



County of Monterey

Item No.

Board Report

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

Legistar File Number: PAR 24-011

October 01, 2024

Introduced: 9/19/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Preliminary Analysis Report

Receive a preliminary analysis report 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.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

1. Receive a preliminary analysis report 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 direct that staff:
 - a. Proceed with completion of referral based on modifications by the Board; or
 - b. Return to Board with a more comprehensive analysis of referral and anticipated effort for completion; or
 - c. Rescind referral.
2. Provide further direction to staff, as appropriate.

PRELIMINARY ANALYSIS:

Referral Summary & Background:

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 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.

Proposed Project Description:

This proposed project will require amending Monterey County Code Chapter 15.06 to include new development using POU/POE treatment on existing lots of record as well as environmental review pursuant to the California Environmental Quality Act (CEQA), including starting with an initial study conducted by an external consultant. Without the opportunity to utilize POU/POE treatment, new construction, including ADU's, are then required to use a centralized treatment system for the entire water system, even if the other connections on the water system use POU/POE treatment. Centralized treatment systems are far more expensive and cost prohibitive than POU/POE treatment.

Estimated Project Cost:

The estimated costs for the project include staff time and the estimated cost to work with an outside consultant to conduct an Initial Study-Mitigated Negative Declaration (IS-MND) is approximately \$50,000 to \$80,000 and will take approximately 9 months.

Should the project require transitioning to an environmental impact report (EIR), the cost and timeline would increase significantly. For planning purposes, an EIR could range from \$150,000 to \$250,000 and take between 12 to 18 months, depending on factors such as development potential, the need for technical studies (e.g., vehicle miles travelled), and/or site-specific analysis.

Staffing Level Estimate:

Most of the work has previously been completed as part of amending Chapter 15.04 and adding 15.06 to the Monterey County Code regarding use of POU and POE treatment. The new work will require review and any updates to the Monterey County Code as needed, estimated to be 40-60 hours. Additional time will be needed to review and comment on the Initial Study and prepare to return with a proposed ordinance for Board consideration.

Departmental Challenges:

The Environmental Health Drinking Water Program is resource constrained affecting staffing and the available funds to support the cost of a consultant. Staff are prepared to request the Initial Study once funding is available and request assistance with identifying a funding source.

Proposed Response Date:

Staff anticipate having a draft amended ordinance and initial study for public review dependent upon timeframe and results of the Initial Study, estimated to be early to mid-2025.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Mark a check to the related Board of Supervisors Strategic Initiatives

Economic Development:

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

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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:

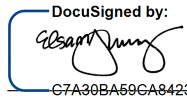
- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

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.

Prepared by: Robin Kimball, Management Analyst III, 796-1297

Approved by:

 Date 9/23/2024 | 10:42 AM PDT
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Elsa Mendoza Jimenez, Director of Health Services, 755-4621

Attachments:

Preliminary Analysis Report

Board Referral No. # 2024.10