



Monterey County Zoning Administrator

Agenda Item No. 1

Legistar File Number: ZA 18-022

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

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PLN170688 (ORTEGA), PLN170689 (PANATTONI), and PLN170690 (FERNANDEZ) -

Public hearing to consider the construction of three new domestic wells, each on individual lots of record.

Project Locations:

- 780 Rebecca Circle, Aromas, APN 267-141-012-000 (Ortega-PLN170688)
- 787 Rebecca Circle, Aromas, APN 267-141-013-000 (Panattoni- PLN170689)
- 760 Rebecca Circle, Aromas, APN 267-141-011-000 (Fernandez- PLN170690)

Proposed CEQA action: Categorically Exempt per Section 15302 of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution for each project (PLN170688, PLN170689 and PLN170690) to:

- 1) Find the projects are the construction of a well, replacing three connections currently under an existing water system, which qualifies as a Class 2 Categorical Exemption pursuant to Section 15302, of the CEQA Guidelines, and there are not exceptions pursuant to Section 15300.2; and
- 2) Approve three (3) Administrative Permits and Design Approvals for construction of a new well and appurtenant structures on each legal lot of record:
 - 780 Rebecca Circle, Aromas, APN 267-141-012-000 (Ortega-PLN170688)
 - 787 Rebecca Circle, Aromas, APN 267-141-013-000 (Panattoni- PLN170689)
 - 760 Rebecca Circle, Aromas, APN 267-141-011-000 (Fernandez - PLN170690)

The attached three (3) draft resolutions include findings and evidence for consideration [Exhibit C (PLN170688- Ortega), Exhibit D (PLN170689-Panattoni), and Exhibit E (PLN170690-Fernandez)]. Staff recommends approval subject to the attached six (6) conditions of approval for each project.

PROJECT INFORMATION:

Property Owners, APNs and Parcel Sizes:

- Ortega (APN 267-141-012-000, 2.5 acres)
- Panattoni (APN 267-141-013-000, 2.5 acres)
- Fernandez (APN 267-141-011-000, 3.5 acres)

Zoning: Low Density Residential, 2.5 acres per unit, Design Control or LDR/2.5-D

Plan Area: North County Area Plan, Non-Coastal

Flagged and Staked: No

SUMMARY/ISSUES:

The three parcels are developed with residences and currently are part of the Murphy Hill Mutual Water Association No. 2 (MHWS2) which currently serves 18 parcels. In November of 2017, the agent for the three property owners (Ortega, Panattoni and Fernandez), J.T. Robinett & Sons, a local well driller, made three separate applications for Administrative and Design Approval permits (File Nos. PLN170688, PLN170689 and PLN170690) for the drilling of a new domestic wells and appurtenant well structures (tanks) on each of the parcels. By receiving approval of the Administrative Permit and Design Approvals, and following the construction of the wells, the property owners, Ortega, Panattoni and Fernandez, would separate from the MHWS2 water system. The Administrative Permit for a new well is a requirement of the 2010 Monterey County General Plan, Supplemental Policy No. NC-3.8, which states that a discretionary permit is required for all new wells in fractured or hard rock areas in the North County Area Plan to provide for case by case review of potential water quality and overdraft conditions.

The applicants informed staff that the purpose of their application was to drill a new domestic water well due to the fact that for the past years, their existing water source (MHWS2) has had the following issues. (See **Exhibit J** for photographs of water at the Ortega parcel):

- Dark-brown colored water (dirty and sandy)
- Sulfur smell
- Unpleasant taste
- Staining of clothes when washing in washing machines
- Stained toilets, sinks and appliances

Monterey County Environmental Health Bureau (MC-EHB) records show that the MHWS2 has been in and out of compliance with potable water standards since 2004 because of high levels of manganese exceeding the primary Maximum Contaminant Levels (MCL) and with coliform bacteria contamination. A special investigation survey/notice was distributed by the MC-EHB in 2006 to the residents of MHWS2. The survey/notice explained that manganese over 0.500 mg/L may cause neurological effects such as motor skill disturbances, weakness, fatigue, anxiety, and sleeplessness. It further explained that in 2004 the manganese level for MHWS2 tested at 0.570 mg/L and that manganese is known to deposit on the interior of distribution lines, having the potential to interfere with disinfection of the water system and creating a coliform bacteria contamination, which later, it was determined that this also occurred with the MHWS2. Ten (10) residents responded to the survey, collaborating the recent information given by the applicants as to the issues with their water. See **Exhibit H** for Surveys.

These three applications have been referred to the Zoning Administrator because of public controversy. These applications were originally scheduled for administrative approval on March 7, 2018, but subsequently pulled from this administrative approval agenda when the County received letters from neighbors and current MHWS2 administrators (see **Exhibit G**) objecting to the projects and requesting a public hearing to address the following concerns (this is a summary, see Discussion (**Exhibit B**) for more information on the concerns):

- New drilled wells would further deplete the water supply in the vicinity
- The approval of the subject well permits would result in the separation of the three properties

from the MHWS2 system, reducing the membership by 20 percent, which limits the ability to provide affordable water and to raise funds to drill a new well source for the MHWS2 system.

County staff, including members of the MC-EHB have reviewed the concerns noted, analyzed the project and continue to recommend approval of the subject applications for the following reasons:

- 1) MHWS2 has been in and out of compliance since 2004 because of the high levels of manganese exceeding the primary Maximum Contaminant Levels (MCLs) and coliform bacteria contamination;
- 2) The Monterey County Water Resources Agency has, in accordance with Monterey County 2010 General Plan Policy PS-3.3, completed a domestic well impact assessment and found that the proposed wells do not indicate potential for significant adverse impact to existing domestic/water system wells or in-stream flows;
- 3) The bylaws of the MHWS2 do not preclude a current member from leaving the water system.

It should be noted that the MC-EHB has recently received an application for a replacement well by the MHWS2. The MHWS2 has stated that it desires to replace their existing well in an effort to provide adequate water to its residents. The applicants are aware of this application, and have opted to continue pursuing individual wells outside of the MHWS2.

ADDITIONAL DISCUSSION:

Additional discussion is provided in **Exhibit B**.

CEQA

The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project. California Environmental Quality Act (CEQA) Guidelines Section 15302 categorically exempts replacement of existing facilities. The projects are for the construction of wells, replacing three connections currently under an existing water system. The project does not meet any of the exceptions to exemptions listed in Section 15300.2 of the guidelines where ordinarily insignificant projects may have an impact if, by location of development, there is potential to effect environmental resources of hazardous or critical concern or if the project would result in a significant effect or cumulative impact and therefore would warrant environmental review.

The project, as proposed and conditioned, meets County requirements and policies for development of a well within the Low Density Residential, Design Control Overlay zoning districts.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau
RMA-Public Works
RMA-Environmental Services
Water Resources Agency

North County Fire Protection District

The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because the proposed project does not require CEQA review (i.e. did not require an initial study); the project does not involve a lot line adjustment with conflicts; the project did not include a variance; and the project is not solely a Design Approval subject to the review of the Zoning Administrator or Planning Commission.

FINANCING:

Funding for staff time associated with this project is included in the FY16-17/17-18 Adopted Budgets for RMA-Planning.

Prepared by: Nadia Garcia, Associate Planner, x5114
Son Pham-Gallardo, Assistant Planner, x5226
Reviewed by: Brandon Swanson, RMA Planning Services Manager
Approved by: John M. Dugan, AICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

- Exhibit A Project Data Sheets
- Exhibit B Discussion
- Exhibit C Draft Resolution for Ortega (PLN170688) including:
 - Conditions of Approval
 - Well Location Map
- Exhibit D Draft Resolution for Panattoni (PLN170689) including:
 - Conditions of Approval
 - Well Location Map
- Exhibit E Draft Resolution for Fernandez (PLN170690) including:
 - Conditions of Approval
 - Well Location Map
- Exhibit F Vicinity Map
- Exhibit G Letters Opposing Well Applications
- Exhibit H Records from Monterey County Environmental Health Bureau on the MHWS2
- Exhibit I By-Laws of Murphy Hill Water Association, July 14, 1972
- Exhibit J Photographs of water at the Ortega parcel, submitted by Ortega

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, RMA Services Manager; Ortega; Panattoni; and Fernandez, Property Owners; J.T. Robinett & Sons, Agent; Roger VanHorn, Monterey County Environmental Health Bureau; Dominique Pinata, Monterey County Environmental Health Bureau; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Interested Party List in Accela (Neil Klepeis, Claire Priddy; Paul McCollum); Project Files PLN170688; PLN170689; and PLN170690.