



Legislation Details (With Board Report)

File #: RES 21-070 **Name:** REF210003 - 2020 Annual Report
Type: BoS Resolution **Status:** Passed
File created: 4/12/2021 **In control:** Board of Supervisors
On agenda: 4/20/2021 **Final action:** 4/20/2021
Title: Public hearing to consider accepting the 2020 Annual Report pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (REF210003).
 CEQA Action: Not a Project per California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5).
 Planning File No: REF210003
 Project Location: Countywide

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Draft Resolution, 3. Attachment B - Condition of Approval & Mitigation Monitoring & Reporting Program 2020 Annual Report, 4. Attachment C - Older Project Supplemental Certification Reports, 5. Attachment D - Resolution No. 19-270 with Exhibit A, 6. PowerPoint Presentation

Date	Ver.	Action By	Action	Result
4/20/2021	1	Board of Supervisors	adopted	Pass

Public hearing to consider accepting the 2020 Annual Report pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (REF210003).

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

Planning File No: REF210003

Project Location: Countywide

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution (**Attachment A**) to: Accept the 2020 Annual Report pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program.

SUMMARY:

Pursuant to Section III.E of the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (“Program”), staff has prepared the 2020 Annual Report (**Attachment B**) that reports on the status of Plan compliance for all projects approved in the 2020 calendar year which relied on an Environmental Impact Report or Mitigated Negative Declaration, and status of condition compliance for selected older projects approved prior to 2020.

The Planning Unit of Housing and Community Development, through the Chief of Planning, has primary responsibility for implementation, compliance and enforcement of the Condition of Approval and Mitigation Monitoring and Reporting Program. A planner within HCD serves as the Condition of Approval Program Supervisor (“CAPS”) who assists the Chief of Planning in implementing the Program. Planning worked collaboratively with County Counsel in communications with Save Our Peninsula Committee (SOPC) in the revision of the Program in 2019.

Several units of HCD including Environmental Services, Engineering Services (representing Public Works) and Planning as well as other departments and agencies including the Department of Public Works, Facilities and Parks, County Environmental Health Bureau, the Monterey County Regional Fire District and the Mission Soledad Fire Protection District contributed to the condition compliance and mitigation monitoring tracking and reporting in the 2020 Annual Report. Day-to-day staff reporting is done by filling out a “Condition Compliance Form” (“CCF”) in Accela Automation, the County’s permit tracking database, for each Condition of Approval and by providing the status, background information and documents as applicable in Accela. To prepare the documentation for this Annual Report, a representative of each department/agency reviews the CCFs then generates and initials a “Responsible Department’s Condition Compliance Certification Report” (“Certification Report”), describing the status of each Condition of Approval listed in the Responsible Department’s report. The department/agency/division head then signs a certification form that certifies the information.

BACKGROUND/DISCUSSION:

On October 9, 2001, the Board of Supervisors adopted a Mitigation Monitoring and Reporting Program (Resolution No. 01-391) delineating procedures for monitoring and tracking mitigation measures required by the County for land use projects in compliance with the California Environmental Quality Act (CEQA). The Program was amended in 2012, 2014, 2017 and most recently in 2019 (Resolution No. 19-270, **Attachment D**). Prior to the 2019 amendment to the Program, RMA (now reorganized as two separate departments, HCD and PWPF) staff and County Counsel had extensive discussions with SOPC regarding implementation of the Program, including what should be reported on in the Annual Report to the Board of Supervisors. The 2019 amendment to the Program required changes to the contents of the Annual Report such that Responsible Department’s Certification Reports certify the status of each Condition of Approval and Mitigation Measure being reported on. The Responsible Departmental representatives who initialize the Certification Reports do so after verifying that CCFs are documented and in place; therefore, CCFs are not required to be reproduced in full in the Annual Report.

The 2020 Annual Report (**Attachment B**) is required to be prepared and presented to the Board of Supervisors at a noticed public hearing pursuant to Section III.E of the Program. The Program specifies that the Annual Report will report on land use projects approved in the prior calendar year that relied on an EIR or MND (“calendar year projects”) and also report on older, previously approved land use projects (“older projects”) or certain of their unmet or ongoing conditions selected by the CAPS for reporting. The criteria for selection of older projects or their conditions are: a) the project applicant previously received a land use entitlement for a significant project in reliance on an EIR, and in the prior calendar year, the permittee was actively working on condition compliance; and b) subdivisions for which the public has raised concerns during the prior calendar year to HCD about compliance with on-going or unmet conditions after the filing of the final map. (Program, Section II. B.1.)

The 2020 Annual Report is reporting on a total of 26 projects as selected by the CAPS. The project list includes:

- Eighteen projects approved by the County in 2020 which relied on Environmental Impact Report or Mitigated Negative Declaration.
- Eight older land use projects.

The 2020 Annual Report discusses the condition compliance status of these projects listed above in detail. The Annual Report includes the Responsible Departments’ annual reports and evidence of Program training completed by staff with the Responsible Departments.

The Certification Reports contain lists of conditions. In a few instances, the list of conditions in the initial Certification Report submitted by Responsible Departments to HCD in late January/early February were missing some conditions, although the CCFs and documentation were in place in Accela. These omissions were corrected in the preparation of the Annual Report. The Responsible Department Reports within the Annual Report include additional Certification Reports which include the omitted conditions. (These additions can be discerned by the initial of the departmental signatory on the lower right corner of the page.)

There were four older projects with conditions that were not met for 2020 as of January 2021, according to Environmental Services (ES). As indicated in the ES Department Report, letters were sent to the property owners requesting they submit the required documentation for compliance. After the 2020 reporting period ended, three of the four property owners submitted the required documentation. The late on-going reporting submittals are left out of the attached 2020 Annual Report since the annual report only reflects the condition statuses during the 2020 calendar year reporting period (pursuant to Section II.B.2 of the Program). Because the late submittals are evidence of compliance and County continued action to monitor compliance, Older Project Supplemental Certification Reports are attached as **Attachment C** to this staff report. County staff is in the process of addressing the lack of compliance by Pasadera/Bishop Ranch. No modifications to the approved COA/MM for the older projects were requested during 2020.

ENVIRONMENTAL REVIEW:

This report is not a project under California Environmental Quality Act CEQA Guidelines section 15378(b)(5) because it is an administrative activity that will not result in direct or indirect physical changes in the environment.

OTHER AGENCY INVOLVEMENT:

County Counsel
Department of Public Works, Facilities and Parks
County Environmental Health Bureau
HCD-Environmental Services
HCD-Engineering Services (representing Public Works)
Monterey County Regional Fire District
Mission Soledad Fire Protection District

FINANCING:

Funding for staff time associated with this annual report is included in the FY20-21 Adopted Budget for RMA/HCD - Planning.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Monitoring condition compliance in accordance with all applicable policies and regulations provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

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

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Approved by: Mike Novo, FAICP, HCD Interim Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Draft Resolution

Attachment B - Condition of Approval and Mitigation Monitoring and Reporting Program 2020 Annual Report, including:

- 2020 Project Summary Chart
- 2020 Responsible Departments' Reports
- 2020 Program Training Sign-In Sheet Dated January 19, 2020

Attachment C - Older Project Supplemental Certification Reports

Attachment D - Resolution No. 19-270 with Exhibit A "County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program," adopted July 23, 2019.

cc: Front Counter Copy; Save Our Peninsula Committee (Richard Rosenthal; Mike Weaver); Mike Novo, Interim Director of HCD; Leslie J. Girard, Chief County Counsel; Wendy Strimling, Assistant County Counsel; Erik Lundquist, Chief of Planning; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa, Executive Director); Project File REF210003