



## Monterey County Board of Supervisors

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

### Board Order

Upon motion of Supervisor Salinas, seconded by Supervisor Phillips and carried by those members present, the Board of Supervisors hereby:

Public hearing continued from February 13 and 27, 2018

Adopted Resolution 18-141 to:

- a. Granted appeal filed by General Farm Investment (Chris Bunn) from the denial by the Monterey County Health Department of the application for a Water Well Construction Permit (#17-12916); and
- b. Direct and authorize the Monterey County Health Officer or their designee to issue a Replacement Water Well Construction Permit (#17-12916) with conditions recommended by the Monterey County Water Resources Agency.

PASSED AND ADOPTED on this 13th day of March 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Salinas, and Phillips

NOES: Supervisors Parker and Adams

ABSENT: None

I, Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting March 13, 2018.

Dated: May 23, 2018

File ID: RES 18-022

Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors  
County of Monterey, State of California

By *Danise Hancock*  
Deputy

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

**Resolution No. 18-141**

- a. Grant the appeal filed by General Farm Investment )  
(Chris Bunn) from the Monterey County Health )  
Department's denial of an application for a Water )  
Well Construction Permit (#17-12916); and )
- b. Direct and authorize the Monterey County Health )  
Officer or their designee to issue a Replacement )  
Water Well Construction Permit (#17-12916) with )  
conditions recommended by the Monterey County )  
Water Resources Agency.....)

**WHEREAS**, the Monterey County Health Department received an application on October 13, 2017 from General Farm Investment (Chris Bunn) for a water well construction permit to construct a new well for property located at Cooper Road and McFadden Road (Assessor's Parcel Number 414-011-001); and

**WHEREAS**, the application was forwarded to the Water Resources Agency on October 13, 2017; and

**WHEREAS**, On December 6, 2017, the Monterey County Water Resources Agency made their recommendation to deny the well permit based on their analysis of the application and these components:

- The potential to increase approximately 6% in total annual pumping from wells in the Deep Aquifers in the Areas of Impact;
- Documented seawater intrusion in the proposed well site;
- The predominant source of recharge to the deep aquifers is due to leakage from the overlying aquifers;
- Analysis of the water from the deep aquifer and continued pumping of 'old water' represents mining of a groundwater resource; and
- Insufficient data exists for long term viability of the deep aquifers to allow for knowledge-based water resource planning.; and

**WHEREAS**, On December 7, 2017, the Monterey County Health Department, based on the recommendation by the Monterey County Water Resources Agency and a review of the potential public health impacts to groundwater supply with the Monterey County Health Officer under authority of Monterey County Code, Chapter 15.08, sections 15.08.010 and 15.08.060, denied the application due to documented seawater intrusion and the anticipated expansion of seawater intrusion that would occur as a result of additional pumping from the proposed well; and

**WHEREAS**, section 15.08.160 of the County Code provides that any person whose application for a permit has been denied may appeal in writing to the Board of Supervisors within 10 days after the denial, that the Clerk of the Board shall set such appeal for hearing, and that the Board,

after the hearing, “may reverse, wholly or partly, or may modify the order or determination appealed from”; and

**WHEREAS**, On December 17, 2017, General Farm Investment filed an appeal with the Board of Supervisors from the denial by Monterey County Department of Health of General Farm Investment’s application for a Water Well Construction Permit (#17-12916); and

**WHEREAS**, following the filing of the appeal from the denial, General Farm Investment provided information to the Environmental Health Bureau and Water Resources Agency supporting its contention that the well is a replacement well. The proposed replacement well would be constructed in the Deep Aquifers, in an area where the overlying aquifers have been identified by the Monterey County Water Resources Agency as being impacted by saltwater intrusion. Per Policy PS-3.5 of the 2010 General Plan, the prohibition on construction of wells in known areas of saltwater intrusion does not apply “...to deepening or replacement of existing wells...”; and

**WHEREAS**, on February 13, 2018, the Board of Supervisors conducted a hearing on the appeal filed by General Farm Investment, and based on evidence presented and testimony received at the hearing, the Board of Supervisors adopted a motion of intent (3 to 2 vote) to grant the appeal, finding that the new well is a replacement well for a 1995 well whose water has become too salty for crops, provided that the grant of well permit be conditioned on destruction of the referenced existing well on the property and be conditioned to require metering, monitoring and reporting to enable the well to serve as a monitoring well for the Monterey County Water Resources Agency;

**WHEREAS**, the Board of Supervisors continued the hearing to February 27, 2017 to allow for staff to return with a resolution for approval and recommended conditions of approval, and on February 27, 2017, continued the hearing to March 13, 2017 at the request of staff; and

**WHEREAS**, the Monterey County Water Resources Agency has recommended conditions of approval for the Replacement Well Permit in light of the Board of Supervisors’ direction; and

**WHEREAS**, the Board of Supervisors has authority pursuant to section 15.08.160 of Chapter 15.08 of the County Code to reverse the determination of the Monterey County Health Officer; and

**WHEREAS**, issuance of water well construction permits Chapter 15.08 of the Monterey County Code is ministerial, and accordingly, the Board’s action is statutorily exempt under the California Environmental Quality Act Guidelines section 15268.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors does hereby:

- a. Grant the appeal filed by General Farm Investment (Chris Bunn) from the Monterey County Health Department’s denial of an application for a Water Well Construction Permit (#17-12916); and
- b. Direct and authorize the Monterey County Health Officer or their designee to issue a Replacement Water Well Construction Permit (#17-12916) with conditions recommended by the Monterey County Water Resources Agency.

**PASSED AND ADOPTED** upon motion of Supervisor Salinas, seconded by Supervisor Phillips and carried this 13th day of March 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas and Parker

NOES: Supervisor Adams and Parker

ABSENT: None

I, Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting on March 13, 2018.

Dated: May 23, 2018  
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Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors  
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By Denise Hancock  
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