



## Monterey County Board of Supervisors

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### Board Order

#### Resolution No. 19-214

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker to:

Adopt Resolution to accept the 2018 Annual Report, pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program, on the status of condition compliance for land use projects with mitigation measures approved by the County in 2018.

Planning File No: REF190003

Project Location: Countywide

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

PASSED AND ADOPTED on this 18th day of June 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Lopez, Phillips, Parker and Adams

NOES: None

ABSENT: None

I, Valerie Ralph, 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 82 for the meeting June 18, 2019.

Dated: June 19, 2019

File ID: 19-0457

Agenda Item No.: 24

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

Valerie Ralph, Clerk of the Board

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

**Resolution No. 19-214**

Resolution to accept the 2018 Annual Report )  
pursuant to the County of Monterey Condition of )  
Approval and Mitigation Monitoring and )  
Reporting Program (Condition of Approval and )  
Mitigation Monitoring and Reporting Program )  
REF190003/Countywide) )

**RECITALS:**

**WHEREAS**, the California Environmental Quality Act (Public Resources Code section 21000 et seq., “CEQA”) requires that a Mitigation Monitoring and Reporting Plan be adopted for every land use project approved subject to mitigation measures; and

**WHEREAS**, the California Environmental Quality Act and its implementing regulations at Title 14 of the California Code of Regulations commencing at Section 15000 et seq., (“CEQA Guidelines”) were adopted by the State of California to provide administrative procedures to implement CEQA; 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 program for monitoring or reporting on mitigation measures which have been imposed as conditions of approval on land use projects to ensure that mitigation measures and project revisions identified in an EIR or Mitigated Negative Declaration have been implemented; and

**WHEREAS**, in response to a Settlement Agreement between Ed Leeper, the Save Our Peninsula Committee and the County of Monterey in 2000, the Board adopted procedures for a County of Monterey Mitigation Monitoring and Reporting Program (“Procedures”) on October 9, 2001; and

**WHEREAS**, in response to a 2011 Settlement Agreement in a second lawsuit filed by Save Our Peninsula Committee and with the goal of improving its mitigation monitoring and reporting procedures under CEQA and the ability of the public to review and monitor County’s compliance with CEQA and its own procedures, the County adopted the Condition of Approval and Mitigation Monitoring and Reporting Program on January 24, 2012, (Resolution No. 12-021) (“Program”), which replaced the previously adopted Procedures; and

**WHEREAS**, the Program included 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 the previous calendar year; and

**WHEREAS**, 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 further amended the Program on December 6, 2014, by Board of Supervisors' Resolution No. 14-364; and

**WHEREAS**, 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 further amended the Program on February 14, 2017, by Board of Supervisors' Resolution No. 17-049 ("Amended Program"); and

**WHEREAS**, throughout 2018 and 2019, SOPC and County staff have had continued discussions regarding implementation and clarification of the Amended Program, including developing a format for the annual report which provides thorough information on the status of condition compliance of the relevant projects and provides accountability through departmental certification, while eliminating the need for extra paper; and

**WHEREAS**, SOPC and County agreed to postpone the date for presentation of the 2018 Annual Report to the Board of Supervisors to June 18, 2019 and agreed upon the format and scope for this year's Annual Report; and

**WHEREAS**, the 2018 Annual Report is attached to the staff report and incorporated herein by reference; and

**WHEREAS**, Section III.E of the Amended Program requires that the Annual Report be considered by the Board of Supervisors at a noticed public hearing; and

**WHEREAS**, notice of the June 18, 2019, public hearing at the Board of Supervisors on the Annual Report, as required by the Amended Program, was published in the *Monterey County Weekly* on June 12, 2019 and posted on the County's website; and

**WHEREAS**, in compliance with Section 9 of the 2011 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 June 18, 2019; and

**WHEREAS**, the Board of Supervisors held a duly noticed public hearing on June 18, 2019 on the 2018 Annual Report, at which time all persons had the opportunity to present testimony.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Monterey does hereby:

Accept the 2018 Annual Report pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program on the status of compliance with Conditions of Approval / Mitigation Monitoring and Reporting Plans for all land use projects with mitigation measures approved by the County of Monterey in 2018, attached to the staff report and incorporated herein by reference.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of June 2019, upon motion of Supervisor Alejo, seconded by Supervisor Parker, by the following vote, to-wit:

**AYES:** Supervisors Alejo, Parker, Adams, Phillips and Lopez  
**NOES:** None  
**ABSENT:** None

I, Valerie Ralph, 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 82 for the meeting on June 18, 2019.

Dated: June 24, 2019  
Legistar File ID No. 19-0457  
Agenda Item No. 24

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

By 

Valerie Ralph, Clerk of the Board