

MONTEREY COUNTY PLANNING COMMISSION

MEETING: June 27, 2012 – 11:00 a.m.		AGENDA NO: 6
SUBJECT: Hold a Workshop to consider a draft ordinance amending Chapter 15.08 (Water Well Ordinance, applicable in both inland and coastal areas of the County) of the Monterey County Code. This ordinance establishes regulations relating to wells in fractured rock, implements 2010 General Plan policy relating to wells in the inland area, and updates requirements based on current information and technology and changes in State law.		
Project Location:	County-wide	APN: County-wide
Planning Number:	REF120022	Name: N/A
Plan Area:	County-wide	Flagged and Staked: N/A
Zoning Designation:	N/A	
CEQA Action:	Negative Declaration circulating	
DEPARTMENT: Health – Environmental Health Bureau		

RECOMMENDATION:

Hold a Workshop to consider a draft ordinance amending Chapter 15.08 (Water Well Ordinance, applicable in both inland and coastal areas of the County) of the Monterey County Code. This ordinance establishes regulations relating to wells in fractured rock, implements 2010 General Plan policy relating to wells in the inland area, and updates requirements based on current information and technology and changes in State law.

SUMMARY:

The revisions to Monterey County Code 15.08 (Water Wells) are necessary to implement the policies of Monterey County General Plan 2010; address conditions within the unincorporated urbanized service area of the California American Water Company – Monterey District Main System that led to the adoption of Interim Urgency Ordinance No. 5160 on May 25, 2010 and was extended twice by Ordinance Nos. 5163 and 5176 and expired on May 25, 2012; and necessary updates.

DISCUSSION:

Monterey County Code Chapter 15.08 regulates the construction, destruction, repair, and abandonment of wells in Monterey County.

General Plan

The General Plan has policies that require the development of regulations for wells specific to these policies. The specific policies are PS-2.4 – construction of wells in consolidated materials; PS-2.5 – water quality testing for new individual domestic wells; PS-3.3 – criteria for evaluation and approval of adequacy for all new domestic wells; PS-3.4 – assessment of impacts to adjacent wells and in-stream flows of new high capacity wells; PS-3.5 – prohibition of any new wells in known areas of salt water intrusion with certain exceptions.

Interim Urgency Ordinance No. 5160 and its extensions

On February 23, 2010, the Board of Supervisors directed staff to bring forth an interim ordinance for consideration to limit the issuance of permits to construct water wells on small lots within the unincorporated urbanized service area of the California American Water Company – Monterey District Main System. The Board adopted Interim Urgency Ordinance No. 5160 on May 25, 2010, that temporarily prohibits the acceptance, processing, and issuance of water well permits on parcels less than 2.5 acres, with limited exemptions, that are underlain by fractured rock in a defined Study Area in order to protect the public health, safety, and welfare. Interim Urgency Ordinance No. 5160 was extended twice by Ordinance Nos. 5160 and 5176 and expired on May 25, 2012.

The Interim Ordinance was adopted to allow time to revise existing well regulations (Monterey County Code Chapter 15.08) to address specific health, safety, and welfare concerns that have arisen as property owners propose wells on small undeveloped lots underlain by fractured rock.

Updates

It is necessary to update Monterey County Code Chapter 15.08 (MCC 15.08) to clarify, reflect change in technology, best management practices, and address issues that have arisen that are not specifically addressed by the existing regulations. Some of these revisions include: new definitions; certain borings that are not a well will require a permit, revision of information requested for an application for a permit; minimum lot size and well setbacks crossing property lines; notification to other departments not to issue permits or entitlements if there is a violation of MCC 15.08; well contractor registration program; update technical requirements for construction, destruction, repair of a well; water quality and quantity testing requirements; development of an Administrative Manual that sets forth guidelines and procedures for implementation of certain sections of MCC 15.08; Zone 6 Standards of the Monterey Water Resources Agency has been incorporated into the Administrative Manual with revisions that reflect the change in name of the agency, change in technology, terms, best management practices, and revision of the Zone 6 map.

A Negative Declaration, Initial Study, as well as the Draft Well Ordinance and Administrative Manual, are available for review at the Monterey County Resource Management Agency – Planning Department. Written Comments will be accepted from Monday June 4, 2010 to Friday, July 6, 2012,

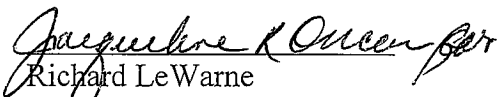
FINANCING:

There is no Net County Contribution of discretionary funds resulting from this Commission action.

OTHER AGENCY INVOLVEMENT:

Resource Management Agency's Planning Department, Monterey County Water Resources Agency, County Counsel was consulted during development of the proposed ordinance.

Prepared by:



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This report was prepared by Richard LeWarne, Assistant Director of Environmental Health and Jacqueline R. Onciano, Planning Services Manager

cc: Planning Commission; County Counsel; Resource Management Agency, Environmental Health Bureau; Public Works; Monterey County Water Resources Agency; Redevelopment/Housing, California Coastal Commission; Mike Novo, Carl Holm; Jacqueline R. Onciano; Project File No. REF120022; The Open Monterey Project (Molly Erickson); Land Watch; Pamela Silkwood; John Bridges; Nancy Isakson; Dale Ellis; Chris Fitz; Jan Mitchell; EMC Planning Group Inc