition 77 which required funding to study the  
creation of a Community Services District.

[PLN150731, Domain Corporation, South side of  
Highway 68, between San Benancio Road and River  
Road, divided by Toro Regional Park, Toro Area Plan  
(APN: 161-011-009, -030, -039, -057, -058, -078, and  
-084; 161-031-016, and -017)]

**The Domain Corporation (Ferrini Ranch) application (PLN150731) to modify a condition of approval of a previously approved Combined Development Permit (PLN040758) came on for public hearing before the Monterey County Planning Commission on November 18, 2015. 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 County has received and processed a request to modify the adopted Condition Compliance and Mitigation Monitoring and Reporting Plan for an approved Combined Development Permit (PLN040758).
- EVIDENCE:** (a) A request for modification of the adopted Condition Compliance and Mitigation Monitoring and Reporting Plan for an approved Combined Development Permit (PLN040758) was submitted on September 21, 2015.
- (b) The property is located on parcels fronting on and southerly of Highway 68 between River Road and San Benancio Road encompassing two areas separated by Toro Regional Park. (Assessor's Parcel Numbers: 161-011-009, 161-011-030, 161-011-039, 161-011-057, 161-011-058, 161-011-078, and 161-011-084; 161-031-016, and 161-031-017), Toro Area Plan.
- (c) On December 16, 2014, the Board of Supervisors approved PLN040758 in Resolution No. 14-371 for a Combined Development Permit consisting of a Vesting Tentative Map to create 185 residential lots, Use Permit for the removal of 921 trees, and Use Permit to allow development on slopes in excess of 30 percent, and adopted a Condition Compliance and Mitigation Monitoring and Reporting Plan.
- (d) The Condition Compliance and Mitigation Monitoring and Reporting Plan has been modified to remove Condition 77, resulting

in a total of 137 conditions of approval for the Combined Development Permit (PLN040758). This modification shall be in addition to the previously applied findings and evidence of the Combined Development Permit PLN040758.

- (e) Modification of the Condition Compliance and Mitigation Monitoring and Reporting Plan does not affect or result in any changes to the original project description or proposal.
- (f) All conditions of approval from PLN040758 remain in full effect, with the exception of Condition 77, resulting in a total of 137 conditions in the modified Condition Compliance and Mitigation Monitoring Reporting Plan. No additional conditions have been incorporated into the modified Condition Compliance and Mitigation Monitoring and Reporting Plan.
- (g) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files PLN040758 and PLN150731.

**2. FINDING:**

**CONSISTENCY** – Modification of the adopted Condition Compliance and Mitigation Monitoring and Reporting Plan to an approved Combined Development Permit is consistent with Monterey County Code Section 21.76.120 for amendments to Combined Development Permits and Section 19.08.010 for modifications of conditions to an approved tentative map.

**EVIDENCE:**

- (a) As part of the Combined Development Permit, the California Utility Service (CUS) is envisioned to provide sewer service for the project and treat wastewater at the existing sewer treatment facility located on Reservation Road.
- (b) During the Board of Supervisors public hearing on December 16, 2014, Condition 77 was added to require the applicant to fund a feasibility study for the formation of a Community Services District to transport sewage from the local treatment plant to the regional treatment plant in Marina. The condition was intended to direct the sewage to the regional treatment plant which provides recycled water to farmers along the coast reducing demand on groundwater.
- (c) The Final Environmental Impact Report certified by the Board of Supervisors (Resolution 14-370) analyzed the impacts the project may have on the California Utilities Service system and found that the estimated wastewater generated by the project does not exceed capacity of the system. Therefore, Condition 77 is not necessary as there are existing utilities available that have been analyzed in the certified EIR that determined California Utilities Service has the capacity to serve the project without resulting in significant impacts.
- (d) The California Utilities Service filed a lawsuit against the County of Monterey for the approval of the Combined Development Permit (PLN040758) and adoption of the Condition Compliance and Mitigation Monitoring Plan with the inclusion of Condition 77. The parties to that lawsuit have agreed to stay the litigation to give the applicant the opportunity to apply to amend the permit to remove Condition 77 and to give the County the opportunity to consider

that application.

- (e) Modification of the adopted Condition Compliance and Mitigation Monitoring and Reporting Plan removes Condition 77, and does not result in any new conditions. Condition 77 requires the applicant to submit \$425,000 to the County of Monterey to fund studies for the formation of a Toro Area Community Services District (CSD).
- (f) The modification of the Condition Compliance and Mitigation Monitoring and Reporting Plan is consistent with Section 19.08.010.B of Monterey County Code, as the final or parcel map has not been filed for record; no lots, units or building sites will be added or deleted; the modification is consistent with the applicable General Plan and Toro Area Plan; the modification will not result in any violation of Monterey County Code; and there will be no new significant adverse environmental affect from the modification.
- (g) Section 19.08.010.C of Monterey County Code requires the appropriate decision making body to confine its consideration and action to only the proposed modified conditions.
- (h) The removal of Condition 77 does not result in any change to the project description, tentative map, or environmental review conducted for the Combined Development Permit (PLN040758).
- (i) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files PLN040758 and PLN150731.

**3. FINDING:**

**CEQA** – A Final Environmental Impact Report was certified for the Combined Development Permit (PLN040758). Modification of the Condition Compliance and Mitigation Monitoring and Reporting Plan does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162.

**EVIDENCE:**

- (a) On December 16, 2014, the Board of Supervisors certified a Final Environmental Impact Report for the Combined Development Permit, Resolution 14-370. Modification of the Condition Compliance and Mitigation Monitoring and Reporting Plan for removal of Condition 77 does not result in any substantial change that would require subsequent environmental review. Condition 77 is not related to any environmental impacts or mitigation measures included in the certified FEIR, nor would the removal of Condition 77 effect the feasibility of the mitigation measures in the Mitigation Monitoring and Reporting Plan.
- (b) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files PLN040758 and PLN150731.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

Recommend that the Board of Supervisors approve an amendment to a previously approved Combined Development Permit for the Ferrini Ranch subdivision (PLN040758) to delete Condition 77 which required funding to study the creation of a Community Services District.

**PASSED AND ADOPTED** this 18th day of November, 2015 upon motion of Commissioner Getzelman, seconded by Commissioner Brown, by the following vote the Board of Supervisors approve an amendment to a previously approved Combined Development Permit for the Ferrini Ranch subdivision (PLN040758) to delete Condition 77:

AYES: Brown, Getzelman, Rochester, Padilla, Mendez  
NOES: Vandevere, Diehl, Roberts, Hert  
ABSENT: None  
ABSTAIN: None



---

Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **NOV 23 2015**

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.