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May 19, 2005

Butch Lindley, Chair [Sent by Email]
Monterey County Board of Supervisors
240 Church Street
Salinas, CA 93901

RE: Water Policies Proposed For General Plan Update

Dear Members of the Board:

Today, the Board of Supervisors is holding a General Plan Update (GPU) workshop that is focusing on "water" issues. The staff has presented a (revised) memorandum dated May 5, 2005, and we have several comments.

Above all, LandWatch continues to urge the Board to reject recommendations that are fundamentally inconsistent with the Twelve Guiding Objectives adopted by the Board at the start of your General Plan Update efforts. We also continue to recommend that the Board adopt the kind of policies contained in the "Community General Plan," which in fact were designed to achieve the Twelve Guiding Objectives, and to insure that the future growth and development of Monterey County will result in a "positive benefit" to local residents.

Our specific comments are as follows:

1. The Board should reject the following recommendation:

New development on existing lots of record must have a determination of water quality via a one time biological and chemical analysis of primary and secondary constituents. A noticing process would be required so that future owners of the lot would be informed of the water quality. Other Requirement of deed notice if standards are exceeded. Other counties currently require this initial biological and chemical constituent test.

Doing the test is fine! However, if the test demonstrates that safe water quality standards are violated, then that source of water should not be allowed, and no building should be permitted, based on an unsafe water supply. The proposed policy says that the public will insist on a determination on water quality, and then will allow a developer to build a home, and sell it, just so long as there is a recorded notice to the property owner that he water is unhealthy. This is not in the best interest of the public! Adoption of this policy, essentially, will allow parents to choose to feed unhealthy water to their children, and to their guests, and to others who may end up using the unhealthy water supply.

The correct policy is pretty clear. Don't let developers use unhealthy water supplies! Here is what we suggest:

New development on existing lots of record must have a determination of water quality via a one time biological and chemical analysis of primary and secondary constituents. A noticing process would be required so that future owners of the lot would be informed of the water quality. Other Requirement of deed notice if If water quality standards are exceeded, then no new development will be allowed. Other counties currently require this initial biological and chemical constituent test.

2. The following recommended policies under the heading "Land Use Permitting," represent a major step backwards, and should be rejected:
 7. *The County shall continue to require that new development have a long term sustainable water supply. This shall not be a factor in determining a project complete, but will be a critical factor in determining whether a project may be approved.*
 8. *Long Term Sustainable Supply should be determined on a basin by basin basis:*
 - *Projects in Zone 2C shall be considered to have a long term sustainable supply*
 - *Projects in basins under the purview of the Pajaro Water Management Agency shall be evaluated in terms of the implementation of that agency's CIP*
 - *Projects in the area managed by the Monterey Peninsula Water Management District shall be governed by State Order 95*
 - *The Seaside Basin shall be considered not to have a long term supply at this time*
 - *Long term supply in the Toro Basin (t.b.d.)*
 9. *As part of the determination of long term supply for individual projects, the County shall encourage the reduction of water usage on a property in the permitting process. For the purpose of determining baseline, documented water usage for 10 out of the past 20 years shall be calculated. A minimum of 30% savings over baseline shall be required.*
 10. *Water quality shall be a key additional determinant of long-term sustainable supply.*
 11. *A will serve letter from an existing water purveyor verifying that financial and infrastructure commitments have been completed will also be required.*
 12. *In Community Areas, regional impacts may be addressed via impact fees tied to a CIP for new development.*
 13. *Outside Community Areas:*

- a) Require connection to a water system or establishment of a satellite to an existing water system that has the appropriate TMF.*
- b) Regional impacts may be address via impact fees tied to a CIP for new development. However, outside community areas the CIP shall have Tier 2 priority.*

Paragraph #7, in particular, says that the County will (contrary to its current policy) process permits for proposed developments where there is no long term sustainable water supply. This is simply foolish. In those areas, there shouldn't be any more development. What is the sense of allowing applicants to spend tens or even hundreds of thousands of dollars to plan for a proposed development in an area where there isn't a long term water supply?

The final line of Paragraph #7 is inconsistent with the first line, and “tips off” a careful reader to what the County’s intentions would actually be, if an application for a proposed development were filed in an area where there is not a long term sustainable water supply. Line one on Paragraph #7 says that the County will “continue to require” such a water supply, but the last line says that whether such a supply exists, or not, will be a “critical factor” in deciding whether to approve the development.

In other words, the proposed policy will allow continued development in areas of groundwater overdraft, and specifically including most of North Monterey County. This is a profound disservice to those already living there, whose existing wells are threatened, and represents the antithesis of good land use policy.

The “Community General Plan” sets the correct standard, which protects the public interest, instead of the “developers’ interest.” We urge you to adopt the following two policies:

Infrastructure – Policy #55

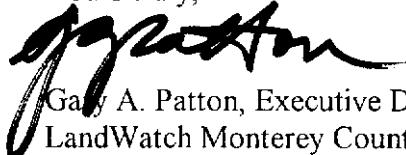
Sustainable Water Supply Required – No residential subdivision or any agricultural, industrial, or commercial development project shall be approved without a specific finding, supported by facts in the administrative record, that an adequate, long-term, and sustainable water supply is available to serve the project. A water supply shall not be considered an “adequate, long-term and sustainable water supply” if the water proposed to be supplied comes from a groundwater aquifer in which groundwater overdraft conditions exist.

Infrastructure – Policy #56

No Guarantee of Water Supply or Quality – Nothing in this General Plan constitutes a guarantee by the County that an adequate, long-term and sustainable water supply will continue to be available to meet the needs of residential or agricultural property use, or to meet domestic water quality standards.

Thank you for taking our comments into consideration.

Yours truly,



Gary A. Patton, Executive Director
LandWatch Monterey County

cc: Planning Director; County Counsel; Other Interested Persons