

Attachment C
Resolution
with
Annual Report Matrices
C-1 2012 Annual Report
C-2 2013 Annual Report

REF140016

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

Resolution No. _____

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 on this **25th** day of **March, 2014**, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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

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	EIR	N/A	In Litigation	105	37	N/A	N
2	PEBBLE BEACH COMPANY	PLN100138	6/19/2012	EIR	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
6	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
9	STATE OF CA (WHISTLESTOP LAGOON)	PLN110472	9/26/2012	MND	DOC#2013022272	Condition Compliance	6	4	Y	N
10	COUNTY OF MONTEREY (NGEN- CARMEL VALLEY)	PLN100515	9/26/2012	MND	DOC #2014010800	Condition Compliance	18	2	Y	N
11	COUNTY OF MONTEREY (NGEN- LAGUNA SECA)	PLN100502	9/26/2012	MND	DOC #2014011069	Condition Compliance	18	1	Y	N
12	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
14	FORSBERG DANA (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)	CE 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	PLN120701	08/29/2013	MND	DOC #2013074906	Condition Compliance	23	5	Y	N
9	STATE OF CA (GARRAPATA STATE PARK)	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

