



County of Monterey

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

Board Report

File #: 20-587, **Version:** 1

Consider an Ordinance amending Chapter 14.22 of the Monterey County Code relating to houseboats on Lake San Antonio.

RECOMMENDATION:

It is recommended the Monterey County Parks Commission support a recommendation to the Board of Supervisors to amend Chapter 14.22 of the Monterey Code, regulating houseboats by adding Section 14.22.015 to make inoperable the authority of Monterey County Parks to issue or renew houseboat permits at the reservoir called "Lake San Antonio" until further action by the Board of Supervisors and adding Section 14.22.055 authorizing the impoundment of any houseboat which remains at Lake San Antonio after December 31, 2020.

SUMMARY:

On July 9, 2020, the Parks Commission supported modifying Sections of Monterey County Code Chapter 14.12 to prohibit houseboats at Lake San Antonio (LSA) and Lake Nacimiento (LN); and address effective dates for removal, impoundment, and disposal of houseboats. However, the Commission requested Counsel look into alternative language for Chapter 14.22, such to disallow houseboats for a period of time but not fully repeal Chapter 14.22 so the use of houseboats could be reestablished if desired later. Staff now returns to the Parks Commission for consideration and support of an alternate amendment to Chapter 14.22.

As proposed, County Parks shall not issue any new houseboat permits nor renew any existing houseboat permits until further action by the Board of Supervisors. All houseboats shall be removed from LSA no later than December 31, 2020, as current houseboat permits run from January 1 to December 31. For calendar year 2020, 0 houseboat permits were issued for LN; 16 were issued for LSA, of which only 3 or 4 are utilized a few times a year.

Should the Parks Commission support the proposed recommendation, staff has the amendment scheduled to be brought to the Board of Supervisors on August 18, 2020, for approval to set a public hearing to consider the proposed ordinance on September 15, 2020. The ordinance would take effect 31 days following its adoption.

DISCUSSION:

Ordinance 2985, Chapter 14.22 Houseboats, applies only to LSA. In 1984 when the Board of Supervisors approved the Ordinance, 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 daily staffing, ranging from two to four personnel based on seasonal demand, were 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, there are no plans or funds 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, 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. The limited Parks staffing resources cannot properly maintain a houseboat program, which increases potential risk to the environment and private property as well as associated liability exposure. 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 houseboat permit holders. LSA has 16 houseboat permit holders: 14 houseboats are on the lake surface, 1 is parked on a trailer in the Lynch parking lot, and 1 is beached along the shoreline. Of the 16 houseboats permitted, only 3 or 4 are utilized a few times a year. Without an operating marina, there are no controls or safety measures 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 trained staff, proper equipment, and safety controls increases the potential for fuel and sewage leaks and spills, which without timely containment, would adversely impact LSA's natural resources and ecosystem. In accordance with Ordinance 2985, 14.22.040 C.1, houseboat permit holders must provide proof that holding tanks have been pumped out a minimum of five times during the preceding permit year. In reviewing yearly documentation received for each houseboat permit holder, staff was unable to locate proof of minimum holding tank pumping as required in 14.22.040 C.1. Parks staff reported that only two houseboats had their holding tanks pumped last year. 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.

In response to the Parks Commission's July 9, 2020 request, Counsel research alternatives to enable the removal of houseboats at LSA without having to fully repeal Chapter 14.22. Today, Staff returns with alternative language for the Parks Commission's consideration and support which renders Chapter 14.22 inoperable for the County Parks Department to issue permits for houseboats until further action by the Board of Supervisors. In addition, Staff proposes the addition of Section 14.22.055 to Chapter 14.22 to addresses the prohibition and impoundment of houseboats at LSA.

OTHER AGENCY INVOLVEMENT:

Monterey County Water Resources Agency (MCWRA) supports the recommendation to prohibit houseboats at LSA and LN. County Counsel assisted in drafting the proposed changes to Chapter 14.22. County Counsel will conduct a final review of the proposed ordinance as to form before it is presented to the Board of Supervisors.

FINANCING:

The Resource Management Agency serves as staff for the Parks Commission. Currently, annual houseboat fees generate \$25,600 in revenues for LSA. Average annual expenses are \$24,045, which vary depending on weather and water outflows.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Public meetings provide transparency to government. The Parks Commission provides a public forum and serves in an advisory capacity to the Board of Supervisors regarding County Parks.

If approved by the Board, this action will also protect the Lakes natural resources from potential pollutants from houseboats emissions and hazardous spills associated with servicing activities.

<u> </u>	Economic Development
<u> X </u>	Administration
<u> </u>	Health & Human Services
<u> X </u>	Infrastructure
<u> </u>	Public Safety

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

Attachments:

Attachment A-Draft Ordinance Amending Chapter 14.22

Attachment B-Chapter 14.22 Houseboats and Proposed (redline)