



COUNTY OF MONTEREY

EMERGENCY PERMIT PROCESS/POLICY

What is an Emergency Permit?

An “Emergency” is defined as a situation arising from fire, explosion, act of god or act of public enemy which, if not corrected immediately, will potentially result in the loss of life, property or environmental resources (Monterey County Code Sections 20.06.425 and 21.06.425). Monterey County Regulations provide a process to permit a temporary solution with the minimum amount of work necessary to reduce the emergency situation while a permanent solution is pursued.

What is the Minimum Amount of Work?

A temporary solution that reduces the emergency situation (i.e.: erosion, structural damage) while a permanent solution is pursued and that can be removed when a permanent solution is approved.

Steps to obtain an Emergency Permit:

- 1) Contact the RMA-Planning or Building Services Department to report the situation.
- 2) Planning and/or Building Services staff may investigate the site, as necessary.
- 3) Applicant/Owner must submit preliminary technical reports and a proposed design solution assessing the situation.
- 4) County staff, in consultation with other agencies, will determine if the situation qualifies as an emergency.
- 5) County staff will determine if the solution constitutes the minimum amount of work necessary to stabilize the emergency situation.
- 6) If the situation is deemed to be an emergency, and the solution is the minimum amount of work necessary to stabilize the emergency situation, County staff will prepare a resolution with conditions of approval. Standard emergency permit conditions include:
 - a) Permanent Permit. Because the emergency permit is a temporary solution, additional permits may be required for a permanent solution. In the Coastal Zone, development requires a coastal permit. Since an emergency permit supersedes the public notification and environmental review process, the owner must file a complete application for a coastal permit within 60 days from receiving approval of an emergency permit. The application must include after-the-fact impact assessment of the temporary work relative to impacts to biological resources, archaeological resources, etc.
 - b) Other Permits/Approvals. Issuance of an emergency permit by the County Planning Department does not relieve an owner from obtaining required permits/approvals from other agencies such as: County RMA-Building Services Department, Department of Fish and Game, the Executive Director of the Coastal Commission, or Army Corp of Engineers. Prior to commencing work, a letter from these agencies should be submitted stating that either a permit/approval has been obtained or that one is not needed.

How is an Emergency determined?

- 1) The applicant/owner retains an engineer report that assesses the situation and provides support for the emergency.
- 2) Monterey County RMA-Planning Department staff and, if needed, RMA-Building Services Department staff will review the report and may investigate the site, as necessary.

- 3) The engineer report and County assessment is forwarded to the California Coastal Commission (CCC) staff for concurrence. The CCC has authority to overrule County officials as to the determination that an emergency exists. **(Coastal Zone only)**

What is required to be submitted for an Emergency Permit?

- 1) Engineer Report. A report from a certified engineer or other qualified professional that includes, at a minimum, the following information:
 - a) Estimated cause of the damage of the structure;
 - b) Estimated time before the structure will fail as a result of the situation;
 - c) Alternative temporary measures considered to address the emergency situation and why they are not feasible;
 - d) Mean High Tide level relative to proposed project. If any part of the project falls below the mean high tide level, then the project is under the jurisdiction of the Coastal Commission **(Coastal Zone only)**;
 - e) Engineer's estimate as to the amount of time required to complete the investigation and design for a permanent solution.
- 2) Preliminary Biological Assessment. A report that identifies what types of plant and animal species are/may be within the project impact area. [Note; a more detailed report for mitigation of after the fact impacts as well as impacts from the permanent design will be required with the permanent permit.] **The requirement to submit these reports is determined by the Director of Planning on a case-by-case basis.**
- 3) Preliminary Archaeological Assessment. A report that identifies what types of cultural resources are/may be within the project impact area. [Note; a more detailed report for mitigation of after the fact impacts as well as impacts from the permanent design will be required with the permanent permit.] **The requirement to submit these reports is determined by the Director of Planning on a case-by-case basis.**
- 4) Fee. The County charges a fee for the service to process an emergency permit. This is separate from, and in addition to, the fee that will be required for the permanent permit. Please refer to the latest fee schedule for the applicable fee.
- 5) Expiration. Once an emergency permit is issued, the permit expires 60 days after approval.

PLEASE NOTE: In order to grant an Emergency Permit, the findings of the Appropriate Authority shall be:

1. That an emergency situation does exist that requires action more expeditiously than allowable under normal discretionary permit procedures.
2. That the establishment, maintenance or operation of the use or structures approved by the Emergency Permit will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such approved use, or, be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.
3. That the work authorized by the Emergency Permit is the minimum amount of work required to mitigate the emergency situation.
4. That the work authorized by the Emergency Permit is consistent with the provisions of the Monterey County General Plan and applicable area plan **(Inland only)** or the Monterey County Local Coastal program **(Coastal Zone only)**.

(Monterey County Code Sections 20.79.050.B and 21.75.050.B)

**MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY**

Carl P. Holm, AICP, Director

LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS

1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

(831) 755-4800

www.co.monterey.ca.us/rma



REQUEST FOR EMERGENCY PERMIT (APPLICATION)

PLEASE NOTE: It is necessary that the property owner (or agent) submit the following information and attachments listed on this form to receive Emergency Permit Clearance. This information must be submitted in writing to our office for review and approval authorization (or denial) by the Zoning Administrator. If the emergency situation is such that a verbal authorization is given by the Zoning Administrator to commence emergency work, the request for emergency permit must still be submitted by the property owner after the emergency work has commenced. **Please submit the application with appropriate permit fees:** http://www.co.monterey.ca.us/planning/fees/fee_plan.htm

Date: _____

Name of Property Owner: _____

Mailing Address: _____

Telephone Number(s): _____

E-Mail: _____

Name of Agent: _____

Company: _____

Mailing Address: _____

Telephone Number(s): _____

E-Mail: _____

Location of Emergency Work: _____

Assessor's Parcel Number (s): _____

Contractor doing emergency work: _____

Company: _____

Mailing Address: _____

Telephone Number(s): _____

E-Mail: _____

Nature & cause of the emergency: _____

Method of preventative work requested (e.g., rip-rap, bulkhead, etc.): _____

Timing of emergency work (estimate as to when work will be performed): _____

Required Attachments for an Emergency Permit:

- Site plan showing the existing and proposed development on the subject parcel.
- Vicinity map (road map) with location of the project site clearly marked.
- A biotic survey is required if the site is within environmentally sensitive habitat.**
- An archaeological survey is required if the site is within an area of high archaeological sensitivity.**
- If an emergency well is requested for residential uses, provide verification from the Health Department - Environmental Health Division that an emergency exists. **(Coastal Zone only)**
- If an emergency well is requested for agricultural uses, provide verification from the Agricultural Commissioner that an emergency exists. **(Coastal Zone only)**

****The requirement to submit these reports is determined by the Director of Planning on a case-by-case basis**

I/We state that as the owner(s) or agent for the owner(s) for the development permit application have read the complete information and know the contents herein. I/We declare under the penalty of perjury that the information contained in this application, including the plans and documents submitted herewith, are true and correct to the best of my/our knowledge.

Dated: _____ at _____
(City & State)

I declare under the penalty of perjury that I am authorized by the owner(s) of the described property to make this application.

Owner's Name (print or type)

Agent's Name (print or type)

Owner's Signature

Agent's Signature

For Department Use Only

Area Plan/Land Use Plan: _____ File Number: _____
Arch Sensitivity: _____ ESHA: _____ Verified by EH or Ag. Commissioner? _____
Verified by CA Coastal Commission? **Yes No** by phone by email by mail Date: _____
Attachments provided: site plan vicinity map preliminary biotic survey preliminary arch. survey
Request submitted: in person by phone by e-mail by mail
Application Given Out By: _____ Date: _____
Application Received By: _____ Date: _____
Authorized the Same Day? **Yes No** By: _____ Date: _____
Expiration Date: _____ Subsequent Permit Required? **Yes No**
Notes: _____