

MONTEREY COUNTY ZONING ORDINANCE - TITLE 21

21.64.130 - CARMEL VALLEY FLOODPLAIN

21.64.130 REGULATIONS FOR LAND USE IN THE CARMEL VALLEY FLOODPLAIN.

A. Purpose: The purpose of this Section is to protect the Carmel River and its corridor including visual aspects, value as wildlife habitat and stabilize the river channel; preserve the rural character of Carmel Valley; and promote the public health and safety by lessening local flood potential and flood related hazards.

B. Applicability: This Section shall apply to that area within the riparian corridor, within 200 feet of the river bank, and within the floodway and floodway fringe designations illustrated on maps prepared by Nolte Engineers for the Federal Emergency Management Agency and titled, "Preliminary Flood Boundary and Floodway Map" beginning at the westerly boundary of Lot 11, and the westerly boundary of that 4.768 acre parcel of Lot 12 as shown on Page 220 of Volume X3 of Surveys of the Hatton Partition of Rancho Canada de la Segunda and extending upstream to the Limit of Detailed Study easterly of Camp Stephani.

C. Definitions: For the purpose of this Section, unless the context otherwise requires, certain terms used in this Section are defined as follows:

1. Floodway: That portion of the valley floor required to carry the flow which may on the average occur once every 100 years (a 100 year flood). The floodway shall be that area shown on maps prepared by Nolte Engineers for the Federal Emergency Management Agency titled, Preliminary Flood Boundary and Floodway Map, and which are in the possession of the Monterey County Water Resources Agency and the Monterey County Planning and Building Inspection Department.

2. Riparian Corridor: That portion of the valley floor vegetated with native plant materials characteristic of the channel, banks, and adjacent areas of the river. The riparian corridor is further defined as that area which includes trees and woody plants which are clearly dependent on the water course for their continued existence, but shall not extend beyond the floodway fringe.

3. Development: The construction of structures, grading, or other similar activity which requires a permit(s) from any governmental agency.

4. Floodway Fringe: That portion of the valley floor outside of the floodway normally required to carry the flow which may on the average occur once every 100 years (a 100 year flood), and which could be completely obstructed without increasing the floodwater surface elevation more than one foot at any point. The floodway fringe shall be that area shown on maps prepared by Nolte Engineers for the Federal Emergency Management Agency titled Preliminary Flood Boundary and Floodway Map, and which are in the possession of the Monterey County Water Resources Agency and the Monterey County Planning and Building Inspection Department.

D. Regulations.

1. The following activities are hereby prohibited, except as provided for herein.

a. Development within 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 100 year floodplain and floodway maps described in Section 21.64.030(C), 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 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 sub-section 21.64.130D(1) and sub-section 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 into flood waters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from and during flooding. The first habitable floor of any structures shall be located at least one foot above the 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 uses and 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 riparian 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 and/or 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.

E. Development of Lots of Record.

1. Lots of record as of August 7, 1981, whose development would be in conflict with the provisions of this Chapter because their developable portions are within 200 feet of the river bank or within the riparian corridor, may be developed for single family residential purposes, provided that such uses shall, to the maximum extent feasible, comply with all applicable provisions of this Chapter. Such development shall be subject to first securing a Use Permit, prior to the commencement of any such use.

2. New development, or the expansion of or addition to any existing uses, in the floodway is prohibited except for recreational facilities or low intensity open space uses, and structural repairs and alterations to existing structures as provided for in subsection 64.130(D)(3).

F. Riverbank Protection or Channel Modification.

1. Notwithstanding Section 21.64.130(D)(1) and (2) of this Section, riverbank protection, riparian vegetation trimming or removal or channel modification measures may be taken, provided that a Use Permit is first secured.

2. Emergency riverbank protection or channel modification measures are excepted from the prior requirement for a Use Permit, provided that the General Manager of the Monterey County Water Resources Agency must first declare such an emergency to exist or to be imminent. When declaring an existing or imminent emergency, the General Manager of the Monterey County Water Resources Agency shall take into account the high probability of flooding, erosion danger, blockage and structural damage within the next 60 days. During a declared period of emergency, the General Manager must first approve in writing the type, location and extent of any such emergency measures. Application for approval shall be made to the General Manager on forms supplied by the Water Resources Agency and shall be accompanied by appropriate plans prepared by a registered civil engineer.

3. Should an emergency situation arise that requires immediate bank protective actions to mitigate a clear and present danger to life or property, such actions may be performed without prior approval of the Monterey County Water Resources

Agency Engineer. Protective measures performed under this sub-section shall be limited to those needed to mitigate such clear and present danger to life or property. Within ten calendar days of the commencement of such actions the type, location, and extent of protective measures performed under this Sub-section shall be reported in writing to the General Manager of the Monterey County Water Resources Agency.

G. Approved Projects Exclusion.

1. Any development project for which all required permits have been secured and are in effect at that time of adoption of this Section shall be exempt from the provisions of this Section. Should any such permit(s) lapse or otherwise become ineffective for any reason, all provisions of this Section shall then apply.

2. Any channel modification, or alteration of riparian vegetation within the river channel or on the riverbanks which, in the opinion of the General Manager of the Monterey County Water Resources Agency and the Director of Planning and Building Inspection would be of such a very minor nature that such projects could have no impact on the river, its visual appearance, habitat values or stability, are exempt from the other provisions of this Section. This exemption only applies if the proposed project is approved by the General Manager and the Director of Planning and Building Inspection prior to the commencement of the intended work.

3. Any development project which, in the opinion of the Director of Planning and Building Inspection and the Monterey County Water Resources Agency would be of such a very minor nature, that such a project would have no impact on the flood plain or the riparian corridor, is exempt from the other provisions of this Section. This exemption only applies if the proposed project is approved by the Director of Planning and Building Inspection and the General Manager of the Monterey County Water Resources Agency, prior to construction of the project.

H. Conflicts with Other Chapters.

If this Section is found to be in conflict with any other Chapter, Section, Subsection or Title, the provisions of this Section shall prevail.