



Legislation Details (With Board Report)

File #: 12-933 **Name:** Ag Well Ordinance
Type: General Agenda Item **Status:** Passed
File created: 10/1/2012 **In control:** Board of Supervisors
On agenda: 10/16/2012 **Final action:** 10/16/2012

Title: a. Receive staff response to Board Referral #2012-10 regarding input from the agriculture community on the regulations for permitting of Ag wells; and
b. Refer the draft Well Ordinance and Administrative Guidelines back to the Agriculture Advisory Committee (AAC), which can utilize the existing AAC subcommittee to make recommendations. (Board Referral #2012.10)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A - Letters, 2. Exhibit B - AAC Minutes, 3. Exhibit C - Board Referral, 4. Completed Board Order

Date	Ver.	Action By	Action	Result
10/16/2012	1	Board of Supervisors	approved	Pass

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b. Refer the draft Well Ordinance and Administrative Guidelines back to the Agriculture Advisory Committee (AAC), which can utilize the existing AAC subcommittee to make recommendations. (Board Referral #2012.10)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive staff response to Board Referral #2012-10 regarding input from the agriculture community on the regulations for permitting of Ag wells; and
- b. Refer the draft Well Ordinance and Administrative Guidelines back to the Agriculture Advisory Committee (AAC), which can utilize the existing AAC subcommittee to make recommendations.

SUMMARY/DISCUSSION:

Monterey County has received letters from the Farm Bureau, Pisoni Farms and Costa Family Farms expressing concern that the agricultural (“Ag”) community has not been included in development of the draft well ordinance (**Exhibit A**). At their August 2012 meeting, the Agriculture Advisory Committee (AAC) requested that the ordinance be placed on hold (**Exhibit B**). On September 25, 2012, staff received a Board referral to solicit input from the Ag community on the regulations for permitting of Ag wells and incorporate recommendations into the implementation of the 2010 General Plan (**Exhibit C**).

The referral suggests that the Board of Supervisors appoint a five-member ad hoc Ag Wells Advisory Committee. If this is the Board’s desire, then staff seeks direction for appointment of those members. One option would be for each Board member to nominate a representative to be approved by a majority of the Board. Another option would be for the Board to select five members at-large that represent various agricultural interests.

To date, staff has utilized the Board appointed Agriculture Advisory Committee (AAC) because it represents the broad spectrum of agricultural interests. A subcommittee was established for the purpose of providing input on policy matters. Staff first met with the subcommittee to identify applicable policies and obtain information regarding how regulations may affect agricultural operations. Staff provided that information to the technical consultant team that includes technical experts in local well drilling (local contractor), hydrology and water policy. A draft ordinance was then presented to the AAC for its input that would be forwarded to the Planning Commission. Staff recommends continuing with this format and utilizing the existing AAC subcommittee as an alternative to creating a new stakeholder group. The AAC would make a recommendation to the Planning Commission as the place to bring all stakeholders together, consider all comments, and make a recommendation to the Board of Supervisors.

Based on prior Board direction, staff has been developing a process utilizing the Planning Commission as the place to hold stakeholder workshops or meetings on matters such as this. The only deviation to this direction was to utilize the Board-appointed AAC for input on Ag-related matters. Where requested, staff has attended meetings to respond to questions about developing regulations, including the well ordinance. In response to Board referral 2012.09, staff will be presenting the Board with a process for matters affecting the coastal zone as part of an overall process for long range planning matters.

OTHER AGENCY INVOLVEMENT:

Matters relative to the draft well ordinance and guidelines have included coordinated efforts among Resource Management Agency (RMA), RMA-Planning, Health Department, Environmental Health Bureau, Monterey County Water Resources Agency, and County Counsel.

FINANCING:

The recommended action has no financial impact to the General Fund. Staff time to process ordinances is part of the long range planning work program.

Prepared by:

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CC: Front Counter Copy; Board of Supervisor's (16); County Counsel; Health Department, Environmental Health Bureau; RMA-Planning; Monterey County Water Resources Agency

Attachments:

- Exhibit A Letters (Farm Bureau, Pisoni, Costa)
- Exhibit B AAC Minutes, August 2012
- Exhibit C Board Referral