

# Attachment A

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**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 amend Condition 50 of the       )  
Morisoli-Amaral Combined Development  
Permit (PLN020016-AMD1) to require  
improvements to Via Canada between Pine  
Canyon Road and the subdivision site to allow  
Via Canada to serve as interim primary access  
for Phases A and B of the subdivision.

WHEREAS, Amaral Ranches et al (“Applicant”) has applied to amend Condition 50 of the previously approved Morisoli-Amaral Combined Development Permit (PLN020016);

WHEREAS, on February 14, 2006, the Board of Supervisors certified an Environmental Impact Report and approved a Combined Development Permit (PLN020016) to allow 1) General Plan Amendment to amend the property's land use designation from Rural Grazing, 10 - 160 acre minimum and Permanent Grazing, 40 acre minimum, to Low Density Residential, 5 - 1 acres per unit, and Medium Density Residential, 1-5 units per acre; 2) Zoning Re-classification to change the zoning designations of the subject parcel from PG/40, RG/20, LDR/1 and RG/40 to LDR/B-6, LDR/B-6-VS, MDR/1, MDR/1 (24) and O zoning designations; 3) Vesting Tentative Map for the subdivision of 402 acres into 319 residential lots including 48 lots for development of inclusionary housing units, and 9 Open Space areas containing approximately 225 acres and including 5.5 acres of improved parkland; 4) Use Permit to allow development on slopes in excess of 30%; 5) Use Permit to allow removal of approximately 730 protected Oak trees; and 6) Use Permit to allow expansion of a sewage treatment facility; and 7) grading (approximately 700,000 cubic yards of cut and 630,000 cubic yards of fill).

WHEREAS, the Combined Development Permit/Vesting Tentative Map has remained active through a series of legislative and discretionary extensions, and on April 26, 2017 the Planning Commission approved an additional one year extension to February 14, 2018 (Resolution No. 17-012);

WHEREAS, the Combined Development Permit / Vesting Tentative Map remains active pursuant to Section 19.03.030(b) of the Monterey County Code, which states that “once a timely filing is made, subsequent actions of the County including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the County Surveyor shall be deemed a timely filing for purposes of this Section.” The applicant delivered the Final Map for Phase A to the County Surveyor on January 23, 2017 and submitted materials required to clear the conditions of the Combined Development Permit.

WHEREAS, Condition No. 50 of the Combined Development Permit requires improvements to Via Canada Road between Pine Canyon Road and the subdivision site for “emergency access only,” with the primary access to be from Pettitt Road, the design and construction of which is required by Condition No. 189.

WHEREAS, the Applicant has applied for an amendment to Condition 50 to allow for primary access to the Subdivision site for phases A and B to come from Via Canada off of Pine Canyon Rd instead of from Pettitt Road, as development of Pettitt Road will require acquisition of land and development of significant additional infrastructure intended to serve later higher density

phases of the subdivision not necessary for Phases A and B. The amended Condition 50 is attached to this resolution as Exhibit A and incorporated herein by reference.

WHEREAS, the Final Maps for Phases A and B would create 16 residential lots and 12 residential lots, respectively;

WHEREAS, section 19.08.010 of the Monterey County Code allows the appropriate decision-making body to consider amendments to conditions of a tentative map after public notice provided that:

- a) the final map has not been filed for recordation
- b) No lots, units, or building sites are added or deleted;
- c) The changes are consistent with the Monterey County 2010 General Plan, and the Central Salinas Area Plan
- d) The amendment will not result in a violation of Monterey County Codes
- e) There will be no new significant adverse environmental effect from the amendment;

WHEREAS, pursuant to section 19.08.010, the decision-making body shall “confine its consideration and action to the proposed modifications of the approved tentative map.”

WHEREAS, staff has prepared an Addendum to the EIR (SCH# 9704129) for the Board’s consideration; and

WHEREAS, a public hearing on the amendment to Condition 50 was duly noticed for June 19, 2018, with notice published in the *Monterey County Weekly* on Thursday June 7<sup>th</sup>, mailed to properties within a 300 foot radius of the project area, and posted on site on Saturday, June 9<sup>th</sup>, 2018.

NOW, THEREFORE, 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 makes the following findings:

1. **FINDING:** **CONSISTENCY** - The amendment meets the requirements of Section 19.08.010 – Modifications of Conditions to an Approved Tentative Map or Tentative Parcel Map—of the Monterey County Code.  
**EVIDENCE:**
  - a) The final map has not been filed for record. The Vesting Tentative Map has not expired, as explained in the recitals above. The applicant has submitted a Final Map for Phase A.
  - b) No lots, units, or building sites are being added or deleted. The applicant is only proposing amendment to Condition 50 to allow for a change in primary access for Phases A and B of the subdivision.
  - c) The changes are consistent with the Monterey County General Plan, the Inland Land Use Ordinance (Title 21) and the Central Salinas Valley Area Plan. Consistent with Policy S-4.21 and S-5.9 of the Safety Element of the Monterey County General Plan. Requirements of CalFire have been incorporated, and more than one access route for emergency response and evacuation will be provided. Staff has reviewed the changes for consistency with the Inland Land Use Ordinance (Title 21) and the Central Salinas Valley Area Plan for consistency with the proposed change and found no applicable policies or inconsistencies.

- d) There are no resulting violations of County Codes. The amendment does not result in any violation of the Monterey County Code, and no existing violations exist on the subject properties.
- e) There will be no new significant adverse environmental effect from the change. (See CEQA finding)

2. **FINDING:** **HEALTH AND SAFETY** - The amendment will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the project, or be detrimental or injurious to property or improvement in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The Condition Amendment was reviewed by RMA-Planning, Monterey County Regional Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. The respective agencies added language to the condition amendment, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Cal Fire reviewed the proposed amendment and determined that access to and from the 28 lots and the existing Canada de la Paz Subdivision will be sufficient when Via Canada serves as primary access for Phases A and B. To improve access, Quail Hills Road will be improved to connect with the existing Via Canada at each end. The amended condition text requires improvements to Quail Hills Road, (identified in the Amended Condition 50 Text) be shown on the Subdivision Improvement Agreement.
  - c) A traffic analysis (LIB180212) was prepared to analyze the use of Via Canada as interim primary access for Phases A and B. The analysis identified specific improvements and determined that no Level of Service impacts would occur as a result of the use of Via Canada as primary access for these phases. Construction of any other phase of the subdivision will require the design and construction of Pettitt Road, as shown on the approved Vesting Tentative Map and as required by Condition No. 189. At the time of construction of any Phase after A and B, Pettitt Road shall serve as the primary access for all phases of the subdivision, including Phases A & B. Following the construction of Pettitt Road, Via Canada from the subdivision limits to Pine Canyon Road shall become an emergency access for the subdivision.
  - d) Monterey County Resource Management Agency independently reviewed and concurred with the traffic analysis.

3. **FINDING:** **CEQA:** - The Board of Supervisors has considered an addendum to the Tavernetti Residential Subdivision EIR (SCH# 9704129) and finds that some additions or changes are necessary to the previously certified EIR but none of the conditions described in Section 15162 of the CEQA Guidelines have occurred.

- EVIDENCE :**
- a) An Environmental Impact Report (SCH# 9704129) was prepared for the Tavernetti Residential Subdivision and certified on February 14, 2006.
  - b) The amendment does not represent a substantial change in the project. The interim change in primary access for the first 28 lots of the 319 totals lots of the subdivision from Pettitt Road to Via Canada Road is

not a substantial change. Via Canada was already intended to serve as an access route to the subdivision. A Traffic Analysis prepared by traffic engineer Keith Higgins and independently reviewed and verified by Monterey County found that the change to use Via Canada as interim primary access for Phases A and B will not result in new significant environmental effects or a substantial increase in the severity of previously identified environmental effects. Improvements recommended by the Traffic Analysis have been incorporated into the Amended Condition text. No other categories of environmental concern are affected by the amendment, and there are no changed circumstances that would result in a new significant environmental effect or substantial increase in the severity of a previously identified significant environmental effect

- c) No new information of substantial importance has been introduced which would indicate that the project will have one or more significant effects not discussed in the previous EIR or that significant effects previously examined will be substantially more severe than shown in the previous EIR, or that mitigation measures or alternatives found infeasible are now feasible. The amendment only changes the primary access for Phases A and B of the subdivision and requires identified road improvements, which have been required in the Amended Condition Text.
- d) The attached addendum (Attachment C) to EIR (SCH# 9704129) has been prepared to document the non-substantial change to the original project,

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

Approve the amendment to Condition No. 50 of the Morisoli-Amaral Combined Development Permit to allow the use of Via Canada Road as an interim primary access for Phases A and B of the subdivision, subject to the conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

PASSED AND ADOPTED on this \_\_\_\_\_, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, 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:

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
Deputy

# Monterey County RMA Planning

## DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN020016-AMD1

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

This Condition Amendment (PLN020016-AMD1) amends Condition Number 50 of the Morisoli-Amaral Combined Development Permit (PLN020016). The property is located west of the Pine Canyon Road and Pettitt Road intersection approximately two miles southwest of King City (Assessor's Parcel Number 221-122-025-000, 221-122-038-000, 221-155-013-000, 221-161-017-000, 420-063-044-000, 420-063-045-000, 420-063-046-000, 420-063-054-000 and 420-063-055-000), Central Salinas Valley Area Plan. Except for the amendment to Condition 50, all conditions of the original Combined Development Permit (PLN020016) remain in full force and effect. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

**Compliance or  
Monitoring  
Action to be Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

## 2. PDSP\_NONSTANDARD\_AMENDED CONDITION NO.50

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Condition No. 50 of the original Combined Development Permit (PLN020016) is amended to read as follows:

Subdivider shall be allowed to use Via Canada as an interim primary access for Phases A & B of the subdivision. Said phases are defined on Sheet 3 of the Vesting Tentative Map, and consists of a total of 28 lots. This interim access use shall be allowed only until such time that any other phases of the subdivision are developed and constructed. The use of Via Canada as the interim primary access for Phases A & B of the subdivision shall terminate prior to the sale or transfer of ownership of the first lot of any other phase of the subdivision. Construction of any other phase of the subdivision will require the design and construction of Pettitt Road, as shown on the approved Vesting Tentative Map and as required by Condition No. 189. At that time, Pettitt Road shall serve as the primary access for all phases of the subdivision, including Phases A & B. Following the construction of Pettitt Road, Via Canada from the subdivision limits to Pine Canyon Road shall become an emergency access for the subdivision.

Subdivider shall design and construct improvements to that portion of Via Canada between Pine Canyon Road and the subdivision site to allow Via Canada to serve as the interim primary access for only Phases A & B. The improvements shall also include improvements to the intersection of Via Canada and Pine Canyon Road. Access improvements shall include a reconfiguration of the driveway serving APN 221-161-021-000 and 221-161-022-000 to prevent direct egress to Pine Canyon Road. Egress from said parcel to Pine Canyon Road shall be provided through a connection to Via Canada. Appropriate easement rights for access shall be conveyed to APN 221-161-021-000 and 221-161-022-000. Via Canada shall be required, at a minimum, to be designed and constructed as a Private Rural Sidehill Road (Tertiary) according to County Standards with a minimum total pavement width of 20 feet. The improvements shall also include the recommendations for improvements as identified in Section 3 of the updated traffic analysis prepared by Keith Higgins, Traffic Engineer, dated March 6, 2018. The design is subject to approval of the Resource Management Agency and the fire department.

Subdivider shall design and construct improvements to Quail Hills Road to connect to Via Canada as required by Cal Fire. Prior to occupancy of the first unit of Phase A, the portion of Quail Hills Drive through Phases B and F as shown on the Vesting Tentative Map will be paved with a 12' wide lane, and turn-outs will be provided as required. Prior to occupancy of Phase B, the remainder of Quail Hills Drive will be widened to 20 feet. (Public Works)

**Compliance or  
Monitoring  
Action to be Performed:**

Subdivider shall submit the design of the required improvements to Via Canada and Quail Hills Road for review and approval of RMA and the fire department. The required improvements shall be included in the subdivision improvement plans and shall be referenced in the subdivision improvement agreement, with security provided per said agreement, prior to filing the Final Map for Phases A or B, whichever comes first. Construction of the required improvements must be completed prior to occupancy of the first unit of any phase. The use of Via Canada as the interim primary access for Phases A & B of the subdivision shall terminate, and primary access for Phases A & B via Pettitt Road shall be constructed prior to the sale or transfer of ownership of the first lot of any other phase of the subdivision.

Subdivider/Owner shall also record an easement deed granting easement access rights appurtenant to APN 221-161-021-000 and 221-161-022-000 over the most easterly 150± feet of Via Canada.

**3. PD002 - NOTICE PERMIT APPROVAL**

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

The applicant shall record a Permit Approval Notice. This notice shall state:

"A Condition Amendment (Resolution Number \_\_\_\_\_) was approved by the Board of Supervisors for Assessor's Parcel Number 221-122-025-000, 221-122-038-000, 221-155-013-000, 221-161-017-000, 420-063-044-000, 420-063-045-000, 420-063-046-000, 420-063-054-000 and 420-063-055-000 on July 19, 2018. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

**Compliance or  
Monitoring  
Action to be Performed:**

Prior to recordation of Phase A Final Map, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

#### 4. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** County Counsel

**Condition/Mitigation Monitoring Measure:** The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.