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December 1, 2004

Chairperson John Wilmot and Members
[Hand Delivered, And Sent By Email]
Monterey County Planning Commission
Box 1208
Salinas, CA 93902

RE: Rancho San Juan Specific Plan – DEV0301 Butterfly Village Subdivision Proposal –
PLN020470

Dear Members of the Planning Commission:

LandWatch Monterey County is very appreciative of the efforts of the Commission to do a thorough job of reviewing and evaluating the proposed Rancho San Juan Specific Plan, and the proposed Butterfly Village Subdivision proposal.

As Commission members have stated themselves, during the course of their hearings so far, neither the Commission nor the public has really been given an adequate opportunity to do a comprehensive and detailed evaluation and review of these very significant proposals. The County staff, and particularly the County Counsel's Office, has essentially asked the Commission to truncate its normal process to accommodate an artificial deadline related to a threat of litigation by the developer of the proposed Butterfly Village Subdivision project. LandWatch does not believe that a Court would "hold it against the County" if the Commission (and the Board) were to take the amount of time it really needs to do a thorough evaluation and review of the current proposals. In fact, we think that a Court will recognize and support the public's interest in good decision making, and will find that the public interest in good decision making is not only legitimate, but is in fact is a basic requirement of due process to which all the residents of Monterey County are entitled, as the County considers actions that could so profoundly affect their future. We do not believe that a Court would hold that the ill treatment of the project proponent at an earlier time justifies the ill treatment of the public now.

We understand, however, that while the Commission really needs more time to do the kind of job it would like to do, the Commission has tentatively decided to meet the deadline set by the County Counsel, which contemplates action by the Commission tomorrow, and then immediate consideration by the Board of Supervisors at a public hearing on the very next day.

The Rancho San Juan Specific Plan is the largest single development proposal in the history of Monterey County, and the schedule that the County has established is unprecedented – and in fact outrageous. We believe that this schedule is a shameful effort to deprive the public of their

rightful opportunity to consider all the ramifications of what has been proposed, and to participate meaningfully in the decision making process. The accelerated schedule being advocated by County staff is all the more shameful because the process is proceeding with an Environmental Impact Report (EIR) which is admittedly not “final.” We believe that the County (and your Commission) should take the time needed to do a good job for the residents and taxpayers of Monterey County. If the County does not take the time to do it “right,” it exposes both itself and the project proponent to litigation by the public, which is in no one’s real interest. Furthermore, it is fundamentally unfair to the public to make it litigate against its own public officials to get the right to participate meaningfully in the largest single development project ever proposed in Monterey County.

With our objections noted, we again want to state our appreciation for the very thoughtful job that the Commission has been trying to do, within the constraints of the artificial deadlines deriving from the threat of litigation by a developer who stands to make millions of dollars (if not hundreds of millions of dollars) if the Rancho San Juan Specific Plan and the Butterfly Village Subdivision project are approved as presented.

As Commission members have noted in their comments, and as public testimony has established:

- The County is proceeding on the basis of an inadequate Environmental Impact Report (EIR), which is admittedly not the “Final” EIR that the California Environmental Quality Act (CEQA) requires.
- The documents presented for approval are not properly cross referenced and integrated, and many “housekeeping details” need to be attended to, before the proposed Specific Plan and the proposed Butterfly Village Subdivision could properly be approved by the County.
- The Butterfly Village Subdivision would lead to continued (and increased) overdraft of an already-overdrafted groundwater aquifer. It is thus fundamentally at odds with the requirements of the County’s current (however outdated and inadequate) General Plan.
- The traffic impacts of the proposed Rancho San Juan Specific Plan would be horrendous, and unmitigated, and approving the proposed Butterfly Village Subdivision will make a significantly bad traffic problem even worse, with no real expectation of a solution.
- The Butterfly Village Project, and the Rancho San Juan Specific Plan, as proposed, would require massive grading and the destruction of existing landscapes, instead of conforming development to the existing landforms, as called for in the General Plan.
- The “burdens” of the proposed Butterfly Village Subdivision greatly outweigh any public “benefits,” and therefore there is no legitimate basis to make a finding of overriding considerations to allow the project to go forward, despite its many unmitigated impacts.
- Finally, as a specific example of the “benefits” not justifying the “burdens” on the public, there is no legitimate expectation that the proposed Butterfly Village Subdivision (which is a luxury golf course development) would contribute in any significant or substantial way to solving the County’s affordable housing crisis.

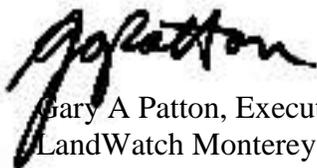
If the Commission determines to make recommendations to the Board of Supervisors, as requested by County Counsel, instead of taking more time to review and consider the complex

and extensive set of documents that are before you (and the public), we urge that you do all of the following:

1. Recommend that the Board require that a Final and adequate Environmental Impact Report be prepared, complying with the requirements of CEQA, *before* further consideration of the Rancho San Juan Specific Plan and the proposed Butterfly Village Subdivision. We think, in fact, that this is required by State law.
2. Recommend that the Board adopt a Specific Plan for the Rancho San Juan Area of Development Concentration that will respect existing landforms, require that developments in the area fully mitigate traffic impacts, and that will further require that no actual development proceed until the current conditions of groundwater overdraft have actually been eliminated (as opposed to allowing development to proceed on the basis of speculative statements that “help is on the way” from a water project that seems clearly inadequate to solve the overdraft problems of the Prunedale Area, and that is, at any rate, not yet either finally approved for construction, constructed, or in operation).
3. Recommend that the Butterfly Village project be denied without prejudice, as currently proposed, and that any future approval of a development within the Rancho San Juan Area of Development Concentration better carry out the objectives found in the current General Plan, and that the Board specifically require a development on these properties proceed only when the current groundwater overdraft condition has been eliminated, and when the development can demonstrate that it will better address the real housing needs of Monterey County, respect existing landforms, and fully mitigate its expected traffic impacts.

Thank you for taking our comments into consideration, as you further deliberate on the proposed Rancho San Juan Specific Plan and the proposed Butterfly Village Subdivision project.

Very truly yours,



Gary A Patton, Executive Director
LandWatch Monterey County

cc: Members, Board of Supervisors

County Counsel

County Planning Staff

Other Interested Persons