



# Monterey County

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## Board Report

Legistar File Number: 17-0155

February 14, 2017

**Introduced:** 2/7/2017

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** General Agenda Item

Consider adopting a resolution amending the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program ("Program").

(Condition of Approval-Mitigation Monitoring and Reporting Program - REF140079)

CEQA Action: Exempt per CEQA Guidelines 15378 (b)(5)

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt a resolution amending the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program ("Program")

### SUMMARY:

On December 5, 2000 the Monterey County Board of Supervisors adopted Ordinance No. 04087, thereby incorporating into the Monterey County Code the existing State CEQA Guidelines as they may be amended from time to time. The ordinance, codified at Chapter 16.70 of the Monterey County Code, became effective on January 5, 2001. On October 9, 2001, the Board of Supervisors adopted a Mitigation Monitoring and Reporting Program delineating procedures to guide County land use departments in ensuring the implementation of mitigation monitoring and reporting requirements under CEQA (Resolution No. 01-391).

As a result of a litigation settlement with the Save Our Peninsula Committee ("SOPC"), and with the goal of improving compliance with CEQA, its related mitigation monitoring and reporting procedures, and the ability of the public to review and monitor compliance with CEQA and its own procedures, the County updated the 2001 Mitigation Monitoring and Reporting Program ("Program") in 2012 to include Conditions of Approval that were not mitigation requirements. Subsequent amendments to the program were adopted in 2014 (Resolution No. 14-363) to establish procedures for electronic tracking of conditions of approval, clarify applicability of the Program to discretionary land use entitlements that are approved with mitigation measures, and clarify administration and implementation of the Program.

Following a review of 10 projects for condition of approval and mitigation measure compliance, staff is proposing additional amendments crafted with participation of SOPC to further improve the Program. These amendments generally require additional training and internal reporting to ensure tracking of condition and mitigation measure compliance, and closer monitoring of on-going (post final map recordation) conditions and mitigation measures.

### DISCUSSION:

The County of Monterey routinely applies a variety of conditions to projects requiring environmental review and discretionary approval by the Appropriate Authority with jurisdiction

to consider such matters. Such conditions include mitigation measures identified in a mitigated negative declaration ("MND") or an environmental impact report ("EIR") prepared pursuant to CEQA and other conditions, both standard and unique, that are not mitigation measures (collectively "Conditions of Approval").

In addition, the CEQA Guidelines (Title 14, Section 15000 et seq., of the California Code of Regulations) contain provisions for local agencies' monitoring and reporting of mitigation measures imposed on projects for which a MND or an EIR has been prepared and adopted or certified. On December 5, 2000 the Monterey County Board of Supervisors adopted Ordinance No. 04087, thereby incorporating into the Monterey County Code (Chapter 16.70) the existing State CEQA Guidelines as they may be amended from time to time.

On October 9, 2001, Monterey County revised its CEQA Guidelines and the Board of Supervisors adopted Resolution No. 01-391, "Resolution Adopting a Mitigation Monitoring and Reporting Program for the County of Monterey in Accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines." On January 24, 2012, as a result of a settlement of litigation with the Save Our Peninsula Committee ("SOPC"), and with the goal of improving its compliance with CEQA, its related mitigation monitoring and reporting procedures, and the ability of the public to review and monitor compliance with CEQA and its own procedures, the County updated the 2001 Mitigation Monitoring and Reporting Program. The Program was further updated in 2014.

RMA Staff is the lead to coordinate the documentation and reporting of condition compliance with all land use agencies. As part of its ongoing efforts to monitor and enforce mitigation measures that are imposed as conditions of approval, RMA Staff is recommending further amendments to provide more detailed guidance to all County land use departments involved in monitoring and reporting on condition compliance. The amendments provide for additional training and internal reporting to ensure that Conditions of Approval are documented, and to ensure that on-going Conditions of Approval (those that continue after the recordation of a Final Subdivision Map) are properly monitored.

An underline/strikeout version of the Program is enclosed as Exhibit A; a clean version is enclosed as Exhibit B. The current implementation plan and organizational chart for the Program is enclosed as Exhibit C. A draft resolution is enclosed as Exhibit D. The revised Program will go into effect immediately upon adoption.

The amendments to the Program are an administrative activity of the County that will not result in direct or indirect physical changes in the environment and are therefore not a project under CEQA, pursuant to CEQA Guidelines section 15378 (b)(5).

OTHER AGENCY INVOLVEMENT:

County Counsel advised staff and, together with staff, met and conferred with the attorney for SOPC.

FINANCING:

Funding for staff time associated with this project is included in the FY 15-15 Adopted Budget for RMA-Planning, and will be included in annual budgets thereafter.

Prepared by:

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Approved by:

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Carl P. Holm                      Date:  
RMA Director, Ext. 5103

cc: Front Counter Copy; Laura Lawrence, RMA Services Manager; Wendy Strimling, County Counsel; RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Parks Department; Economic Development Department; MCWRA; Aromas Tri-County Fire Protection District; Cachagua Fire Protection District; CAL-FIRE Coastal; CAL-FIRE Central Valley; CAL-FIRE South County; Carmel Highlands Fire Protection District; Cypress Fire Protection District; Carmel Valley Fire Protection District; Gonzales Rural Fire Protection , District; Greenfield Fire Protection District; Mission Soledad Rural Fire; North County Fire Protection District; Monterey County Regional Fire Protection District; Pebble Beach Community Services District; Richard Rosenthal, representing Save Our Peninsula Committee; Michael Weaver; The Open Monterey Project (Molly Erickson); LandWatch.

Attachments:

- Exhibit A - Program (underline/~~strikeout~~)
- Exhibit B - Program (clean)
- Exhibit C - Program Implementation Plan and Organizational Chart
- Exhibit D - Draft Resolution