



Legislation Details (With Board Report)

**File #:** 13-0906      **Name:** Laguna / Penon Peak - Mitigation  
**Type:** General Agenda Item      **Status:** Passed  
**File created:** 8/23/2013      **In control:** Board of Supervisors  
**On agenda:** 8/27/2013      **Final action:** 8/27/2013

**Title:** a. Approve and authorize the County Administrative Officer or his designee to sign a “Notice of Mitigation Monitoring and Reporting Plan and Indemnification for Wireless Communication Facilities” subject to minor non-substantive changes agreeable to the County and approved by County Counsel to comply with Planning Conditions for the Penon Peak wireless communications facility for the NGEN Radio System (NGEN);  
b. Approve and authorize the County Administrative Officer or his designee to sign a “Notice of Mitigation Monitoring and Reporting Plan” and “Permit Approval Notice” to comply with planning conditions for the Laguna Seca wireless communications facility for the NGEN Radio System (NGEN);  
c. Authorize the County Administrative Officer or his designee to record the “Notice of Mitigation Monitoring and Reporting Plan” and the “Permit Approval Notice” for the wireless communications facility at Laguna Seca;  
d. Approve and authorize the Director of Emergency Communications to sign the “Wireless Reduce Visual Impacts Declaration” to comply with planning conditions for the Penon Peak wireless communications facility; and  
e. Approve and authorize the Director of Emergency Communications to sign the “Wireless Reduce Visual Impacts Declaration” to comply with planning conditions for the wireless communications facility at Laguna Seca. (ADDED VIA ADDENDUM)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. NoticeMMRPWirelessIndemnificationPenon.pdf, 2. NoticeMMRPLagunaSeca.pdf, 3. PermitApprovalNoticeLagunaSeca.pdf, 4. WirelessVisualImpactPenon.pdf, 5. WirelessVisualImpactLaguna.pdf, 6. Completed Board Order

Date	Ver.	Action By	Action	Result
8/27/2013	1	Board of Supervisors	approved	

a. Approve and authorize the County Administrative Officer or his designee to sign a “Notice of Mitigation Monitoring and Reporting Plan and Indemnification for Wireless Communication Facilities” subject to minor non-substantive changes agreeable to the County and approved by County Counsel to comply with Planning Conditions for the Penon Peak wireless communications facility for the NGEN Radio System (NGEN);  
b. Approve and authorize the County Administrative Officer or his designee to sign a “Notice of Mitigation Monitoring and Reporting Plan” and “Permit Approval Notice” to comply with planning conditions for the Laguna Seca wireless communications facility for the NGEN Radio System (NGEN);  
c. Authorize the County Administrative Officer or his designee to record the “Notice of Mitigation Monitoring and Reporting Plan” and the “Permit Approval Notice” for the wireless communications facility at Laguna Seca;  
d. Approve and authorize the Director of Emergency Communications to sign the “Wireless Reduce Visual Impacts Declaration” to comply with planning conditions for the Penon Peak wireless communications facility; and  
e. Approve and authorize the Director of Emergency Communications to sign the “Wireless Reduce Visual Impacts Declaration” to comply with planning conditions for the wireless communications facility at Laguna

Seca. (ADDED VIA ADDENDUM)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the County Administrative Officer or his designee to sign a “Notice of Mitigation Monitoring and Reporting Plan and Indemnification for Wireless Communication Facilities” subject to minor non-substantive changes agreeable to the County and approved by County Counsel to comply with Planning Conditions for the Penon Peak wireless communications facility for the NGEN Radio System (NGEN);
- b. Approve and authorize the County Administrative Officer or his designee to sign a “Notice of Mitigation Monitoring and Reporting Plan” and “Permit Approval Notice” to comply with planning conditions for the Laguna Seca wireless communications facility for the NGEN Radio System (NGEN);
- c. Authorize the County Administrative Officer or his designee to record the “Notice of Mitigation Monitoring and Reporting Plan” and the “Permit Approval Notice” for the wireless communications facility at Laguna Seca;
- d. Approve and authorize the Director of Emergency Communications to sign the “Wireless Reduce Visual Impacts Declaration” to comply with planning conditions for the Penon Peak wireless communications facility; and
- e. Approve and authorize the Director of Emergency Communications to sign the “Wireless Reduce Visual Impacts Declaration” to comply with planning conditions for the wireless communications facility at Laguna Seca.

SUMMARY/ DISCUSSION:

The County of Monterey, through its Emergency Communications Department, and other local public safety agencies are participating in a project to deploy the Next Generation Radio System (NGEN) for local government and emergency communications throughout Monterey County. On September 26, 2012, the Monterey County Planning Commission considered and approved projects requiring discretionary permits consisting of wireless communications facilities at Laguna Seca (File No. PLN100502) and Penon Peak (File No. PLN100515). The Planning Commission also adopted by separate resolution a Mitigated Negative Declaration (MND) which included separate analysis of the potential environmental impacts of the individual projects.

The attached notices will comply with conditions set forth in the Planning Commission’s conditions of approval for the two sites. The Santa Lucia Conservancy has generally agreed to the recording of these notices for the Penon Peak project but may require minor changes to meet the conditions of their deed. Santa Lucia Conservancy will also provide Exhibit A for that notice.

OTHER AGENCY INVOLVEMENT:

These notices have been approved by County Counsel as to form.

FINANCING:

There is no anticipated fiscal impact related to the signing and recording of these notices.

Prepared by:

DeAnna Hilbrants - Administrative Manager Emergency Communications - x8883

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Approved by:

William Harry - Director Emergency Communications - x8880

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Attachments:

Notice of Mitigation Monitoring and Reporting Plan and Indemnification for Wireless Communication Facilities (Penon Peak), Notice of Mitigation Monitoring and Reporting Plan (Laguna Seca), Permit Approval Notice (Laguna Seca), Wireless Reduce Visual Impacts Declaration (Penon Peak), Wireless Reduce Visual Impacts Declaration (Laguna Seca)