

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

Resolution No. \_\_\_\_

Adopting finding of categorical       )  
Exemption under CEQA for               )  
Proposed ordinance adding            )  
Chapter 10.43 to the Monterey        )  
County Code                                )

This resolution is made with reference to the following facts:

1. On July 29, 2014, the Board of Supervisors of the County of Monterey introduced, waived reading, and considered a proposed ordinance to add Chapter 10.43 to the Monterey County Code relating to the use of single-use carryout bags, recycled paper bags, and reusable bags by retail establishments (“proposed ordinance”). The Board also considered finding the ordinance categorically exempt under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15307 and 15308.
2. Following staff presentation and public testimony on July 29, 2014, the Board set August 26, 2104 at 10:30 a.m. (consent calendar) as the date and time to consider making the CEQA finding and adopting the proposed ordinance.
3. The proposed ordinance prohibits certain types of retail establishments in the unincorporated area of Monterey County from providing thin-film single-use carryout bags at the point of sale and requires a minimum charge of ten cents for recycled paper bags and reusable bags, with exceptions for customers who participate in certain governmental and charitable non-profit programs. The proposed ordinance applies to retail establishments that sell perishable or nonperishable goods including clothing, food, and personal items and also applies to farmers’ markets. The proposed ordinance does not apply to restaurants, take-out food establishments, and wholesale produce packing and shipping businesses.
4. The purposes of the proposed ordinance are to reduce litter, reduce impacts to water bodies and wildlife, decrease impacts to storm water systems, promote a shift to reusable bags and reduction of bag use overall, and thereby protect the natural resources and environment of Monterey County.
5. The CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000-15387) contain a list of classes of projects which have been determined not to have a significant effect on the environment and therefore are exempt from CEQA.
6. Class 7 categorically exempts actions taken by regulatory agencies, which includes the County, “to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.” (Section 15307 of the CEQA Guidelines.)

7. Class 8 categorically exempts actions taken by regulatory agencies, which includes the County, “to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.” (Section 15308 of the CEQA Guidelines.)
8. The proposed ordinance is within the class of projects that are categorically exempt under section 15307 and 15308 of the CEQA Guidelines. A report prepared for the County by Rincon Consultants Inc. evaluated the project’s potential environmental benefits and impacts in the areas of biological resources, hydrology and water quality, air quality, greenhouse gas emissions, and utilities. (*County of Monterey Reusable Bag Ordinance --Categorical Exemption Report*, attached hereto as Exhibit A and *Appendices A, B and C to Categorical Exemption Report*, attached hereto as Exhibit B and incorporated herein by reference.) As described more fully in the report and as summarized below, there is substantial evidence that the procedures the proposed ordinance will put in place will maintain, enhance, and protect natural resources and the environment.
9. Single-use carryout bags contribute to environmental problems, including litter in storm drains, creeks, the Monterey Bay, and the ocean and the environmental impacts caused by such litter.
10. Monterey County is home to unique environmental resources, including the Monterey Bay National Marine Sanctuary and Elkhorn Slough National Estuarine Research Reserve. Bag litter, and in particular thin-film plastic bags, that enter these and other coastal habitats of Monterey County can as a result of ingestion or entanglement adversely affect sensitive species that inhabit these coastal and marine environments, including leatherback sea turtles, seals, fish, sea otters, and bird species.
11. Prohibiting specified types of retail establishments from using thin-film plastic single-use carryout bags and requiring a charge for recycled paper bags and reusable bags will reduce litter by encouraging customers to use reusable bags and reduce overall bag use.
12. Reducing the amount of single-use carry out bags that enter the storm drain system and local waterways as litter will protect and enhance natural resources and the environment within Monterey County and surrounding jurisdictions by improving water quality and reducing hazards to biological resources.
13. A project that would otherwise fall within these categorical exemptions is not exempt if “there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (CEQA Guideline section 15300.2(c).) No evidence has been presented of unusual circumstances that would create a reasonable possibility of the ordinance having a significant effect on the environment.

NOW, THEREFORE, the Board of Supervisors does hereby:

- A. Find that the above recitals and findings are true and correct; and

- B. Find, based on substantial evidence and the record as whole, that the proposed ordinance is categorically exempt under section 15307 and 15308 of the CEQA Guidelines.

PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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\_\_\_\_ for the meeting on \_\_\_\_\_.

Dated:

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

By\_\_\_\_\_  
, Deputy

Attachments:

EXHIBIT A: Categorical Exemption Report

EXHIBIT B: Appendices A, B and C to Categorical Exemption Report