



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: RES 14-047, **Version:** 1

Public hearing to consider:

- a. Adopting a Negative Declaration; and
- b. Approving a Memorandum of Understanding between the County of Monterey and California-American Water Company to formalize and implement Cal Am's agreement to offset Cal Am's water service to the approved nine-lot Oaks subdivision with an equal amount of water from the Oaks' subdivision well, so as to result in no net transfer of water;
- c. Authorizing the Chair of the Board of Supervisors to execute the Memorandum of Understanding. (REF130072/Oaks MOU, San Benancio Road, Toro Area Plan) (ATTACHMENT J - SIGNED CALIFORNIA AMERICAN WATER MOU - ADDED VIA SUPPLEMENTAL)

PROJECT INFORMATION:

Planning File Number: REF130072

Project Location: Oaks subdivision, east side of San Benancio Road

APN: 161-013-011-000 (well parcel); 161-013-001, -004, -005, -006, -007, -009, -013, -014 (residential parcels)

Plan Area: Toro Area Plan

Flagged and Staked: No

CEQA Action: Negative Declaration

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution (Attachment B) to:

- a. Adopt the Negative Declaration;
- b. Approve a Memorandum of Understanding (MOU) between the County of Monterey and California-American Water Company to implement Cal Am's agreement to offset Cal Am's water service to the approved nine-lot Oaks subdivision with an equal amount of water from the Oaks' subdivision well, so as to result in no net transfer of water; and
- c. Authorize the Chair of the Board of Supervisors to execute the MOU.

SUMMARY:

On December 4, 2012, at a noticed public hearing, the Board of Supervisors considered alternatives for the provision of safe, potable water to the approved nine-lot Oaks subdivision due to the fact that the arsenic level in the Oaks' well exceeds federal and state drinking water standards for arsenic. The Board directed staff to proceed to negotiate an MOU with Cal Am, conduct appropriate environmental review on the proposed MOU, and return to the Board for further action (Attachment I).

An Initial Study/Negative Declaration was prepared for this project and publicly circulated between August 19, 2013 and October 10, 2013 (53 days) (Attachment D.) Four comment letters were submitted, primarily addressing concerns related to water rights, water availability, treatment of arsenic, and appropriate metering of supplied water to the Oaks subdivision. (Attachment E). Staff's responses to submitted comments are provided in Attachment A to this staff report. As a result of the comments, staff has made a few minor clarifications to the Initial Study, but these clarifications do not alter the staff's conclusion that the MOU results

in no significant impacts. Accordingly, staff recommends adoption of the Negative Declaration.

The County and Cal-Am have finalized the terms of the MOU, which is attached. (Attachment C). Cal Am is in the process of obtaining signatures on the MOU. The MOU executed by Cal Am will be distributed to the Board of Supervisors prior to the May 6, 2014 hearing on the MOU.

The MOU requires Cal Am to ensure that the volume of treated water sent from the Ambler Park Water System to the Oaks subdivision and the volume of raw water sent from the Oaks well to the Ambler Park Water System are equal, so as to result in no net transfer of water. The MOU fleshes out the details of implementation, monitoring, and reporting. By its terms, the MOU applies only to the nine lots contained within the Oaks subdivision, due to the unique circumstances and public health considerations requiring treatment of water to an already approved subdivision. (See paragraph 7 of the MOU.)

DISCUSSION

See Attachment A for further discussion.

OTHER AGENCY INVOLVEMENT:

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

Environmental Health Bureau
Water Resources Agency

FINANCING:

Funding for staff time associated with this project is included in the FY13-14 Adopted Budget for the Planning Department.

Prepared by: David J. R. Mack, Associate Planner ext. 5096
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192
Benny Young, Director Resource Management Agency

This report was prepared with assistance by John H. Ford and reviewed by Mike Novo.

cc: Front Counter Copy; David J. R. Mack, Project Planner; John H. Ford, Planning Services Manager; California-American Water; The Open Monterey Project; Save Our Peninsula Committee; LandWatch; Project File REF130072;

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

Attachment A	Discussion
Attachment B	Draft Board Resolution
Attachment C	MOU
Attachment D	Initial Study/Negative Declaration with errata
Attachment E	Comments on Initial Study/Negative Declaration
Attachment F	Oaks Subdivision Final Map
Attachment G	Aggregate Water Usage Data (5/2008 - 10/2013) for Oak's Subdivision (3 residential

Attachment H units constructed)
December 4, 2012 staff report to the Board of Supervisors
Attachment I Board of Supervisors' Resolution No. 12-361