



Legislation Details (With Board Report)

File #: 15-0161 **Name:** Harper Canyon
Type: General Agenda Item **Status:** Scheduled PM
File created: 2/18/2015 **In control:** Board of Supervisors
On agenda: 3/3/2015 **Final action:**

Title: Public hearing, continued from December 2, 2014, to:
a. Consider the appeal by Harper Canyon Realty LLC from the Planning Commission’s denial of Harper Canyon Realty’s application for a Combined Development Permit consisting of : 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 Coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the creation of a public water system with a stand-alone treatment facility (Option B); 5) Grading for net cut and fill of approximately 2,000 cubic yards; and 6) Design Approval; and
b. Consider the report on the pumping and aquifer recovery tests completed for the wells associated with the project; and
c. Adopt a motion of intent in regard to the project application and continue the hearing to April 7, 2015 to enable staff to present a resolution in support of the motion of intent.
(Appeal of Combined Development Permit - PLN000696/Harper Canyon Realty LLC, San Benancio Road and Meyer Road, Salinas, Toro Area Plan area)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Report, 3. Attachment B - Cover Sheet, 4. Attachment C - EHB Source Capacity Testing Procedures, 5. Completed Board Order

Date	Ver.	Action By	Action	Result
3/3/2015	1	Board of Supervisors	amended	Pass

Public hearing, continued from December 2, 2014, to:
a. Consider the appeal by Harper Canyon Realty LLC from the Planning Commission’s denial of Harper Canyon Realty’s application for a Combined Development Permit consisting of : 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 Coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the creation of a public water system with a stand-alone treatment facility (Option B); 5) Grading for net cut and fill of approximately 2,000 cubic yards; and 6) Design Approval; and
b. Consider the report on the pumping and aquifer recovery tests completed for the wells associated with the project; and
c. Adopt a motion of intent in regard to the project application and continue the hearing to April 7, 2015 to enable staff to present a resolution in support of the motion of intent.
(Appeal of Combined Development Permit - PLN000696/Harper Canyon Realty LLC, San Benancio Road and Meyer Road, Salinas, Toro Area Plan area)

PROJECT INFORMATION:

Planning File Number: PLN000696

Owner: Harper Canyon Realty LLC

Project Location: San Benancio Road and Meyer Road, Salinas

APN: 416-611-001-000, 416-621-001 and 416-611-002-000

Agent: Mike Cling

Plan Area: Toro Area Plan

Flagged and Staked: No

CEQA Action: EIR prepared (SCH #2003071157)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Consider the appeal by Harper Canyon Realty LLC from the Planning Commission's denial of Harper Canyon Realty's application for a Combined Development Permit consisting of : 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 Coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the creation of a public water system with a stand-alone treatment facility (Option B); 5) Grading for net cut and fill of approximately 2,000 cubic yards; and 6) Design Approval; and
- b. Consider the report on the pumping and aquifer recovery tests completed for the wells associated with the project; and
- c. Adopt a motion of intent in regard to the project application and continue the hearing to April 7, 2015 to enable staff to present a resolution in support of the motion of intent.

SUMMARY:

The project consists of: 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres and one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 Coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the creation of a public water system with a stand-alone treatment facility (Option B); 5) Grading for net cut and fill of approximately 2,000 cubic yards; and 6) Design Approval.

On May 13, 2014, the Board of Supervisors conducted a public hearing on the Harper Canyon project and its associated Environmental Impact Report. The Board took public testimony, requested the Applicant, Harper Canyon Realty LLC, to provide updated water quality and quantity testing data on the Applicant's well ("New well"), directed staff to return with a draft resolution with findings and evidence to deny the appeal and deny the project, and continued the public hearing open to August 26, 2014.

On August 26, 2014, staff returned to the Board with a draft resolution with findings and evidence to deny the appeal and deny the project. Attorney Michael Cling, on behalf of the Applicant, requested a continuance to a later date in order to schedule and perform the well testing and to prepare a written analysis of the results. The Board directed staff to return on October 28, 2014 with a status update on the progress of the well testing and continued the public hearing open to December 2, 2014.

On October 28, 2014, Environmental Health Bureau (EHB) staff provided an update on the progress of the well testing to the Board. The applicant decided to test the Oaks well as well as the New Well. A 72-hour pump test was conducted on the Oaks well from October 24-27, 2014. At the time of the Board hearing on October 28, the well test was in the recovery phase. The pump test had not yet been conducted on the New well. The Board accepted the report.

On December 2, 2014, staff returned to the Board. Attorney Michael Cling, on behalf of the Applicant, indicated that pump tests still had not yet been conducted on the Harper Canyon (New) well and stated that they expected to have them completed in early December and the written report completed at the end of January. The Board continued the public hearing open to March 3, 2015. The well tests are now completed.

DISCUSSION:

A report on the 72-Hour Constant Rate Well Pumping and Aquifer Recovery Tests for the Ambler Oaks (Oaks) and Encina Hills (New) wells (“Bierman Report” - **Attachment A**) was prepared by Bierman Hydrogeologic and submitted to County staff on February 10, 2015 for review. The Bierman Report assumptions are based on a 25-connection water system. The proposed water system includes a stand-alone water treatment facility for the 16 new lots created by the proposed Harper Canyon subdivision and the already-approved 9 lots of the Oaks subdivision. The well test results are summarized as follows:

Aquifer Characteristics and Water Quantity and Quality:

Based on the detail in well completion reports for both wells, the wells are perforated within the Paso Robles Formation, which are considered alluvial (not hard rock or non-alluvial) wells by Monterey County Environmental Health Bureau (EHB) and Monterey County Water Resources Agency.

The criteria for source capacity testing is found in EHB’s Source Capacity Testing Procedures document (**Attachment C**) that is available to the public (e.g. EHB’s web site or hard copy) and is supplied to each applicant. After reviewing the Bierman Report, EHB has concluded that the Oaks well and the New well provide sufficient quantity of water from each well to supply the 25-connection water system.

In addition, after reviewing the Bierman Report, EHB has concluded that the Oaks well and the New well provides sufficient water quality from each well to supply the 25-connection water system. The groundwater quality for each well meets the primary inorganic Maximum Contaminant Level set forth in Title 22 of California Code of Regulation except for arsenic. A stand-alone treatment system will be required for treatment of arsenic. Treatment for secondary constituents (i.e. non- health related, taste, smell) will also be included in the treatment facility.

Pumping and Recovery Tests

Title 22 California Code of Regulations requires that wells must demonstrate, within a length of time not exceeding the duration of the pumping time of the pump test (in this case, 72 hours), a 95% recovery rate or that the water level has recovered to within 2 feet of original static water level. A source capacity test designed by a registered hydrogeologist approved by the State Division of Drinking Water Programs or the Local Primacy Agency (EHB) may also be used due to site-specific conditions. EHB and the Monterey Peninsula Water Management Agency’s staff registered hydrogeologist have developed a method of giving a partial credit to the final pumping rate at the end of the pumping test that has been in use for a approximately 20 years. During a source capacity test conducted on the Oaks well in 2000, using a 5 horsepower (hp) pump, the well pumped at a constant rate of 37 gallons per minute (gpm) for 72 hours and recovered 100% within the required 72-hour recovery phase of the source capacity test. The recent 72-hour pumping test on the Oaks well was completed by Cal-Am from October 23-26, 2014. The post-recovery pumping rate for the Oaks well was 23.90 gpm using an existing 2 hp pump. The Bierman Report states, and EHB agrees, that the pumping rate of the well during this pump test is a function of the horsepower of the pump in the well and the well would deliver a higher well yield with a bigger pump (i.e. 5 hp). The groundwater level within the well recovered to 100% of the static water level in 12.8 hours.

The 72-hour pumping test on the New well was completed by Bierman Hydrogeologies from December 5-8, 2014. The pumping rate at the end of the 72 hour source capacity test was 28.91 gpm. The groundwater level

within the well recovered to 94.59% of the static water level at the end of the 72-hour recovery phase. Because the well did not meet the Title 22 recovery parameters, the pumping rate was reduced by 3.39% (**Table 3** in **Attachment A**), in accordance with guidelines developed by EHB and the Monterey Peninsula Water Management District. Therefore, the post-recovery calculated well yield of the well is 27.93 gpm.

Monitoring Nearby Wells

In accordance with EHB's Source Capacity Testing Procedures (**Attachment C**), the owners of three neighboring wells within 1,000 feet of the Oaks well were contacted prior to the pumping tests to determine if they wanted groundwater level monitoring in their well during the pumping test. Only San Benancio School requested monitoring. Water levels in the San Benancio School Well (760 feet away) were monitored during the Oaks well pumping test. Drawdown was first observed 700 minutes into the test; 1.62 feet of drawdown was observed. The water level in the San Benancio School well recovered to 100% of the static water level within 1,198 minutes (~20 hours).

Likewise, two weeks prior to the New well pumping test, owners of parcels within 1,000 feet of the New well were sent a letter notifying them of the opportunity to request groundwater level monitoring of their respective wells during the pumping test. Five property owners responded (Rustad, Lagana, Knapp, Baciagalupi, and Belli). Only three wells (Rustad (206 feet away), Lagana (300 feet away), and Knapp (893 feet away)) were monitored, as the other two wells had no access for monitoring.

The Rustad well casing was in poor condition and the well was not in use. Because the well was discovered by EHB as a result of the testing and is considered abandoned, EHB required the well to be destroyed after the pumping and recovery tests concluded. Groundwater drawdown in the Rustad well was first observed 10 minutes into the test; 7.81 feet of drawdown was observed. The water level in the Rustad well recovered to 88.98% of the static water level within in the 72 hours after the New well pump was turned off. The Bierman Report states that the lack of full recovery could be due to a collapsed casing or heterogeneous and anisotropic aquifer conditions.

The Lagana well is an active irrigation well. Groundwater drawdown in the Lagana well was first observed 10 minutes into the test; 5.65 feet of drawdown was observed. The water level in the Lagana well recovered to 89.56% of the static water level within in the 72 hours after the New well pump was turned off, very similar to the recovery conditions of the Rustad well.

The Knapp well is an active local small water system well. Groundwater drawdown in the Knapp well was never observed. On the contrary, the water level in the Knapp well started to rise around 80 minutes into the test. At the conclusion of the test, groundwater levels were up 1.5 feet and continued to rise after the New well pump was turned off.

The Bierman Report states that aquifer parameters used in the analysis are conservative, and therefore, drawdown values for dry season demand are overestimated. The report concludes that although the calculations suggest there could be some measurable drawdown in the neighboring wells during the dry season, the resultant drawdown values (**Table 5** in **Attachment A**) are considered overestimated and less than significant.

The Bierman Report was submitted to the County on February 10, 2015. Because of the short timeframe between submittal of the report and the drafting of the March 3rd staff report, the Monterey County Water Resources Agency (WRA) has not had sufficient time to review and analyze the report and the conclusions regarding neighboring well interference. Staff will present an evaluation of the data at the Board's hearing.

Conclusion

After reviewing results of the 2000 Oaks well pump testing report and the Bierman Report, EHB has concluded

that the Oaks well with a larger pump (i.e. a 5 hp pump) can provide a sufficient water supply for the 25-connection water system. Also, EHB has concluded that the New well can provide a sufficient water supply for the proposed 25-connection water system.

RECOMMENDATION

Staff is awaiting Board direction in regard to the project application following the Board's consideration of the project application in light of the completion of the well tests. Accordingly, staff is recommending that the Board of Supervisors consider the information in this report on the pumping and aquifer recovery tests completed for the wells associated with the project, adopt a motion of intent with regard to the project application, and continue the hearing to April 7, 2015 to enable staff to present a resolution in support of the motion of intent.

FINANCING:

Funding for staff time associated with this project is included in the FY 14-15 Adopted Budget for RMA-Planning.

Prepared by: Laura Lawrence, RMA Services Manager ext. 5148

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

Carl Holm, Acting Director, Resource Management Agency

cc: Front Counter Copy; Laura Lawrence, RMA Services Manager; EHB, RMA-Public Works; MCWRA; Monterey County Regional Fire Protection District; County Counsel; Sheriff's Office; Harper Canyon Realty LLC, Owner; Mike Cling, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Richard Rosenthal; Rachel Saunders (Big Sur Land Trust); David Raye; Lauren and Bill Keenan; Beverly and Steve Bean; Julie Garvin; Mike Thompson; David Erickson; Steven Schmiess; Lowell Webster; Marianne Gennis; Raymond Lino Belli; Richard Dampier; Meyer Community Group; Laura Carley; The Highway 68 Coalition (Mike Weaver); Native American Heritage Commission; CRWQCB; MBUAPCD; TAMC; MPWMD; Caltrans District 5; Project File PLN000696

The following attachments on file with the Clerk of the Board:

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| Attachment A | Report on the 72-Hour Constant Rate Well Pumping and Aquifer Recovery Tests for the Ambler Oaks and Encina Hills Wells, prepared by Bierman Hydrogeologic, dated February 7, 2015 |
| Attachment B | Project EIR (distributed to the Board with the May 13, 2014 staff report and is available on the RMA-Planning website) |
| Attachment C | EHB Source Capacity Testing Procedures |