Introduced: 8/7/2026
Version: 1

Current Status: Agenda Ready
Matter Type: Ordinance

a. Consider introducing, waiving first reading, and setting September 1, 2026 at 10:30 a.m. as the date and time to consider adoption of an ordinance to amend Monterey County Code Chapter 15.06 to authorize and regulate point-of-use (POU) and point-of-entry (POE) water treatment for new construction on either a vacant existing lot of record or an accessory dwelling unit (ADU) that would be served by either a domestic water system or a private well that would otherwise not meet primary drinking water standards; and
b. Proposed California Environmental Quality Act (CEQA) Action: Consider an Addendum to the 2010 Monterey County General Plan Environmental Impact Report for the proposed ordinance amending Chapter 15.06 of the Monterey County Code and consider finding that none of the circumstances requiring preparation of a subsequent or supplemental environmental impact report are present and that no subsequent or supplemental environmental impact report is required.

RECOMMENDATION:
It is recommended that the Board of Supervisors:
a. Consider an Addendum to the 2010 Monterey County General Plan Environmental Impact Report for the proposed ordinance amending Chapter 15.06 of the Monterey County Code and find that none of the circumstances requiring preparation of a subsequent or supplemental environmental impact report are present and that no subsequent or supplemental environmental impact report is required; and
b. Introduce, waive first reading, set September 1, 2026 at 10:30 a.m. as the date and time to consider adoption of an ordinance to amend Monterey County Code Chapter 15.06 to authorize and regulate point-of-use (POU) and point-of-entry (POE) water treatment for new construction on either a vacant existing lot of record or an accessory dwelling unit (ADU) that would be served by either a domestic water system or a private well that would otherwise not meet primary drinking water standards.

SUMMARY:
Board Referral No. 2024.10 requested 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 already allowed for the existing connections.

Staff have completed draft amendments to Monterey County Code Chapter 15.06 that would include provisions for new development using POU/POE treatment on existing lots of record and ADUs. The County of Monterey Environmental Health Bureau (EHB) contracted with Rincon Consultants to assist

in preparing the requisite CEQA documents for the draft amendments.

DISCUSSION:

Background information:

On June 18, 2019, the Monterey County 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. A legal challenge was brought against Ordinance No. 5310 On August 27, 2019, the Board of Supervisors adopted Ordinance 5316, which 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 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 August 23, 2024, County of Monterey Environmental Health Bureau (EHB) staff received Board Referral No. 2024.10, which directed staff to begin taking necessary steps to allow for POU/POE to be used for vacant legal lots of record and accessory dwelling units in systems with 2-14 connections where POU/POE would otherwise be allowed for the existing connections.

Current Action:

Staff prepared a draft ordinance that would amend Monterey County Code Chapter 15.06 to authorize and regulate point-of-use (POU) and point-of-entry (POE) water treatment for new construction on a vacant existing lot of record that would be served by either a domestic water system or a private well that would otherwise not meet primary drinking water standards. The amendment would require both that EHB approve the POU or POE device to be installed and that the applicant provide EHB with water test results following installation that verify the device's effectiveness. The amendment also would require the property owner to record a deed restriction regarding the installation of the POU or POE and the property owner/successor-in-interest's responsibilities to operate and maintain the system in accordance with the manufacturer's specifications. Finally, this ordinance would allow a POU or POE device to be used to meet water quality requirements for construction of an ADU that will be served by water system or a private well, provided that all dwelling units on the property also install a POU or POE device. If adopted, the ordinance would apply in the unincorporated area of the County of Monterey.

The County of Monterey Environmental Health Bureau hired a consultant, Rincon Consultants, to prepare an Initial Study to analyze the potential environmental impacts, if any, that might stem from adoption of this ordinance. Based on the findings of the Initial Study and applicable CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations), an Addendum to the 2010 Monterey County General Plan Environmental Impact Report ("2010 General Plan EIR") was prepared.

CEQA Guidelines section 15164 requires the County, the lead agency, to "prepare an addendum to a

previously certified EIR if some changes or additions are necessary but none of the conditions described in [Guidelines] Section 15162 calling for preparation of a subsequent EIR have occurred." Those conditions include 1) substantial changes as to the project or the circumstances under which the project is undertaken that would require "major revisions of the previous EIR" due to either new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and 2) the discovery of "new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete" showing new significant effects not analyzed by the previous EIR, increased severity of significant effects previously analyzed, or previously infeasible or new, considerably different mitigation measures or alternatives that would substantially reduce one or more significant project effects on the environment that the lead agency declines to adopt. None of these conditions exist. Consequently, and because the 2010 General Plan EIR included sufficient buildout assumptions to account for this project's effects, the CEQA Guidelines require the County to proceed by Addendum.

CEQA Guidelines section 15164(c) provides that an addendum "need not be circulated for public review." Nevertheless, in the interest of full public transparency, the County of Monterey Environmental Health Bureau publicly circulated the Addendum for public comment for 30 days. No public comments were received.

This work supports the County of Monterey Health Department 2025-2028 Strategic Plan Goals(s): 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: 5. Develop policies and plans that support individual and community health efforts, and 6. Enforce law and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT/COMMITTEE ACTIONS:
The Office of County Counsel reviewed and approved the draft Ordinance as to 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 PLAN GOALS:
By Amending Monterey County Code Chapter 15.06, POU/POE water treatment devices to be used for vacant legal lots of record and ADUs where POU/POE treatment is otherwise allowed for the existing connections, supports the need for more affordable housing by reducing the cost of treatment, the development of new options for water treatment to provide reliable and safe water for residents, and the goal to increase equity by allowing a more affordable option for safe drinking water.

Mark a check next to the related Board of Supervisors Strategic Plan Goals:

_x_ Well-Being and Quality of Life
_x_ Sustainable Infrastructure for the Present and Future
_x_ Safe and Resilient Communities

___ Diverse and Thriving Economy
___ Dynamic Organization and Employer of Choice

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Approved by: Elsa Mendoza Jimenez, Director of Health Services, 755-4621

Attachments:
Board Report
Draft ordinance (redline)
Draft ordinance (clean)
Draft Addendum to the 2010 Monterey County General Plan Environmental Impact Report
Board Referral No. #2024.10