

## **RULE 127 - PERMIT PROCESS**

### **A. RIVER WORK PERMITS**

1. Applications for River Work Permits shall be made to the Monterey Peninsula Water Management District on forms supplied by District staff and shall be accompanied by plans showing appropriate Site, improvement and engineering information as may be required by District staff. The fee prescribed by Rule 60 shall be required for any River Work Permit.
2. Any application which appears to propose an activity regulated pursuant to the National Flood Insurance Program, including but not limited to:
  - a. grading or changes in land forms that might alter channel hydraulics or the configuration of the floodway, or
  - b. levees or other flood control works that might alter channel hydraulics or the configuration of the floodway, shall be referred for review and comment to the Monterey County Water Resources Agency.
3. A public hearing shall be held by the General Manager or District Engineer on the application after the District Staff determines that the information submitted by the Applicant is sufficient to consider the matter; not less than ten (10) calendar days prior to the public hearing the District shall give notice of the hearing by one publication in a newspaper of general circulation and by posting notice in conspicuous places close to the properties affected by the application. The General Manager or his delegee shall have sole discretion as to where to post such notice, and a failure to post shall not invalidate the proceedings. The General Manager or his delegee shall also give notice of such hearing by mailing postage prepaid a notice of the time and place of such hearing to persons owning property adjacent to the exterior boundaries of the area actually occupied by the use for which the River Work Permit was applied. Addresses shall be used from the last equalized assessment roll, or alternatively, from such other records of the Assessor or the Tax Collector as contain more recent addresses in the opinion of the General Manager. No hearing shall be required of non-controversial minor works.
4. The Board of Directors shall by resolution promulgate upon advice of the Carmel River Advisory Committee a list of "minor works" for which permits, in the absence of controversy, may be granted by the General Manager upon payment of the fee prescribed by Rule 60 without published notice or public hearing. Minor River Work Permits which have been issued shall be prominently posted in the Monterey Peninsula Water Management District office, and shall not become effective until seven (7) days after issuance. Such permits may be appealed to the Board pursuant to Rule 127-C of this Regulation. Holders of a Minor Work Permit may undertake such work immediately upon issuance of the Pprmit (but before the permit becomes effective), provided however, that each Applicant for

a Minor River Work Permit who undertakes work prior to the effective date of such Permit agrees in writing to proceed during that seven-day period at his own risk, and agrees to indemnify and hold harmless the Monterey Peninsula Water Management District for any damage which may result, and agrees to comply with any Board order should the permit be denied or conditioned on appeal.

5. In order to grant a regular River Work Permit, an Emergency River Work Permit, or a Minor River Work Permit, the General Manager or the District Engineer shall make the following findings based upon facts apparent from the District files, the permit application or facts presented at the hearing:
  - a. the work allowed by the proposed permit does not appear to adversely affect adjoining or other properties;
  - b. the work allowed appears to be visually compatible with the natural appearance of the river channel, banks and Riparian Corridor;
  - c. the work allowed appears to be appropriate for the intended purpose, and be consistent with technical standards and plans set by the Carmel River Advisory Committee;
  - d. the establishment, maintenance or operation of the use or work applied for does not appear under the circumstances of the particular case, to be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the District, and
  - e. the work permitted appears either to comply with, or be exempt from the requirements of the National Flood Insurance Program.

Each permit shall briefly set forth or refer to the evidence supporting the findings.

6. The General Manager or the District Engineer may designate conditions in connection with the permit to secure the purposes of this regulation, in addition to any standard permit conditions which may be required by the Board. The General Manager or the District Engineer may also require bond and guarantees to assure compliance with the conditions.
7. Each permit issued by the General Manager or the District Engineer shall become effective seven (7) days after the date such Permit was issued and remain valid until the date of expiration stated on the permit; or if no date of expiration is stated, or otherwise specified, all such permits shall expire one year from the date of granting said permit.

8. When a property owner wishes to maintain the river channel and/or riverbank on a regular basis, a River Work Permit may be issued by the General Manager or District Engineer upon the approval of an appropriate management plan. Permits granted for such ongoing activity under this Rule shall state this basis for termination as follows:

“This Permit shall terminate on the date set forth below; and if no date of termination is set, shall terminate one year after the repeal of this Rule or Regulation”.

## **B. EMERGENCY RIVER WORK PERMITS**

Emergency riverbank or Riverbed protection or channel modification measures performed under this Regulation shall require a subsequent Emergency River Work Permit from the General Manager or District Engineer. An application for such a permit shall be submitted within ten (10) calendar days after commencement of such measures. The fee prescribed by Rule 60 shall be required for any Emergency River Work Permit. The intent of such a subsequent Emergency River Work Permit is to ensure that any emergency bank and bed protection measures conform to or will be brought into conformance with the technical standards promulgated in accord with this regulation. To the extent practicable, Emergency River Work Permits shall be administered and granted in accordance with Rule 127-A above, and may also be appealed to the Board in accord with Rule 127-C. Standards shall be developed and distributed summarizing the design concepts that will be required in emergency permits. Persons undertaking emergency River Works without prior approval shall bear sole responsibility for the adequacy and safety of such work, and shall be deemed to proceed at their own risk. The District, upon later review of the Emergency River Work Permit, reserves the right to require removal or modification of such works to that measure compatible with the structural management plan.

## **C. PERMIT APPEALS**

Determinations of the General Manager or the District Engineer may be appealed to the Board of Directors pursuant to Rule 70, “Appeals” upon payment of the fee specified in Rule 60.

*Rule added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 22 (3/11/85); Ordinance No. 14 (11/12/84); Ordinance No. 69 (6/21/93); Ordinance No. 120 (3/21/2005); Ordinance No. 125 (9/18/2006); Ordinance No. 177 (9/18/2017)*