



County of Monterey

Item No.

Board Report

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

Legistar File Number: 25-247

April 22, 2025

Introduced: 4/10/2025

Current Status: Health Department -
Consent

Version: 1

Matter Type: General Agenda Item

- a. Receive an update in response to Board Referral No. 2024.10 to allow point of use and point of entry water treatment devices for new construction on legal lots of record, including accessory dwelling units; and
- b. Provide further direction to staff, as appropriate.

RECOMMENDATION:

It is recommended that the County of Monterey Board of Supervisors:

- a. Receive an update in response to Board Referral No. 2024.10 to allow point of use and point of entry water treatment devices for new construction on legal lots of record, including accessory dwelling units; and
- b. Provide further direction to staff, as appropriate.

SUMMARY/DISCUSSION

Board Referral No. 2024.10 requests that staff research and evaluate necessary steps to allow for point of use (POU) and point of entry (POE) water treatment devices to be used for vacant legal lots of record and accessory dwelling units (ADUs) where POU/POE treatment is otherwise allowed for the existing connections.

On June 18, 2019, the County of Monterey Board of Supervisors adopted Ordinance No. 5310 which amended Chapter 15.04 and added a new Chapter 15.06 to the Monterey County Code thus allowing property owners of undeveloped lots belonging to water system with 2-14 connections to use POU/POE water treatment for lot development. The County received litigation challenging Ordinance No. 5310 and on August 27, 2019, the Board of Supervisors adopted Ordinance 5316 that suspended the sections of Ordinance No. 5310 that allowed POU/POE treatment to be used for development on lots that are part of a 2-14 connection water system.

On November 28, 2023, the County of Monterey Board of Supervisors adopted Ordinance No. 5408 amending portions of Chapters 15.04 and adding Chapter 15.06 to the Monterey County Code to allow for POU/POE treatment to be utilized by systems with 2-14 connections, however Ordinance No. 5408 only applies to existing service connections, not new construction on legal lots of record or ADUs.

On October 1, 2024, staff provided an update to the County of Monterey Board of Supervisors in response to Board Referral No. 2024.10, outlining the next steps, including the amendment of Monterey County Code Chapter 15.06 to allow new development on existing lots of record to utilize

Point of Use (POU)/Point of Entry (POE) treatment. Staff also indicated the need to collaborate with an external consultant to conduct an Initial Study-Mitigated Negative Declaration (IS-MND), with an estimated timeline of approximately 9 months, along with the potential for transitioning to an Environmental Impact Report (EIR).

Currently, a draft amendment to Monterey County Code Chapter 15.06 is under review, which would include provisions for new development using POU/POE treatment on existing lots of record. In parallel, staff are working on developing the scope of services for the Initial Study and environmental review in accordance with the California Environmental Quality Act (CEQA), which will be conducted by an external consultant. Without the option to use POU/POE treatment, new construction-including accessory dwelling units (ADUs)-would be required to connect to a centralized treatment system for the entire water system, even if other connections on the system already utilize POU/POE treatment. Centralized treatment systems are significantly more expensive and cost-prohibitive compared to POU/POE treatment.

Staff anticipate that a draft amended ordinance and Initial Study will be available for public review by December 2025, depending on the timeline and results of the Initial Study.

This work supports the County of Monterey Health Department 2025-2028 Strategic Plan Goal 1. Build Community Power and Partners' Capacity to Increase Equity and Improve Health. It also supports the following of the ten essential public health services, specifically, 2., diagnose and investigate health problems and health hazards in the community; 3., inform, educate, and empower people about health issues; 4., mobilize community partnerships and action to identify and solve health problems; 5. develop policies and plans that support individual and community health efforts and 6., enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has reviewed this report as to legal form.

FINANCING:

There are no fiscal provisions; therefore, there is no impact to the General Fund with the acceptance of this staff update.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services;

promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

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Attachments:

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Board Referral No. #2024.10