

RESOLUTION NO. 2369

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
APPROVING THE VISTA SOLEDAD COMMUNITY VESTING
TENTATIVE SUBDIVISION MAP (PROJECT AREA 1)**

WHEREAS, Michael A. Dadasovich, Kathleen D. Dadasovich, Michael Hat, and Sharon Hat are the owners of property adjacent to the City of Soledad identified herein as Project Area 1, which contains Assessor's Parcel Numbers 257-101-37 and 39 and is located west of West Street and east of San Vicente Road; and,

WHEREAS, Michael A. Dadasovich, Kathleen D. Dadasovich, Michael Hat, and Sharon Hat have applied to the City of Soledad through Westvail, Inc. for rezoning and zoning map amendment, annexation, and approval of a vesting tentative subdivision map for Project Area I to allow for the development of single family residential, commercial, and public/institutional land uses; and,

WHEREAS, the City Council of the City of Soledad has adopted a resolution for certification of the Vista Soledad Community Final Environmental Impact Report (FEIR) as adequate and the FEIR has been prepared in accordance with the requirements of and pursuant to the California Environmental Quality Act (CEQA); and,

WHEREAS, the FEIR has been prepared in accordance with the requirements of and pursuant to the California Environmental Quality Act (CEQA) and reflects the independent judgment of the lead agency; and,

WHEREAS, the City Council of the City of Soledad has adopted an ordinance rezoning Project Area 1 of the Vista Soledad Community Subdivision, which is comprised of approximately 205+/- acres, to R-1 (Single-Family Residential District), C-C (Community Commercial District), PF (Public Facility District), and OS (Open Space District); and,

WHEREAS, the City Council of the City of Soledad has adopted a resolution requesting the Monterey County Local Agency Formation Commission to initiate proceedings to annex Project Area 1 of the Vista Soledad Community Subdivision, which is comprised of approximately 205+/- acres, to the City of Soledad; and,

WHEREAS, the Planning Commission of the City of Soledad held a public hearing on July 7, 1994 to consider the adequacy of the FEIR and to consider the proposed project; the Planning Commission directed staff to modify some mitigation measures for purposes of drafting conditions of approval for the vesting tentative subdivision map for Project Area 1, directed the applicant to

work out differences with the school districts on adequate mitigation, and continued the public hearing until July 25, 1994; and,

WHEREAS, the Planning Commission of the City of Soledad held a public hearing on the proposed project on July 25, 1994, and, after confirming proper modification of tentative map conditions and receiving a report concerning an impact mitigation agreement reached between the project proponent and the local school districts, recommended that the City Council of the City of Soledad approve the vesting tentative subdivision map as conditioned, with certain modifications recommended by the City Staff of the City of Soledad; and,

WHEREAS, the vesting tentative subdivision map included in "Exhibit A" attached hereto and incorporated herein by reference includes those project conditions modified in a memorandum to the Planning Commission and City Council, dated July 18, 1994, from the City Attorney as deemed necessary by the City Council of the City of Soledad included in "Exhibit B" attached hereto and incorporated herein by reference; and,

WHEREAS, this resolution is adopted subject to the vesting tentative map findings and CEQA certification and findings included in "Exhibit C" and "Exhibit D", attached hereto and incorporated herein by reference.


NOW, THEREFORE, be it hereby resolved by the City Council of the City of Soledad as follows:

1. This resolution is hereby adopted by the City Council of the City of Soledad approving the Vista Soledad Community Subdivision Vesting Tentative Subdivision Map (Project Area 1) subject to the second reading and adoption of the Ordinance rezoning the property, the vesting tentative subdivision map included in "Exhibit A" attached hereto and incorporated herein by reference, incorporating those conditions deemed necessary by the City Council in "Exhibit B" attached hereto and incorporated herein by reference, and subject to the findings included in "Exhibits C, and D" attached hereto and incorporated herein by reference.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Soledad duly held on the 8th day of August, 1994, by the following vote.

AYES, and in favor thereof, Councilmembers: John Holguin, Ben Jimenez, Jr., Richard Ortiz, Mayor Pro Tem Fabian Barrera, Mayor Fred Ledesma.

NAYES, Councilmembers: None
ABSENT, Councilmembers: None


MAYOR OF THE CITY OF SOLEDAD

ATTEST:


CITY CLERK OF THE CITY OF SOLEDAD

Exhibit A
Vesting Tentative Subdivision Map

PROPOSED
LA CUESTA VIEWS
SUBDIVISION

SOLEDAD CITY LIMITS

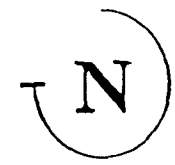
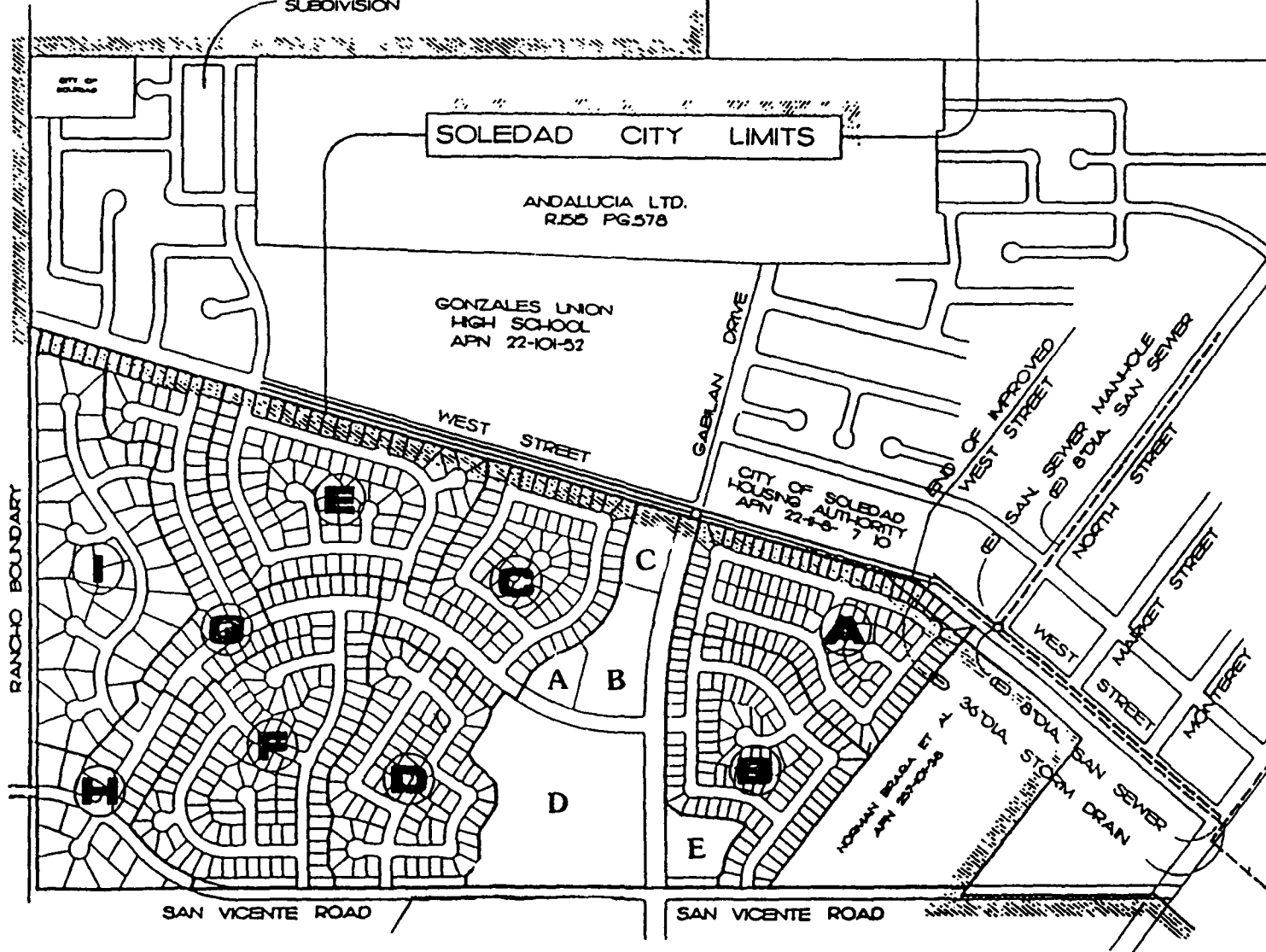
ANDALUCIA LTD.
R.155 PG578

GONZALES UNION
HIGH SCHOOL
APN 22-101-52

CITY OF SOLEDAD
HOUSING AUTHORITY
APN 22-1-8-7-10

Legend

- A Parcel A
- B Parcel B
- C Parcel C
- D Parcel D
- E Parcel E
- A** Village A
- B** Village B
- C** Village C
- D** Village D
- E** Village E
- F** Village F
- G** Village G
- H** Village H
- I** Village I



No Scale

Source: HD Peters and Company



A Land Use Planning
and Design Firm

Vista Soledad Community
Project Consideration Package

Project Area 1
Vesting Tentative Subdivision Map

Exhibit

A

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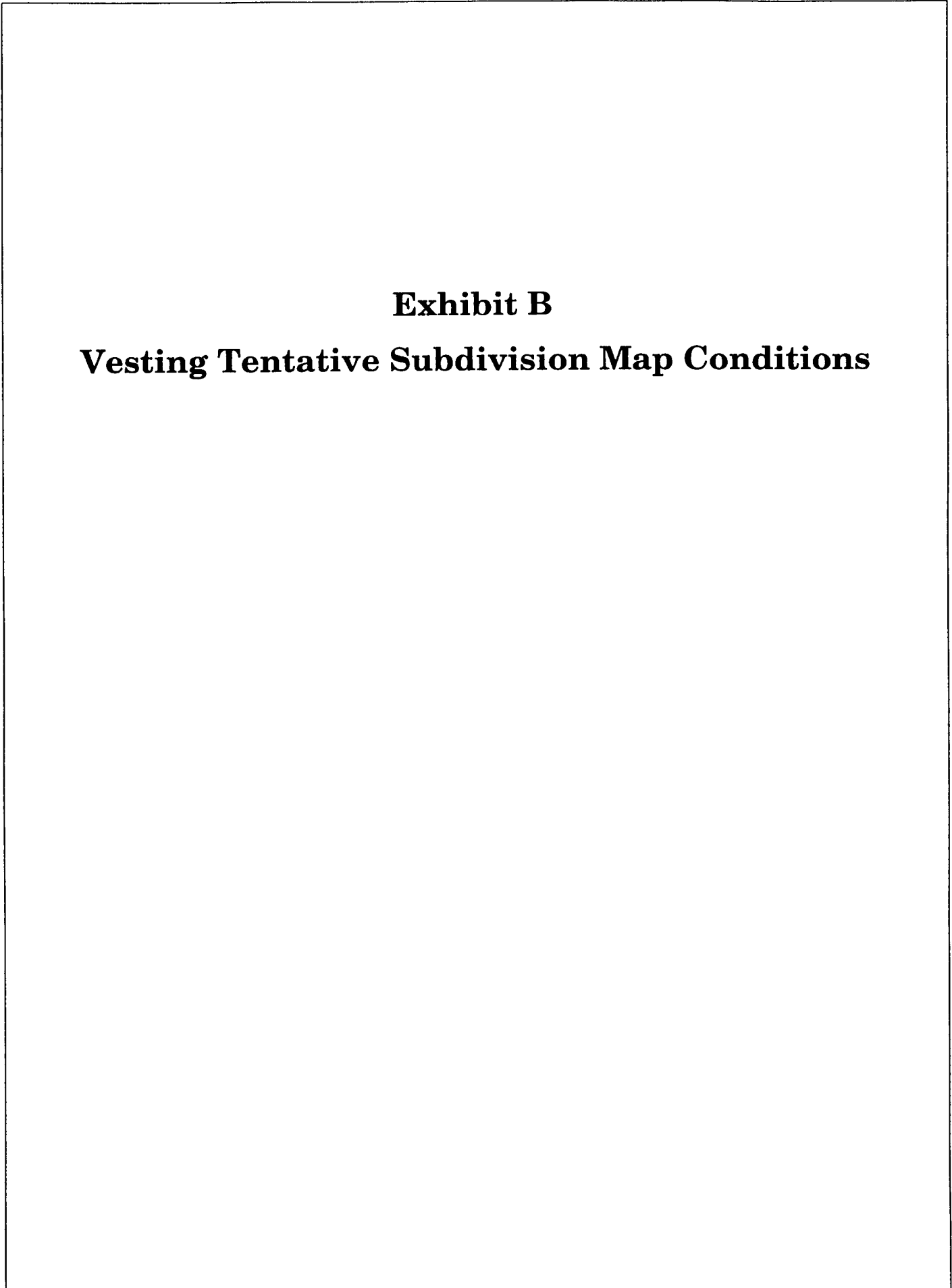


Exhibit B
Vesting Tentative Subdivision Map Conditions

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Exhibit B

Vesting Tentative Subdivision Map Conditions

These conditions of approval collectively constitute the conditions applicable to Project Area 1, referred to as the Vista Soledad Community Subdivision.

Standard Conditions

- 1 All development within Project Area 1 shall conform to the approved tentative subdivision map except as otherwise provided herein. Any significant deviation from the vesting tentative subdivision map (except to the extent required by these conditions of approval) shall be subject to approval by the Planning Commission. Any questions of intent or interpretation of the vesting tentative subdivision map or of the conditions of approval contained herein shall be resolved by the City Planning Director upon written request of the project proponent. Decisions of the Planning Director may be appealed by a project proponent after submission of appropriate fees in the manner set forth in the Soledad Municipal Code Section 17 46 020
2. The project proponent agrees that the improvements shown on the vesting tentative subdivision map are conceptual only, and the final configuration of the improvements will be determined during review and approval of the final subdivision map(s), subdivision improvements plans, design studies and calculations prepared by the project proponent and approved by the City Staff.
- 3 The project proponent shall prepare a final subdivision map(s) which is in substantial conformance with the vesting tentative subdivision map (except to the extent required by these conditions of approval) and shows all required easements subject to the review and approval of City Staff prior to approval by the City Council. The vesting tentative subdivision map for the proposed project shall expire two years from the date of final approval by the Planning Commission or, as allowed by state law, unless an extension of time is granted by the Planning Commission pursuant to a written request prior to the expiration date. The project proponent shall also provide subdivision improvements plans showing all public and private improvements separate from the submittal of the final subdivision map(s). Notwithstanding the foregoing language, the life of the vesting tentative subdivision map may be extended by the terms of any development agreement entered into by the project proponent and the City of Soledad.

- 4 Prior to approval of the final subdivision map(s) by the City Council for any portion or stage of the proposed project, the project proponent shall prepare subdivision improvements plan for all public and private improvements necessary for said portion or stage of the project. Any plan for the staging of public and private improvements shall be approved by City Staff prior to approval of the first final subdivision map by the City Council. Any staging plan must be set forth in the terms of any development agreement entered into by the project proponent and the City of Soledad.
- 5 All engineering design, including, but not limited to storm drainage and appurtenances, sanitary sewers and appurtenances, streets including but not limited to geometrics, sight distances, lighting and soundwalls, water systems and appurtenances, signing and striping, landscaping and appurtenances, shall be supported by applicable engineering studies and calculations and any changes to the vesting tentative subdivision map due to the findings and subsequent review of these studies and calculations shall be incorporated into the final subdivision map(s) and subdivision improvements plans subject to the review and approval of the City Staff prior to approval of the final subdivision map(s) by the City Council. In the event the project is developed in stages, design plans shall be submitted for each stage of development.
- 6 The project proponent shall enter into a subdivision agreement with the City of Soledad, including appropriate security prior to the approval of the final subdivision map(s) by the City Council. The subdivision agreement shall be approved by the City Council and executed by the City Manager.
- 7 The approval of the vesting tentative subdivision map is conditioned upon approval of the required annexation of the subject property to the City of Soledad by the Monterey County Local Agency Formation Commission. Said approval shall be obtained prior to approval of the final subdivision map(s) by the City Council.
- 8 The project proponent shall obtain any necessary approvals or permits from any other governmental agency with jurisdiction over the proposed project, and shall be responsible for all costs necessary in obtaining approvals of permits from other governmental agency with jurisdiction over the proposed project. Any dispute regarding conditions of approval to be implemented shall be resolved by the City Planning Director upon written request of the project proponent. Decisions of the Planning Director may be appealed by a project proponent after submission of appropriate fees in the manner set forth in the Soledad Municipal Code Section 17.46.020.
- 9 The project proponent shall obtain an encroachment permit from the City of Soledad or Monterey County for all work within the City of Soledad or Monterey County rights-of-way.

- 10 The conditions of approval contained herein shall be perpetual and it is the intention of the City of Soledad that the conditions of approval run with the land and to bind the landowner, successors and assigns in interest of the subject property, to all of the conditions of approval. Any questions of intent or interpretation of the vesting tentative subdivision map or conditions of approval contained herein shall be resolved by the City Planning Director upon written request of the project proponent. Decisions of the Planning Director may be appealed by a project proponent after submission of appropriate fees in the manner set forth in the Soledad Municipal Code Section 17 46 020
- 11 The project proponent shall submit a written statement of intent to accept and fulfill all conditions of approval as approved by the Planning Commission within a period of thirty (30) days after LAFCo approval of the proposed project. This statement shall be binding on the landowner, successors and assigns in interest of the subject property and shall be submitted to the City Clerk. The Planning Commission's action to approve the proposed project shall be null and void unless this statement of intent is filed with the City Clerk within the specified time period.
- 12 The project proponent shall be responsible for carrying out all duties set forth in the mitigation monitoring program adopted for the proposed project. Efforts shall be made to design the mitigation monitoring program so as to ensure compliance during project implementation. To the extent necessary, the project proponent's compliance with said mitigation monitoring program shall be subject to review and approval by those agencies and officials designated in the program.
- 13 The project proponent shall be required to reimburse the City of Soledad for all engineering, inspection, legal, and administrative expenses, incurred or to be incurred by the City of Soledad in connection with the proposed project, including expenses incurred through the use of outside consultants where necessary. Within thirty (30) days after approval of the vesting tentative subdivision map by the Planning Commission, the project proponent shall deposit with the City of Soledad the sum of \$5,000 to be used and applied in the reimbursement of said expenses. At the time of submission of the final subdivision map(s) and subdivision improvement plans for the proposed project, the project proponent shall deposit funds sufficient to raise said account to the total sum of \$25,000. This balance shall be maintained in the said account at all specified times. The City shall account to project proponent for all expenses for which reimbursement is claimed, providing copies of all back-up materials in a timely manner, and shall return any portion of said deposit in excess of the actual amount of expenses incurred. If and when said balance drops below \$5,000, the project proponent shall, within fifteen (15) days after written request from the City Staff, deposit funds sufficient to bring this balance back to \$15,000 to make up for this deficiency. Any funds left in the project proponent's account for the processing of the environmental document and related documents may be credited to the aforementioned account. The said account is separate from the account established for

processing The need for the maintenance of this account shall cease upon acceptance of the subdivision improvements.

14. Unless otherwise specified herein, the project proponent shall be responsible and agrees to pay all land costs and related legal fees should it be necessary for the City of Soledad to use its condemnation powers to obtain land that is under separate ownership or leasehold in order to implement the conditions of approval contained herein.
15. The project proponent shall submit a subdivision guarantee disclosing any and all easements, deed restrictions, dedications, and changes in ownership in a form acceptable to the City Staff. The subdivision guarantee shall be submitted prior to approval of the final subdivision map(s) by the City Council.
16. The project proponent shall provide evidence of commitment to serve from utilities, including, but not limited to, electrical service, natural gas service, telephone service, cable television service, and postal service. Said evidence shall be reviewed and approved by City Staff prior to approval of the final subdivision map(s) by the City Council.
17. All new and existing utilities on the project site and associated with the proposed project, including electrical lines, electrical transmitter boxes, gas, telephone, and cable television shall be placed underground. All electrical and gas utilities shall be placed underground per PG&E requirements. This shall be indicated on the final subdivision map(s) and subdivision improvements plans and shall be reviewed and approved by City Staff prior to approval of the final subdivision map(s) by the City Council. To the extent feasible, the City of Soledad and the project proponent shall cooperate in locating and/or establishing alternative funding for utility undergrounding, including, but not limited to, formation of an appropriate assessment district. ~~Notwithstanding, the unavailability of such funds shall not relieve the project proponent of its obligation to underground all new and existing utilities.~~
18. The project proponent shall allow access to the subject property at all times during construction to allow the inspection of the subject property by City Staff, agents of the City of Soledad, and agents of any agency with jurisdiction over some aspect of the project.
19. The City of Soledad has recently prepared and adopted a development impact fee ordinance to assist in the mitigation of impacts on transportation, public services, and other areas of concern associated with proposed development in the City of Soledad. The project proponent shall be responsible for the payment of development impact fees as established in the development impact fee ordinance prior to the issuance of any building permits for the proposed project. Additionally, the project proponent shall be responsible for the payment of impact fees related to the city's "Wastewater Reclamation System", as may hereafter be established by the City Council. ~~The project proponent shall be responsible for the payment~~

~~of development impact fees as established in the development impact fee ordinance prior to the issuance of any building permits for the proposed project.~~ Payment of development impact fees referenced above may be modified pursuant to the terms of any development agreement entered into by the project proponent and the City of Soledad.

- 20 All public street names shall be reviewed and approved by the City Planning Director prior to approval of the final subdivision map(s) by the City Council
- 21 The project proponent shall prepare and submit a public street landscape plan to be included in the subdivision improvements plans and subject to the review and approval of the City Staff prior to approval of the final subdivision map(s) by the City Council.
- 22. Offers of dedication shall be completed and recorded prior to or simultaneous with recordation of the final subdivision map(s)
- 23 The following conditions shall be included in the final subdivision map(s) and subdivision improvement plans subject to review and approval of the City Staff prior to approval of the final subdivision map(s) by the City Council
 - a. Monuments shall be set at all new property corners created and a registered civil engineer or licensed land surveyor shall indicate, by certificate on the final subdivision map, that corners have been set or shall be set by a date specific and that they will be sufficient to enable the survey to be retraced.
 - b Driveways shall be designed and located to city standards
 - c. All buildings, parts of buildings, or other obstructions (including trees or wires) over access driveways shall have no less than 12 feet of vertical clearance for finished driveway surface.
 - d. The project access and parking should be of sufficient width to allow access and turning of fire protection and emergency vehicles.
 - e. Street improvements along all public streets shall include curb, gutter, sidewalks, and street trees Notwithstanding this requirement, the referenced street improvements may be modified by the terms of any development agreement entered into by the project proponent and the City of Soledad.
 - f. A typical landscaping plan shall be prepared to include, but not be limited to the following:
 - front yard landscaping for residential units,

- types of plants and trees that may be planted in residential areas,
- general location and types of street trees that may be planted,
- landscaping of all buffer areas on the project site, and
- the type of low water use "xeriscape" landscaping as defined by the Monterey County Water Resources Agency Water Conservation Ordinance.

g. Every single-story and two-story building shall be located so that the farthest point from an access road capable of being used by fire apparatus shall not exceed 150 feet. This distance shall be measured around the perimeter of the building and shall take into consideration any natural or manmade barriers such as trees, shrubs, fences, etc.

h. All structures shall be designed to be energy efficient in accordance with all state and local standards. Structures shall be designed so as to allow for the installation of solar panels.

i. The wall along West Street shall be designed in accordance with city standards.

j. All residential property adjoining future commercial, public, or institutional land uses shall be separated by a minimum six-foot tall masonry wall.

k. All residential lots within a given stage shall have front yard landscaping completed prior to acceptance of final improvements for that stage.

l. All commercial development shall be required to obtain a conditional use permit.

~~m. A development agreement between the City of Soledad and the project proponent shall be required prior to approval of the proposed project by the City Council.~~

m n. Each stage of development shall have adequate access and services. Specific access and service needs, and the staging of the development of such factors, shall be set forth in any development agreement entered into by the project proponent and the City of Soledad.

n o Fire hydrants shall be installed per City of Soledad standards and the exact location shall be plotted and approved by the fire chief and public utilities superintendent.

- o p All covenants, conditions, and restrictions shall be identified to cover maintenance and up keep of landscaping including street trees and buffer areas.
- p q Two proposed local streets, Gregario and Anseling, located in Villages A and B of Project Area 1 shall be extended to the southern property line. In the event property to the south of Project Area 1 is developed in such a manner so as to obviate the need to extend said streets, the streets shall may be abandoned with the attendant property reverting back to the project proponent's ownership
- q r Lots 52 and 53 in Village A of Project Area 1 shall be reconfigured to provide a 45 degree angle widening of the Gabilan Drive/West Street intersections for approximately 25 feet.

24. The following items shall be included in the declaration of restrictions for the proposed project which shall be reviewed and approved by the City Staff prior to the approval of the final subdivision map(s) by the City Council
- a. Numbers should be visible for emergency situations and show dark on light or vice versa for easy readability Numbers should also be visible in large print on curb faces.
 - b. Front doors of buildings shall have single or double cylinder deadbolts with one-inch throws Additional security measures may be required pursuant to the terms of any development agreement entered into by the project proponent and the City of Soledad.
 - c. All buildings shall be insulated according to State of California Energy Standards.

25. In the event that a prehistoric site has been buried by wind-borne sand, making it nearly impossible to identify by a surface examination, and it is encountered during grading or excavation activities, the following mitigation measures shall be implemented.

The contractor work specifications shall include a provision stating that if suspected archaeological remains, such as midden, burial, or concentrations of river cobbles (burned or used) are discovered during grading or excavation activities, all work should be stopped within a 10-meter radius (35 feet) from the find. The City of Soledad Planning Director should be called immediately at 678-3963, no more than four hours after the discovery The Regional Archaeological Research Center and a local Indian Advisor should evaluate any find, preserve and/or remove it before damaging construction proceeds, destroying a nonrenewable resource.

Environmental Review Conditions

Geologic Conditions

- 26 Future development on the project site shall be designed in accordance with earthquake design regulations of the Uniform Building Code. Future development will also be subject to site specific construction investigation(s) to assure structural stability during an earthquake event prior to approval of final design plans. Final design plans for future proposed projects shall be subject to review and approval of the City Engineer prior to issuance of a building permit. (Mitigation Measure 1)

Soil Suitability Conditions

- 27 As a construction implementation step for all future development on the project site, the project proponent shall have a soils investigation completed by a qualified soils engineer; this requirement shall be incorporated as a condition of approval. The scope of this investigation shall be determined by the City Engineer and shall include a detailed analysis of the liquefaction hazard on the project site for proposed buildings. Recommendations from this investigation shall be incorporated into final improvement plans for all future development on the project site and shall be subject to review and approval by the City Engineer prior to issuance of a building permit. (Mitigation Measure 2)
- 28 As a construction implementation step, the project proponent shall conduct a detailed design-level soils investigation to ensure that structural foundations and subsurface improvements are appropriately designed to withstand the expansive nature of on-site soils and to ensure that grading and excavation plans are properly engineered. Recommendations of the soils investigation shall be incorporated into improvement plans for the project site, subject to review and approval by the City Engineer and City Building Department prior to issuance of a building permit. (Mitigation Measure 3)
- 29 As a construction implementation step, the project proponent shall prepare an erosion control plan for review and approval by the City Engineer prior to approval of the final subdivision map and improvement plans and issuance of a building permit. The erosion control plan shall include the following information.
- a. Measures for controlling erosion during construction of the proposed project, including detention basins to hold pre-development run-off volumes for a 100-year storm event, reseeded of disturbed areas, and periodic watering during excessive winds. These measures shall be included in contractor work specifications.

b Measures for controlling erosion after construction on the project site, including reseeding of disturbed areas. These measures shall be included in contractor work specifications. (Mitigation Measure 4)

30 Future development will be subject to site specific construction investigation(s) to assure structural stability during an earthquake, subject to the review and approval of the City Engineer prior to issuance of a building permit and approval of final subdivision map (Mitigation Measure 5)

Hydrology Conditions

31. Prior to future development, the project proponent shall be required to submit a detailed surface water drainage improvement plan for the project site and construct improvements specified in the plan. The plan shall include design and specifications for the on-site surface water drainage system and all off-site drainage improvements. The type, size, and location of all infrastructure improvements shall be determined by the City Engineer and Public Works Director (Mitigation Measure 6)

32. All off-site improvements shall be made in lieu of fees, if appropriate, the city shall enter into an agreement with the project proponent for reimbursement of all costs incurred over impact fee costs. These improvements as set forth in the final subdivision improvement plans incorporated into the development agreement for this project, shall be subject to review and approval by the City Engineer and Public Works Director prior to issuance of a building permit. The plan shall include, but not be limited to the following:

- a) Adequate drainage facilities to accommodate the added run-off from the proposed project as well as existing flows,
- b) Grease traps shall be provided to collect pollutants contained in the run-off from the project site,
- c) Any surface water drainage facilities shall also provide sediment and pollution control facilities such as, non-point source separator units, and
- d) Provisions for periodic sweeping of roadways, driveways, and parking areas in the commercial parcels of the project site. (Mitigation Measure 7)

33 The project proponent shall meet with the City of Soledad and the Soledad Union School District to determine the location and exact specifications of the proposed storm water drainage detention facility to be located on the project site. The proposed storm water drainage detention facility shall be incorporated in the final subdivision improvement plans, subject to the review and approval of the City Engineer, City Utilities Superintendent, and the Soledad Union School District prior to recordation of the final subdivision map (Mitigation Measure 8)

- 34 The project proponent shall design a surface water drainage facility to the north of the bike and pedestrian path to accommodate the 100-year storm event. This facility shall be contained within a drainage easement on-site, in accordance with the City of Soledad Design Standards and Standards Specifications and the City of Soledad General Development Map. This design shall be incorporated into final subdivision improvement plans, subject to review and approval by City Staff prior to issuance of a building permit. (Mitigation Measure 9)
- 35 The developer shall apply for, and obtain a *General Permit for Storm Water Discharges Associated with Construction Activity* by submitting a completed Notice of Intent (NOI) form and payment of \$500 to the State Water Resources Control Board prior to the issuance of a building permit. Further, the developer shall be required to comply with the terms of this permit during and after construction of the project which include, but are not limited to, the following:
- a. The use of water quality controls (i.e., Best Management Practices) both during and after construction such as
- Designing each project area to focus on minimizing directly connected impervious surfaces, to provide for slowing of storm water flows and increasing recharge potential,
 - Stabilizing denuded areas prior to the wet season (October 1 through May 1),
 - Limiting construction access routes and stabilizing access points,
 - Protecting adjacent properties with sediment barriers, dikes, or mulching;
 - Stabilizing and preventing erosion from temporary conveyance channels and outlets,
 - Using proper construction material and construction waste storage, handling, and disposal practices,
 - Protect outdoor storage materials from drainage with berms and roof covers,
 - Use appropriate landscape controls (irrigation and application of fertilizers, herbicides, and pesticides, and
 - Install structural storm water treatment controls such as, wet ponds, swales, vegetated filter strips, extended detention basins, and or sand filters.
- b. Performance of routine visual monitoring of these controls, and

- c. Submittal of an annual report, documenting all surface water drainage information to the State Water Resources Control Board. (Mitigation Measure 10)

Traffic and Circulation Conditions

36. A Transportation Demand Management (TDM) Program, consistent with the requirements of the Transportation Agency of Monterey County and the City of Soledad Trip Reduction Ordinance, shall be prepared. The program should describe methods for encouraging ride-sharing, vanpooling, and transit, not only by employees, but by potential patrons as well. The plan should also describe methods for encouraging alternative modes of transportation, such as pedestrian and bicycle access. The TDM program should be prepared for each phase of future development on the project site and incorporated into the final improvement plans for each project area. The TDM program is subject to review and approval by the City Manager and City Planning Director prior to recordation of the final subdivision map (Mitigation Measure 11)
37. Future development shall pay city-wide traffic impact fees prior to issuance of a building permit if these fees exceed costs of circulation improvements borne by project proponents. (Mitigation Measure 12)
38. One of the following improvement scenarios shall be incorporated into the final improvement plans prior to occupancy of any structure and shall be made in lieu of fees, reimbursements to project proponents shall be made, as necessary. These improvements are subject to review and approval by the City Planning Director, City Engineer, and City Manager prior to issuance of a building permit. The specific timing and implementation procedures for the following mitigation measures shall be determined in the development agreement between the project proponent and the City of Soledad.

Street Segments - Scenario 1

- Construct Gabilan Drive as a four-lane arterial with median left-turn channelization between San Vicente Road and West Street.
- Widen San Vicente Road to accommodate median left-turn channelization along the entire project boundary
- Relocate San Vicente Road between the Market Street extension and Front Street.
- All phases of development should have at least two access/egress points
- Consider extending Entrada Drive to Vista Del Soledad and closing off Puma Drive as a cul-de-sac.

Street Segments - Scenario 2

- Construct Gabilan Drive as a four-lane arterial with median left-turn channelization between West Street and the Moranda Road/North Soledad Highway 101 interchange.
 - All phases of development should have at least two access/egress points.
 - Consider extending Entrada Drive to Vista Del Soledad and closing off Puma Drive as a cul-de-sac.
 - Provide frontage improvements along Front Street to accommodate an ultimate four lane arterial.
 - Consider abandoning the southern portion of San Vicente Road between the Market Street extension and Front Street and realigning San Vicente Road to extend from the Market Street extension to Front Street as contained in Figure 25. Additional alignments of Gabilan Drive should be considered before establishing the final alignment. (Mitigation Measure 13 and 15)
- 39 One of the following improvement scenarios shall be incorporated into the final improvement plans prior to occupancy of any structure and shall be made in lieu of fees, reimbursements to project proponents shall be made, as necessary. These improvements are subject to review and approval by the City Planning Director, City Engineer, and City Manager prior to issuance of a building permit. The specific timing and implementation procedures for the following mitigation measures shall be determined in the development agreement between the project proponent and the City of Soledad.

Intersections - Scenario 1

- Construct a westbound Front Street right-turn lane at San Vicente Road.
- Provide separate left-turn and right-turn lanes on the southbound San Vicente Road approach at Front Street.
- When the Front Street/San Vicente Road intersection approaches signal warrants, eliminate the intersection and realign it to intersect with the Front Street/Moranda Road intersection as provided in Figure 25
- Signalize the Front Street/San Vicente Road intersection.
- Provide a westbound Front Street right-turn lane at West Street.

Intersections – Scenario 2

- The Gabilan Drive/San Vicente Road intersection will warrant northbound San Vicente Road left-turn and right-turn lanes in addition to a through lane, eastbound and westbound Gabilan Drive left-turn and through lanes. This intersection should be controlled by multi-way stop signs.
- Provide a northbound Moranda Road right-turn lane, a northbound Highway 101 Off-Ramp through lane, westbound Gabilan Drive left turn and through lanes, and northbound and southbound Moranda Road stop signs
- Relocate Moranda Road further south to intersect Front Street to accommodate a southbound Front Street left-turn lane. The relocation of Moranda Road should be aligned with the new San Vicente Road alignment.
- A second eastbound Front Street left-turn lane should be considered at Moranda Road to reduce left turn storage requirements. This would require two northbound Moranda Road through lanes.
- If the city determines that Moranda Road be left in its current configuration, signalization of the northbound Highway-101 off- and on-ramp–Gabilan Drive/Moranda Road intersection should be required.
- Signalize the Front Street/San Vicente Road intersection.
- Signalize the Front Street/West Street intersection.
(Mitigation Measure 14 and 16)

Air Quality Conditions

40. A Transportation Demand Management (TDM) Program, consistent with the requirements of the Transportation Agency of Monterey County and the City of Soledad Trip Reduction Ordinance, shall be prepared to result in a minimum 30 percent reduction in traffic generated by the proposed project to reduce pollutant emission levels for ROG, CO, NO_x, SO_x, and PM₁₀. The TDM Program, which will be a required provision in the development agreement entered into by the project proponent and the City of Soledad, shall be incorporated into the final improvement plans for each project area and is subject to review and approval by the City Planning Director prior to recordation of the final subdivision map for each stage of the project. (Mitigation Measure 18 17)
41. As a project implementation step, the project proponent(s) shall be required to prepare an emission reduction program, to be incorporated into any development agreement entered into by the project proponent and the City of Soledad, in order to minimize the vehicle-related pollutant emission levels for ROG, CO, NO_x, SO_x, and PM₁₀ generated by future

development on the project site. This program shall be subject to review and approval by the Planning Director prior to recordation of the final subdivision map for any stage of the project. The program shall, at a minimum, contain the following measures:

- a. The site plans for any commercial, industrial, or recreational development on the project site shall include provision of adequate and secure storage facilities for bicycles of both employees and customers, as well as the provision of employees shower and locker facilities, in order to encourage the use of bicycles for transportation.
 - b. The site plans for any development on the project site shall include provision for transit design features in order to encourage the use of alternative modes of transportation.
 - c. The site plans for any development on the project site shall include provision for pedestrian access between major points within the development in order to encourage the use of alternative modes of transportation. (Mitigation Measure 19 18)
- 42 Contractor specifications for any proposed construction project shall be submitted to the City of Soledad Planning Department for review and approval prior to issuance of a building permit for that specific development project. Contractor specifications shall include, but not be limited to, the following particulate emission reduction measures:
- a. Exposed earth surfaces shall be watered during clearing, excavation, grading, and construction activities. Watering of exposed surfaces should reduce particulate emissions by as much as 50 percent. All construction contracts shall require watering in late morning and at the end of each day. The frequency of watering shall increase if wind speeds exceed 15 mile per hour.
 - b. Throughout excavation activities, appropriate measures shall be taken to reduce or eliminate the dissemination of dust or particulate matter from material placed in haul trucks.
 - c. Develop a comprehensive construction activity management plan so as to minimize the emission of particulate matter on the construction site. The construction activity management plan shall be reviewed and enforced, as required, by the Planning Director.
 - d. Upon completion of construction, measures shall be implemented to reduce wind erosion. Revegetation and repaving of roadways, sidewalks, and parking lots shall be completed as soon as possible.
 - e. Any future development on the project site shall be required to comply with the MBUAPCD regulatory requirement regarding particulate emissions, subject to the review and approval of the Planning Director prior to issuance of a building permit (Mitigation Measure 20 19)

Water Service Conditions

- 43 The project proponent for Project Area 1 shall coordinate with the City of Soledad Public Works Department to determine the appropriate additional facilities required to ensure proper water flows to this area. Such improvements could include a separate pressure system with pumping station, an additional water storage tank, upsizing segments of the water main to provide for the required domestic and fire flow, and/or connection to the existing infrastructure at La Cuesta Views development. Once necessary additional facilities are determined, these facilities shall be included in project designs, subject to review and approval by the City Engineer prior to approval of the final map (Mitigation Measure 22 21)
44. The engineer for each project proponent shall analyze and design the proposed water distribution system and the improvements to the existing systems in accordance with the City of Soledad Design Criteria. The calculations shall be submitted to the City Engineer for review and approval prior to issuance of a grading permit. (Mitigation Measure 23 22)
- 45 A declaration of restrictions shall be coordinated with the City of Soledad and shall state that specific water-conservation methods shall be included in any future development of the project areas and recorded prior to approval of the final subdivision map and final improvement plans. The specific water conservation measures may include, but not be limited to the following:
- a. Ultra-low flush toilets (maximum of 1.5 gallons per flush),
 - b. Low-flow shower heads (maximum of 2.5 gallons per minute); and
 - c. Low-flow kitchen and lavatory faucets (maximum of 2.5 gallons per minute)
 - d. All front yards of all lots within a given stage shall be landscaped prior to the time of acceptance of the improvements for that stage and shall utilize low water use "xeriscape" landscaping as defined by the Monterey County Water Resources Agency Water Conservation Ordinance.
 - e. Turf grass shall be limited to a maximum of 15 percent of the entire landscape for all lots. Turf area may be increased to 25 percent of the entire landscape if a drought tolerant species is used (Mitigation Measure 24 23)
- 46 The project proponent for Project Area 1 shall be responsible for ensuring that the existing agricultural well is abandoned in conformance with the State of California Department of Health Service Standards subject to review and approval of the City Engineer and Utilities Superintendent prior to the issuance of a building permit for any project area contained within the project site. Timing and abandonment of the well will be established pursuant to the terms of any development agreement entered into by the project proponent and the City of Soledad. (Mitigation Measure 25 26)

Sewer Service Conditions

- 47 In order to ensure that adequate sewage plant capacity is available, no building permits shall be issued for projects when current average sewage flows plus estimated average sewage flows from incomplete buildings exceed the treatment capacity of 1 02 mgd as determined by the Regional Water Quality Control Board, subject to review and approval by the City Engineer, Utilities Superintendent, City Planning Director, and City Manager (Mitigation Measure 26 25)
48. In order to ensure that adequate sewage plant capacity is available, the City of Soledad shall actively pursue in cooperation with the project proponent and current commercial tenants the implementation of a water conservation program outlined in the project analysis that will reduce the overall water demand in the city by 15 percent and increase the capacity of the wastewater treatment plant by 0 85 mgd. This program shall be implemented prior to completion and operation of the expanded wastewater treatment plant expansion. In the event that this program is not implemented within this time-frame, then no building permits shall be issued for projects when current average sewage flows plus estimated average sewage flows from incomplete buildings exceed the estimated treatment capacity of 3 10 mgd, subject to review and approval by the City Engineer, Utilities Superintendent, City Planning Director, and City Manager (Mitigation Measure 27 26)
- 49 The engineer for each project area shall analyze and design the proposed sewer system and the improvements to the existing system during the design phase to accurately address capacity and outfall of the system. The calculations shall be submitted to the City Engineer and Utilities Superintendent for review and approval prior to issuance of a grading permit. (Mitigation Measure 28 27)

School Conditions

- 50 In accordance with state law, the project proponent shall pay the maximum development school impact fees to the City of Soledad. The maximum amount payable to the City of Soledad shall be applicable at the time such fees are tendered to the City of Soledad. These development fees shall be shared on a 65/35 percent basis, with 65 percent to the Soledad Union School District and 35 percent to the Gonzales Union High School District, subject to the review and approval of the Soledad Union School District, the Gonzales Union School District, the City Manager, and the project proponent prior to the issuance of a building permit (Mitigation Measure 30 29)
- 51 In the event the Soledad Union School District becomes a unified school district (K-12), the project proponent shall pay to the Soledad Union School District fees in an amount agreed upon by the Soledad Union School District and the project proponent prior to the issuance of a building permit. (Mitigation Measure 31 30)

52. The project proponent, the City of Soledad, the Soledad Union School District and the Gonzales Union High School District shall pursue the development of a school facilities mitigation agreement to off-set the capital improvement costs to provide a new elementary school and high school in the city. This type of agreement is encouraged, although not mandated, by the city's general plan. The terms of the agreement may include one or all of the following recommendations: donation of land, formation of a Mello-Roos Public Facilities Financing District, provision of new facilities, and/or additional fees in excess of those authorized by Government Code Section 53030. This school facilities mitigation agreement will be subject to review of the Soledad Union School District, the Gonzales Union High School District, the City of Soledad, and the project proponent (Mitigation Measure 32-31)

On August 8, 1994, the project proponent entered into an agreement with the Soledad Union School District and the Gonzales Union High School District which resolved the issues raised during and after preparation of the FEIR. The terms and conditions of this agreement were briefly noted for the record at the August 8, 1994 Public Hearing before the City Council. As a result of this agreement, the school districts and the City of Soledad are both satisfied that the adverse impacts identified in the FEIR have been reduced to a level of insignificance. Therefore, this mitigation measure does no longer apply to Project Area 1. However, future development within Project Areas 2 and 3a will be subject to this mitigation measure.

Furthermore, for all intents and purposes, the dispute between the project proponent and the school districts concerning project impacts is now moot since said parties have entered into an agreement for the payment of impact fees in addition to those mandated by statute. As a result of this agreement, the school districts and the City of Soledad are both satisfied that the adverse impacts identified in the FEIR for Project Area 1 have been reduced to a level of insignificance.

- ~~53. The project proponent shall irrevocably commit to donate, free and clear of all liens, assessments, and encumbrances to the Soledad Union School District a 10-acre school site, the precise description to be determined by the project proponent after consultation with the City of Soledad and the Soledad Union School District, to be included in the final subdivision map subject to the review and approval by the Soledad Union School District and the City of Soledad prior to recordation of the final subdivision map. (Mitigation Measure 33-32)~~

The project proponent has entered into an agreement to provide the Soledad Union School District with a 10-acre school site, free and clear of all liens, assessments, and encumbrances. Therefore, this mitigation measure does not apply to the proposed project and is no longer necessary.

Parks and Recreation Conditions

- 53 54. The project proponent shall provide an offer to dedicate 5.3 acres of land to the City of Soledad to offset park land acquisition fees. This shall be included in the final subdivision improvement plans subject to the review and approval of the City Planning Director prior to recordation of the final subdivision map. (Mitigation Measure 34 33)
- 54 55. The project proponent shall pay park impact fees to the City of Soledad prior to issuance of a building permit. (Mitigation Measure 37 34)

Utility Service Conditions

- 55 56. Future development on the project site shall be required to construct all utilities to, through, and on the project site underground and shall include such specifications in final construction plans, subject to review and approval of the City Engineer, City Utilities Superintendent, and Building Official prior to issuance of a building permit. (Mitigation Measure 38 35)

Solid Waste Disposal Conditions

- 56 57. Future development on the commercial parcels on the project site shall be required to incorporate recycling facilities or receptacles designated for recyclable waste, subject to review and approval of the City Planning Director prior to issuance of a building permit. Decisions of the Planning Director may be appealed by a project proponent after Soledad Municipal Code Section 17.46.020. Residential properties may be subject to similar restrictions in accordance with state mandated and/or locally adopted source reduction and recycling programs. (Mitigation Measure 39 36)

Archaeological Conditions

- 57 58. If archaeological resources or human remains are discovered during construction, work shall be halted within 150 feet of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented prior to continuation of construction. Such mitigation shall be included in the contractor specifications for any specific construction project and shall be subject to approval by the Planning Director prior to the issuance of a building permit. (Mitigation Measure 41 37)

Aesthetics-Lighting Conditions

- 58 59. A lighting plan shall be prepared for commercial development to insure that light and glare produced does not adversely affect adjacent residential development. This plan is subject to review and approval of the City Planning Director prior to issuance of a building permit. (Mitigation Measure 43 38)

Land Use Compatibility Conditions

- 59 60 The school facility in Project Area 1 shall be located on Parcel D away from Gabilan Drive to reduce the potential for safety hazards to elementary school children. Placement of building envelopes shall be illustrated on a final map, subject to review and approval by the Board of Directors for the Soledad Union School District and the City Planning Director prior to approval of the final map (Mitigation Measure 44 39)
- 60 61. With the exception noted below, future development designs for the project site shall include greenway buffers, with a minimum width of 55 feet, adjacent to all active agricultural land. These buffers shall be landscaped with native vegetation a minimum of 12 feet in height. The buffer shown on the northern property line shall be deleted, but the project proponent shall be required to provide appropriate agricultural, utility, and school easements. These shall be illustrated in the final subdivision improvement plans, subject to review and approval by the Site and Planning Commission and the Planning Director prior to approval of final maps. (Mitigation Measure 45 40)
- 61 62. The project proponent shall provide formal notice to potential home buyers and record an agrarian easement on the deeds to property giving adjacent farms that have been in production for more than three years the right to continue operations, full disclosure and Right to Farm statements must be signed by all property owners adjacent to agricultural land (Mitigation Measure 46 41)
- 62 63 Development designs for the project site shall conform to the City of Soledad's landscaping policy, the state mandated Water Conservation Model Ordinance, the Soledad Water Conservation Plan, and the pending Soledad Source Reduction and Recycling Element, subject to review and approval by the City Planning Director prior to issuance of a building permit. Decisions of the Planning Director may be appealed by a project proponent after submission of appropriate fees in the manner set forth in Soledad Municipal Code Section 17 46 020 (Mitigation Measure 48 42)
- 63 64. The project proponent and the City of Soledad shall be required to enter into a development agreement for the Vista Soledad Community Subdivision.

Exhibit C
Vesting Tentative Subdivision Map Findings

Exhibit C

Vesting Tentative Subdivision Map Findings

The City Council of the City of Soledad finds as follows

- 1 **Finding:** The proposed project, as conditioned, is consistent with the Soledad General Plan and all applicable policies and programs contained therein, including without limitation the following:

The City of Soledad updated their general plan in August 1993 to identify potential expansion areas for residential, commercial, and industrial growth over the long-term. The proposed project is identified in the Soledad General Plan Update 1993, as a potential growth area, and was designated for a variety of land uses including, residential, commercial, public, institutional, recreational, and agriculture. The City of Soledad prepared a Program EIR to evaluate the environmental effects build-out of the general plan would have on urban and natural resources. Both the general plan update and corresponding EIR were prepared to meet the specifications required by the Monterey County Local Agency Formation Commission (LAFCo) for the reorganization of the city's sphere of influence. Upon certification of the general plan and EIR, the City of Soledad submitted an application to LAFCo requesting the reorganization of the city's sphere of influence consistent with the general plan. LAFCo approved the request, which included the proposed project in the city's sphere of influence urban service boundary.

Land Use Element. The general plan land use designation for the proposed project site is Residential (1-6 units per acre), Convenience Commercial, and Public/Institutional/Recreational.

The proposed project contains a maximum of 730 residential lots on 205± acres, for a gross density of 4.08 lots per acre. In addition, approximately 127,500 square feet of commercial square footage could be developed within this project area. This will be divided between retail commercial and office commercial land uses. Lastly, the proposed project includes approximately 17.4 to 19.0 acres that contain a park, greenways, and a school site. Therefore, the proposed project is consistent with the general plan land use designations. Additionally, the proposed project was found to be consistent with all applicable policies of the land use element.

The proposed project will implement the intent of the general plan land use designation to provide additional housing opportunities for residents of the City of Soledad and the region at locations and densities identified in the general plan land use element. The proposed project also provides additional vacant commercial land to attract prospective investment in the city. This investment will create jobs, increase the city's tax base, and

further the city's commitment towards self-containment. Finally, the proposed project provides more than five acres of parks to meet the needs of the city's population, and provides a school site to ensure the adequacy of educational opportunities in the city

Circulation Element. The proposed project includes the completion of Gabilan Drive from West Street to San Vicente Road. The completion of this arterial street is an important link in the circulation system in the vicinity of the project site. The proposed project also includes the construction of Vista Del Soledad from Gabilan Drive through the project site to provide a collector street through the proposed project. Further, the proposed project includes the widening of both West Street and San Vicente Road to full build-out to accommodate future population growth. Finally, the proposed project includes local streets to provide direct access to all residential lots. All arterial, collector, and local streets will be required to be constructed to city's standards. Therefore, the proposed project is consistent with the circulation element. The proposed project was found to be consistent with all applicable policies of the circulation element.

Open Space Element. The proposed project is proposing and will be required to convey or dedicate in fee a minimum of four acres for a public park site on the project site. In addition, the proposed project includes the provision of 2.40 to 3.75 acres of linear greenways along San Vicente Road. Therefore, the proposed project is consistent with the open space element. The proposed project was found to be consistent with all applicable policies of the open space element.

Housing Element. As previously mentioned, the proposed project contains a maximum of 730 residential lots on 205± acres for a gross density of 4.08 lots per acre, and includes approximately 17.4 to 19.0 acres which contain a park, greenways, and a school site. The proposed project ensures a balanced mix of housing types that will be affordable to low-moderate- and above-moderate-income households thereby assisting the city in attaining its appropriate share of regional housing. Further, the proposed project provides public facilities and services which are instrumental factors in providing a livable residential community. Therefore, the proposed project is consistent with the housing element. The proposed project was found to be consistent with all applicable policies of the open space element.

Conservation Element. The proposed project will have a beneficial effect on the Salinas Valley Groundwater Basin, which is currently in a state of overdraft. At this time, the project site is in agricultural production, which requires an average 799.9 gross acre-feet per year (AF/Y). The proposed project will use approximately 272 to 389 AF/Y of water less than is currently demanded by agricultural activities. Conversely, approximately 68 acres of the 205-acre project site is considered prime agricultural land by the Soil Conservation Service and LAFCo. However,

the porous, gravelly texture of the soil requires extensive irrigation for it to be agriculturally productive. Therefore, the proposed project conserves a more critical natural resource (water) and allows other more productive and less water reliant soils remain in agricultural production. Therefore, the proposed project was found to be consistent with all applicable policies of the conservation element.

Noise Element. Noise levels will increase on the project site upon implementation of the proposed project. However, the ambient noise levels should not be exceeded for residential and commercial uses on the project site. Although temporary increases may occur during school operating hours, it should not result in ambient noise levels above the dbA thresholds for residential areas. Therefore, the proposed project was found to be consistent with all applicable policies of the noise element.

Safety Element. The project site is located in a seismically active region. The design of the proposed project will be required to adhere to the Uniform Building Code to ensure the structural integrity of the proposed project in the event of a maximum credible earthquake. The project site is located far above the 100-year floodplain and, in the event the San Antonio and Nacimiento Dams were to fail, the project site would not be effected. Further, the circulation system is designed to adequately accommodate emergency vehicles in the event of a fire and the lot lay-out incorporates defensible space concepts. Therefore, the proposed project was found to be consistent with all applicable policies of the safety element.

Scenic Highways Element. Gabilan Drive is designated in the general plan as a proposed scenic corridor. Scenic corridors are areas that extend beyond the scenic route right-of-way, to which development controls should be applied for the purpose of preserving and enhancing nearby views or maintaining unobstructed distant views along the scenic routes. Views from Gabilan Drive include the Gabilan Mountain Range to the east and the Santa Lucia Mountains to the west. The proposed project is designed to provide setbacks along the northern frontage of Gabilan Drive in order to preserve the scenic quality of the Gabilan Mountains. Further, the proposed project is required to underground all utilities. Therefore, the proposed project was found to be consistent with all applicable policies of the scenic highways element.

- 2 **Finding:** The proposed project will allow residential, commercial, and public/institutional land uses on property adjacent to the existing city limits. The proposed project will provide additional housing opportunities to meet the existing and projected housing needs. The City of Soledad has planned to provide public services to this property and is in the process of completing or has conditioned this subdivision to complete substantial improvements to its water, sewer, and transportation systems to provide for this planned development.

- 3 **Finding:** The proposed project, as conditioned, will not be contrary to public health or public safety or public welfare. Mitigation measures addressing the proposed project's potential health and safety impacts are required as conditions of approval, including without limitation the following: adequate provision of public services including water service, sewer service, storm-drainage, fire protection services, and police protection services. Further, the City of Soledad has adopted a public facilities financing plan to provide adequate public facilities and to prevent the degradation of public facilities. The project proponent will be required to pay all applicable public facilities fees in conjunction with the proposed project. The City of Soledad Public Facilities Financing Plan, prepared by Crawford Multari & Starr, was adopted August 9, 1993.
- 4 **Finding:** The project site is physically suitable for the proposed project and the type of development proposed. The type of development proposed consists of residential, commercial and public/institutional land uses. The implementation of improvements will be consistent with the recommendations of the geologic and soils investigations for the project site, which evidence physical suitability for the type of development proposed.
- 5 **Finding:** The proposed project will not result in significant adverse environmental impacts after mitigation measures are implemented, with the exception of unavoidable significant adverse impacts concerning agricultural resources. ~~and schools.~~ The City Council of the City of Soledad has found that the specific social, economic, environmental, and other benefits of the proposed project outweigh ~~this~~ these unavoidable significant adverse environmental impacts. Therefore, the City Council of the City of Soledad has adopted a statement of overriding considerations pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15093. This statement of overriding considerations is contained herein in Exhibit D, incorporated herein by reference.
- 6 **Finding:** The proposed project is compatible with the surrounding land uses. The surrounding land uses include single-family residential and a proposed high school site to the east. Agricultural lands are located to the north, west, and south, and the proposed project, as conditioned, will be compatible with the existing agricultural lands. The proposed project includes an adequate buffer/easement area to ensure that the proposed project is compatible with the existing agricultural lands.
- 7 **Finding:** The proposed project, as conditioned, requires that various positive actions be taken by the City Council of the City of Soledad. These include rezoning and zoning map amendment and a request to LAFCo for annexation of the project site to the city. The Planning Commission of the City of Soledad has held public hearings on July 7, and July 25, 1994 and adopted a resolution recommending that the City Council of the City of Soledad take these various positive actions.

Exhibit D
CEQA Certification and Findings

Exhibit D

CEQA Certification and Findings

The CEQA Certification and Findings for this approval are set forth in "Exhibit C" and "Exhibit D", "Exhibit E", "Exhibit F" and "Exhibit G" of the Resolution Requesting the Monterey County Local Agency Formation Commission to the Annexation of the Vista Soledad Community Subdivision (Project Areas 1 and 2) and are incorporated herein by reference.