



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: RES 17-148, **Version:** 1

Public hearing continued from June 27, 2017 to adopt a resolution accepting the 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 2016

(Condition of Approval and Mitigation Monitoring and Reporting Program 2016 Annual Report - REF170005/Countywide)

RECOMMENDATION:

It is recommended that the Board of Supervisors hold a public hearing and adopt a resolution (**Attachment C**) accepting the 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 2016.

SUMMARY:

At the request of Mr. Richard Rosenthal, attorney for Save Our Peninsula Committee ("SOPC") this item was continued from the June 27th meeting to August 29th, 2017. SOPA is an active participant in the monitoring and compliance of the Condition of Approval & Mitigation Monitoring and Reporting Program annual reports. In accordance with the County's "Condition of Approval and Mitigation Monitoring and Reporting Program" ("Program" - **Attachment A**), an annual report is to be presented to the Board of Supervisors for consideration at a public hearing. This report addresses projects approved in 2016 with mitigation measures and includes a detailed project list and a matrix describing the status of each of the conditions/mitigation measures for the projects (**Attachment B**). A Condition Status Report for each of the projects is also included in this staff report (**Attachment D**).

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 (**Attachment E**).

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. **Attachment B** provides further discussion of these requirements.

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 4,151 projects in condition compliance status and another 811 project applications pending (application request/DRC, given out, incomplete, tabled, complete, set for hearing, etc) for a total of 4,962 projects. To manage this program, RMA-Planning has 14 planner positions (Supervising Planner position is vacant), plus 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 2016 calendar year it was agreed to be presented by the end of June 2017, due to the timing of completing the amendment. This report provides the annual report for projects approved in 2016. Two EIRs and seven Mitigated Negative Declarations (MND) were adopted in 2016. Program amendments outlined reporting for previous EIRs, so 11 projects meeting this criterion are included in this report.

Pursuant to a settlement agreement with Save Our Peninsula Committee (“SOPC”), in 2017 staff met and conferred with SOPC 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.

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:

Funding for staff time associated with this annual report is included in the FY16-17 Adopted Budget for RMA-Planning.

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

Prepared by: Jacqueline R. Onciano, RMA Chief of Planning

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

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

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| Attachment A | Procedures for the Condition of Approval and Mitigation Monitoring and Reporting Program, adopted February 14, 2017 (Resolution No. 17-049) |
| Attachment B | 2016 Annual Report |
| Attachment C | Draft Resolution |
| Attachment D | Condition Status Reports for projects approved in 2016 (Also on CD) |
| Attachment E | Condition status report list for projects approved in previous years that an EIR was certified and the Plan not fully implemented and Subdivisions, where the map has not been filled (Also on CD). |

cc: Front Counter Copy; Save Our Peninsula Committee (Richard Rosenthal; Mike Weaver); Carl P. Holm, Director of RMA; Leslie J. Girard; Jacqueline R. Onciano; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa, Executive Director); Project File REF170005