

Attachment A

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**ATTACHMENT A
DRAFT RESOLUTION**

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.

Resolution of the Monterey County Board of Supervisors to:)
Supervisors to:)
a. Certify the Ferrini Ranch Final)
Environmental Impact Report; and)
b. Adopt the Findings of Fact and)
Statement of Overriding)
Considerations for the Ferrini Ranch)
Subdivision.)
[PLN040758, Bollenbacher & Kelton (Ferrini)
Ranch), South side of Highway 68 between San)
Benancio Road and River Road, Toro Area)
Plan (APN: 161-011-019, -030, -039, -057, -)
058, -059, -078, -084, 161-031-016, -017)])

The Ferrini Ranch application (PLN040758) came on for public hearing before the Monterey County Board of Supervisors on December 2, December 9, and December 16, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

FINDINGS

**FINDINGS FOR CERTIFICATION OF EIR, CEQA FINDINGS, AND STATEMENT OF
OVERRIDING CONSIDERATIONS**

1. **FINDING:** **PROJECT:** The County prepared an Environmental Impact Report (EIR) that identified an Environmentally Superior alternative which is the project under consideration by the Board of Supervisors. The alternative consists of the subdivision of nine parcels totaling approximately 870 acres into 168 market-rate single family residential lots and 17 lots for moderate income inclusionary housing units, with approximately 700 acres remaining in open space and and 11.8 acre parcel for the possible future development of a visitor center (Parcel D). The proposed project would involve grading of approximately 92 acres of earth area (240,390 cubic yards of cut and 225,310 cubic yards of fill). A maximum of 921 coast live oak trees (*quercus agrifolia*) would be removed. The project is set on two large land areas that are separated by Toro County Park. Access to the western parcel would be from a new intersection on Highway 68 including widening of a 1.3 mile stretch of Highway 68 from two to four lanes with access to three lots from San Benancio Road. Access to the eastern parcels would be from River Road. This alternative is the “project” that is the subject of the

CEQA findings for project approval and statement of overriding considerations set forth in this resolution.

- EVIDENCE:**
- a) The application was filed on March 24, 2005 by Bollenbacher and Kelton, Inc. (“applicant”) and was deemed complete on April 25, 2005. Evidence is contained in the associated RMA Planning file for PLN040758.
 - b) The original application requested approval to subdivide nine parcels totaling approximately 870 acres into 146 clustered market-rate single family residential lots on approximately 178 acres, 43 inclusionary housing units and 23 clustered market rate single family lots (averaging 5,000 square feet) on approximately 13 acres, agricultural industrial uses on approximately 35 acres, and roadway improvements on approximately 43 acres, with approximately 600 remaining acres of open space. The proposed project would involve grading of approximately 92 acres of earth area (240,390 cubic yards of cut and 225,310 cubic yards of fill). A maximum of 921 coast live oak trees (*quercus agrifolia*) would be removed. The project is set on two large land areas that are separated by Toro County Park. The DEIR evaluated primary access to the western parcels through either Toro Park or access to Highway 68 with access to twelve lots from San Benancio Road. Access to the eastern parcels would be from River Road. The original application was the basis of the project description in the EIR.
 - c) Draft EIR, Recirculated DEIR, and Final EIR prepared for the Ferrini Ranch Subdivision (SCH2005091055).

2. **FINDING:** **CEQA (EIR)** - The County of Monterey has completed an Environmental Impact Report (EIR) in compliance with CEQA, the Final EIR was presented to the Board of Supervisors which has reviewed and considered the information contained in the EIR prior to taking action on the project, 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) The Draft Environmental Impact Report (“DEIR”) for the Ferrini Ranch Application (PLN040758) was prepared in accordance with CEQA and circulated for public review from August 27, 2012 through October 22, 2012 (SCH#: 2005091055). Based upon the comments received on the DEIR, a Recirculated Draft EIR (RDEIR) was prepared for four sections (Air Quality, Biological Resources, Greenhouse Gas Emissions and Climate Change, and Alternatives). The public review period for the RDEIR was from July 1, 2014 until August 18, 2014.
 - c) The Alternatives section of the RDEIR identified Alternative 5 as the Environmentally Superior alternative. For purposes of the findings contained in this resolution, the Project refers to the 185 lot Alternative 5 as modified in the November 19, 2014 Vesting Tentative Map and by

the conditions of approval. Alternative 5 is labeled as the Reduced Impact/Reduced Unit Count Subdivision Design and includes the following important design considerations:

- 1) Reduction in unit count (lots for 185 units; 168 market-rate units and 17 moderate income units).
 - 2) Reduction in Parcel D size (11.8 acres) and conversion of use of Parcel D from agricultural industrial to visitor center.
 - 3) Reduction in lot sizes and reduction in development footprint,
 - 4) Increase open space by approximately 101 acres,
 - 5) Signalized intersection on Highway-68 (New Torrero) and widening of Highway 68.
- d) **SUMMARY OF IMPACTS**
Issues that were analyzed in the Draft EIR include aesthetics and visual sensitivity, air quality, biological resources, cultural resources, geology/soils, groundwater resources and hydrogeology, surface water hydrology and water quality, hazards/hazardous materials, land use, population and housing, public services and utilities, noise, transportation and circulation, greenhouse gases and climate change, 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 with mitigation measures 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) **RECIRCULATED DRAFT EIR.** Comments made during the public review of the DEIR resulted in the County making the determination that new information and analysis was required. In response, the County prepared a Recirculated DEIR for four sections, Air Quality, Biological Resources, Greenhouse Gas Emissions and Alternatives. These sections were recirculated for public review. The new information presented in these sections included new modeling for air quality impacts and greenhouse gas emissions based upon more current and accepted methodology, the revised biology section includes additional mitigation to address California Tiger Salamander and other resources, and the alternatives section includes a new alternative (Alternative 5) designed to further reduce potentially significant effects and more clearly identify the secondary effects of widening a portion of State Route 68. The four chapters in the RDEIR supersede the four chapters of the DEIR with the same title.
- g) **DEPARTMENT OF FISH AND WILDLIFE FEES.**
State Department of Fish and Game reviewed the DEIR and provided comments 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 Final EIR for the Ferrini Ranch Subdivision. The FEIR was released to the public on October 1, 2014 and responds to all significant environmental points raised by persons and organizations that commented on the DEIR and RDEIR. The County has considered the comments received during the public review period for the DEIR and RDEIR, and in the FEIR the County has provided responses to the comments received. Together, the DEIR, RDEIR and Responses to Comments constitute the Final EIR on the project. No new information was added to the FEIR that requires recirculation. See also Finding 10.
- i) 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 recommend certification of the EIR is based.

3. **FINDING:** **EIR-ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** - The EIR identified potentially significant impacts to aesthetics and visual resources, air quality, biological resources, cultural and historic resources, geology and soils, surface hydrology and water quality, hazards and hazardous materials, public services and utilities, noise and traffic which could result from the project as originally submitted. Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen the potentially significant environmental effects identified in the Final EIR.

- EVIDENCE:**
- a) Potentially significant impacts on aesthetics and visual resources are mitigated to less than significant levels by implementing Critical Viewshed policies requiring new structures to be outside of the critical viewshed and associated 100 foot setback, and by limiting the height, design and visibility of structures within areas of visual sensitivity. To ensure protection of this visually sensitive area, conditions have been added requiring design guidelines to be implemented through CC&R's which limit building height, night time glare, and structure visibility. In addition, the EIR identified that the base 212 unit project design with Ferrini Ranch Road running parallel to Highway 68 through Toro Park within the Critical Viewshed is an Unavoidable Significant Adverse Impact. Alternative 5 relocated Ferrini Ranch Road from running parallel with Highway 68 within the 100 foot setback through Toro Park and reduced this impact to a less than significant level.
 - b) Potentially significant impacts on aesthetics and visual resources are mitigated to less than significant levels by placement of a berm around Parcel D on the mesa and lowering the finished grade by 10 feet to insure that there will not be ridgeline development. Ideally, VS zoning would be applied to the property which will require development of individual lots to be reviewed for their visual impacts through an administrative permit process. If there is the potential for an adverse visual impact, a Use Permit will be required. Individual homes will not

be approved administratively in a manner that causes ridgeline development. Staff intends to propose a VS zoning overlay to the entire site as part of implementation of the 2010 General Plan, but such zoning, which would require an ordinance adopted pursuant to the procedures set forth in Government Code sections 65854 to 65857, is not part of the project and is not required to find the impact less than significant. Conditions of approval have been added requiring that Design Criteria be implemented through CC&Rs applied to the residential lots and Parcel D.

- c) Potentially significant impacts on air quality have been mitigated to a less than significant level through conditions of approval that would limit particulate matter and diesel emissions to within the thresholds of the Air Pollution Control District. (MM 3.2-1, Condition 80).
- d) Potentially significant impacts on biological resources, specifically special status plant species Congdon's tarplant and Pacific Grove clover have been mitigated to a less than significant level through mitigation measures which require surveying plant locations before grading or recordation of final map, avoidance to the extent feasible and restoration habitat. (MM 3.3-1a, Condition 81).
- e) California Tiger Salamander is a species listed as threatened under both the State and Federal Endangered Species Acts. The DEIR identified that there is a breeding pond onsite, and that CTS had been captured and documented around the breeding site known as Pond 18. The original 212 unit project with access through Toro Park also included a road in close proximity to Pond 18. California Department of Fish and Wildlife expressed concern with the information related to CTS in the DEIR, specifically related to the relationship to potential surrounding offsite breeding ponds, the value of replacement habitat, and the overall impact assessment. In response, additional surveys were conducted to determine whether there is the potential for offsite ponds to result in CTS using this site for upland habitat. This study resulted in an additional CTS being captured in the north western corner of the site. In addition an updated analysis of impacts to CTS was prepared adjusting the circumference of the migration rings used to determine impacts, impact areas were recalculated using figures from CDFW, and additional mitigation was developed. Additional mitigation included: modifying the subdivision design by pulling development away from Pond 18; under-crossings proposed under roadways to allow CTS to continue to migrate on the site; loss of upland habitat is mitigated by requiring remaining habitat to be set aside in a conservation easement; and a new breeding pond is being created on site which will provide habitat enhancement. A condition of approval requires that the final map for Lots 131-134 will not be recorded and no improvements will be installed for these lots until the new breeding pond is established. These measures addressed the specific recommendations made in the CDFW comment letter. This information was incorporated into a revised Biology analysis and recirculated for public review as part of the Recirculated DEIR. CDFW submitted a comment letter on the RDEIR,

stating that the Department does not concur with the proposed Mitigation Measures but provided specific recommendations on the mitigation measures. The FEIR incorporated the recommendations by CDFW into mitigations to the extent warranted. Where there was disagreement, the FEIR explained why there is a disagreement between experts and why the County chose the approach presented in the EIR (see response to comments in FEIR RD 2). Substantial evidence supports County's determination that the potential impact to CTS has been mitigated to less than significant with the incorporation of the mitigation measures. (MM 3.3-2a, b, c, Conditions 83-87).

- f) Potentially significant impacts on biological resources, specifically special status animal species, have been mitigated to a less than significant level through mitigation measures which require protection of roosting sites or relocation of animals by a qualified biologist. (MM 3.3-3a, Condition 88).
- g) Potentially significant impacts on biological resources, specifically riparian and wetland areas, have been mitigated to a less than significant level through mitigation measures which require avoidance and establishment of replacement habitat. (MM 3.3-4a, b, -5, Condition 90, 91, and 92).
- h) Potentially significant impacts on biological resources, specifically oak woodlands, have been mitigated to a less than significant level through mitigation measures which require avoidance, tree replanting and contribution of funds to the Oak Woodland fund. (MM 3.3-6a, Condition 93). See also Finding 8.
- i) Potentially significant impacts on biological resources, specifically impacts on special status bird species, have been mitigated to a less than significant level through mitigation measures which require tree removal outside of the nesting season and creation of buffers around active nesting sites. (MM 3.3-7, Condition 95).
- j) Potentially significant impacts on biological resources, specifically impacts to Wildlife Corridors, have been mitigated to a less than significant level through mitigation measures which require protecting the El Toro Creek undercrossing at Highway 68 by limiting development around the undercrossing. (MM 3.3-8a-d, Conditions 96-99).
- k) Potentially significant impacts on cultural resources have been mitigated to a less than significant level through mitigation measure requiring avoidance and protection of the resources. (MM 3.4-1a-d, Conditions 100-103).
- l) Potentially significant impacts on geology and soils have been mitigated to a less than significant level through compliance with the requirements of the California Building Code, additional engineering as determined necessary by a qualified professional and preparation of a Storm Water Pollution Prevention Plan. (MM 3.5-1-6, Conditions 104-109).
- m) Potentially significant impacts on groundwater resources, surface hydrology, and water quality have been mitigated to a less than significant level through mitigation measures requiring storm water to

be retained on site with the storm runoff being treated through the use of Best Management Practices prior to being allowed to drain off the site, and requiring lots adjacent to drainage ways to maintain an adequate setback from the drainage. (MM 3.6-2a-c, MM 3.7-3a-b, and MM 3.7-4, Conditions 110- 115).

- n) Potentially significant impacts on hazards and hazardous materials have been mitigated to a less than significant level through mitigation measures which require clean up of areas that have been used to dispose of materials prior to issuance of a grading permit. (MM 3.8-3, Condition 118).
- o) Potentially significant impacts on park facilities have been mitigated to a less than significant level through payment of in-lieu park fees, and Alternative 5 which would not use Toro Park for access. (MM 3.10-3, Condition 119).
- p) Potentially significant impacts on noise have been mitigated to a less than significant level through conditions of approval that limit sound emissions during construction, noise attenuation measures for installation of future utilities, noise attenuation designed into future residential structures and installation of a berm along Highway 68 to address noise from the widening of the highway adjacent to the existing residences.
- q) Potentially significant impacts on traffic have been mitigated to a less than significant level through mitigation measures requiring future intersection design to maintain adequate line of site and safety features. (MM 3.11-1a-d, -2, -4a-e, Conditions 121-129).
- r) Potentially significant impacts on cumulative traffic have been mitigated to a less than significant level through payment of the Regional Development Impact Fees (aka TAMC fees) for construction of countywide improvements including installation of the Highway 68 commuter improvement project consisting of expanding the 4 lane segment of Highway 68. The proposed project will receive credit against the TAMC Fee for constructing 4 lanes and installing the traffic signal. This will maintain the overall function of the regional road network. (MM 3.12-1b, Condition 130).

4. **FINDING:**

EIR-ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT – The 185 lot 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, 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 Highway 68 intersections of Olmstead Road, York Road, Pasadera Drive-Boots Road, Josselyn Canyon Road, Blanco Road, and Laureles Grade and the Highway 68 segments at Highway-68 between Josselyn Canyon Road and Olmstead Road; Highway-68 between Olmsted Road and

Highway-218; Highway-68 between York Road and Pasadera Drive; Highway-68 between Pasadera Drive and Laureles Grade; and Highway-68 between Laureles Grade and Corral de Tierra could not be mitigated to less than significant level through the “State Route 68 Improvements” project component of the Transportation Agency of Monterey County (TAMC) Regional Development Impact Fee.

- b) No feasible mitigation has been identified that would reduce these impacts to a less than significant level. The impacts to the intersections are based upon cumulative conditions, which is not the sole responsibility of the proposed project to address. A condition of approval requires the applicant to widen Highway 68 from the existing four lane section west to beyond the proposed new signal. These improvements are part of the improvements identified in the Highway 68 commuter improvements. The applicant will be given credit for the installation of these improvements toward payment of the TAMC RDIF fees. Payment of the RDIF fees is intended to mitigate for cumulative traffic impacts. Where the RDIF fees do not have a project to correct an existing deficiency, there is not mitigation available and impacts to that intersection cannot be mitigated. The Highway 68 commuter improvements will not improve the functioning of failed intersections on Highway 68 beyond the boundaries of the project area.
- c) The DEIR found that impacts to Greenhouse Gas and Climate Change cannot be mitigated to a less than significant level because of the project’s incremental contribution to Greenhouse Gas emissions and climate changes.

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 alternatives described below and as more fully described in the RDEIR. The EIR analyzed a range of reasonable alternatives to the original 212- lot project proposal and compared each of the alternatives to the original 212 lot proposal. The County finds that the environmentally superior alternative, the 185 Lot Alternative 5, is feasible. It is the “project” that is the subject of the findings in this resolution and is being considered by the Board of Supervisors for approval following certification of the EIR. Specific economic, legal, social, technological or other considerations, make infeasible the other project alternatives identified in the EIR.

EVIDENCE:

- a) Alternative 1: No Project Alternative. The No Project Alternative considers not approving the 212 unit project, with the site remaining in its current use of grazing. Overall, the No Project Alternative would have fewer impacts, or no impacts to environmental resources than the proposed project. However, the No Project Alternative is not feasible because it would not meet the project objectives of developing the property for single family residential in keeping with the General Plan Designation. An applicant objective is to create an economically viable plan for development while preserving large permanent open space on

the property.

- b) Alternative 2: Flatland Subdivision Design. The Flatland Subdivision Design would relocate all development on the western parcel to the flatland areas and meadows of the project site. Development would occur in six general areas that are bounded by Highway 68 on the northwest and the slope toes on the southeast. Overall, the Flat Land Subdivision Design Alternative would have similar impacts to the environmental issues and resources as the original proposed 212 lot project. However, the Flat Land Subdivision Design Alternative would not meet the project objective of preserving those areas that are Highly visible from Highway 68 (areas within Critical Viewshed and Lupine Field) as open space. This policy inconsistency makes this alternative infeasible.
- c) Alternative 3: Reduced Impact Subdivision Design. The Reduced Impact Subdivision Design Alternative would reconfigure lots on the site, reduce the size of the winery- related use to a visitor center and reduce the density of the lot pattern on the western portion of the site. An option within this alternative is to construct a signalized access to Highway 68 with an extension of the four lane segment of Highway 68. Overall, the Reduced Impact Subdivision Design Alternative would have similar impacts to the environmental issues and resources as the original proposed 212 lot project. The Reduced Impact Subdivision Design Alternative would be consistent with the project objectives. This was the environmentally superior alternative until Alternative 5 was developed and evaluated. This alternative is infeasible because it does not mitigate the environmental impacts as well as Alternative 5.
- d) Alternative 4: Compact Footprint Subdivision Design. The Compact Footprint Subdivision Design Alternative would reduce the total development footprint of the project by transferring development density to development nodes, which would largely have a clustered type of housing product. The access for this alternative is shown as grade separated interchange on Highway 68 with an extension of the four lane segment of Highway 68. Overall, the Compact Footprint Subdivision Design Alternative would have similar impacts to the environmental issues and resources as the original proposed 212 lot project. The Compact Footprint Subdivision Design Alternative would be generally consistent with the project objectives. The grade separated interchange would have a visual impact on the scenic highway and would require reconfiguration of the circulation network within the Toro Park neighborhood to connect to the grade separated intersection. Many of the concepts presented in this proposal (smaller lots with larger open areas) are included within the environmentally superior Alternative 5. This alternative is deemed infeasible because it does not mitigate project impacts as well as Alternative 5.
- e) Alternative 5: Reduced Unit Count and Reduced Impact Subdivision Design. This alternative was added as part of the RDEIR. The Reduced Unit Count and Reduced Impact Subdivision Design Alternative refines Alternative 3 and modifies the unit type to do away with the 23 cluster

units in the 212 unit base project, increases the market rate lots from 166 to 168, proposes 17 lots for moderate income units, and requires payment of in-lieu fees to satisfy the 25 inclusionary unit obligation. Access would be achieved through a new signalized intersection on Highway 68 with an extension of the four lane segment of Highway 68. The alternative would also increase the amount of open space from 600 acres to 700 acres. Overall, the Reduced Unit Count and Reduced Impact Subdivision Design Alternative would have less impacts to the environmental issues and resources than the original proposed 212 lot project. Alternative 5 creates better wildlife corridors, provides better buffers from California Tiger Salamander and provides better access for the site with a signalized intersection and additional traffic lanes to Highway 68. The new intersection in Alternative 5 removes the need for Ferrini Ranch Road to be constructed parallel to Highway 68 within the Critical Viewshed. The construction of Ferrini Ranch Road was identified as a significant and unavoidable impact. This alternative reduces this impact to a less than significant level. The Reduced Unit Count and Reduced Impact Subdivision Design Alternative would be consistent with the project objectives.

- f) Environmentally Superior Alternative. Each of the alternatives either avoided or minimized to a greater extent some impact(s) associated with the proposed project. When all the alternatives were considered, the Reduced Unit Count and Reduced Impact Subdivision Design Alternative 5 is considered to be the Environmentally Superior Alternative because only the No Project Alternative avoided all the impacts related to the proposed project. However, Section 15126.6(e) of CEQA requires that if the No Project Alternative is the environmentally superior alternative, then another alternative must be identified amongst the alternatives considered as the Environmentally Superior Alternative. Therefore, the Reduced Unit Count and Reduced Impact Subdivision Design Alternative is considered to be the Environmentally Superior Alternative because it meets most of the project objectives with less environmental impact to air quality, biology, aesthetic and visual resources, cultural resources, groundwater resources, surface water, Land Use, Population and Housing, park facilities, groundwater use, and 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. Alternative 5 also reduces the aesthetic resource impact from a level of significance to Less than Significant by relocating Ferrini Ranch Road. The Reduced Unit Count and Reduced Impact Subdivision Design Alternative would not change the impacts associated with Greenhouse Gas and Climate Change and transportation which remain significant and unavoidable. Alternative 5 is a feasible alternative to the original proposed 212 lot project, and the Board is selecting Alternative 5 instead of the original project for consideration for approval.

7. FINDING: REDUCTION IN HOUSING UNITS AS MITIGATION - The

approval of the Vesting Tentative Map for Alternative 5 complies with Public Resources Code section 21159.26 and CEQA Guidelines 15041(c), both which state, “*With respect to a project which includes housing development, a public agency may not reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation.*”.

- EVIDENCE:**
- a) There is not another feasible specific mitigation measure or project alternative other than the 185 unit alternative that comparably lessens the effects of the originally proposed 212 lot project on the environment.
 - b) Vesting Tentative Map Alternative 5 was developed to reduce the density of development, avoid critical areas for the preservation of wildlife corridors, and move development away from areas of habitation of “rare”, and “threatened” species of concern (California Tiger Salamander). Alternative 5 was identified through the EIR process as the “environmentally superior alternative” because it meets most of the project objectives with incrementally less environmental impact to air quality, biology, aesthetic and visual resources, cultural resources, groundwater resources, surface water, Land Use, Population and Housing, park facilities, groundwater use, and transportation than the proposed project.

8. **FINDING:** **OAK WOODLANDS** – The project, as conditioned and mitigated, will not have significant environmental impacts to oak woodlands.

EVIDENCE: a) The project has the potential to result in a conversion of oak woodlands that will have a significant impact on the environment but the project includes the following elements and mitigation measures that mitigate the significant effects to oaks and oak woodlands:

1. The subdivision design avoids areas of high concentration of trees, placing lot areas generally in areas which would not require tree removal to install subdivision improvements or construct future residences.
2. Set aside of approximately 700 of 870 acres as permanent open space.
3. Replant trees removed on a 1:1 ratio for trees removed.
4. Contribute funds to the Oak Woodlands Conservation Fund
5. Preservation of trees through construction with protective measures.

The proposed tree loss is minimal in relation to the overall number of trees on the project site. Additionally, the trees proposed for removal are primarily located in the vicinity of the proposed roadway, with the proposed lots being predominately in grassland areas, necessitating minimal oak removal. For these reasons, the overall oak woodland on site will remain intact. In addition, the lands outside of the proposed roads and lot areas will be placed into permanent Open Space

(approximately 700 acres). The dedication of the Open Space is consistent with the mitigation listed in Public Resources Code Section 21083.4(b)(1).

The Environmental Impact Report proposed Mitigation Measure MM3.3-6a and 3.3-6b to ensure tree removal, replacement, and tree protection measure are implemented and reduce impacts to less than significant. Mitigation Measure MM3.3-6a requires that prior to issuance of grading and/or building permits, design and construction recommendations provided in the Forest Management Plan and Supplemental Forester's Report shall be implemented during the final design of improvement plans, and those plans shall be reviewed by a certified arborist and County planning staff. Additionally, MM3.3-6a requires the preparation of tree removal and replacement plans to address removal of trees within any acre of land with a 5-inch dbh or greater native oak species; onsite replanting for 50% of direct impacts at a 1:1 ratio (approximately 460 trees); and contribution of funds to the Oak Woodlands Conservation Fund for the remaining 50% of impacted trees. These requirements are consistent with mitigation listed in Public Resources Code Section 21083.4(b)(2) and (3). Mitigation Measure MM 3.3-6b requires the installation of protective fencing along the driplines of protected trees, prior to commencement of construction activities.

- b) The applicant is required to enter into an agreement to implement the Mitigation Monitoring and Reporting Plan.
- c) Staub Forestry and Environmental Consulting. Forest Management Plan (September 2006) and Supplemental Forester's Report (March 2010).
- d) Staff conducted various site visits during the review of the project to verify that the site is suitable for this the proposed use.
- e) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040758, including the EIR.

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

EVIDENCE: a)

MITIGATION MEASURES REVISED IN FEIR.

The following Mitigation Measures have been revised in the FEIR.

MM 3.1-1a: Modified to clarify steps taken at final map to demonstrate that lots can be built upon with mitigation proposed.

MM 3.5-2a: Added requirements to retain native vegetation and record deed restrictions on the property reflecting the need to follow the recommendations of the geotechnical engineer.

MM 3.5-5a: Added requirement for natural materials to be used in erosion control to reduce impacts to wildlife. Retains erosion control

requirements.

MM 3.8-1: Clarified requirements related to removal of materials from existing debris pile near existing farmhouse in northwest corner of the site. Included requiring Phase II investigation, and specified process for removal of Hazardous Materials.

MM 3.3-1a: Clarified performance criteria for determining success of the mitigation measures to address impacts to Congdon's Tarplant.

MM 3.3-1b: Clarified performance criteria for the selection of habitat replacement area to mitigate the impacts Pacific Grove Clover.

MM 3.3-2a: Clarified performance criteria as recommended by the California Department of Fish and Wildlife for establishing success criteria associated with creating replacement breeding habitat to mitigate the impacts to California Tiger Salamander.

MM 3.3-3a: Added requirement to install bat boxes within 100 feet of roosting sites.

MM 3.3-3b: Clarified performance criteria for removal of nests associated with impacts to Monterey Dusky footed woodrat.

MM 3.3-4a: Changed riparian buffer area from 100 feet to 200 feet.

MM 3.3-6a: Reworded requirement to mitigate 50% of oak woodland impact through payment of fees to State Oak Woodland fund.

MM 3.3-7: Clarified performance criteria for mitigation of impacts to burrowing owl in response to comments from California Department of Fish and Wildlife.

MM 3.13-1: Added provision that CC&R's require a dedicated 240-volt line be installed in future houses for recharging electrical vehicles as mitigation for GHG.

A public hearing was held on the project by the Board of Supervisors on December 2, December 9, and December 16, 2014 in which the revisions to the mitigation measures were addressed. The revised mitigation measures are incorporated into project approval or made a condition of project approval.

- b) **MITIGATION MEASURES REVISED IN MMRP.** The following mitigation measures have been modified in the Condition Compliance and Mitigation Monitoring Plan which is proposed to be adopted with approval of Alternative 5:

MM 3.1-1a: Specifically identified lots to be removed from critical viewshed and modified the measure to remove the statement that lots could be allowed in the Critical Viewshed if they are not visible.

MM 3.1-6: Procedural implementation of the Mitigation Measure through recordation of note on the Final Map, and clarified language for performance criteria.

MM 3.2-1: Procedural change, removed timing to any improvements.

MM 3.4-1a: Procedural change to prior to note timing.

MM 3.11-4a: Procedural change to require note on final map and to correct lot references to be consistent with Alternative 5.

MM 3.3-1a: Change to correct lot references to be consistent with Alternative 5.

MM 3.3-1b: Change to correct lot references to be consistent with Alternative 5.

MM 3.3-4b: Change to correct lot references to be consistent with Alternative 5.

MM 3.3-8d: Procedural change to require note on final map

MM 3.6-2: Procedural change to require note on final map

MM 3.5-2a: Procedural change to require note on final map

MM 3.10-3: Change from creation of private park to payment of in-lieu park fees for public park facilities.

MM 3.5-1: Procedural change to require note on final map

MM 3.5-5a: Deleted – requirements incorporated into MM 3.7-3a.

MM 3.5-5b: Deleted – requirements incorporated into MM 3.7-3a

MM 3.5-5c: Deleted – requirements incorporated into MM 3.7-3a

MM 3.11-2: Procedural change to require note on final map

MM 3.5-6: Procedural change to require note on final map

MM 3.6-2: Procedural change to require note on final map

MM 3.7-3a: Reworded performance criteria to require compliance with Monterey County grading, erosion control and stormwater regulations.

MM 3.7-3b: Reworded performance criteria to require the implementation of a Maintenance Agreement to ensure on-going maintenance of drainage and flood control facilities.

MM 3.7-4: Procedural change to require note on final map

MM 3.8-3: Procedural change to require note on final map

MM 3.10-4b: Condition removed. Unnecessary with Alternative 5 because access is not through the park.

MM 3.10-4a: Condition removed. Unnecessary with Alternative 5 because access is not through the park.

MM 3.10-4c: Removed requirement for fencing through park. Unnecessary with Alternative 5 because access is not through the park.

MM 3.10-5a: Condition removed. Unnecessary with Alternative 5 because access is not through the park.

MM 3.10-5b: Condition removed. Unnecessary with Alternative 5 because access is not through the park.

MM 3.11.1c: Procedural change requiring noise mitigation with improvement plans and construction management plan.

MM 3.11-1d: Procedural change to require evidence of compliance prior to issuance of any permits

MM 3.11-4b: Procedural change to require note on final map and change references to address Alternative 5.

MM 3.11-4c: Combined with MM 3.11-4b

MM 3.11-4d: Procedural change to require note on final map and eliminate requirements for structures in visually sensitive areas, relying instead on the acoustical analysis required by the Mitigation Measure.

MM 3.12-1a: Applicant is required to pay the TAMC fees and the mitigation measure has been modified to reflect that credit will be given for improvements associated with Highway 68 widening.

MM 3.12-1b: Procedural change to require note on final map

MM 3.12-1c: Condition removed. Redundant to MM 3.12-1a.

MM 3.12-5: Duplicated other conditions. Condition removed.
MM 3.11-4e: Procedural change to require note on final map
MM 3.12-2b: Condition removed. Unnecessary with Alternative 5 because access is not through the park.
MM 3.13-1: Procedural change to require note on final map

10. FINDING: RECIRCULATION NOT REQUIRED FOR REVISED VESTING TENTATIVE MAP. Revisions to the Vesting Tentative Map pursuant to the recommendation of the Planning Commission do not result in significant new information and therefore do not require revision and recirculation of the EIR.

EVIDENCE: a) The Planning Commission recommended approval of the Vesting Tentative Map subject to relocation of lots out of the Critical Viewshed and off of ridgelines to preclude Ridgeline Development. The applicant submitted a Revised Vesting Tentative Map dated November 19, 2014 showing the locations of these new lots. The revision to the VTM does not result in a new significant impact or substantial increase in the severity of an environmental impact analyzed in the EIR. The new lots are placed in locations where the EIR had analyzed lot locations and thus there are no new potential impacts which need to be analyzed.

11. FINDING: EIR-STATEMENT OF OVERRIDING CONSIDERATIONS - In accordance with Public Resources Code section 21081 and CEQA Guidelines Section 15093, the Board of Supervisors has evaluated the economic, legal, social, technological, or other benefits of the project against its unavoidable significant environmental impacts in determining whether to recommend approval of the project and finds that the benefits of the project outweigh its unavoidable, adverse environmental impacts so that the identified significant unavoidable impact(s) including unavoidable adverse impacts to traffic and Greenhouse Gas emissions may be considered acceptable, for the reasons set forth below.

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

- 1) The subdivider as part of the project proposes to construct a bicycle/pedestrian trail from San Benancio Road to River Road along the south side of Highway 68. This is one of the project objectives listed in the DEIR. An offstreet bicycle and pedestrian path is a desirable amenity in that it provides a safe route for commuting and for recreation. This is a scenic location that currently has a wide shoulder on Highway 68 functioning as an on-street bike lane. This is a well utilized corridor for bicyclists and an off street segment would be a desirable amenity. The placement of the bicycle and pedestrian trail within the open space of the project will enable the public to enjoy the scenic nature of the location. The TAMC bicycle master plan does not show an off-street bicycle path in this location so this is an amenity that would not otherwise be

provided. It will provide off street connections to the entrance to Toro County Park.

- 2) The subdivider will improve approximately 1.3 miles of Highway 68 from two to four lanes and install a new four way intersection with traffic signal at New Torero. The widening of Highway 68 is an identified project in the TAMC program to provide regional improvements. The widening of the highway as part of this project will install these improvements much earlier than if the project were to be constructed through collection of development impact fees by the Regional Development Impact Fee Joint Powers Authority. The result will be a benefit to the Toro Park Neighborhood by eliminating cut through traffic in the Toro Park Subdivision and by enhancing safety by eliminating uncontrolled turning movements across Highway 68 to the existing Torero Drive.
- 3) The eastern portion of the project site is within the 2010 General Plan Agricultural Winery Corridor Plan. This project would provide a parcel that could be used for a visitor center for the Agricultural Winery Corridor near the intersection of Highway 68 and River Road. The 2010 General Plan identifies the desire to have a visitor center for the Ag Winery Corridor near the intersection of Highway 68 and River Road. Parcel D will be dedicated to the Ag Land Trust to allow such an opportunity.
- 4) The project would preserve 700 acres of the site in permanent open space and this area would continue to be used for cattle grazing. In order to insure that the 700 acres remains in open space a scenic and conservation easement will be recorded over the property and the property will be dedicated to the Ag Land Trust.
- 5) The implementation of this project will result in the creation of jobs associated with the installation of subdivision improvements, future construction of residences and ongoing maintenance of the residences on site.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Certify that the Final Environmental Impact Report (FEIR) for the Ferrini Ranch Subdivision was completed in compliance with CEQA, that the FEIR was presented to the Board of Supervisors, that the Board of Supervisors considered the information contained in the FEIR before approving the project, and that the FEIR reflects the independent judgment and analysis of the County;
- b. Adopt the findings set forth in this resolution; and
- c. Adopt the Statement of Overriding Considerations set forth in this resolution.

PASSED AND ADOPTED on this December 16, 2014, by the following vote:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

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