



# Monterey County

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## Board Report

Legistar File Number: ORD 18-006

May 22, 2018

**Introduced:** 5/11/2018

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Ordinance

- a. Introduce, waive reading, and conduct a public hearing to consider adoption of an interim urgency ordinance to prohibit, on a temporary basis and pending the development of new regulations, new wells in a defined “Area of Impact” where seawater intrusion is evident and in the Deep Aquifers in the Salinas Valley Groundwater Basin, with specified exemptions;
- b. Find the ordinance statutorily exempt from the California Environmental Quality Act (CEQA);
- c. Adopt the interim urgency ordinance to prohibit, on a temporary basis and pending development of new regulations, new wells in a defined “Area of Impact” where seawater intrusion is evident and in the Deep Aquifers in the Salinas Valley Groundwater Basin, with specified exemptions.
- d. Direct staff to return within 45 days with an extension of the ordinance for the Board’s consideration.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Introduce, waive reading, and conduct a public hearing to consider adoption of an interim urgency ordinance to prohibit, on a temporary basis and pending the development of new regulations, new wells in a defined “Area of Impact” where seawater intrusion is evident and in the Deep Aquifers in the Salinas Valley Groundwater Basin, with specified exemptions;
- b. Find the ordinance statutorily exempt from the California Environmental Quality Act (CEQA);
- c. Adopt the interim urgency ordinance to prohibit, on a temporary basis and pending development of new regulations, new wells in a defined “Area of Impact” where seawater intrusion is evident and in the Deep Aquifers in the Salinas Valley Groundwater Basin, with specified exemptions.
- d. Direct staff to return within 45 days with an extension of the ordinance for the Board’s consideration.

### SUMMARY/DISCUSSION:

On April 24, 2018, the Board of Supervisors sitting as the Board of the County of Monterey and as the Board of the Monterey County Water Resources Agency received final recommendations from the Ninety-Day Working Group to address seawater intrusion in the Salinas Valley Groundwater Basin. These recommendations were a culmination of multiple stakeholder meetings to address concerns identified by the Monterey County Water Resources Agency regarding seawater intrusion in the Salinas Valley Groundwater Basin. After review of several recommendations, the County Board of Supervisors directed staff to return as soon as possible to the Board of Supervisors with an ordinance for a temporary moratorium on drilling of new wells in Pressure 180-Foot Aquifer and Pressure

400-Foot Aquifer within a defined “Area of Impact” and a temporary moratorium on drilling of new wells in the Deep Aquifers, with exceptions for replacement wells, domestic wells, and municipal supply wells.

The County has authority pursuant to Government Code section 65858 to adopt an interim ordinance as an urgency measure, to take effect immediately, to effect a “moratorium” on specified land uses that may be in conflict with proposed regulations which County is studying or intends to study within a reasonable time, if the Board finds that there is a current and immediate threat to the public health, safety and welfare and that the approval of the additional land uses would result in that threat to the public health, safety and welfare. Accordingly, pursuant to the Board’s April 24th direction, County Counsel in consultation with Environmental Health Bureau and Monterey County Water Resources Agency staff has prepared an interim urgency ordinance for the Board’s consideration. The ordinance prohibits approval of new wells in a defined “Area of Impact” and in the Deep Aquifers of the Salinas Valley Groundwater Basin in the unincorporated area of Monterey County. The Area of Impact is that area where the Pressure 180-Foot and Pressure 400-Foot Aquifers have already been impacted by seawater intrusion or where seawater intrusion is actively advancing in the Salinas Valley Groundwater Basin, according to Monterey County Water Resources Agency data. The prohibition on drilling new wells in the Deep Aquifers applies in the portions of the 180/400-Foot Aquifer Subbasin and the Monterey Subbasin within the Area of Impact; additionally, testing is required of new wells in those subbasins outside of the Area of Impact to prevent extraction of water from the Deep Aquifers. Maps showing the Area of Impact and the 180/400-Foot Aquifer Subbasin and the Monterey Subbasin are attached to the proposed ordinance. The prohibition would apply to applications for construction permits for new wells under Chapter 15.08 of the Monterey and also apply to applications for discretionary permits for new wells to the extent the 2010 General Plan or Local Coastal Program policies require discretionary entitlements for wells.

Pursuant to the Board’s April 24, 2018 direction and consultation with the Monterey County Water Resources Agency staff, the ordinance exempts the following types of wells: wells operating under the auspices of the Castroville Seawater Intrusion Project (CSIP); domestic wells; monitoring wells owned and maintained by the Monterey County Water Resources Agency or other water management agencies; municipal water supply wells; and replacement wells that meet specified criteria.

The ordinance would take effect immediately and would expire 45 days after its adoption (July 5, if adopted on May 22) unless the ordinance is extended by subsequent action of the Board of Supervisors at a subsequent noticed public hearing. Staff proposes to return to the Board prior to July 5th with an ordinance to extend the interim ordinance and is seeking direction as to the length of the extension to propose. Notice of today’s Board’s public hearing on the interim urgency ordinance was provided in the *Monterey County Weekly* on May 10, 2018. Accordingly, pursuant to Government Code section 65858(b), the Board has two options: one extension, extending the ordinance by up to 22 months, 15 days; or two extensions, the first extending the ordinance by up to 10 months, 15 days, and then a second extension of up to an additional year.

Staff proposes that the Board find this action statutorily exempt under the California Environmental Quality Act as an emergency action necessary to prevent or mitigate an emergency. (CEQA Guidelines section 15269.)

While this work is not directly in support of a Monterey County Health Department 2011-2015 strategic initiative, it is in support of one of the ten essential public health services, specifically: 6: Enforce laws and regulations that protect health and ensure safety.

**OTHER AGENCY INVOLVEMENT:**

County Counsel has approved the ordinance as to form. County Counsel, in consultation with the Environmental Health Bureau and Monterey County Water Resources Agency staff, prepared the ordinance.

**FINANCING:**

There is no financial impact to the General Fund resulting from this request.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Robin Kimball, Management Analyst, x1297

Approved by: Elsa Jimenez, Director of Health, x4526

Attachments:

Attachment 1: Interim Urgency Ordinance on file with the Clerk of the Board

Exhibit A: Area of Impact and Salinas Valley Groundwater Basin/Sub basin Boundaries Map on file with the Clerk of the Board

Exhibit B: Area of Impact Map (closer view) on file with the Clerk of the Board