



Board Report

File #: 13-1081, Version: 1

Conduct a public workshop to consider issues relating to developing well regulations and provide direction to staff in the drafting of the well regulations (REF120022/Well Ordinance)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Conduct a public workshop to consider issues relative to developing well regulations; and
- b. Provide direction to staff in the drafting of the well regulations.

SUMMARY:

The Resource Management Agency (RMA) has assumed a lead role in developing new regulations related to wells. This effort has included coordinating with appropriate agencies/departments, preparing a working document outlining specific issues and options, and conducting stakeholder meetings over the past year. At Board direction, the Agricultural Advisory Committee (AAC) conducted a series of workshops and formulated specific recommendations. These recommendations were presented to the Planning Commission (PC) at a public workshop on September 11, 2013 and on September 28, 2013. Both the AAC and PC received extensive public comment and provided recommendations on a range of issues.

Before proceeding with the development of an actual draft ordinance and technical/administrative manual, and conducting appropriate environmental review, staff requests direction from the Board of Supervisors relative to the issues presented, including consideration of public comment received to date and the recommendations (AAC and PC).

DISCUSSION:

In 2012, a draft well ordinance and administrative manual/guidelines were prepared and circulated for review. A number of issues became apparent. A multi-departmental team was established and a collaborative process initiated involving the agricultural community and other stakeholders for the development of the well regulations.

Over the past year, a multi-departmental staff team including the RMA, Environmental Health Bureau, Monterey County Water Resources Agency and County Counsel has been working on issues related to drafting a new well ordinance and related regulations and administrative/technical guidelines. In early 2013, the team completed a "Working Document" which identifies and analyzes a range of issues and options. The "Working Document" was presented to the AAC and the document was used to discuss the issues at a series of public meetings with the AAC and an appointed ad hoc subcommittee of the AAC to obtain specific recommendations on each issue. The ad hoc subcommittee reviewed and discussed each issue in detail at open public meetings and provided recommendations to the full AAC which also conducted open public meetings and finalized a set of recommendations. As a result of these meetings, as well as comments received from other stakeholder groups and the general public, staff prepared a "Revised Working Document" to present the issues and the analysis, as well as the recommendations from the AAC (**Attachment A**).

The Revised Working Document was provided to the Planning Commission, stakeholders and interested parties

in August of 2013. A public Workshop was held at the Planning Commission on September 11, 2013 and continued on September 25, 2013. Staff presented options and recommendations for ten issues outlined in the Working Document along with other relevant information. The Planning Commission took extensive public comment, discussed each issue in detail and provided recommendations.

Staff has prepared a summary of the recommendations (**Attachment B**) and has compiled the public comments received to date (**Attachment C**). Staff is seeking Board direction in order to move forward with drafting the regulations. In addition, staff recommends that the Board consider the following approach for preparing the draft regulations:

- Amend Chapter 15.08 of the County Code. This existing chapter applies County-wide and contains technical regulations relative to well construction. The Ordinance would amend this chapter to address specific technical issues and provide clarity.
- Amend Title 21 of the County Code (Non-Coastal Zoning Ordinances). The 2010 General Plan (GP) includes policies, technical criteria, and land use regulation relative to wells in non-Coastal areas. Title 21 would be amended to include regulations specific to the 2010 General Plan implementation and would apply in the inland areas only.
- Amend Title 20 of the County Code (Coastal Zoning Ordinances). The Certified Local Coastal Plan (LCP), which includes Title 20, includes policies, technical criteria, and land use regulation relative to wells in the Coastal zone. Some of the issues (lot size, setbacks, wells in fractured rock, etc.) were generated in response to issues on projects located in the Coastal zone and were the impetus for the 2010 interim ordinance related to wells in fractured rock. Regulations to address issues that resulted in the interim ordinance would apply to the coastal areas. While some planning areas are currently considering updates to their LCP, staff believes that the updated well regulations currently under preparation will likely be appropriate to be applied in the Coastal zone.
- Administrative Guidelines/Technical Manual. Due to the diversity of Monterey County, various scenarios could arise that is difficult to capture in one set of regulations (ordinance). Staff recommends developing a manual that includes procedures, requirements, and guidelines that implement the ordinances and codes and address unique conditions (e.g. stream flows). Staff would propose that this Manual be adopted by resolution by the Board of Supervisors. The Manual could be updated and amended from time to time to address new issues and technology.

OTHER AGENCY INVOLVEMENT:

The RMA has been closely collaborating with the Environmental Health Bureau, Monterey County Water Resources Agency, the Agricultural Commissioner's Office, and County Counsel. Staff worked with the Agricultural Advisory Committee and its subcommittee. Copies of the draft documents were sent to Land Use Advisory Committees for their information and to notify them of stakeholder workshops at the Planning Commission.

FINANCING:

Preparation of the Working Document and attendance at stakeholder meetings has been done by staff within the scope of their general duties and therefore, are within the approved budget. Receiving direction from the Board does not have any direct financial impact to the County; however, drafting an ordinance may include work from an outside consultant that is currently under an approved professional services contract. Once the regulations are drafted, staff will perform appropriate analysis to determine the financial impact on County staff and financial resources and will make recommendations related to addressing those identified impacts.

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Approved by: Benny J. Young, Resource Management Agency Director

cc: The Open Monterey Project, LandWatch Monterey County, Refinement Group (Nancy Isakson), Kevin Piercy, Farm Bureau (Norm Groot), Ag Commissioner, Margaret Robbins, Pam Silkwood, John Bridges, Dale Ellis; Melissa Duflock, Dick Ravich, California Coastal Commission, Henrietta Stern, MPWMD, Michael Harrington (Brian Finegan Law Office), Joel Panzer (Maureen Wruck Planning), Butch Kronlund, Highway 68 Coalition (Mike Weaver), Carmel Valley Association, California Native Plant Society Monterey Bay Chapter, Sierra Club Ventana Chapter, FORA (Jonathan Garcia), Jim Bougart, Michael Cling, Dale Huss, Ed Mitchell, Michael Caplin, Big Sur Multi-Agency Advisory Council, Friends Artist & Neighbors of Elkhorn Slough, Carmel Residents Association, Save Our Carmel Neighborhoods Coalition, League of Women Voters of the Monterey Peninsula, David Sweigert (Fenton & Keller), Beverly Bean, Julie Engell, Gary Patton, and Marjorie Kay

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

Attachment A: Revised Working Document, dated August 8, 2013

Attachment B: Summary of Recommendations

Attachment C: Public Comments as of October 1, 2013