



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Held Public hearing and:

a. Received a report related to Mitigation Monitoring and Reporting for projects approved with Mitigation Measures in 2012 and 2013; and

b. Adopted Resolution No. 14-087 accepting 2012 and 2013 Annual Reports for the Mitigation Monitoring and Reporting Program.

(Condition of Approval and Mitigation Monitoring and Reporting Program 2012 and 2013 Annual Reports - REF140016/Countywide)

PASSED AND ADOPTED on this 25th day of March 2014, by the following vote, to wit:

AYES: Supervisors Calcagno, Salinas, Parker and Potter

NOES: None

ABSENT: Supervisor Armenta

I, Gail T. Borkowski, 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 77 for the meeting on March 25, 2014.

Dated: March 27, 2014
File Number: RES 14-031

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By

Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.: 14-087

Resolution by the Board of Supervisors)
accepting 2012 and 2013 Annual Reports)
for the County of Monterey Condition of)
Approval and Mitigation Monitoring and)
Reporting Program. (Condition of Approval)
and Mitigation Monitoring and Reporting)
Program, 2012 and 2013 Annual Reports –)
REF140016/Countywide).....)

The 2012 and 2013 Annual Reports for the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (REF140016) came on for public hearing before the Monterey County Board of Supervisors on March 25, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

RECITALS

WHEREAS, the California Environmental Quality Act (CEQA) requires that a Mitigation Monitoring and Reporting Plan be adopted for every project approved subject to mitigation measures (Public Resources Code Section 21081.6); and

WHEREAS, the California Environmental Quality Act Guidelines (CEQA Guidelines) were adopted by the State of California to provide administrative procedures to implement CEQA (Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, the CEQA Guidelines, in Section 15097, provide guidelines to implement the statute requirement to adopt a Mitigation Monitoring and Reporting Plan for every project approved subject to mitigation measures; and

WHEREAS, the County of Monterey has adopted local guidelines for implementing the California Environmental Quality Act by Ordinance of the Board of Supervisors (Ordinance No. 04087) (Monterey County CEQA Guidelines); and

WHEREAS, the Monterey County CEQA Guidelines incorporate the same provisions of the California Environmental Quality Act that require adoption of a Mitigation Monitoring and Reporting Plan; and

WHEREAS, in response to a Settlement Agreement between Save Our Peninsula Committee and the County of Monterey in 2000, the Board of Supervisors adopted procedures for a County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (Procedures); and

WHEREAS, on January 24, 2012, in response to further litigation from Save Our Peninsula Committee, the County amended the Procedures by Board of Supervisors Resolution No. 12-021 (Amended Procedures), including the requirement to prepare annual reports relating to the status of compliance with mitigation measures, any related code enforcement actions, and any proposed action to modify conditions of approval for land use projects approved in 2012 and 2013; and

WHEREAS, Section III.E of the Amended Procedures require that the annual reports be considered by the Board of Supervisors at a noticed public hearing; and

WHEREAS, public notice of a March 11, 2014 public hearing at the Board of Supervisors, as required by the Amended Procedures, was published in the Monterey County Weekly on February 27, 2014; and

WHEREAS, in compliance with Section 9 of the Settlement Agreement (dated September 16, 2011), Save Our Peninsula Committee's representative was provided notice of the Monterey County Board of Supervisors public hearing noticed for March 11, 2014; and

WHEREAS, Save Our Peninsula Committee's representative requested that the hearing be continued to March 25, 2014 due to his unavailability on March 11, 2014; and

WHEREAS, the Board of Supervisors, on March 11, 2014, held a public hearing and continued the hearing to March 25, 2014 at the request of Save Our Peninsula Committee's representative; and

WHEREAS, County staff provided a staff report on March 25, 2014, for public and Board of Supervisors consideration, that provided annual reports for years 2012 and 2013, as required by the Amended Procedures; and

WHEREAS, the Board of Supervisors considered the 2012 and 2013 Annual Reports at its meeting on March 25, 2014 and took public testimony.

DECISION

NOW, THEREFORE, BE IT RESOLVED THAT the Monterey County Board of Supervisors accepts the 2012 Annual Report for County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program and the 2013 Annual Report for County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program, both hereby attached.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried this 25th day of March 2014, by the following vote, to wit:

AYES: Supervisors Calcagno, Salinas, Parker and Potter


NOES: None

ABSENT: Supervisor Armenta

I, Gail T. Borkowski, 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 77 for the meeting on March 25, 2014.

Dated: March 27, 2014
File Number: RES 14-031

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

C-1 2012 Annual Report

2012 ANNUAL REPORT

| Project Name | File Number | Decision Date | CEQA Status | Mitigation Monitoring Agreement, Recording Date and Document Number | Overall Project Status (permits issued, commenced use) | # of Conditions on Project | # of Mitigation Measures on Project | Is Project in Compliance with Cond. & MM? (Y/N) | CE Action Taken? (Compliance Order Issued) (Y/N) |
|---|-------------|---------------|-------------|---|--|----------------------------|-------------------------------------|---|--|
| 1 OMNI ENTERPRISES LLC | PLN020344 | 2/7/2012 | ER | N/A | In Litigation | 105 | 37 | N/A | N |
| 2 PEBBLE BEACH COMPANY | PLN100138 | 6/19/2012 | ER | In process | Condition Compliance | 58 | 85 | Y | N |
| 3 POPPY HOLDING INC | PLN100655 | 1/25/2012 | MND | DOC #2012022703 | Condition Compliance | 25 | 10 | Y | N |
| 4 HARTNETT STEPHEN P | PLN080046 | 2/8/2012 | MND | In process | Condition Compliance | 32 | 2 | Y | N |
| 5 MARTINEZ MARIANO JR TRUST | PLN110247 | 3/29/2012 | MND | DOC #2012040199 | Condition Compliance | 17 | 4 | Y | N |
| CAL-AM (LOS PADRES DAM FISH PASSAGE) | PLN110322 | 6/13/2012 | MND | In process | Condition Compliance | 12 | 19 | Y | N |
| 7 CARMEL DEVELOPMENT LLC | PLN110632 | 8/9/2012 | MND | DOC #2013003810 | ISSUED (12CP00851) | 17 | 4 | Y | N |
| 8 CYPRESS POINT CLUB | PLN110380 | 9/8/2012 | MND | DOC #2012066508 | ISSUED (13CP00272) | 17 | 1 | Y | N |
| STATE OF CA (WHISTLESTOP LAGOON) | PLN110472 | 9/26/2012 | MND | DOC #2013022272 | Condition Compliance | 6 | 4 | Y | N |
| COUNTY OF MONTEREY (NGEN-CARMEL VALLEY) | PLN100515 | 9/26/2012 | MND | DOC #2014010800 | Condition Compliance | 18 | 2 | Y | N |
| COUNTY OF MONTEREY (NGEN-LAGUNA SECA) | PLN100502 | 9/26/2012 | MND | DOC #2014011069 | Condition Compliance | 18 | 1 | Y | N |
| COUNTY OF MONTEREY (NGEN-LEWIS RD) | PLN100501 | 9/26/2012 | MND | N/A | Withdrawn | N/A | N/A | N/A | N/A |
| 13 ABERCROMBIE LEBON | PLN100612 | 10/31/2012 | MND | DOC #2013012657 | ISSUED 13cp0019;13cp00924;14cp00018 | 28 | 2 | Y | N |
| FORSBERG DAMA (GARRAPATA WATER SYSTEM) | PLN110027 | 11/14/2012 | MND | In process | Condition Compliance | 6 | 2 | Y | N |

Notes: Item 2: Agreement sent back with corrections

Item 3: Initial Study also used for a Minor and Trivial Amendment under PLN120616

Item 4: have signed MMRP Agreement from applicant

Item 12: Application has been withdrawn

C-2 2013 Annual Report

2013 ANNUAL REPORT

| Project Name | File Number | Decision Date | CEQA Status | Mitigation Monitoring Agreement Recording Date and Document Number | Overall Project Status (Permits Issued, Commenced use) | # of Conditions on Project | # of Mitigation Measures on project | Is Project in Compliance with Cond. & MM? (Y/N) | EE Action Taken? (Compliance Order Issued) (Y/N) |
|--|-------------|---------------|-------------|--|---|-------------------------------|---|--|--|
| 1 CAL-AM (SAN CLEMENTE DAM REMOVAL) | PLN110373 | 05/08/2013 | EIR | DOC #2013043565 | Condition Compliance | 22 | 17 | Y | N |
| 2 NELSON JOHN J TRUST | PLN120412 | 01/10/2013 | MND | DOC#2013054226 | Condition Compliance | 20 | 3 | Y | N |
| 3 BRANDYWINE TRUST | PLN030379 | 01/30/2013 | MND | DOC #2013063873 | Condition Compliance | 30 | 10 | Y | N |
| 4 NILES DANIEL | PLN110280 | 01/30/2013 | MND | DOC#2013024192 | Condition Compliance | 8 | 3 | Y | N |
| 5 GOLDSCHMIDT DAVID M | PLN110694 | 03/13/2013 | MND | DOC #2014001126 | Condition Compliance | 18 | 5 | Y | N |
| 6 LUNDQUIST RICHARD | PLN110114 | 03/13/2013 | MND | N/A | Appealed | N/A | N/A | N/A | N/A |
| 7 CADDELL MICHAEL | PLN120764 | 06/27/2013 | MND | DOC #2013051801 | Condition Compliance | 12 | 1 | Y | N |
| 8 DAVIS BRIAN STATE OF CA (GARRAPATA STATE PARK) | PLN120701 | 08/29/2013 | MND | DOC #2013074906 | Condition Compliance | 23 | 5 | Y | N |
| 9 | PLN100309 | 09/11/2013 | MND | N/A | Condition Compliance | 4 | 0 | Y | N |

Notes:

Item 6: On appeal, so decision set aside until resolved

Item 9: We are acting as a Responsible Agency and had no mitigation monitoring as part of our responsibilities