



# County of Monterey

Item No.

## Board Report

Board of Supervisors  
Chambers

168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: ORD 23-006

March 21, 2023

Introduced: 3/7/2023

Current Status: Agenda Ready

Version: 1

Matter Type: Ordinance

Introduce, waive first reading, and set April 18, 2023 at 10:30 a.m. as the date and time to consider adoption of an ordinance amending Chapter 16.16 of the Monterey County Code to ensure alignment with federal and state law for continued participation in the National Flood Insurance Program, and to reflect the change in the responsible agency from Monterey County Water Resources Agency to the County of Monterey, Housing and Community Development Department.

**Project Location:** Countywide

**CEQA action:** Find that the adoption of the ordinance is categorically exempt per Section 15301(c) of the California Environmental Quality Act (CEQA) Guidelines.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find that the adoption of the ordinance is categorically exempt per Section 15301(c) of the California Environmental Quality Act (CEQA) Guidelines; and
- b. Introduce, waive first reading, and set April 18, 2023 at 10:30 a.m. as the date and time to consider adoption of an ordinance amending Chapter 16.16 of the Monterey County Code to ensure alignment with federal and state law for continued participation in the National Flood Insurance Program, and to reflect the change in the responsible agency from Monterey County Water Resources Agency to the County of Monterey, Housing and Community Development Department.

### SUMMARY/DISCUSSION:

In January 2019, the County of Monterey entered into a Memorandum of Understanding (MOU) with the Monterey County Water Resources Agency (MCWRA) to move responsibility related to floodplain management and associated duties to the former Resource Management Agency, now split into Housing and Community Development (HCD) and Public Works, Facilities and Parks. HCD has been performing the floodplain management duties detailed in MCC Chapter 16.16 since the MOU was executed. As part of these floodplain management responsibilities the HCD has been working with representatives of the California Department of Water Resources (DWR) to ensure Monterey County Code (MCC) Chapter 16.16 referred to as the Regulations for Floodplains in Monterey County is in alignment with federal and state law and requirements.

Specifically, DWR requested updates to MCC Section 16.16.030 to clarify the general applicability of the regulations toward subdivisions of land, grading and other site improvements, installation of utilities, installation or replacement of manufactured homes, recreational vehicles, tanks, temporary structures, and storage or utility structures. The requested changes to MCC Section 16.16.030 also include the addition of inspection criteria in general and specifically related to inspection of flood hazard areas to determine when development without a permit has occurred, upon installation of manufactured homes,

to require inspection when the lowest floor, including basement, is installed and prior to final inspection of the construction permit. HCD inspections are currently done at these points during the construction process and will need to include documentation of these new inspection items to comply with DWR regulations. HCD estimates the addition of the new inspection items may increase inspection times by 15-30 minutes for projects in the floodplain. This will apply only to 8-10% of the total construction projects HCD inspects that are located in a floodplain. Lowest floor and final inspections will require elevation certificates prepared by a licensed land surveyor or a registered civil engineer and submitted to HCD for approval prior to the project's final inspection. The proposed MCC Section 16.16.60 amendment includes additional specifications for variances on agricultural structures situated in the floodplain when not elevated or dry floodproofed. These specifications include a determination that the proposed structure is for agricultural use only, will not increase risks or pose danger to the public health, safety and welfare if flooded, is properly anchored with flood openings and mechanical, electrical and utility equipment are elevated above the base flood elevation.

Additional suggested revisions have been made to MCC Sections 16.16.020, 16.16.030, 16.16.040, 16.16.050, and 16.16.060 to update all references to the Floodplain Administrator's agency from MCWRA to HCD. The draft ordinance making these proposed amendments is attached here as Attachment A in redline format and Attachment B in clean format.

California Environmental Quality Act (CEQA)

Adoption of the proposed ordinance is categorically exempt pursuant to Section 15301(c) of the CEQA Guidelines because the action will involve negligible changes to the existing County regulations.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has approved the ordinance as to form.

FINANCING:

Staff time to revise the ordinance is included in the FY 2022-23 Adopted Budget for HCD002, Unit 8543. HCD staff expects to absorb the additional required inspection criteria into their existing field inspection duties. Additionally, the elevation certificates proposed would be submitted by a licensed professional to the department and will not require a significant increase in staff time for approval.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action supports the Board of Supervisors Strategic Initiative for Administration, Health & Human Services and Public Safety. The ordinance will allow for regulatory alignment of state and local requirements that will improve floodplain management for County residents.

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

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Approved by: Erik Lundquist, Director of Housing and Community Services

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The following attachments are on file with the Clerk of the Board:

Attachment A - Draft Ordinance (redline)

Attachment B - Draft Ordinance (clean-signed)

Attachment C - WRA RMA MOU