



County of Monterey

Item No.

Board Report

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

Legistar File Number: RES 26-052

April 21, 2026

Introduced: 4/8/2026

Current Status: Agenda Ready

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Public hearing to consider accepting the 2025 Annual Report pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (REF260003) and to consider amending the Condition of Approval and Mitigation Monitoring and Reporting Program to remove the requirement to produce an annual report and extend the window of time for newly hired planners to receive Program training from 60 days to six months (REF260007)

PROJECT INFORMATION:

Planning File Numbers: REF260003 and REF260007

Project Location: Countywide

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

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt two resolutions to:

- a. Accept the 2025 Annual Report pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (Attachment B); and
- b. Amend the Condition of Approval and Mitigation Monitoring and Reporting Program to remove the requirement to provide annual reports and extend the window of time for newly hired planners to receive Program training from 60 days to six months (Attachment C with Exhibits).

SUMMARY:

The Condition of Approval and Mitigation Monitoring and Reporting Program (the “COAMMRP” or “Program”) was adopted by the Board of Supervisors in 2012 as a result of litigation. The COAMMRP established policies and procedures that the County must follow to ensure compliance with conditions and mitigation applied to projects and to document how the conditions were satisfied. On October 9, 2001, the Board of Supervisors adopted procedures for a Mitigation Monitoring and Reporting Program (Reso. No. 01-391) to reinforce monitoring and tracking mitigation measures in compliance with the California Environmental Quality Act (CEQA). The procedures were substantially revised and adopted as the Program was in 2012, with more amendments in 2014, 2017, 2019, and 2022. Standard procedures include training all staff who administer condition compliance annually and training planners upon hire as well as procedures for elevating non-compliance and making the information about condition compliance activity available to the public. Consistent adherence with the Program and CEQA has led to an end of the court oversight stemming from litigation. The current Board of Supervisors Resolution No. 22-311 with attachments, is available on the HCD website’s Condition Compliance page.

The Annual Report - The 2025 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 requires that the Annual Report include land use projects approved in the prior calendar year that relied on an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND), as well as certain older, approved subdivision projects (“older projects”). The program further requires that the Conditions of Approval Program Supervisor (CAPS) identify compliance issues on the calendar year projects. As reported in Attachment B, there were no compliance issues. Older projects reported on include those subdivisions with post-Final Map conditions selected by the CAPS for reporting. The criteria for selection of older projects are either (a) the project applicant previously received a land use entitlement for a significant project reliant on an EIR, and in the prior calendar year, the permittee was actively working on condition compliance; or (b) subdivisions that the public has raised concerns about during the prior calendar year that have on-going or unmet conditions after the filing of the final map. (Program, Section II. B.2.)

The 2025 Annual Report contains ten projects:

- Eight projects approved by the County in 2025 that relied on an MND;
- Two older subdivision projects which the CAPS selected for inclusion.

The 2025 Annual Report presents the condition compliance status of these projects in detail. It was found that all conditions of approval and mitigation measures are up to date and, where required, comply with ongoing mitigation measures.

The Annual Report also provides evidence of Program training completed by staff within the Responsible Departments.

Proposed Program amendments - (1) remove annual report requirement and (2) extend window of time before new planners must be trained in the Program.

Standard COAMRP procedures include training staff annually or upon hire and making the information reflecting mitigation and condition compliance available to the public. The County has implemented the Program Annual Report for more than 10 years. In preparing this year’s annual report, the HCD Director finally concluded that the Program’s ongoing administrative burdens are exceeding its benefits. Such burdens could be reduced by amending the Program without losing the value of the Program’s existing best management practices.

The County is obligated to implement and enforce condition compliance, including, but not limited to, CEQA mitigation measures. But the only legal requirement that the County report annually on past condition compliance implementation and mitigation measure status is the one imposed by this Program. The annual report to the Board provides some benefit. However, it is also an unfunded, self-imposed mandate that diverts limited staff resources from other mandated functions. Staff therefore propose eliminating the annual report requirement from the COAMMRP. Such an amendment would not affect either internal HCD procedures or HCD’s continuing commitment to enforcing conditions and documenting compliance. All information has been and still would be accessible in the County’s online permit database and/or through public records requests.

Additionally, HCD staff propose amending the Program to increase the window of time allowed for newly hired planners before they must attend a Program training. The Program currently requires such training to be accomplished within 60 days of the planner's hire date. HCD proposes changing this window to six months. By ensuring the new planners are ready to absorb the information and implement tasks described in the Program onboarding training, this change would increase the efficiency of the Program without reducing the quality of condition compliance work by staff.

The current Program document, Exhibit A to the COAMMRP Resolution, requires that changes to the administration of the Program be made by Board decision in a publicly noticed hearing. Therefore, the CAPS has prepared a draft Resolution to update the Program text in Exhibit A sections II, *Implementation Responsibilities* and III, *Procedures (Attachment C)*. The recommended edits are specified in the discussion section of this staff report.

DISCUSSION:

The following is a brief summary of the staff's use of time on the Annual Report. Each year, HCD-Planning staff who serve as the CAPS creates a list of projects for the annual report and reviews them with County Counsel. Then, the CAPS prepares custom cover letters for use by each Responsible Department (which can alternate from year to year, depending on the location and type of projects approved with mitigation measures in the calendar year). In early January of the following year, the CAPS provides the list and updated documents to each Responsible Department. The Responsible Department staff who administer condition compliance create Certification Reports for each project on the list - irrespective of whether there has been condition compliance activity since the planning project decision. Responsible Department leaders review the Certification Reports and related project condition compliance forms/statuses of projects with their staff and, if all is in order, sign the cover letter. The Responsible Department annual reports are turned in to the CAPS by end of January. Also in January, the CAPS provides technical assistance to all Responsible Department staff, hosting at least two 2-hour Zoom meetings for drop-in help. The CAPS then produces a comprehensive Annual Report for the Board, writes a staff report which is reviewed by the Director, and presents the report to the Board in April. The number of projects in the annual report has varied over the last twelve years - there have been as few as 7 (in 2014) and as many as 32 (in 2021). Depending on the number of projects included in each annual report, the total annual staff time for this process (including all Responsible Department staff activity as well as that of the CAPS) can be up to 200 hours.

Removing annual report activities from the Program would not impact its robust set of defined implementation responsibilities and procedures for mandated condition compliance and mitigation monitoring pursuant to County Code Chapter 16.70. Responsible Department staff would continue to administer condition compliance. Moreover, HCD-Planning have devised an internal procedure to capture the main benefit of the Annual Report, which is oversight of Responsible Department staff condition compliance activity. The CAPS will pull a random sampling of all projects with mitigation measures that are in condition compliance status and check the condition compliance documentation in Accela at least annually. If Condition Compliance Forms are missing or incomplete for the current status of the project, the CAPS shall alert the corresponding Responsible Department leader with suggestions for additional training and/or oversight.

Generally, the Program will not change, as shown in **Attachment D**. The CAPS will still be a point person for problem solving on condition compliance and training staff. Any project documentation for condition compliance will still be available for download from Accela. Finally, the Public Records Act allows the public the ability to request information on projects and the Program. The only difference is that hundreds of hours of paperwork will be saved and approximately 45 minutes of the Board of Supervisors' time every April will be available for other tasks.

The following proposed edits to the Program remove the requirement to produce an annual report.

1. Delete section II.B.2 from Implementation Responsibilities in its entirety.
2. Delete section III.B.3 from Procedures in its entirety. Delete "Responsible Department's Annual Report and procedure for" from section III.B.6.
3. Delete from section III.G the last sentence, which reads, "The Responsible Departments shall report on the status of these on-going Conditions of Approval as part of the Responsible Department's Annual Report if requested by the CAPS."
4. Delete section III.E in its entirety.
5. Remove Attachment 3 from Exhibit A of the Program document and renumber the remaining attachments in order (1 through 4).

To improve the quality of newly hired planner training, one proposed edit to the Program is as follows in strikethrough/underline.

Modify the last sentence of section III.B.6 as follows: "Additionally, HCD staff shall provide training on the Program requirements to newly hired planners within HCD within ~~60 days~~ six months of the start of their employment."

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel assisted with identification of older projects and review of Certification Reports as one of the Responsible Departments. The County Environmental Health Bureau-Land Use Division participated in ongoing condition compliance and prepared their departmental annual report as one of the Responsible Departments. Public Works, Facilities and Parks participated in review of condition compliance done by previous Parks staff, review of Certification Reports, and signatory for the departmental annual report as one of the Responsible Departments. North County Fire Protection District and Monterey County Regional Fire District prepared their departmental annual report as Responsible Departments.

FINANCING:

Funding for staff time associated with this project is included in the FY2025-26 Adopted Budget within Community Development General Fund 001, Appropriation Unit HCD002, Unit 8543.

BOARD OF SUPERVISORS STRATEGIC PLAN GOALS:

- Well-Being and Quality of Life
- Sustainable Infrastructure for the Present and Future
- Safe and Resilient Communities
- Diverse and Thriving Economy
- Dynamic Organization and Employer of Choice

Ongoing compliance with County Code Chapter 16.70 and the Program provides the County with accountability for proper management of our land resources. The removal of annual reporting from the Program would reduce paperwork for staff so that these hours can be applied to project review and compliance with the Program in all other respects.

Link to the Strategic Plan:

<https://www.countyofmonterey.gov/home/showdocument?id=139569>

Prepared by: Mary Israel, Supervising Planner

Reviewed and Approved by: Craig Spencer, Director

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

Attachment A - Draft Resolution to accept the 2025 Annual Report

Attachment B - Condition of Approval and Mitigation Monitoring and Reporting Program
2025 Annual Report, including:

- Project Summary Chart
- 2025 Responsible Departments' Reports
- Program Training Sign-In Sheets from June 26, 2025 and November 20, 2025

Attachment C - Draft Resolution to amend the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program

- Exhibit A Amended Program and attachments 1-5

Attachment D - Redline version of Exhibit A "County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program," adopted April 19, 2022, demonstrating proposed amendment to the text.

cc: Front Counter Copy; Board of Supervisors; California Coastal Commission; North County Fire Protection District; Monterey County Regional Fire District; Robert Brayer, Deputy County Counsel; Environmental Health Bureau-Land Use; HCD-Engineering Services; HCD-Environmental Services; Craig Spencer, HCD Director; Mary Israel, CAPS; Bryan Flores, Chief of Parks; Christina McGinnis, Keep Big Sur Wild; Richard Rosenthal, Interested Party; Michael Weaver, Interested Party; Laborers International Union of North America (Lozeau Drury LLP); The Open Monterey Project (Molly Erickson); LandWatch; Planning Files REF260003 and REF260007