

## Exhibit B

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May 17, 2023

Monterey County Department of Housing and Community Development  
1441 Schilling Place, South 2<sup>nd</sup> Floor  
Salinas, CA 93901

Re: Project (PLN210269) Compliance with Monterey County Code 16.15.050.K and 21.64.130.D.

At the Planner's request this letter serves as a summary of how the proposed project complies with Monterey County Code Sections 16.15.050.K and 21.64.130.D.

MCC SECTION 16.15.050.K

K. Setbacks. A setback of two hundred (200) feet from the top of the bank of a river and fifty (50) feet from the top of the bank of a watercourse will be established where encroachment will be prohibited unless it can be proven to the satisfaction of the Monterey County Water Resources Agency that:

1. The proposed development will not significantly reduce the capacity of existing rivers or watercourses or otherwise adversely affect any other properties by increasing stream velocities or depths, or diverting the flow; and
2. The proposed new development will be safe from flow related erosion and will not cause flow related erosion hazards or otherwise aggravate flow related erosion hazards.

The proposed project is currently applying for a use permit located within 200' of the top of bank of the Carmel River. The project may be subject to flooding (within FEMA floodplain), but is not subject to flow related erosion (FEMA floodway). The grading plan shows that the volume of all construction material that will be imported to the site will be offset by removal of on-site native soil in equal or greater volume. The contractor is to remove the designated soil from within the FEMA floodplain limits and deposit it outside of the FEMA floodplain in conformance with all Monterey County Grading rules. Per the above #1 requirement, this effort will maintain the existing flooding capacity of the Carmel River and will not reduce the flooding capacity. Per the above #2, the proposed project is setback from the floodway and is not expected to be impacted by flow related erosion or cause flow related erosion outside of the project area.

MCC SECTION 21.64.130.D

D. Regulations.

1. The following activities are hereby prohibited, except as provided for herein.
  - a. Development within two hundred (200) feet of the riverbanks, or in the floodway or riparian corridor, as defined herein, except for areas separated vertically by more than the vertical elevation of flooding, as shown in the one hundred (100) year floodplain and floodway maps described in Section 21.64.030C, where it can be shown, to the satisfaction of the Monterey County Water Resources Agency Engineer, that development will accommodate sufficient setback to avoid erosion. All development within two hundred (200) feet of the river banks will require a Use Permit.
  - b. Alteration of the living riparian vegetation by removal, thinning, or other means.
  - c. Construction or alteration of levees, or the placement of fill material in the floodway or riparian corridor.
  - d. Any alteration of the natural course of the river or its banks, except as a part of a flood control project planned or approved by the Monterey County Water Resources Agency.
  - e. Any dredging of, or removal of, natural materials from the river channel or banks.
2. Development in the floodway fringe as defined herein, and subject to the provisions of Subsection 21.64.130D1 and Subsection 20.108.050A is permitted subject to the provisions of this Chapter and provided that all structures including related utilities shall be so located and

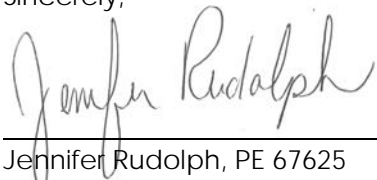
constructed so as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems flood waters. On-site waste disposal systems shall be located so as to avoid impairment of the contamination from and during flooding. The first habitable floor of any structures shall be located at least one foot above the one hundred (100) year flood level. Such use shall be subject to first securing a Use Permit prior to the commencement of any such development.

3. Development of recreation facilities and the establishment of low intensity open space use structural repairs and alterations to existing structures may be permitted in the floodway or floodway fringe provided such facilities or uses comply with the intent and all provisions of this ordinance, including the requirement for a Use Permit and adequate protection of riparian habitats and rip vegetation, smooth flood flow, retention of Federal Flood Insurance Eligibility, and prevention of damage to structures in the floodways. Such facilities and uses shall not include activities a structures which would increase flood-related hazards or impede flood flows. Structural repairs and alterations to existing structures may not expand, enlarge, increase, or otherwise intensify the existing structure.

The proposed project is currently applying for a use permit in conformance with the above #1. The proposed project is considered development in the floodway fringe and is in compliance with the requirements in #2 above (MCC 21.64.130.D.2). The proposed structures are not habitable and related utilities are to be designed with wet flood proofing systems in conformance with FEMA requirements within a floodplain.

Please contact me if you have any questions at 831-214-2201.

Sincerely,



Jennifer Rudolph, PE 67625  
C3 Engineering

5/17/2023

Date

