



Legislation Details (With Board Report)

File #: ORD 20-024 **Name:** a. Consider adoption of an ordinance of the County of Monterey, State of California, amending Chapter 14.22 relating to houseboats on Lake San Antonio and Lake Nacimiento

Type: Ordinance **Status:** Scheduled PM

File created: 10/6/2020 **In control:** Board of Supervisors

On agenda: 10/27/2020 **Final action:** 10/27/2020

Title: a. Consider adoption of an ordinance of the County of Monterey, State of California, amending Chapter 14.22 relating to houseboats on Lake San Antonio and Lake Nacimiento, including adding: Section 14.22.015 prohibiting issuance or renewal of houseboat permits at Lake San Antonio effective January 1, 2021, with such prohibition to remain in effect until further action by the Board of Supervisors to rescind or modify the prohibition; Section 14.22.025 prohibiting the use or placement of houseboats on Lake Nacimiento; and Section 14.22.055 authorizing the prohibition of houseboats at Lake San Antonio, effective January 1, 2021, and the impoundment of houseboats remaining at Lake San Antonio after January 31, 2021; and
 b. Find that amendment of Chapter 14.22 of the Monterey County Code is categorically exempt per Section 15308 of the California Environmental Quality Act (CEQA) Guidelines.

Proposed CEQA action: Categorically exempt pursuant to Section 15308 of CEQA Guidelines

Sponsors: Resource Management Agency

Indexes:

Code sections: Title 14 - Streets, Sidewalks and Public Places

Attachments: 1. Board Report, 2. Attachment A-Draft Ordinance Amending Chapter 14.22, 3. Attachment B-Draft Ordinance Amending Chapter 14.22 (redline), 4. Item No. 12 MS PowerPoint Presentation (at hearing), 5. Item No. 12 Completed Board Order and Ordinance No. 5345

Date	Ver.	Action By	Action	Result
10/27/2020	1	Board of Supervisors		

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 b. Find that amendment of Chapter 14.22 of the Monterey County Code is categorically exempt per Section 15308 of the California Environmental Quality Act (CEQA) Guidelines.

Proposed CEQA action: Categorically exempt pursuant to Section 15308 of CEQA Guidelines

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Consider adoption of an ordinance of the County of Monterey, State of California, amending Chapter 14.22 relating to houseboats on Lake San Antonio and Lake Nacimiento including adding: Section 14.22.015 prohibiting issuance or renewal of houseboat permits at Lake San Antonio, effective January 1, 2021, with such

prohibition to remain in effect until further action by the Board of Supervisors to rescind or modify the prohibition; Section 14.22.025 prohibiting the use or placement of houseboats on Lake Nacimiento; and Section 14.22.055 authorizing the prohibition of houseboats at Lake San Antonio, effective January 1, 2021, and the impoundment of houseboats remaining at Lake San Antonio after January 31, 2021; and
b. Find that amendment of Chapter 14.22 of the Monterey County Code is categorically exempt per Section 15308 of the California Environmental Quality Act (CEQA) Guidelines.

SUMMARY:

On October 13, 2020, the Board of Supervisors introduced, waived reading, and set October 27, 2020, at 1:30 p.m., as the date and time for adoption of an ordinance amending Chapter 14.22 relating to houseboats on Lake San Antonio and Lake Nacimiento.

In 1984, the Board of Supervisors adopted Ordinance 2985, which added Chapter 14.22 to the Monterey County Code regulating houseboats on Lake San Antonio (LSA). In Fall 2007, the County assumed management of the operations at LSA, including oversight and management of houseboats. Staff is responsible for monitoring and supporting houseboats on the water, which takes limited staffing resources away from other critical duties. LSA's loss of docks and fueling station during the severe 2017 winter storms created potential risk of a hazardous spill when permit holders/houseboat operators fill tanks (water and fuel) or pump wastewater and sewage tanks from their vessels.

As proposed, the ordinance would prohibit the issuance or renewal of houseboat permits, effective January 1, 2021, until further action by the Board of Supervisors to modify or rescind the prohibition. If the proposed ordinance is adopted, all houseboats shall be removed from LSA no later than December 31, 2020, when current houseboat permits expire. The ordinance would also codify a process for the removal and impoundment of any houseboat remaining at LSA after January 31, 2021.

Additionally, the ordinance amends Chapter 14.22 to explicitly prohibit the use or placement of houseboats at Lake Nacimiento. Existing Chapter 14.22 is silent as to Lake Nacimiento. San Luis Obispo's County Code Section 11.20 does not allow any vessels on Lake Nacimiento (LN) that possess an operable sink drain or toilet, unless the vessel has been issued a permit by the Monterey County Parks Department. Historically, Monterey County Parks Department has not issued houseboat permits at LN.

The ordinance includes a finding that adoption of the ordinance is categorically exempt pursuant to CEQA Guidelines section 15308 because the prohibition on houseboats is a regulatory action to ensure the maintenance and protection of the environment. If adopted, this ordinance will become effective on the thirty-first day following its adoption.

DISCUSSION:

Chapter 14.22 of the Monterey County Code contains regulations for houseboat permits on Lake San Antonio (LSA). In 1984 when the Board of Supervisors adopted Ordinance 2985 enacting Chapter 14.22, the management and oversight of houseboats on LSA was under the purview of a concessionaire. In Fall 2007, the County assumed management of the operations at LSA, including oversight and management of houseboats. Prior to the drought that began in 2013, LSA offered full-service marina amenities at the Lynch Area Boat Launching Facility (LABLF) that included: temporary docking, boat rentals, store/retail, and facilities for pumping wastewater/sewage holding tanks, fueling, and filling freshwater tanks. LABLF was also outfitted with proper safety equipment for spill containment. Dedicated staffing, ranging from two to four personnel daily based on seasonal demand, was responsible for monitoring and supporting houseboats on the water. Staff regularly checked each houseboat for chafed lines and to ensure it was securely moored; seepage of waste or fuel on the water surface; listing or sinking; assisted with taxiing and towing; and moved moorings based on

reservoir inflows and outflows.

Beginning in Summer 2013, LSA water levels fell dramatically. Initially, the decline resulted from emergency LN Dam repairs, where the LSA reservoir was used to sustain river flow below the dam. LSA-North Shore was closed due to no water. However, the sustained drought in the region caused water levels to decline at LABLF resulting in the closure of the boat ramps. During Winter 2014, the marina was moved to the Harris Creek Launch Ramp, and services such as power, fresh water, and fuel were eliminated, leaving limited services for retail, wastewater, and sewage pumping for boaters. With the continuing water level decline over the next months, the marina was eventually moved off land and anchored in deepest water on the lake, where it remains. On June 9, 2015, due to the sharp drop in attendance, from over 250,000 to under 100,000 in 2014, related to low water levels and loss of boating access, the Board of Supervisors approved the closure of LSA. Over the past six years, the marina has deteriorated and broken apart to the point where it is no longer functional and needs to be removed from the lake surface and demolished. At this time, no plans or funds have been identified to replace the marina.

Parks staffing level also decreased significantly from 63 approved permanent positions for Fiscal Year (FY) 2012-13 to 32 approved permanent positions in FY 2017-18. With the loss of staff, vessels, and marina, County Parks could no longer provide the dedicated support to monitor houseboats on the water and resorted to conducting visual checks from the shoreline. This alternate approach is far from ideal, as several surface areas within the Lake are only visible from the water. Currently, five full-time positions are responsible for managing and maintaining both shores at LSA consisting of: over 4,000 acres; 60 buildings; 2,000 campsites, of which 600 are developed offering amenities such as water, electrical, and sewage; and monitoring houseboat moorings. Depending on the inflow/outflow of water, staff spends a minimum of 80 staff hours for two staff members (\$8,989) plus equipment and materials (\$500), at least twice a year, moving houseboats at different lake locations based on water levels. In addition, cabling (\$4,000) and anchors (\$11,200) require replacement every three years.

Currently, LN has no houseboats. LSA has 16 houseboats: 13 houseboats are on the lake surface, 1 is parked on a trailer in the Lynch parking lot, and 2 are beached along the shoreline. Of the 16 houseboats, only three or four are utilized occasionally during the year. Without an operating marina, only limited controls and safety measures are in place for houseboat permit holders when filling tanks (water and fuel) or pumping wastewater and sewage tanks from their vessels. This lack of available staff, proper equipment, and safety controls increases the potential for fuel and sewage leaks and spills, which without timely containment, could adversely impact LSA's natural resources and ecosystem. For the foreseeable future, LSA will not have the staff or amenities to serve and safely manage houseboats on LSA. Additionally, it is unclear what impact the pending dam repairs will have on the water levels at LSA.

On July 9, 2020, staff presented to the Parks Commission a recommendation to repeal Chapter 14.22 in its entirety. At that meeting, the Parks Commission requested that the Office of the County Counsel research alternatives to enable the removal of houseboats at LSA without having to fully repeal Chapter 14.22. On August 6, 2020, staff returned to the Parks Commission with alternative language for Parks Commission consideration and support which would render inoperative Chapter 14.22's regulations for issuing and renewing permits for houseboats until further action by the Board of Supervisors. In addition, staff proposed the addition of Section 14.22.055 to Chapter 14.22 to address the prohibition and impoundment of houseboats at LSA, as well as adding language to make clear that houseboats are not permitted at LN. The Parks Commission unanimously supported the proposed recommendations to amend Chapter 14.22 to make inoperative the authority of the County to issue or renew permits at LSA until further action by the Board of Supervisors, to authorize impoundment of any houseboats remaining at LSA after January 31, 2021, and to clarify that houseboats are not allowed on LN.

CEQA

The ordinance includes a finding that adoption of the ordinance is categorically exempt pursuant to CEQA Guidelines section 15308 because the prohibition on houseboats is a regulatory action to ensure the maintenance and protection of the environment under the circumstances, as described above.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has approved the proposed ordinance as to form. The Parks Commission and the Monterey County Water Resources Agency support removing houseboats at LSA.

FINANCING:

Staff time related to the amendment and adoption of the ordinance including costs associated with publishing the ordinance are included in FY 2020-21 Adopted Budget for the Resource Management Agency. Currently, annual houseboat fees generate \$25,600 in revenue for LSA. Average annual expenses are \$24,045, which vary depending on weather and water outflows. Staff does not anticipate a negative impact to the General Fund resulting from the recommended action.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Public meetings provide transparency to government operations. If approved by the Board, this action will help protect the Lakes' natural resources from potential pollutants from houseboats emissions and hazardous spills associated with servicing activities.

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

Prepared by: Shawne Ellerbee, Assistant Director of Resource Management Agency (831)755-4794

Approved by: Carl P. Holm, AICP, Resource Management Agency Director

Attachments:

Attachment A-Draft Ordinance Amending Chapter 14.22

Attachment B-Draft Ordinance Amending Chapter 14.22 (redline)

(Attachments are on file with the Clerk of the Board)