



Monterey County

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Board Report

Legistar File Number: 16-847

July 12, 2016

Introduced: 6/29/2016

Version: 1

Current Status: Agenda Ready

Matter Type: General Agenda Item

PLN040758-EXT1 - Domain Corporation (Ferrini Ranch Subdivision)

Approve a stay, up to five years (until January 15, 2020), for expiration of the Vesting Tentative Map for the Domain Corporation (Ferrini Ranch) subdivision pursuant to Government Code Section 66452.6(c) and Monterey County Code Section 19.05.060.B while litigation is pending.

Proposed CEQA Action: Previously Certified Environmental Impact Report (EIR).

Highway 68 between San Benancio and River Road, Toro Area Plan

RECOMMENDATION:

It is recommended that the Board of Supervisors grant a stay for expiration of the Vesting Tentative Map for the Domain Corporation (Ferrini Ranch) subdivision pursuant to Government Code Section 66452.6(c) and Monterey County Code Section 19.05.060.B while litigation is pending; the stay shall be for five years or until the litigation is concluded, whichever is sooner.

PROJECT INFORMATION:

Planning File Number: PLN040758-EXT1

Owner: Domain Corporation

Project Location: Highway 68 between San Benancio and River Road, Toro Area

APNs: 161-011-019-000, 161-011-030-000, 161-011-039-000, 161-011-057-000,
161-011-058-000, 161-011-059-000, 161-011-078-000, 161-011-084-000,
161-031-016-000, and 161-031-017-000

Zoning: The property will be zoned as part of the General Plan Implementation

Parcel Size: 870 acres

Agent: Anthony Lombardo & Associates (Tony Lombardo)

Plan Area: Toro Area Plan

CEQA Action: Previously Certified Environmental Impact Report (EIR)

SUMMARY:

This action would stay the expiration of the Vesting Tentative Map for the Ferrini Ranch Subdivision project while litigation is pending on the approval of the map. The stay would expire when the litigation is concluded or five years from the filing of the litigation (January 15, 2020), whichever is sooner. On December 16, 2014, the Board of Supervisors approved the Combined Development Permit for the Domain Corporation (Ferrini Ranch) Subdivision project. LandWatch Monterey County, California Utilities Service and the Highway 68 Coalition each filed lawsuits challenging the County's approval of the project. The stay is pursuant to the Subdivision Map Act, which provides for a stay of the expiration period of the Map while litigation is pending for up to five years, if the subdivider applies for and the County approves the stay. (Government Code Section 66452.6.c.)

DISCUSSION:

On December 16, 2014, the Board of Supervisors approved the Combined Development Permit for the Domain Corporation (Ferrini Ranch) Subdivision project. On January 15, 2015, the Highway 68 Coalition filed a lawsuit challenging the County's approval of the project (Monterey County Superior Court Case No. M130660). Additionally, on January 15, 2015, a second lawsuit was filed by California Utilities Services, challenging the County's approval of the project (Monterey County Superior Court Case No. M130665). On January 16, 2015, a third lawsuit was filed by LandWatch Monterey County, challenging the County's approval of the project (Monterey County Superior Court Case No. M130670).

Government Code Section 66452.6(c) provides that the life of a tentative subdivision map shall not include any period of time during which a lawsuit involving the approval of the map is or was pending in a court of competent jurisdiction if the stay of the time period is approved by the local agency. Upon request, the local agency may stay the time period for up to five (5) years. Monterey County Code Section 19.050.060.B provides that the vesting tentative map shall expire twenty-four (24) months after its approval unless litigation involving the approval of the tentative map has been filed and is a stay of such time period is approved by the County following a written request of the subdivider. A written request from Tony Lombardo, Anthony Lombardo & Associates, on behalf of Domain Corporation was received by the County on March 2, 2016 (**Attachment A**). Without the requested stay, the map will expire on December 16, 2016. No issues have been raised which would warrant that the stay not be approved. Accordingly, staff is recommending that the Board approve the request to stay the time period of the expiration of the map up to January 15, 2020, while litigation is pending.

OTHER AGENCY INVOLVEMENT:

County Counsel was consulted.

FINANCING:

Funding for staff time associated with this project is included in the FY15-16 Adopted Budget for RMA-Planning.

Prepared by: David J. R. Mack, AICP, Senior Planner, Ext. 5096
Reviewed by: John H. Ford, RMA-Services Manager, Ext. 5158
Approved by: Carl P. Holm, AICP, Resource Management Agency Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Letter from Applicant dated March 2, 2016.

cc: Front Counter Copy; David J. R. Mack, Project Planner; John H. Ford, RMA Services Manager; Mark Kelton, Applicant/Owner; Anthony Lombardo & Associates (Tony Lombardo), Agent; Office of Brian Finnegan, Agent; Monterey County Environmental Health Bureau; RMA-Public Works; Monterey County Water Resources Agency; Monterey Bay Unified Air Pollution Control District (Amy Clymo); Monterey County Regional Fire Protection District; Caltrans District 5 (John Olejnik); County Counsel; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Rachel Saunders (Big Sur Land Trust); Mike Weaver; Dee Baker; Tom Gowing; Laurel Hogan; Pat Huber; Guerremo Marquez; Judy Martinez; Eric Phelps; Project File PLN040758