

DRAFT

Minutes

GENERAL PLAN UPDATE – REFINEMENT GROUP

Thursday, February 19, 2004, 1:00 – 5:00 PM

At the Salinas Valley Builders' Exchange, 590-A Brunken Ave., Salinas

Present at 1:08: Darlene Din, Nancy Isakson, Ron Chesshire, Bob Perkins, Brian Finegan, Luann Meador, Pete Scudder, Jay Brown, Tom Carvey, Alfred Diaz-Infante, Sheryl McKenzie, Mike Caplin, Chris Bunn Sr., Christine Kemp (1:25), Aaron Johnson (1:32), Tom Rowley (3:09),

Visitors: Christopher Bunn, Jr.

- I) Public Comment Period (Public Comment for issues not on the agenda)
None
- II) Approval of agenda for February 19, 2004
Public comment: none
Nancy Isakson moved to add the GPU process and EIR. M/S/C
- III) Approval of minutes from February 12, 2004
M/S/C
Public comment: none
- IV) Water Element
Public comment: none
Nancy Isakson handed out a new version of the Water policies. There was discussion of the use of the term "safe yield": the amount that can be continuously extracted without degrading water quality or (see box on page 204 of Public Service of GPU3 for definition). Nancy Isakson moved to defer this definition.
M/S/C

The group discussed the water chart that Nancy handed out last week. She will e-mail this to RG members.

PS-3.5: Last week, we deferred 3.5. The group decided to wait for Aaron Johnson to arrive before discussion this.

PS-3.12: No County guarantee of water supply. Adopted as per subcommittee recommendation

Bob Perkins: change heading from "Regulation of Groundwater" to "Regulation of Wells."

PS-3.4: as per subcommittee recommendation

PS-3.13: Private domestic well construction:

A ministerial permit is currently required, but GPU3 requires a discretionary permit. There was discussion about the term “discretionary” and whether it would give the County the right to approve or deny or make conditions, appeals, and the possibility of a public hearing, thus overlaying water rights. This policy would not apply to existing wells. Currently, you need a permit from the Health Department to drill a well or to cap a well. There is currently a permit required for a well for a water system.

Jay Brown said that a single well for permanent grazing does not now require a permit.

Brian Finegan suggested the language: “Construction of a private domestic well that will serve 4 or fewer service connections shall require a ministerial permit from the Division of Environmental Health.” Strike the sentence, “This policy does not apply to replacement...” To the last sentence, add the word “reasonable” to read, “The Division shall adopt reasonable regulations....”

Adopted as per subcommittee recommendation, with today’s modifications.

PS-3.14: There was discussion over the requirements for legal recording of a large amount of information and the implications thereof. For instance, if there were nitrates in the water, the buyer would have to disclose this. Sheryl McKenzie said that the buyer should satisfy themselves about any issues having to do with wells.

PS-3.15: The subcommittee recommended striking this section. Bob Perkins said that the detailed language in this section belongs in ordinances, not in a general plan. There was discussion about nitrate contamination and definition of MCL (maximum contamination level). Nancy Isakson said we haven’t yet talked about water *systems*, which is where the referral to controls would take place. Some members of the group expressed caution about quoting federal and state regulations as the standards, because the federal and state standards could change over time. Nancy Isakson moved to strike this section and add comment as to why it was stricken. Failed for lack of second.

Nancy Isakson moved to use the last sentence in 3.13: “The division of Environmental Health shall adopt reasonable regulations for the management of nitrate levels exceeding MCL’s in domestic wells” and change the heading to, “Domestic wells: nitrate contamination.” Jay Brown second. Amended motion. Discussion: none. M/S/C

PS-3.16: Aaron Johnson said that both PS-3.15 and PS-3.16 are stricken in GPU3. Motion to strike both 3.15 and 3.16 because they were both stricken in GPU3. M/S/C

PS-3.17: This section requires reporting of well production. Nancy motion to strike, add comment, Bob Perkins second. Bob said that there's no funding for CIWMP (Comprehensive Integrated Water Management Plan). M/S/C

Heading: Water Conservation and Water Supply Augmentation

PS-3.4

Aaron Johnson handed out copies of California law and led a discussion of PS-3.4: Language should read, "prior to the approval of a new subdivision, the county shall require...." There was discussion about whether this requires the informational equivalent of an EIR in front.

Aaron: applies to subdivisions using public water. Definition of subdivision handed out. Requires a proven water supply before starting a subdivision. Was SB 221 in 2001 originally, then updated. Place a period after "purveyor," strike the balance of the section.

Brian Finegan suggested saying, "Verification shall take the form of a written report verifying the ability to meet the water supply for the proposed subdivision. The term "intensification of use," is undefined.

Brian Finegan moved to send this section back to the subcommittee. M/S/C

PS-3.5: Aaron Johnson handed out a page on current California law covering this section.

Brian Finegan left at 2:51 and Aaron Johnson took over as chair. Moved to send 3.4 and 3.5 back to subcommittee. M/S/C

PS-3.20: Use the first sentence, delete the rest. M/S/C

PS-3.21: add "cost effective devices." Nancy Isakson moved: "As a condition of approval of new discretionary development permits, the new development shall be required to install cost-effective and feasible water conservation devices." M/S/C

PS-3.22: Recycled/reclaimed water: for use on golf courses. There was discussion about the use of recycled water. Ron Chesshire moved to use just the last sentence. Bob 2nd. Discussion: Mike Caplin said we could use this section as is. Bob Perkins said that the use of recycled water can be problematic. Sheryl McKenzie liked the paragraph as is. Pete Scudder said that the word "feasible" is critical, because developments may require the building of parks, and recycled water would have to be used. Alfred said that the costs of supplying recycled water are unknown, and could affect affordable housing. Ron moved, "The County shall encourage the use of recycled/reclaimed water and prevent cross-contamination with drinking water supplies." Nancy 2nd M/S/C

Mike Caplin said that the CPOA web site is www.cpoabigsur.org.

PS-3.23: Water Supply Augmentation: Ron Chesshire said that water projects should be ongoing for 50 years. Aaron Johnson said that the 20 year time line is good because it forces the state to use existing and projected growth for 20 years. Alfred Diaz-Infante said that in Sacramento re: SB49, we are required to deliver housing units, but the jurisdictions don't have the jurisdiction over the water supply. Lack of water can then be used as a reason for not growing. Tom Rowley said that the water augmentation demand should also include regional general plans. Aaron Johnson said that we should insist on a regional water solution, such as a JPA.

Brian Finegan returned at 4:03 PM.

Aaron said that the SB49 language says that the reason for their existence is supplying water. After more discussion, Aaron Johnson moved that we revise this language in subcommittee. Jay 2nd. Discussion: in 3rd line, insert "adequate" or "sufficient." M/S/C

PS-3.24: Water transfers: Use the term "watersheds" rather than "watershed." Ron said to make the transfers "in or out of the jurisdiction," would be better language than "in or out of watersheds." Brian Finegan said we're talking about 3 things: transfer out of the (1) county, (2) watershed and (3) basin. Brian said that one major issue was profiteering, or selling water rights.

Transfers within watersheds within Mon Co are subject to regulations already in place. Transfers into the Co are allowed. Mike Caplin said that in rural Monterey County, it is common practice to get your water from someone else's property. Aaron Johnson said that the desalination plant would be a water transfer, so it wouldn't make sense to say that water can't be transferred. Jay pointed out that due to the Planning Commission's thematic hearings, this kind of stimulating discussion is not likely to come about.

- V) Reports from sub-committees
 - A) Environmental Resource Management Element (ERME): deferred
 - B) Transportation: deferred
 - C) Land Use: deferred
 - D) City/County Agreements: deferred
 - E) Public Service: deferred
 - F) Update of GPU process:
 - Nancy Isakson said that the EIR is very restrictive and full of mitigations. The mitigation summary has restrictive language and regulations that apply to clustering.

Nancy said that the EIR's discussion of water is outdated and would undo 10 years of work. Bibliography uses only *draft* EIR of SVWP as their basis.

G) Strategy: Tom Carvey handed out copies of the this subcommittee's work and a suggested form for use in preparing for the Planning Commission's GPU3 hearings.

H) Definitions: deferred

I) Key Concepts for each element: deferred

J) Refinement Group Core Values: deferred

VI) Agenda building for next meeting:
Public comment: none

VII) Adjournment to meeting of Thursday, February 26, 2004, at the Monterey County Leadership Institute