



Monterey County Board of Supervisors

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066
www.co.monterey.ca.us

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo to:

Adopted Resolution No. 20-217

Accept the 2019 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 approved in 2019 which relied on a CEQA Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) and for older previously approved land use projects that have on-going or unmet Conditions of Approval/Mitigation Measures selected by the Condition of Approval Program Supervisor (CAPS).

PASSED AND ADOPTED on this 23rd day of June 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams
NOES: None
ABSENT: None
(Government Code 54953)

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 23, 2020.

Dated: June 24, 2020
File ID: RES 20-091
Agenda Item No.: 18

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

Joel G. Pablo, Deputy

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

Resolution No. 20 - 217

Resolution to accept the 2019 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 approved in 2019 which relied on a)
CEQA Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND))
and for older previously approved land use projects that have on-going or unmet)
Conditions of Approval/Mitigation Measures selected by the Condition of Approval)
Program Supervisor (CAPS). (2019 Annual Report REF200003/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, with the intent to clarify the Program and to facilitate the Program's implementation the County further amended the Program on July 23rd 2019, by Board of Supervisors' Resolution No. 19-270; and

WHEREAS, the 2019 Annual Report is attached to the staff report and incorporated herein by reference; and

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

WHEREAS, notice of the June 23, 2020, 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 11th, 2020 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 23, 2020; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on June 23rd, 2020 on the 2019 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 2019 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 2019 and for older previously approved land use projects that have on-going or unmet Conditions of Approval/Mitigation Measures selected by the Condition of Approval Program Supervisor (CAPS), attached to the staff report and incorporated herein by reference.

PASSED AND ADOPTED on this 23rd day of June 2020, by roll call vote:

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

NOES: None

ABSENT: None

(Government Code 54953)

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 23, 2020.

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