



Monterey County

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Board Report

Legistar File Number: 18-450

April 24, 2018

Introduced: 4/17/2018

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Current Status: Agenda Ready

Matter Type: General Agenda Item

Item continued from March 13, 2018. Continue the public hearing to June 19, 2018 to consider the 2017 Annual Report on the status of compliance with Condition of Approval/Mitigation Monitoring and Reporting Program for various land use projects, including projects with mitigation measures approved by the County of Monterey in 2017.

(REF180006/Countywide)

CEQA Action: Not Applicable per Section 15060(c) (1) and 15378(b) (5)

RECOMMENDATION:

Staff, with concurrence from Mr Richard Rosenthal representing Save Our Peninsula Committee ("SOPC"), request that the Board of Supervisors continue the public hearing from April 24, 2018 to June 19, 2018 in order for the parties to continue meeting on the 2017 Annual Report on the status of compliance with Condition of Approval/Mitigation Monitoring and Reporting Plans for all land use projects with mitigation measures approved by the County of Monterey in 2017.

SUMMARY:

In February 2017, staff completed a draft of the 2017 Annual Report pursuant to the County's "Condition of Approval and Mitigation Monitoring and Reporting Program (Board Resolution No. 17-049). This report was noticed for consideration at a public hearing on March 13, 2018. Staff presented a draft of the 2017 Annual report and discussed identified ambiguities and the need for clarifications within the program.

The item was continued to April 24, 2018 in order to facilitate continued discussion on the 2017 Annual Report on the status and reporting of various land use projects and their compliance with the Condition of Approval & Mitigation Monitoring and Reporting Program. RMA and County Counsel staff continue meeting with representatives from the Save Our Peninsula Committee ("SOPC"). On March 29, 2018, discussions continued with no resolution to the identified issues. Mr. Richard Rosenthal, attorney for SOPC, requested additional meet and confer meetings prior to this item retuning before the Board.

DISCUSSION:

On October 9, 2001, the Board of Supervisors adopted a Mitigation Monitoring and Reporting Program (MMRP) (Resolution No. 01-391) delineating procedures for monitoring and tracking mitigation measures imposed by the County on land use projects under the California Environmental Quality Act (CEQA). Subsequently modifications to the MMRP (Resolution No. 14-363) were adopted in 2014 that included the electronic tracking of conditions of approval and clarifications documented regarding the applicability of the program to discretionary land use entitlements that are approved with mitigation measures along with instructions on administration and implementation of the

Program. On February 14, 2017, the Board of Supervisors again approved modifications to the Program. The amendments include requirements for additional staff training, tracking and reporting of conditions of approval and compliance of mitigation measures. Additional, requirements include closer monitoring of on-going conditions of approval and mitigations measures for projects approved in previous years for which an Environment Impact Report (EIR) was certified and the project has not been implemented as well as on post final Standard Subdivision final map recordation has been added.

Staff of applicable land use departments/agencies have been trained on the Program, as amended. Staff continues to work with applicants on compliance, such that no Notice of Violation has been required for lack of compliance.

Section III.E of the Program requires that staff present an annual report to the Board of Supervisors on the status of compliance with condition of approval/ mitigation monitoring and reporting plans for all land use projects with mitigation measures approved by the County of Monterey, any related code enforcement actions undertaken, related trainings, and any proposed actions to modify conditions of approval for land use projects approved, along with projects approved in the reporting year that have required the preparation of an EIR where the conditions of approval and mitigations measures are currently being monitored. There are currently 2,400 land use entitlements with a status of condition compliance. and another 808 project applications pending (application request/DRC, given out, incomplete, tabled, complete, set for hearing, etc.) for a total of 3,208 a reduction of 1,754 projects from the total of project documented in 2016. To manage this program, RMA-Planning has 10 planner positions (three vacant), one supervising planner, two managers (one vacant), and a Chief of Planning.

The Program, as amended, requires that the Annual Reports be presented each year on or before the end of January. However, for the 2017 calendar year it was agreed to be presented by the end of March 2018, due to availability of the Save Our Peninsula Committee (“SOPC”) representative. RMA completed a report for projects approved in 2017.

Pursuant to a settlement agreement with SOPC, in 2017 staff:

- Met and conferred about revisions to the Program prior to the Board’s consideration and approval of the revisions on February 14, 2017,
- Agreed with SOPC to meet within 12 months of the Program’s amendment to review implementation of the amended Program, and
- Agreed to include a summary of the past year’s conference with SOPC in the Annual Report.

Staff has met with representative of SOPC on March 1 and March 29, 2018. As a result of the meetings, additional modifications to the Program are necessary to add clarity to the Implementation.

OTHER AGENCY INVOLVEMENT:

County Counsel has worked with RMA-Planning on the Condition of Approval and Mitigation Monitoring and Reporting Program and communications with SOPC. County land use departments, the Monterey County Water Resources Agency, and County Fire agencies all contribute to the condition compliance and mitigation monitoring tracking and reporting. The reporting is done by filling out a “Condition Compliance Form” for each condition and mitigation measure and by providing the status and background information in Accela Automation, the County’s permit tracking database.

FINANCING:

These reports are produced internally by existing staff. Therefore, staff time associated with this annual report is included as part of staffing funded in the FY17-18 Adopted Budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Processing application in accordance with all applicable policies and regulations provides the County accountability for proper management of our land resources. This report has been processed within the timeline in the Settlement Agreement.

Check the related Board of Supervisors Strategic Initiatives:

- ☐ Economic Development
- ☒ Administration
- ☐ Health & Human Services
- ☐ Infrastructure
- ☐ Public Safety

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Approved by: Carl P. Holm, AICP, RMA Director

cc: Front Counter Copy; Save Our Peninsula Committee (Richard Rosenthal; Mike Weaver); Carl P. Holm, Director of RMA; Leslie J. Girard; Wendy Strimling; Jacqueline R. Onciano; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa, Executive Director); Project File REF180006