



# County of Monterey

**Item No.**

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

**Legistar File Number: 23-297**

**April 18, 2023**

**Introduced:** 4/6/2023

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** General Agenda Item

Public hearing to consider accepting the 2022 Annual Report pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (REF230002)

**CEQA Action:** Not a Project per California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5).

**Planning File No:** REF230002

**Project Location:** Countywide

### RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to accept the 2022 Annual Report pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (**Attachment A**).

### SUMMARY:

**Annual Report** - Pursuant to Section III.E of the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program ("Program"), staff has prepared the 2022 Annual Report (**Attachment B**) that provides a status of compliance with conditions and mitigations for all projects approved in the 2022 calendar year which relied on an Environmental Impact Report or Mitigated Negative Declaration, and status of condition compliance for selected older projects approved prior to 2022.

County Environmental Health Bureau, Monterey County Regional Fire District, Cypress Fire Protection District, Mission Soledad Rural Fire District, the Department of Public Works, Facilities and Parks - Parks, as well as several sections within the HCD Department contributed to the condition compliance and mitigation monitoring tracking and reporting in the 2022 Annual Report. To prepare the documentation for this Annual Report, a representative of each department/agency reviewed the CCFs, generated and added their initials to each line item of a "Responsible Department's Condition Compliance Certification Report" ("Certification Report") for each project included in the Annual Report. The line items include the name and describe the status of each Condition of Approval listed in the Responsible Department's report. The department/agency/division head then signs a certification form that certifies the information is correct for the January 2023 reporting period. All the projects in the 2022 Annual Report complied with their Condition of Approval/Mitigation Monitoring and/or Reporting Plans at the time of Responsible Department reporting.

DISCUSSION:

On October 9, 2001, the Board of Supervisors adopted a Mitigation Monitoring and Reporting Program (Reso. No. 01-391) delineating procedures for monitoring and tracking mitigation measures required by the County for land use projects in compliance with the California Environmental Quality Act (CEQA). The Program was amended in 2012, 2014, 2017, 2019, and 2022 (Reso. No. 22-311). The Resolution, with attachments, is available on the HCD website's Condition Compliance page.

*The Annual Report*

Prior to the 2019 amendment to the Program, the Resource Management Agency "RMA" (now reorganized as two separate departments, Housing & Community Development "HCD" and Public Works Parks & Facilities "PWPF") staff and County Counsel had extensive discussions with Save Our Peninsula Committee ("SOPC") regarding implementation of the Program. The requirements to present the Annual Report to the Board that are listed in the Procedures section of the Program, II.E. 1 (page 9 of 11) and they include not only what topics are reported on in the Annual Report but also procedural requirements, including that the Annual Report cannot be on Consent Agenda but as a Noticed Item and for the Notice to be earlier than standard noticing. In order to memorialize the process has been followed for a given year, the Annual Report has a related annual resolution. An amendment to the Program in 2019 required changes to the contents of the Annual Report such that Certification Reports certify the status of each project's Condition of Approval and Mitigation Measure being reported on. The groups that are responsible for the mitigation monitoring of certain conditions of approval and/or mitigation measures are found within groups listed above (Environmental Services, Engineering Services, Planning, Housing, County Environmental Health Bureau, Fire Districts) which are called the "Responsible Departments" in the Program. Responsible Department staff initial the Certification Reports for their conditions on a project in the Annual Report after verifying that CCFs are documented and in place; therefore, CCFs are not required to be reproduced in full in the Annual Report.

The 2022 Annual Report (**Attachment B**) is required to be prepared and presented to the Board of Supervisors at a noticed public hearing pursuant to Section III.E of the Program. The Program specifies that the Annual Report include land use projects approved in the prior calendar year that relied on an EIR or MND ("calendar year projects") and also on older, approved land use projects ("older projects"). The program requires that the CAPS relate compliance issues on the calendar year projects (as reported in the Attachment B, there were no compliance issues). Older projects reported on include those with certain unmet or ongoing conditions selected by the CAPS for reporting. The criteria for selection of older projects are (a) the project applicant previously received a land use entitlement for a significant project in reliance on an EIR, and in the prior calendar year, the permittee was actively working on condition compliance; and (b) subdivisions that the public has raised concerns during the prior calendar year to HCD about compliance with on-going or unmet conditions after the filing of the final map. (Program, Section II. B.1.)

The 2022 Annual Report contains 24 projects as selected by the CAPS. The project list includes:

- 19 projects approved by the County in 2022 that relied on an Environmental Impact Report or Mitigated Negative Declaration; and

- Five older land use projects.

The 2022 Annual Report presents the condition compliance status of these projects in detail. As described above, it includes all the projects approved in 2022 that relied on either an EIR or an MND. After a brief introduction, the Annual Report shares the Responsible Departments' Project List and Certification Reports in discrete packets that summarize the Department's conditions for the projects that they administer condition compliance on of the larger group. For older projects, often only one or two conditions are required to be reported on. These are on-going monitoring conditions; they only appear in the corresponding Responsible Department's packet. In the 2022 Annual Report, these monitoring conditions are for annual water reporting at Pasadera/Bishop Ranch and Canada Woods North. The Responsible Department is HCD-Environmental Services. Two other older projects pursued condition compliance milestones in 2022. Both are included in the Report. They are Rancho Cañada Village and September Ranch. Finally, interested parties requested that Omni Resources be included. Omni Resources is a project that includes a shopping center at the corner of Highway 68 and Corral De Tierra Road. The Annual Report also provides evidence of Program training completed by staff within the Responsible Departments.

ENVIRONMENTAL REVIEW:

This report is not a project under California Environmental Quality Act CEQA Guidelines section 15378(b)(5) because it is an administrative activity that will not result in direct or indirect physical changes to the environment.

OTHER AGENCY INVOLVEMENT:

Office of the County Counsel  
Environmental Health Bureau  
Public Works, Facilities and Parks  
Monterey County Regional Fire District  
Mission Soledad Rural Fire District  
Cypress Fire Protection District

FINANCING:

Funding for staff time associated with this annual report is included in the FY22-23 Adopted Budget for HCD Appropriation Unit HCD002, Unit 8543.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Monitoring condition compliance in accordance with all applicable policies and regulations provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Mary Israel, Supervising Planner

Reviewed and approved by: Craig Spencer, AICP, Acting HCD Director

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

Attachment A - Draft Resolution to accept the 2022 Annual Report

Attachment B - Condition of Approval and Mitigation Monitoring and Reporting Program 2022 Annual Report, including:

- 2022 Project Summary Chart
- 2022 Responsible Departments' Reports
- Program Training Sign-In Sheet/Zoom Meeting Participant List

cc: Front Counter Copy; Erik V. Lundquist, Director of HCD; Leslie J. Girard, Chief County Counsel; Robert Brayer, Deputy County Counsel; Craig Spencer, Chief of Planning; Mike Weaver, Interested Party; Richard Rosenthal, Interested Party; Elisa Cavaliere, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa, Executive Director); Project File REF230002