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

In the matter of the application of:

WOLTER PROPERTIES LP (CARMEL CANINE SPORTS CENTER) (PLN130352)

RESOLUTION NO. 15-044

Resolution by the Monterey County Planning
Commission:

- 1) Certifying an Environmental Impact Report; and
- 2) Adopting a Statement of Overriding

Considerations

[PLN130352, Wolter Properties LP (Carmel Canine Sports Center), 8100 Valley Greens Drive, Carmel Valley, Carmel Valley Master Plan (APN: 169-431-001, -002, -003, -006, -007, -008, -011, and -012)]

The Wolter Properties LLC (Carmel Canine Sports Center) application (PLN130352) came on for public hearing before the Monterey County Planning Commission on August 26, 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

**FINDING FOR CERTIFICATION OF EIR AND ADOPTION OF OVERRIDING
CONSIDERATIONS**

1. **FINDING:** **PROJECT DESCRIPTION** – The County prepared an Environmental Impact Report (EIR) for a project that proposes the development of a canine training/sports facility and event center for daily member usage and up to 24 "event days" (daily maximum of 250 people/300 dogs) per year; modular (temporary) structures to include a 700 square foot office trailer, 600 square foot members trailer, 600 square foot restroom trailer and 400 square foot electrical/storage room. Site will also accommodate up to 70 recreational vehicles on a short-term basis during "events" (Maximum of 24 nights per year).
EVIDENCE: a) Application filed on May 16, 2013, by Carmel Canine Sports Center (CCSC) and was deemed Complete on September 21, 2013. Information contained in the associated file labeled PLN130352.
b) Draft EIR and Final EIR prepared for the Carmel Canine Sports Center (CCSC) (SCH# 2013121077).

2. **FINDING:** **CEQA (EIR)** - The County of Monterey has completed an Environmental Impact Report (EIR) in compliance with CEQA, and the Final EIR reflects the County of Monterey's independent judgment and analysis.
EVIDENCE: a) The California Environmental Quality Act (CEQA) requires preparation of an environmental impact report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.
b) Monterey County RMA-Planning prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of RMA-Planning and is hereby incorporated by reference (PLN130352).
c) The Initial Study did not identify potentially significant effects which

would result from the project; however the comments submitted on the Initial Study presented a “fair argument” of potential impacts related to Traffic/Transportation. Therefore an environmental impact report was prepared. The Initial Study is on file in RMA-Planning and is hereby incorporated by reference (PLN130352).

d) **SUMMARY OF IMPACTS**

Issues that were analyzed in the Draft EIR include aesthetics, agricultural resources, air quality and greenhouse gases, biological resources, cultural resources, geology/soils, hazards/hazardous materials, hydrology/water quality, land use/planning, noise, recreation, transportation/traffic, public services and utilities, alternatives to the project, and cumulative effects.

e) Project changes which avoid or lessen significant effects on the environment have been incorporated into the project and/or are made conditions of approval to the extent feasible (see findings below). A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan” as a condition of project approval.

f) The Draft Environmental Impact Report (“DEIR”) for PLN130352 was prepared in accordance with CEQA and circulated for public review from April 1, 2015 through May 18, 2015 (SCH#: 2013121077).

g) **DEPARTMENT OF FISH AND WILDLIFE FEES**

Staff analysis contained in the EIR and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Wildlife (CDFW) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the California Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources. For purposes of the Fish and Wildlife Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. California Department of Fish and Wildlife reviewed the EIR to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

h) The County prepared a FEIR for the Carmel Canine Sports Center. The FEIR was released to the public on August 14, 2015 and responds to all significant environmental points raised by persons and organizations that commented on the DEIR. The County has considered the comments received during the public review period for the DEIR, and in the FEIR the County has provided responses to the comments received. Together, the DEIR and Responses to Comments constitute the Final EIR on the project.

i) No new information was added to the FEIR that required recirculation of the DEIR.

j) Monterey County RMA-Planning, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other

materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

3. **FINDING:** **EIR-ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** – The EIR identified potentially significant impacts to aesthetics and visual resources (lighting), biological impacts (noise, waste generation, and access to Carmel River), hazards and hazardous materials (fire risk), hydrology/water quality (waste generation), land use/planning (special events), noise (special events), and transportation/traffic (special events) which could result from the project as originally submitted. Changes or alteration have been required or incorporated into the project which avoid or substantially lessen the potentially significant environmental effect identified in the EIR.

- EVIDENCE:**
- a) Potentially significant impacts on aesthetics and visual resources are mitigated to less than significant levels by a mitigation measure requiring the development of a Special Events Management Plan (SEMP) which shall prohibit the use of external lighting after 9:00pm.
 - b) Potentially significant impacts on biological resources, specifically noise impacts to sensitive wildlife species, have been mitigated to a less than significant level through a condition of approval limiting the construction timing to normal daytime hours and a mitigation measure requiring the development of a SEMP which shall prohibit the use of RV generators outside of the hours of 8:00am to 7:00pm.
 - c) Potential significant impacts on biological resources, specifically impacts to aquatic habitat from animal waste runoff, have been mitigated to a less than significant level by a mitigation measure requiring the development of a Manure Management Plan requiring the daily collection of animal waste and deposit of waste into receptacles, as determined by the Monterey County Health Department.
 - d) Potential significant impacts on biological resources, specifically impacts to the Carmel River riparian corridor from increased access, have been mitigated to a less than significant level by implementing mitigation measures to require dogs outside of the food safety fence to be leashed at all times; limiting daily access to the riparian area and establishing a cap of 30 owners with dogs per day in this area; and developing an Habitat Management Plan and annual monitoring program to assess riparian vegetation cover, density, and animal occurrences.
 - e) Potential significant impacts on hazards/hazardous materials, specifically fire hazards, have been mitigated to a less than significant level by a mitigation measure requiring the designation of smoking areas, and prohibiting smoking within the upland (high hazard) areas along the Carmel River.
 - f) Potential significant impacts to hydrology/water quality, specifically impacts to water quality associated with the presence of animals on site, have been mitigated to a less than significant level by a mitigation measure requiring the development of a Manure Management Plan requiring the daily collection of animal waste and deposit of waste into receptacles, as determined by the Monterey County Health Department.
 - g) Potential significant impacts on land use/planning, specifically related to

hosting of special events, have been mitigated to a less than significant level by a mitigation measure requiring the development of a SEMP which shall detail the hours of event operation, event capacity, allowable noise levels, hours of external/exterior lighting, and hours of allowable RV generator use.

- h) Potential significant impacts on noise, specifically special events, have been mitigated to a less than significant level by a mitigation measure requiring the development of a SEMP which shall prohibit the use of RV generators outside of the hours of 8:00am to 7:00pm, and shall prohibit owners from allowing uncontrollable barking of dogs. The SEMP shall detail and outline appropriate CCSC staff response(s) for violations.
- i) Potential significant impacts on transportation/traffic, have been mitigated to a less than significant level by a mitigation measure requiring the scheduling of daily classes to avoid the AM and PM peak hours and a mitigation measure requiring the funding and posting of “No Parking” signs along Valley Greens Drive.
- j) Potential significant impacts on transportation/traffic, specifically related to the hosting of special events, have been mitigated to a less than significant level through a mitigation measure requiring: 1) the payment of the Carmel Valley Road Traffic Mitigation Fee toward potential future traffic improvements; 2) private agreements with private road holder to divert traffic, and/or 3) the provision of a sufficient number of traffic monitors for the duration of each event.

4. **FINDING:** **EIR-ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT** – The project would result in significant and unavoidable impacts that would not be mitigated to a less than significant level even with incorporation of mitigation measures from the EIR into the conditions of project approval, as further described in the evidence below. There are specific economic, legal, social, and technological or other considerations which make infeasible mitigating these impacts to a less than significant level.

EVIDENCE:

- a) The DEIR found that direct project impacts to the multi-lane segment of Highway 1 from Ocean Avenue to Carmel Valley Road, which currently operates at an unacceptable LOS, could not be mitigated to a less than significant level. The project would add additional trips to this segment as a result of daily operations and during special events.
- b) No feasible mitigation has been identified that would reduce these impacts to a less than significant level. The impacts to the segment are based upon existing and cumulative conditions, which is not the sole responsibility of the proposed project. An acceptable level-of-service (LOS) for this segment could be achieved by widening this portion of Highway 1; however this is not included as a programmed and planned regional transportation project and is not considered a feasible improvement.

5. **FINDING:** **EIR-CEQA ALTERNATIVES TO THE PROPOSED PROJECT -** The EIR considered several alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The EIR considered the following alternatives as more fully described in the

DEIR.

- EVIDENCE:**
- a) Alternative 1: No Overnight RV Parking/Camping Alternative. Under this alternative, proposed daily operations would not change. The project would continue to be open daily from 7:00am to 8:30pm, without reservation. This alternative would still include the hosting of special events up to 24 days throughout the year; however would prohibit the use of the event parking area for overnight parking of vendor and patron RVs and associated overnight campers during event days and weekends, and would limit special events to daytime hours only. Overall this alternative would have similar or reduced impacts associated with the proposed Project for most resource areas; however would result in increased significant traffic impacts and would reduce the beneficial impacts associated with the provision of an additional recreation resource. The increased transportation/traffic impacts would result from RVs, event trailers, and vendors having to enter and exit the site at the beginning and end of each event day. This alternative would not achieve the Project objective of providing amenities that are typical of canine sport facilities that include overnight stays for participant and staff.
 - b) Alternative 2: No Special Events Alternative. Under this alternative, proposed daily operations would not change. The project would continue to be open daily from 7:00am to 8:30pm, without reservation. However, this alternative would prohibit the hosting of special events, including overnight RV parking/camping. This alternative would not reduce cumulatively significant transportation/traffic impacts; however impacts would be lessened for most other resource areas since special events and overnight parking/camping would be eliminated. This alternative would not achieve the Project objective of providing amenities that are typical of canine sport facilities that include overnight stays for participant and staff.
 - c) Alternative 3: No-Project Alternative. Per the CEQA Guidelines, Section 15126.6 (f)(2), an alternative project location need only be analyzed if the significant effects of the proposed project would be avoided or substantially lessened by putting the project in another location.
The No Project Alternative considers not approving the development and operation of a canine training, recreation, and event facility; the site would remain in its existing condition. Overall, the No Project Alternative would have fewer impacts, or no impacts to the environmental issues and resources than the proposed project. However, the No Project Alternative would not meet the Project objectives, such as additional revenue source from a outdoor recreational use to support ongoing agriculture onsite; creation of a new local recreational resource for canine activities; provision of recreational canine-related activities for members compatible with nearby uses; and contribution to the local economy with creation of employment opportunities onsite.
 - d) Environmentally Superior Alternative. Each of the alternatives either avoided or minimized to a greater extent the impacts associated with the proposed project. When all the alternatives were considered, the No Special Events Alternative is considered to be the Environmentally Superior Alternative because only the No Project Alternative avoided all

the impacts related to the proposed project. However, as mentioned previously, Section 15126.6(e) of CEQA requires that if the No Project Alternative is the environmentally superior alternative, than another alternative must be identified amongst the alternatives considered as the Environmentally Superior Alternative. Therefore, the No Special Events Alternative (Alternative 2) is considered to be the Environmentally Superior Alternative because it meets most of the project objectives with incrementally less environmental impacts to traffic/transportation than the proposed project. These impacts are either less than significant or have been reduced to less than significant through project design and mitigation. The No Special Events Alternative (Alternative 2) would not change the impacts associated with cumulative traffic which would remain significant and unavoidable.

6. **FINDING:** **EIR-STATEMENT OF OVERRIDING CONSIDERATIONS** - In accordance with Section 15093 of the CEQA Guidelines, the County has evaluated the economic, legal, social, technological, or other benefits of the project against its unavoidable significant environmental impacts in determining whether to approve the project, and has determined that the benefits of the project outweigh its unavoidable, adverse environmental impacts so that the identified significant unavoidable impact(s) may be considered acceptable.

EVIDENCE: a) The proposed project will result in development that will provide benefits described herein to the surrounding community and the County as a whole. The project would provide the following benefits to the public:

- 1) Continuance of agricultural production on prime farmland consistent with historical on-site use in the face of increasing development pressures.
- 2) Creation of a new local recreation resource for canine activities.
- 3) Contribution to the local economy with the creation of employment opportunities on-site.

7. **FINDING:** **REVISED MITIGATION MEASURES** Subsequent to the comment period on the DEIR, changes have been made to the Mitigation Measures. The changes made to the Mitigation Measures are as effective as or more effective than the Mitigation Measures presented in the DEIR. The revised Mitigation Measures themselves will not cause any potentially significant effect on the environment.

EVIDENCE: a) **MITIGATION MEASURES REVISED IN THE FEIR.**
 The following Mitigation Measures have been revised in the FEIR.
 MM BIO-4b: Revised language to clarify restriction of owners with dogs outside of the food safety fence area.
 MM BIO-4c: Revised language to include “fish” in the Habitat Management Plan and monitoring program and clarify management strategies relative to erosion control measures.
 MM BIO -4d: New mitigation measure to add provision requiring riparian and picnic areas to be closed with MPWMD crews are conducting steelhead rescue activities.
 MM HYD-2: Added language relative to semi-annual water sampling and quality standards.

MM NOI-3: Added language to clarify use of security lighting during overnight events. Added language to state that project review by HCD will be required prior to clearance (issuance) of construction permits.

MM TRANS-3a, 3b, 3c: Combined mitigation measures into one comprehensive measure (MM-TRANS-3).

MM TRANS-5: Revised language to include prohibition on classes starting within P.M. peak hours.

b) **MITIGATION MEASURES REVISED IN MMRP.**

The following Mitigation Measures have been modified in the Condition Compliance and Mitigation Monitoring Reporting Plan (MMRP).

MM BIO-4d: Timing change to “prior to use of the Project site.”

MM BIO-5a: Mitigation removed. Unnecessary with Project revisions. Construction of the reservoir/pond is not allowed with use of a Riparian Water Right.

MM BIO-5b: Mitigation removed. Unnecessary with Project revisions. Construction of the reservoir/pond is not allowed with use of a Riparian Water Right.

MM NOI-3: Mitigation Measure language and timing changed to “prior to hosting of events involving the overnight parking of RVs”.

MM TRANS-7: Language change from reference from “Caltrans” to “Monterey County Public Works”; timing changed to “prior to use of the Project site”.

MM HYD-2: Timing change to “prior to use of the Project site.”

DECISION

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

1. Certify that the Final Environmental Impact Report for the Carmel Canine Sports Center (Wolter Properties LLC) (SCH# 2013121077); has been completed in compliance with CEQA, that the FEIR was presented to the Planning Commission, the Planning Commission considered the information contained in the FEIR before approving the project, and that the FEIR reflects the independent judgment and analysis of the County; and
2. Adopt the Statement of Overriding Consideration.

PASSED AND ADOPTED this 26th day of August, 2015 upon motion of Commissioner Getzelman, seconded by Commissioner Mendez, by the following vote:

AYES: Brown, Getzelman, Rochester, Salazar, Padilla, Mendez

NOES: None

ABSENT: Hert

RECUSED: Vandever, Diehl, Roberts


Mike Novo, Secretary

