

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY**STAFF REPORT: APPEAL****SUBSTANTIAL ISSUE DETERMINATION/ DE NOVO FINDINGS**

Local government:..... Monterey County

Local Decision:..... Resolution 000160, Approved with conditions (see Exhibit F)

Appeal Number..... **A-3-MCO-01-035**

Applicant..... Charlene Felos

Appellants:..... Commissioners Sara Wan and Pedro Nava

Project location..... 24304 San Juan Road, Carmel Woods (APN 009-031-009), Carmel Area of Monterey County (see Exhibits A, B, C, D, and E)

Project description..... Conversion of test well to permanent water-supply well to serve future residential use previously approved (PLN970141) with water to be supplied by the California-American Water Company (see Exhibits E and F).

File documents..... County coastal permit file PLN000160 and PLN970141; Monterey County Local Coastal Program, including *Carmel Area Land Use Plan* and *Monterey County Coastal Implementation Plan* (Title 20 of County Code).

Staff recommendation... **Project raises a Substantial Issue; denial of *de novo* permit application.**

Summary of Staff Recommendation:

Staff recommends that the Commission determine that a **substantial issue exists** with respect to the grounds on which the appeal has been filed, and that an application for a *de novo* coastal development permit be **denied**.

The County's approval of the project as described in Resolution 000160 is inconsistent with LCP policies that require urban land uses located within urban areas to be served by public sewer and water services, and with LCP policies for groundwater resource protection. Therefore, staff recommends that the Commission find that a **substantial issue exists** with regards to land use and development, i.e., that the project does not conform to policies that require residential development within the urban boundary to be served by public water services. The California-American Water Company (Cal-Am) is the water



California Coastal Commission
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Staff: CKC Approved by: *(i.f.l. 10/25/01)*

company authorized to provide water in the urban service area of Monterey County and is regulating the orderly connection of water service for new development. Since water supplies are limited, the County Water Resources Agency administers a water waiting list for additional connections beyond which can presently be served. The applicant is number 63 on the County's water waiting list. The County's approval of this permit essentially amends the earlier coastal development permit (Resolution 970141; Exhibit G) for residential development on the site, which had originally proposed to hook up to the public Cal-Am water utility when their number on the waiting list was reached. As Resolution 000160 changes that requirement and allows use of a water well to serve residential development in the urban boundary rather than require hookup to the public water utility, this action constitutes a changed circumstance to the earlier permit, inconsistent with LCP policies. Authorization of private wells within this public service area, whether for potable water or supplemental non-potable water for irrigation purposes, are not allowed by the LCP and could lead to potential cumulative impacts that could undermine Cal-Am's ability to provide adequate water supplies to existing service connections within the Monterey Peninsula Water Management District. For all of the reasons listed above, staff recommends that the Commission deny the de novo application for conversion of a test well to a permanent water supply well to serve previously approved residential development within the urban Carmel Woods area.

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IV. Exhibits

- A. Regional Location Map
- B. Project Vicinity Map
- C. Pescadero Watershed Map – Showing location of well
- D. Assessors Parcel Map
- E. Carmel Area Land Use Plan Map
- F. County Permit Findings And Conditions from Resolution 000160
- G. County Permit Findings and Conditions from Resolution 970141
- H. County Permit Application Form and Water Release Application Form
- I. Appellant’s Contentions for Appeal of Resolution 000160
- J. Applicant’s Correspondence in Response to Appeal including Hydrologic Report and Pump Test
- K. MPWMD Map of Monterey Peninsula Water Management District
- L. Cal-Am Water Waiting List
- M. Cal-Am Service Area Index and Detail maps
- N. MPWMD Groundwater Source Map
- O. Excerpt from Staff Report to Monterey County Board of Supervisors for PLN980614, dated 5/11/99
- P. MPWMD letter to Monterey County Board of Supervisors, dated 9/21/99
- Q. MPWMD Requirements for Well Capacity Test Procedures in Fractured Bedrock Formations

I. Local Government Action

The action taken by Monterey County (Resolution 000160; Exhibit F) allowed for the conversion of a test well to a permanent residential water supply well for the property located at 24304 San Juan Road in the Carmel Woods area of Monterey County. This action essentially amended an earlier coastal development permit (Resolution 970141; Exhibit G) for the development of a house on the site that was, at the time it was approved, proposing to hook up to the public Cal-Am water utility when their number on the waiting list was reached (Exhibit H). The earlier permit was also conditioned by the County to demonstrate evidence of water service prior to the issuance of a building permit. The current proposal is now to serve the approved, but-not-yet-constructed, home with water from a private, on-site well.



II. Summary of Appellants' Contentions

The appellants, Commissioner's Wan and Nava, have appealed the final action taken by Monterey County Planning Commission (Resolution 000160), on the basis that approval of the project is inconsistent with policies of the Monterey County Local Coastal Plan with regards to land use and development, water resources and environmentally sensitive (riparian) habitats. The complete text of the appellant's contentions can be found in Exhibit I. Correspondence in response to the appeal is located in Exhibit J.

III. Standard of Review for Appeals

Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is located between the first public road and the sea. Here, San Juan Road is considered the nearest public road to the sea.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the first public road and the sea.

IV. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeals were filed pursuant to Coastal Act Section 30603.

MOTION: Staff recommends a "NO" vote on the following motion:



"I move that the Commission determine that Appeal No. A-3-MCO-01-035, which is essentially an amendment to an earlier Coastal Development Permit (PLN000160), raises no substantial issue with respect to the grounds on which the appeal has been filed."

A majority of the Commissioners present is required to pass the motion, failure of the motion, as recommended by staff will result in Commission jurisdiction over the project and adoption of the following findings.

V. Staff Recommendation on De Novo Permit

The staff recommends that the Commission, after public hearing **deny** the Felos well coastal development permit.

MOTION : Staff recommends a "No" vote on the following motion:

"I move that the Commission **APPROVE** coastal development permit A-3-MCO-01-035, as submitted.

A majority of the Commissioners present is required to pass the motion. A no vote will result in the adoption of the following resolution and findings:

RESOLUTION :

The Commission hereby **denies** permit A-3-MCO-01-035, which allows the conversion of a test well to a permanent water supply-well and essentially amends a previously approved Coastal Development Permit for residential development on the site that had originally required hookup to the public water utility, Cal-Am, on the grounds that the development will not conform with the policies of the Monterey County Certified Local Coastal Program. Approval of the permit will not comply with the California Environmental Quality Act (CEQA) because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

VI. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location

The existing test well is located on a 0.388 acre (14,723 sq. ft) parcel located at 24304 San Juan Road (APN 009-031-009-000). The parcel, owned by Ms. Charlene Felos, is located between the City of Carmel and the Del Monte Forest, north of San Juan Road, and just south of Pescadero Canyon, in the Carmel Woods area of Monterey County (Exhibits B, C, and D).



The parcel is located in the Coastal Zone and is zoned for Medium Density Residential use with a maximum density of 2 units per acre (MDR/2 (CZ)), as shown on Exhibit E. According to the Initial Study Determination prepared for the project by the County planner, the parcel "...has been maintained in its natural state with some grading for a driveway and a small building pad..." that is located on a fairly level area of the parcel. Development surrounding the project site consists of single-family homes and a large cliff to the west of the parcel, at the top of the Pescadero Creek canyon. Pescadero Creek lies approximately 1,000 feet to the west of the test well site.

The vacant parcel is located in an unincorporated portion of the County that lies north of the City of Carmel, west of Highway One. Land use and development in this area are regulated by policies defined in the Carmel Area Land Use Plan (LUP). The property is one of very few vacant parcels remaining in Carmel Woods. As described in the Carmel Area LUP, the property is located in an urban area, where sewer, water, transit and fire protection services already exist.

B. Project Description and Background

In November 1997, the applicant applied to Monterey County for a coastal development permit for residential development to be served by Cal-Am water (Exhibit H). In the 1997 permit application, the applicant, Ms. Charlene Felos, stated that the water for the project would be served by Cal-Am. The local government file for this project also includes her application to be placed on the waiting list for Cal-Am water administered by the County Water Resources Agency (Exhibit H).

The Coastal Administrative Permit (PLN970141, 3-MCO-98-018; see Exhibit G) was approved February 11, 1998, for the construction of a two-story single family dwelling with attached studio, tree removal (6) and grading (approx. 220 cubic yards). The permit for the single family dwelling indicated that due to limited availability of water, the Monterey County Water Resources Agency (WRA) was unable to allocate any water to the project at that time. Recognizing the water shortage on the Monterey Peninsula, the County approved this permit on the condition that development would not begin until water was available from Cal-Am to serve the development. This earlier permit was, therefore, not appealed to the Coastal Commission because the County had conditioned it to require proof of water availability from the Monterey County Water Resources Agency in the form of an approved Water Release Form before the building permit could be issued.

Following completion of a water release form and application for a water permit, the applicant was placed on the water waiting list in December 1997. The Monterey County Water Resources Agency administers the water waiting list on a first-come-first-serve basis, as additional water becomes available. The applicant is currently number 63 on the water waiting list (see Exhibit L).

The applicant subsequently requested to drill a test well in April 14, 2000, and was granted a waiver from coastal development permit requirements by Monterey County to drill the test well on April 14, 2000. By the granting of a waiver, Monterey County recognized that construction of a test well required a coastal development permit under the definition of development. However, the waiver of this test well was never noticed to the Commission. Moreover, there are no specific policies in the LCP that grant the



County the authority to waive coastal development permits, or to exempt test wells from requiring a permit. Water wells, whether test wells or permanent wells, are considered development under the Coastal Act Section 30106 and Monterey County LCP Section 20.06.310 definition of development, and both coastal Act and LCP definitions specifically cite "change in the intensity or use of water" as development. Furthermore, Monterey County LCP Section 20.06.310 of Title 20, specifically states that the "construction of water wells" is considered development.

Nevertheless, the test well has since been drilled, and the applicant now proposes to use the private, on-site well to serve the approved home rather than Cal-Am water which was the understanding when the original project was approved. Monterey County Resolution 000160 (Exhibit F) approved the conversion of the test well to a permanent water supply well for the residential development permit approved earlier (PLN970141; Exhibit G). Because the original permit application for residential development specifically identified a different source of water for the house, the Commission considers the proposed conversion of the test well to be a substantial change to the proposed development. The Commission therefore considers the County's approval of the test well to a permanent water supply well to essentially be an amendment to the earlier coastal development permit for residential development.

Status of Water on the Monterey Peninsula

Following the severe drought conditions in the late 1970's, voters approved the formation of the Monterey Peninsula Water Management District (MPWMD) to regulate water resources in the Monterey Peninsula. The MPWMD regulates the collection, storage, distribution and delivery of water within the 170-square mile area of the water management district, which stretches from Seaside in the north to Los Padres Dam in the south (Exhibit K). All of the water used within the Monterey Peninsula Water Management District comes from the Carmel River and wells in the Carmel Valley and Seaside Basin. The MPWMD allocates water from these sources to the various water companies and smaller local jurisdictions. The largest water distribution system is operated by the California-American Water Company (Cal-Am; see Exhibit M), which provides water to nearly 95 percent of the 112,000 residents in the Monterey Peninsula Water Management District.

Over 80 percent of the water supplied by Cal-Am is produced within the MPWMD area; the other 20 percent is supplied from private wells and water companies owned by Cal-Am outside of the MPWMD boundaries. The Cal-Am Water Company has plant facilities that include 36 wells, two reservoirs, and numerous storage tanks, pumping stations and pressure regulation stations. Within the MPWMD 71 percent of the Cal-Am water supply comes from wells in the Carmel Valley and Seaside Aquifers, while 29 percent comes from the San Clemente and Los Padres Dams and Reservoirs.

In 1995, the State Water Resources Control Board Order 95-10 reduced the amount of water Cal-Am could take from the Carmel River aquifer by 20 percent in the near-term and up to 75 percent in the long-term. The MPWMD requested relief through the courts, but the Monterey County Superior Court upheld the 20 percent reduction in water use specified by the order. Since that time, the County has been under strict conservation measures, and has focused its efforts on improving water conservation



programs while working on other water supply augmentation proposals that will garner community support and help Cal-Am attain the goals established by the Order.

The MPWMD allocation program currently limits production by Cal-Am to 15,285-acre feet of water per year within the MPWMD boundaries (which includes 11,285 acre-feet from the Carmel River alluvial aquifer, and 4,000 acre-feet from the Seaside Basin). All of this water is already allocated to current users or proposed construction that has already been approved, and no additional water source is presently available to serve Cal-Am customers within the district.

The Monterey County Water Resources Agency administers a water waiting list for Cal-Am water that may become available due to reduction in use from other sites or some future increase in supply (Exhibit L). The list operates on a first-come-first-serve basis. The applicant has been on the water waiting list since November 1997, and is currently number 63 out of a total of 101 applicants. Currently, the first applicant on the water waiting list has been on the list since July of 1996, and the last applicant on the list has been on the list since July 2001. Since the applicant wishes to proceed with development now, she has requested converting the test well to a permanent water supply well for the residential development previously approved on the lot.

Pursuant to MPWMD Ordinance 96, the MPWMD regulates small water distribution systems including single connection systems that serve only one lot. Ordinance 96 requires all persons to obtain a written permit from the MPWMD prior to establishing a water distribution system within the water management district. However, the permit requirement is exempted for wells located more than 1,000 feet outside of the Carmel Valley alluvial aquifer, more than 1,000 feet outside of the major tributaries to the Carmel River (i.e., Tularcitos, Hitchcock Canyon, Garzas, Robinson Canyon and Potrero Creeks), or for wells outside of the Seaside Coastal Basin areas. As shown on Exhibit K, the existing test well is located more than 1,000 feet outside of the Carmel Valley alluvial aquifer, and any of its major tributaries. Therefore the existing well is exempt from requiring a MPWMD well permit. The MPWMD, therefore, does not require any environmental review for such a well, but does require that applicants first obtain other required permits, including a coastal development permit and a permit from the Division of Environmental Health, and requires reports of annual water production. The County approval however does not include the requirement for reporting annual production in any of the permit conditions.

According to Cal-Am, there are currently 677 lots in the Carmel Woods area, with 665 lots served by Cal-Am and 12 lots currently without water service. A 1998 report on the estimated future water needed for buildable legal lots of record on vacant parcels within the Cal-Am service area states that approximately 923 acre-feet of water would be needed for new buildings as of January 1997 and remodels through the year 2006 (MPWMD 1999 Annual Report). The MPWMD has since been working on completing an update of this report, and while the 2001 update is not yet published, the agency has determined that approximately 1,400 acre-feet of water would be needed for the existing vacant legal lots of record on unimproved parcels within the MPWMD boundaries (Pers Comm Henrietta Stern, MPWMD). Additional water needed for unincorporated County areas with existing vacant legal lots of record that have some improvements on them (such as small sheds or other such



structures) have not yet been calculated. However, it is expected that the total water requirement would be somewhat greater than 1,400 acre-feet.

Cal-Am and the MPWMD are currently searching for additional water supplies. Current alternative strategies include implementation of groundwater injection (e.g., storage of excess water from the Carmel River in the Seaside Coastal Basin during winter months), wastewater recycling (i.e., using reclaimed wastewater for irrigation purposes), and water conservation efforts that include retrofitting or replacing water-using appliances and fixtures and drought resistant landscaping.

C. Analysis of Appeal Issues

1. Land Use and Development

A. Appellant's Contentions

Appellants Wan and Nava contend in part that:

The project is located within the Cal-Am service area in an area designated for medium-density residential development.... Approval of a well would conflict with Carmel Area Land Use Plan policy 4.4.3.E.[2].

The appellants also contend that there would be potential cumulative impacts on the groundwater in the area from other wells, if individual wells were allowed in such an urban area.

B. Local Coastal Program Provisions

The Carmel Area Land Use Plan (LUP) policy 4.4.3.E.[2] states in part:

LUP Policy 4.4.3.E.2. Medium-density residential development shall be directed to existing residential areas where urban services – water, sewer, public transit, fire protection, etc., - are available... (emphasis added)

Additional related policies of the Carmel Area LUP include the following:

LUP Policy 2.4.4.A.1. New development shall be approved only where it can be demonstrated by the applicant that adequate water is available from a water utility or community system or an acceptable surface water diversion, spring, or well. At the County's discretion, applicants may be required to submit a hydrologic report certifying sustained yield of the water source to serve new development outside of existing water utility service areas... (emphasis added)

Because of the need to provide different policies for the rural and urban portions of the Carmel Area, the County has included the following land use policy that defines the dividing line between these two types of low (rural) and high (urban) intensity land uses:



LUP Policy 4.4.2.1. *The Carmel River shall be considered the dividing line between the urban and rural areas of the Monterey Peninsula. The river shall provide the natural boundary between urban and higher intensity uses to the north and rural, lower intensity uses to the south.*

Additionally, Section 4.5 of the Carmel Area LUP describes Land Use Categories and notes the following:

"...the capabilities and constraints of the various areas of the Carmel area to support various types and densities of land uses are reflected in the land use map. Land uses have been designated based on an evaluation of existing uses, appropriate levels of use to protect coastal resources, and levels of development that can be accommodated by public works systems such as water supplies and coastal access roads."

C. Local Government Action

The County's action (Resolution 000160) allows for the conversion of a test well to a permanent residential water supply well for the property located at 24304 San Juan Road (APN 009-031-009-000). Because it would enable the applicant to demonstrate a water supply, it would also allow development to commence on the single family residence (which had been approved conditioned on the provision of a water supply), despite the fact that the original application that was approved by the County stated that water would come from Cal-Am. Thus the County's approval of Resolution 000160 simultaneously amends the terms of that prior permit (PLN970141).

D. Substantial Issue Analysis and Conclusion

Planning Principle

This case raises issues with regards to fundamental planning principles embodied in the Coastal Act. While planning principles, per se, are not the standard of review for appeals of coastal development permits, it is important to understand these principles as they provide the underlying basis for correctly interpreting the Coastal Act and Local Coastal Program policies raised by cases such as this appeal. Since Local Coastal Program policies must address the planning principles articulated in the Coastal Act, the LCP policies must also reflect the same planning principles.

One of the fundamental principles of the Coastal Act, as well as modern urban and environmental planning, is the establishment and maintenance of stable urban/rural boundaries. Benefits of stable urban/rural boundaries include the prevention of urban sprawl, protection of agricultural land, efficient use of all land, and the rational planning and construction of urban infrastructure (e.g., roads, utilities, and sanitation systems) to support urban intensities of land use. Urban-level intensity land uses are then directed to locate within urban areas, preserving rural lands for low intensity rural land uses. Obviously, the services that are required to support urban uses (e.g., water storage/conveyance/treatment systems, sewer connections, wastewater treatment plants, etc.) are greater and different than those needed for rural land uses (e.g., small wells and individual septic systems). Coastal Act policy 30250 states this premise as follows:



Section 30250(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.... (emphasis added)

This policy provides that if an urban area lacks critical infrastructure - e.g., water, sewer, or road capacity - to support any more urban development, then that new development must be delayed until the capacity of the limited service can be increased, through a comprehensive urban planning process, in order to support it. It does not mean that urban uses should proceed incrementally, using what are essentially rural-level services (e.g., private wells and septic systems). The proliferation of rural services within an urban area causes practical problems (e.g., wells run dry, lot sizes are too small to accommodate septic systems for very long), and planning problems, because it limits the ability of public service providers to rationally plan and implement public works projects because the body of users is essentially unknown.

Ordinarily, when an urban jurisdiction temporarily lacks an essential urban service such as water or sewer service, a moratorium on new development is put in place until additional water supplies can be found or until the municipal sewage treatment plant can be enlarged. Those who wish to develop usually are placed on a waiting list and, as the service constraints lessen, are allowed to proceed in the order of their place on the list. This system is currently in place in the Monterey Peninsula and Cambria for example.

In the recent past, there have been sewer and water moratoria in Half Moon Bay and Morro Bay. The enlargement of the sewage treatment plant in Half Moon Bay allowed new development to proceed as did the acquisition of "State Water" in Morro Bay. Although moratoriums are inconvenient to those who wish to develop immediately, they are temporary events that allow local sanitation or water districts the time to plan and provide the necessary urban services.

As required by the Coastal Act, Local Coastal Plans must also include policies that address Coastal Act issues - such as the establishment of stable urban/rural boundaries and the policy to locate new urban development within urban areas that are able to accommodate additional development. The Carmel Area Land Use Plan has addressed this issue by specifically establishing both rural and urban portions of the land use planning area. The project that is the subject of this appeal is located within the urban portion of the Carmel Area Plan. As discussed in greater detail in pages 11 to 15, the Carmel Area LUP provides that urban use, such as medium density residential development, shall be directed to the urban area and shall use public services. In the rural portions of the planning area, densities of land use, with the exception of a few existing, more intensely developed residential enclaves, are much lower than in the urban area. The LUP thus contains policies relevant to the anticipated use of both urban- and rural-level services for water and sewage disposal for new development in the Carmel area.



LCP Policy Application

Water is an important coastal resource, especially within the Monterey Peninsula area where water supplies are limited. The purpose of the Carmel Area LUP Key policy 4.4.1¹ is to regulate development so that it protects water and other natural coastal resources for all people of the State of California, as well as the residents and visitors of the Carmel Area.

In order to protect water supplies and other various coastal resources within the unincorporated areas of Monterey County, the County has planned for specific land uses in specific areas. As part of these planning efforts, the County has determined that higher-density development would be allowed in urban areas where multiple units per acre may be developed, and less intensive uses allowed in rural areas where development can be spread across fewer, larger parcels. Because of the high density of development planned in urban areas, the County has also planned that the necessary infrastructure would provide urban services such as water, sewer, public transit, fire protection, etc., rather than allow individual property owners to each develop their own utility systems. In rural areas, on the other hand, where development is less intensive, such shared utility infrastructure is not required, would be prohibitively expensive and would encourage urban sprawl. Therefore, the County allows development of private or small mutual utility systems within rural areas, but requires that development in urban areas be allowed only where adequate urban services exist (LCP policies 2.4.4.A.1 and 4.4.3.E.2).

As shown in the Carmel Area Land Use Plan Map (Exhibit E), the MDR designation is used both in the urban area north of the Carmel River and in the rural area south of the river where isolated pockets of residential development that pre-exist certification of the LCP are located (e.g., Yankee Point and Carmel Highlands). Small mutual water systems and individual septic tanks serve development in these rural residential areas.

The subject parcel is located in the Carmel Woods area, however, which lies north of the Carmel River and is thereby designated for urban density residential use based on the definition provided by LUP Policy 4.4.2.1. All of the Carmel Woods area is zoned MDR/2 (CZ), or Medium Density Residential, two units per acre maximum gross density, and is located within the service area of the California-American Water Company (Cal-Am), which is the largest water purveyor in Monterey County.

Regulations for the Medium Density Residential zoning district (MDR (CZ)) are found in the Coastal Implementation Plan (CIP) of the Monterey County LCP. Title 20, Chapter 20.12 of the CIP details the principal uses allowed in MDR (CZ) districts, which are located in both rural and urban portions of the land use area. In addition to single family residential use, the MDR zoning district includes, among other things, the development of "water system facilities including wells and storage tanks serving up to 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code...." However, the Monterey County CIP must be read together with the policies of the LUP. In this case, the more specific LUP Policy 4.4.3.E.2 precludes the private well use allowed by the more general zoning provisions of

¹ LUP Key Policy 4.4.1. All future development within the Carmel Coastal Segment must be clearly consistent with and subordinate to the foremost priority of protecting the area's scenic beauty and natural resource values.



the MDR zone district in urban areas by requiring that residential development be located in existing residential areas "... where urban services – water, sewer, public transit, fire protection, etc., - are available." Therefore, the CIP provides that private water systems can be developed in MDR areas outside of urban areas, i.e., in rural MDR zoned areas south of the Carmel River, but that residential development within urban areas must be served by existing urban services. LUP Policy 2.4.4.A.1 also specifies that hydrologic reports are required only for new development outside of existing water utility service areas; implying that all new development within existing water utility service areas would be served by existing utilities within existing urban service areas and thus hydrologic reports are irrelevant as private wells are not allowed.

The LCP therefore requires that residential development, in urban areas, located within urban service areas, will use urban services. By so doing, the County is able to manage development given the environmental constraints that prevail within specific planning areas. In this case, the County has a public management system in place for water service in the urban service area, and the previous coastal development permit for residential development of the subject site was conditioned to use this public water service. Here, the public management system for water is operating as it should, by requiring new development to wait on the water waiting list until the capacity of the limited water service can be increased or be reallocated from water use reductions elsewhere in the water service area. As discussed previously, because of environmental constraints on water withdrawals from the Carmel River, the MPWMD allocation program currently limits water production by Cal-Am. Additionally, all of the water allocated to Cal-Am is already assigned to current users or proposed construction that has already been approved, and no additional water source is presently available to provide additional water for Cal-Am customers. Since water is temporarily unavailable, the County's system requires that individuals wishing to apply for new development or remodels of existing development must wait, either for water to be reallocated from other existing sources, as occurs from time to time, or for new water sources to be developed by the urban utility service. Approval of a private water supply well within the urban service area would thereby undermine this public water management system by allowing incremental development to proceed prior to the comprehensive planning process necessary to develop additional water supplies.

Furthermore, the Monterey County Local Coastal Program (LCP) has no provisions for alternative utility services such as individual water wells to be drilled in urban service areas. Again, LUP policy 2.4.4.A.1 and 4.4.3.E.2 require that urban density residential development shall be located where "...adequate water is available from a water utility..." and where "urban services... are available...."

Additionally, there is a concern that fractured granite bedrock, which underlies much of the Monterey Peninsula, may not provide a reliable water source for private wells and failure of such wells could lead to increased demands on the public water system, which without additional water supplies could cause a water emergency within the entire Cal-Am service area. In fact, in a similar case in an urban area of the Del Monte Forest Land Use Area (the Firman Brown well request; PLN 980614), the Monterey County Planning and Building Inspection Department noted in a May 11, 1999 staff report to the Board of Supervisors (Exhibit O) that:



“...the Environmental Health Division is concerned that a private water well is not a reliable source of water based on the bedrock composition of granite underlying the Del Monte Forest area, which creates inconsistent groundwater pumping between dry and wet years. Development based upon a short term and intermittent water supply is not good policy and may predispose a water emergency. Water use for single family dwellings should utilize the public water system...”

This request for a private water well was subsequently denied by the County. The proposed well subject to this appeal is located approximately a mile and a half away from the Firman-Brown well denied in the Del Monte Forest, and the same fractured granite bedrock found in the Del Monte Forest area also underlies the Carmel Woods area and the subject parcel.

The MPWMD has also raised concerns regarding development of domestic water wells in fractured bedrock formations within the District, as indicated in their September 21, 1999 letter (Exhibit P) to the Monterey County Board of Supervisors:

“...The District is concerned that, as more building permits are approved on the basis of potable water service supplied by individual domestic wells completed in fractured bedrock, there is a significant risk that these well supplies could fail over time. These failures could result in a situation where increased demands are placed upon the Cal-Am system to “bail out” property owners that find themselves without an adequate potable water supply due to the loss of their individual well sources...”

The statements above indicate that the development of private wells inside of the Cal-Am water service area could undermine the public utility's ability to provide adequate water supply to existing service connections, such that the potential cumulative impact of allowing private wells in public service areas could include the failure of the public water supply system due to the bail-out of failed wells. These points illustrate why LUP policy 4.4.3.E.2 requires that urban development use urban services. Additionally, drilling individual wells on such small lots as those found in the Carmel Woods area is not very practical, given the density of development in this area and the limited access for well drilling rigs to get out on many of these lots to repair or replace failed wells.

As described above, the current projected water demand for vacant parcels located within the Cal-Am service area is somewhat more than 1,400 acre-feet. If each of these parcels were allowed a well, the withdrawal of 1,400 acre feet of water could lead to adverse environmental impacts to the Carmel River and possibly overdraft of groundwater supplies which could lead to the failure of the existing public water system. Additionally, the potential for the other 100 persons on the water waiting list, and any other persons wishing to drill a well for supplemental potable or non-potable water could have significant adverse cumulative effects on the water supply used to service existing connections, and on groundwater supplies that must also be protected for coastal-dependent and coastal-priority uses as well as to protect and maintain riparian vegetation and fishery resources.

As in other coastal areas constrained by water supplies, such as Cambria in San Luis Obispo County, Monterey County does have a process for obtaining water. The Monterey County Water Resources



Agency administers a water waiting list that operates on a first-come-first-served basis. The applicant is on the waiting list and is currently number 63 out of 101 people on the list. While constrained by the MPWMD water allocation program (as described below), Cal-Am is the water company authorized to provide water in the urban service area of the County and is regulating the orderly connection of water service for new development.

Finally, with regards to the possibility of additional wells being approved within fractured bedrock, the MPWMD indicated in their September 21, 1999 letter, that:

"...If additional water well permit applications are to be approved in fractured bedrock formations, it is our belief that a more comprehensive approach should be taken to evaluate long-term water supply reliability. In particular, this approach is appropriate for areas poised for more concentrated well development, such as the Del Monte forest area. This approach would require the completion of an independent hydrogeologic evaluation, prior to further consideration of water well permit applications for such areas...."

As described in the alternatives discussion in Section D, below, one approach to evaluating the long-term water supply reliability is through the LCP amendment process.

As described above, authorizing the development of private wells inside of the Cal-Am water service area is not consistent with LUP policies 4.4.3.E.2, 2.4.4.A1 and 4.4.2.1. LUP policy 4.4.2.1 defines that portion of the Carmel Land Use Plan area north of the Carmel River as urban, and LUP policies 4.4.3.E.2 and 2.4.4.A.1 require that new development in urban areas use urban services and be allowed only where adequate water is available from the water utility. Approvals of private water supply wells within the urban service areas could potentially undermine the public utility's ability to provide adequate water supply to existing connections within the Cal-Am service area. Therefore, the County's approval for conversion of a test well to a permanent water supply well for a previously approved residential development conditioned to use water provided by Cal-Am raises a substantial issue because land use and development policies of the Carmel Area Land Use Plan do not allow for such uses in urban residential areas served by urban services.

2. Water Availability, Supply and Intensification of Use

A. Appellant's Contentions

Appellants Wan and Nava contend in part that:

If for some reason a well was potentially appropriate for the site, the Carmel Area Land Use Plan policy 2.4.4.A.2 must be satisfied.

B. Local Coastal Program Provisions

LUP Policy 2.4.4.A.2 provides the following:



LUP Policy 2.4.4.A.2. As part of the permit process, the applicant must also demonstrate that the proposed new water use or use intensification will not adversely affect both the natural supply necessary to maintain the environment, including wildlife, fish, and plant communities, and the supply available to meet the minimum needs of existing users during the driest year. At the County's discretion, the applicant may be required to support his application through certification by a consultant deemed qualified by the County to make such determinations. The County will request that the Department of Fish and Game provide a written recommendation on each application.

Other relevant water resource policies include the following:

2.4.2 Key Water Resources Policy

LUP Policy 2.4.2. The water quality of the Carmel area's coastal streams and of the Point Lobos and Carmel Bay Areas of Special Biological Significance shall be protected and maintained. Instream flows should be protected in order to maintain the natural plant community and fish and wildlife. In general, the County will require adherence to the best watershed planning principles, including: stream setbacks, stream flow maintenance, performance controls for development site features, maintenance of safe and good water quality, protection of natural vegetation along streams, and careful control of grading to minimize erosion and sedimentation.

2.4.4 Specific Policies regarding Water Availability

LUP Policy 2.4.4.A.1. New development shall be approved only where it can be demonstrated by the applicant that adequate water is available from a water utility or community system or an acceptable surface water diversion, spring, or well. At the County's discretion, applicants may be required to submit a hydrologic report certifying sustained yield of the water source to serve new development outside of existing water utility service areas.

The Carmel Area LUP also provides an overview of water supply in the Carmel Land Use Plan area, as well as specific water supply policies:

3.2.1 Water Supply Overview

With the exception of Carmel Riviera, the residential areas of the Carmel area have domestic water supplied by the California American Water Company (Cal-Am). This utility also serves the six cities and other unincorporated portions of the Monterey Peninsula area. ... Under a "fair-share" water allocation system, the County will be allocated a specific proportion of the total available supply to be used to serve growth in the unincorporated portions of the Cal-Am service area. A proposed wastewater reclamation project by the Carmel Sanitary District would make available an additional 900 acre feet of potable water now used for irrigation of golf courses. It has not yet been determined as to how this potential additional supply will be distributed within the unincorporated area.

Coastal Act policies require that where public works facilities can accommodate only a limited amount of new development, coastal-dependent land uses, including recreation and visitor-serving uses, shall not be precluded by non-priority residential development.



3.2.3 Specific Policies regarding Water Supply

LUP Policy 3.2.3.1. The County shall reserve adequate water supply from its fair share allotment of Cal-Am water as approved by the Monterey Peninsula Water Management District to supply expansion of existing and development of new visitor-serving facilities permitted by the plan. Water must be first assured for coastal-priority visitor-serving facilities before allowing any new residential development other than infilling of existing vacant lots. ...

LUP Policy 3.2.3.4. Wells or other measures for monitoring salt-water intrusion are permitted... (emphasis added)

C. Local Government Action

The County's action (Resolution 000160) allows for the conversion of a test well to a permanent water supply well for the residential parcel located at 24304 San Juan Road and is essentially an amendment to an earlier CDP for a single family residence on the site (PLN 970141; Exhibit G). The earlier CDP stated that water service for the new home would be provided by Cal-Am. The County's resolution includes conditions that require the applicant to provide Monterey County Water Resources Agency with information on the water system to serve the project, including the location of all water wells, any well logs available and the number of current hookups. It also requires the applicant to obtain a final approval of the water well drilling program from the Monterey County Department of Environmental Health.

D. Substantial Issue Analysis and Conclusion

While the above LCP policies do not really apply in this case because a private well may not be used to service new development in urban areas where urban utility services are in place, they show the kinds of land use planning and environmental considerations necessary to ensure that the intensification of water use will not have significant adverse effects on coastal resources. For example, LUP Policy 2.4.4.A.1 clearly envisions that hydrologic reports are required to certify the sustained yield of a water source intended to serve new development *outside of existing water utility service areas* and LUP Policy 2.4.4.A.2 requires that the applicant would have to show that such a well would not have adverse impacts on the natural environment and water supplies available.

Although the test well was drilled inside an existing service area, the applicant nonetheless obtained a hydrologic survey and report of the test well in response to this appeal. Most of the hydrologic and geologic information provided by the applicant's representative, Mr. Rich Evans, was obtained from the July 6, 2001 letter report provided by Mr. Gary Weigand, PE., of Utility Services in Monterey, and is based on information gathered from well logs and pumping tests (Exhibit J).

Based on well logs submitted, the test well was drilled from an elevation of approximately 600 feet MSL to an elevation of approximately 10 feet MSL, for a total length of 590 feet. The vertical well was drilled through multiple zones of fractured and hard rock, clay and mudstone, and bottomed in an area of "hard loose granite" (presumably weathered or fractured granite). The report indicated that the water producing zones of the well are most likely contained in two confined layers of soft fractured rock



located 265 to 290 and 473 to 550 feet below the surface. The hydrologist indicates that due to the structural geology of the area, and westward dip of the underlying formations, water is believed to flow from this location west into the ocean, confined by overlying layers of clay and hard rock. MPWMD staff indicated that a complete hydrogeological analysis of the information would require more time and resources than they had available at the time, however based on a brief review of the materials provided, they did indicate that the well was located outside of the Carmel River alluvial aquifer and so would not directly affect groundwater resources in the Carmel River alluvial aquifer. However, the MPWMD also noted that the well was located in an area of fractured bedrock substrate and submitted their September 21, 1999 letter stating their concerns about the potential failure of wells drilled in such formations (see discussion in Section C.1.D above).

The Monterey County Division of Environmental Health has specific procedures for determining well capacity in fractured bedrock formations (Exhibit Q), which include a minimum of a 72-hour, continuous well capacity (pumping) test. The well capacity test procedures also require that a representative of the Division of Environmental Health witness the tests. Materials submitted by the applicant's representative indicate that three pump tests were conducted July 20, 2000 and July 3 and July 4, 2001. The log for the July 2000 pump test indicates that the well was pumped for a total of 2 hours and 45 minutes at a rate of 10 gallons per minute. Additional pumping was conducted on July 3, 2001 for approximately 12 hours, and on July 4, 2001 for approximately 10.5 hours. Reported results of the July 2001 pump tests indicate that after 10 to 12 hours of continuous pumping at 9 gpm, the water level dropped approximately four feet, and recovered following pump shut-down to the initial static water level after about 10 minutes. There is no indication that the pump tests were conducted according to County procedures. Therefore, since the pump tests that were conducted on site were not run for a significantly shorter period of time than required, they may not accurately represent long-term well capacity.

Although the test well is located within an existing water utility service area, the well draws water from outside the Cal-Am water source area (that is, outside of the Carmel River alluvial aquifer, Seaside Coastal Basin, and San Clement Dam; see Exhibit M). As the well is located outside of the main water sources of the Cal-Am service area, it is not expected to have direct impacts on the groundwater sources that serve the existing public water system.

However, as described above, the MPWMD has raised concerns about allowing the development of domestic wells completed in fractured bedrock formations, as is the case here, since there is a significant risk that these water supplies could fail over time. Failure of this well could increase the burden of the water utility company to "bail out" the property owner by supplying water to the residence if this occurs. An emergency "bail out" could add additional burden to groundwater resources drawn elsewhere by the water utility in order to provide for this additional residential use that otherwise would not have been served by the utility until adequate resources for new development was available. Additionally, the cumulative effect of the other 100 applicants on the water waiting list being allowed to drill individual water supply wells within the water utility service area would add a significant burden to the amount of groundwater being drawn from limited water supplies available. Such activities could increase the potential for multiple "bail-outs", and could potentially impact the riparian resources of the Carmel



River because the water needed to serve the homes with failed wells would have to come from either the Cal-Am wells along the Carmel River or the Seaside wells.

Although the applicant has shown that the water source of the proposed residential well is outside of the Cal-Am source area, the project is located within the Cal-Am service area, where LUP policies (4.4.3.E.2 and 2.4.4.A.1) require that water be supplied by an existing water utility service. Approval of the earlier coastal development permit for the single family dwelling on this parcel was conditioned upon the residence obtaining water from Cal-Am, as shown in Exhibit H, and the applicant was aware of this requirement at the initial application phase of the permit process. While the LUP policy 2.4.4.A.1 does provide for the possibility of developing a well outside of an existing service area, the LUP does not include any policies allowing the development of a private well within an urban area where a water service utility does exist. In this case, the project being proposed is not for new development outside of an existing service area, but rather to support residential development located within an existing public service area, and therefore the project does not conform to LUP policies 2.4.4.A.1, 3.2.3 or 3.2.3.4. Since there is a risk that approval of this well may fail over time due to the potential short term and intermittent source of water supply, it is possible that approval of this well and others that may follow may result in additional over-drafting of the Carmel River aquifer, thus affecting water resources in the river and associated riparian areas. Therefore, staff recommends that the project does raise a substantial issue with regard to water resources.

3. Environmentally Sensitive Habitat Areas (ESHA)

A. Appellant's Contentions

Appellants Wan and Nava contend in part that:

The site is located in Pescadero Canyon. Pescadero Creek could be adversely impacted. it is unclear if riparian setbacks are being maintained... The proposed project may not be in compliance with ... Section 2.3.4 of the Carmel Area LUP under "Riparian Corridors.."

B. Local Coastal Program Provisions

The LCP defines environmentally sensitive habitats as

... areas in which plant or animal life or their habitats are rare or especially valuable because of their special nature or role in an ecosystem.

Environmentally sensitive habitat areas (ESHA) listed in the Carmel Area LUP include riparian corridors, and Areas of Special Biological Significance (ASBS) as identified by the State Water resources Control Board (SWRCB).

The following polices of the Carmel Area Land Use Plan address ESHA policies with regard to riparian corridors:



LUP Policy 2.3.4. Riparian Corridors

LUP Policy 2.3.4.1. Riparian plant communities shall be protected by establishing setbacks consisting of a 150-foot open space buffer zone on each side of the bank of perennial streams and 50 feet on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater. ...

LUP Policy 2.3.4.2. The State Water Quality Control Board and the California Department of Fish and Game, in coordination with the County of Monterey, should establish and reserve instream flows sufficient to protect and maintain riparian vegetation, fishery resources and adequate recharge levels for protection of groundwater supplies. ...

C. Local Government Action

The County's action (Resolution 000160) allows for a permanent water-supply well for future residential use on the parcel located at 24304 San Juan Road. The County's resolution makes no statement as to the location of the well in relation to the Pescadero Creek, nor to its potential impact to stream flows in the creek.

D. Substantial Issue Analysis and Conclusion

According to the applicant, the well is located approximately 1,000 feet from the Pescadero Canyon (as shown in Exhibit C), and so is adequately beyond the riparian corridor buffer area as required by the LUP.

The hydrologic report submitted by Utility Service, July 6, 2001 (see Exhibit J, pg 13-20) describes the Pescadero Creek as an intermittent stream that flows only following significant rainfall. However, the hydrologist goes on to state that flows of between 6 to 10 gallons per minute (0.01 to 0.02 cubic feet per second) were measured at various locations along the creek on July 4, 2001 about three months after the last significant rainfall. Historically, Commission staff visits to the Pescadero Creek have observed low flows in the creek as late as September and October (Pers. Comm, Lee Otter), indicating that groundwater flow apparently does provide perennial or year round flow in the creek, albeit with very low dry-season flows.

The hydrological report submitted for this project also indicates that it is unlikely that the groundwater below the property contributes significantly to the total surface water flow in the Pescadero Creek, since the subject parcel is equivalent to only 0.05 percent of the watershed area (.338 acres of the 653-acre watershed).

While the hydrologist indicates that groundwater flow "probably flows west into the ocean," no information is provided to show groundwater gradient in the area. The Commission's staff geologist, however, has noted that since groundwater in a confined aquifer can flow along the strike of the formation as well as down dip, it is possible that groundwater can flow between the creek and the well. That is, depending on the groundwater flow characteristics of the aquifer, the potentiometric surface (analogous to the groundwater table in an unconfined aquifer) could be lowered with a corresponding



lowering of flow levels in the Creek. However, no data are presented to show whether or not that would occur. On July 4, 2001, the static water level in the well was at an elevation of 317 feet. According to the hydrologist's July 6, 2001 letter, no flow was observed in the creek above this elevation, but flows were observed in the creek just below this elevation, indicating that "...the static water level coincides with the surface water level in the canyon where the canyon cuts through the geologic formation." The Commission staff geologist has stated that these water levels also indicate that the creek and the well are, therefore, hydrologically linked so that any change in the piezometric surface of the well may also affect the creek.

Since the pump tests described above were not completed for a minimum of 72 hours, they do not provide enough information to establish the draw down equilibrium that would be reached from steady pumping of the well, and are, therefore, not adequate to determine what impact residential pumping would have on instream flows in Pescadero Creek.

While the State Water Resources Control Board has established requirements for withdrawals from the Carmel River and alluvial aquifer in order to protect fishery resources and groundwater supplies, no requirements have been placed on stream flows of the Pescadero Canyon. According to the applicant's representative, the Department of Fish and Game hydrologist indicated that there are no fish in the Pescadero Creek. The California Department of Fish and Game fisheries biologist in Monterey indicated that no fishery surveys have been conducted in this stream (Pers. Comm., Jennifer Nelsen), and Commission staff have not observed any fish on previous visits (Pers. Comm., Lee Otter).

Although the project is located sufficiently outside of the riparian corridor buffer, water levels in the creek could be affected by the withdrawals from the well, which could in turn potentially affect riparian habitat by depleting riparian vegetation of its water source. However, as adequate pump tests were not conducted and no observations were made during the pump tests, it is not clear how much impact pumping will have on Pescadero Creek stream flows. As pumping from the well may affect creek levels, it is prudent to take a cautious approach to protect flow levels in Pescadero Creek. Therefore, a substantial issue exists with the project in regards to environmentally sensitive habitat areas.

There are additional concerns regarding the cumulative impact that approval of other private residential development reliant on water supply wells drilled within the Cal-Am service area might have on the riparian resources of the Carmel River. These concerns, as presented previously by the Division of Environmental Health and the MPWMD, are based on the potential that water supplies from wells drilled in fractured rock may fail in the long-term and force an emergency water situation, or "bail out" by Cal Am, which may result in overdraft from the Carmel River, and subsequent adverse impacts to the riparian resources of that river system.

D. Public Access and Recreation Findings

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea includes a specific finding that the development is in conformance with the public access and recreation policies of chapter 3 of the Coastal Act. The project



is located seaward of the first public through road, which in this area is San Juan Road. Sections 30210-14 of the Coastal Act provide for maximizing public access to the coast. In accordance with other coastal Act policies, Section 30223 requires that upland areas necessary to support coastal recreation uses shall be reserved for such uses where feasible. Section 30212 also requires that public access from the nearest public roadway to the shoreline be provided for all new development projects except where adequate access exists nearby.

The project does not affect any existing public access in the Carmel Area. The site is located approximately 1.1 mile from the coast near the top of Pescadero Canyon, approximately 300 feet above, and approximately 1,000 feet horizontally from the creek channel. Therefore, it is not feasible that this site needs to be reserved to support coastal recreation uses. Additionally, adequate access to the beach and recreational opportunities exist in the Carmel area, such as Carmel Beach City Park and Stillwater Cove which are located near the mouth of Pescadero Creek. Therefore, the project is consistent with public access and recreational policies of the Coastal Act.

E. De Novo Coastal Permit Findings

For the reasons cited in the Substantial Issue section of this report, pages 5 to 22, and incorporated by reference into these de novo findings, the proposed project is inconsistent with those LCP policies cited, and therefore must be denied.

Alternatives

There is a mechanism by which water is provided to applicants wishing to develop or remodel structures on their property, and that is to be placed on the county's water waiting list. As discussed in the Substantial Issue section of this report, while constrained by the MPWMD water allocation program, Cal-Am is the water company authorized to provide water in the urban service area of the County and is regulating the orderly connection of water service for new development. A similar approach is used in other jurisdictions that have limited public services available (eg., Cambria, Pacific Grove, San Mateo mid coast, etc.). The applicant is already on the list (number 63 out of 101), and will receive service when their number comes up, and is therefore provided with an alternative to the proposed project.

Additionally, as described previously, Cal-Am and Monterey Peninsula Water Management District are currently searching for additional water supplies. Current alternative strategies include implementation of groundwater injection wells, use of reclaimed wastewater for irrigation purposes, and water conservation efforts that include retrofitting or replacing water-using appliances and fixtures and retaining native drought resistant vegetation and incorporating xeriscape principles into landscaping designs.

A second alternative available to the applicant is to request that Monterey County amend its LCP to allow private services in urban areas. Since the County's Local Coastal Program makes it clear that residential development in urban areas must use urban services, the only other way for the County to approve wells in urban service areas would be to amend the its LCP. However, any such amendment



would have to examine the potential cumulative impacts of such activities, for example: would development densities have to be decreased?; what would happen to the current utility districts?; would these wells be temporary until other public sources were found or would they be permanent?; would only potable wells be allowed, or also non-potable wells for supplemental water?; how would the use of essentially rural utility services to support urban development be consistent with Coastal Act Section 30250²? These are examples of the kinds of questions the County would have to look at in developing such an amendment. Additionally, the County would have to consider whether there would be withdrawal limits and resolve how to deal with equity issues that may arise. If an LCP amendment was approved, it might also require only temporary uses of the well or require that development relying on a temporary well in an urban area would not be eligible for an emergency hook-up to the existing water utility.

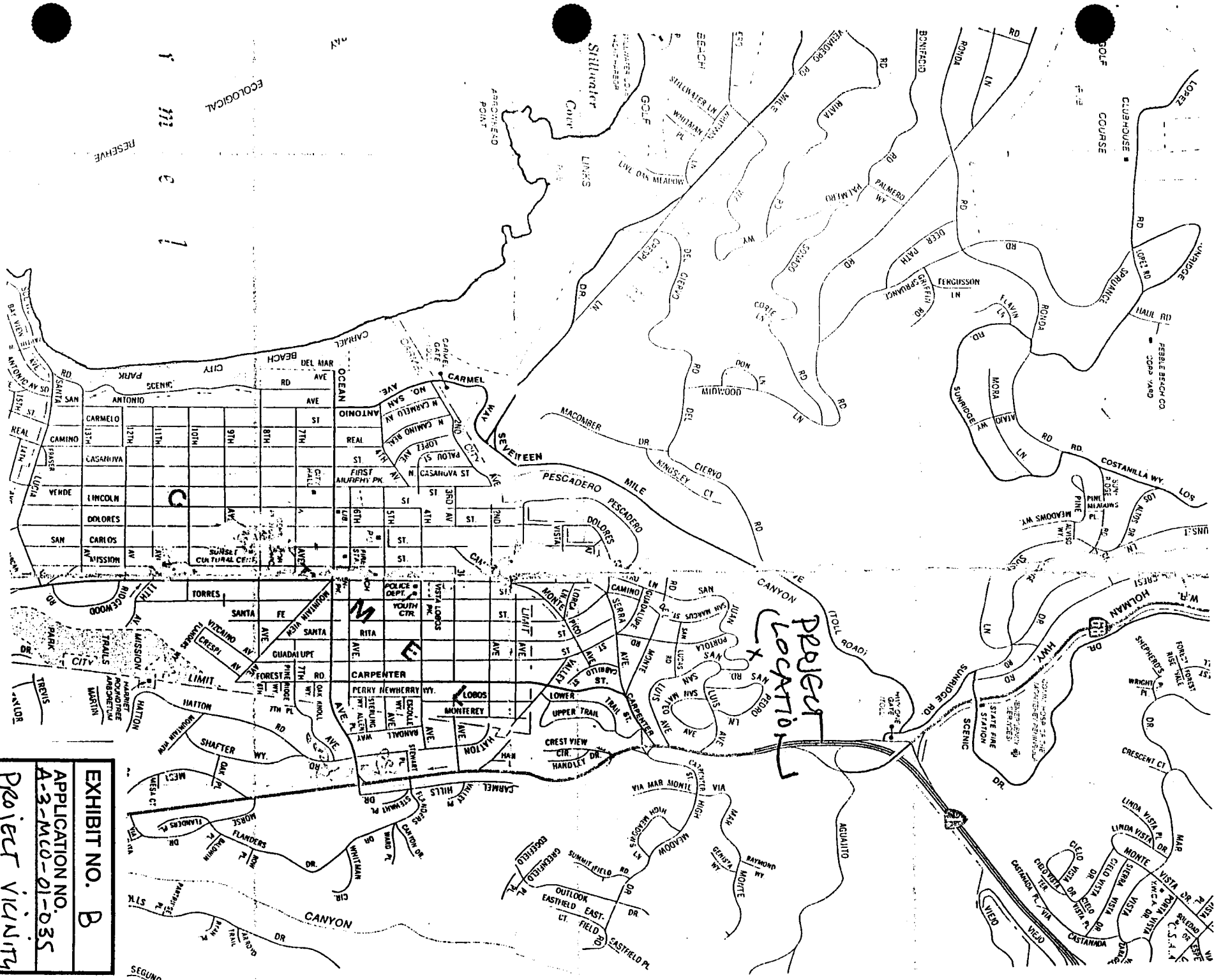
F. California Environmental Quality Act (CEQA)

The County determined that this permit was exempt from CEQA review. However, this report has identified and discussed certain additional potential adverse impacts (ESHA, land use and water resource issues) not fully addressed by the local government. The test well is located within the Cal-Am service area and while currently constrained by the lack of available water, the applicant is on the water waiting list and so has a less environmentally damaging alternative than using the existing test well as a water supply well. Therefore, as there are feasible alternatives that would lessen any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA), this application must be denied.

² Coastal Act Section 30250. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....



EXHIBIT NO. B
 APPLICATION NO. A-3-MC-01-035
 Project vicinity
 MAP

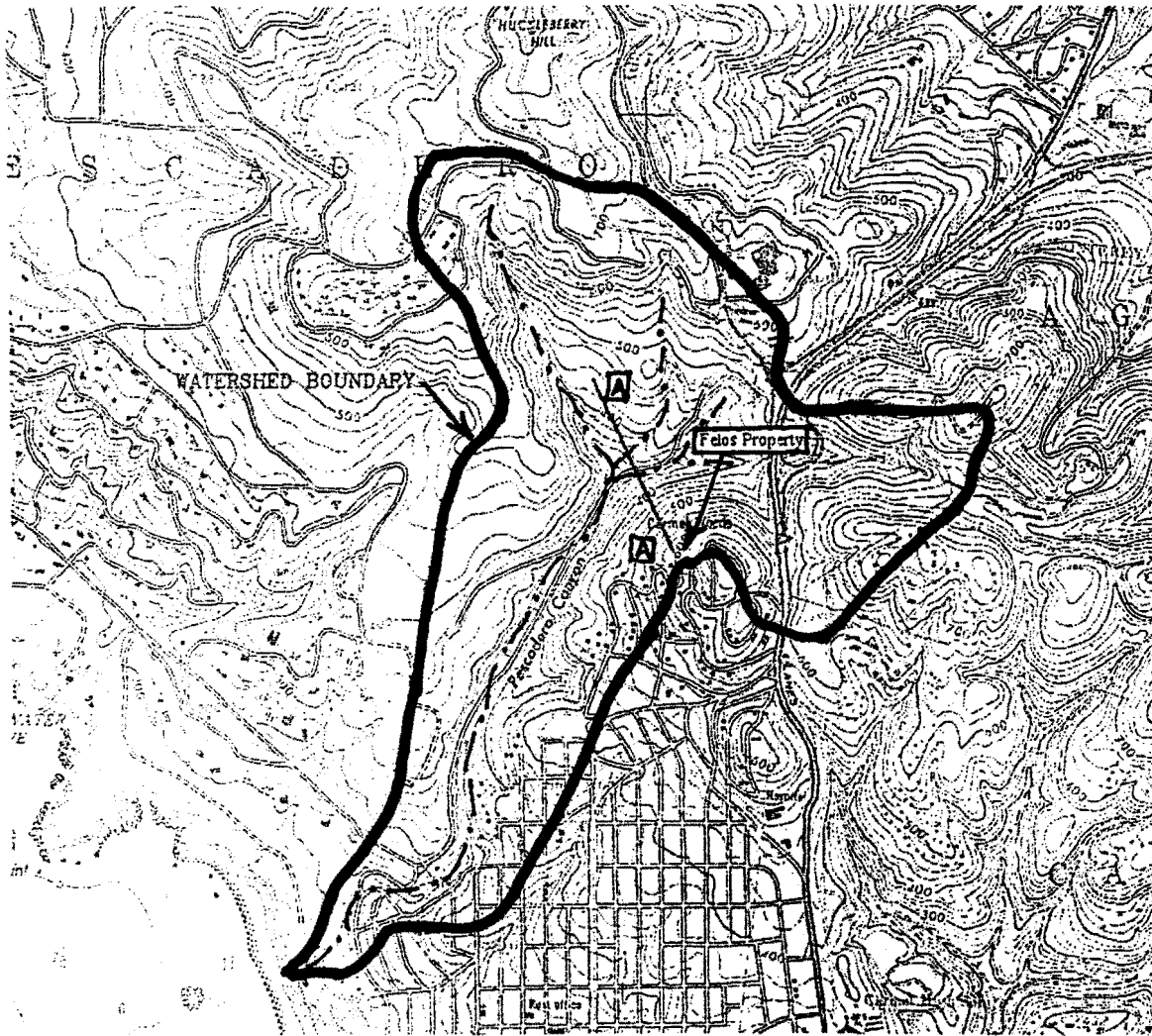


ECOLOGICAL
 RESERVE

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Project Location

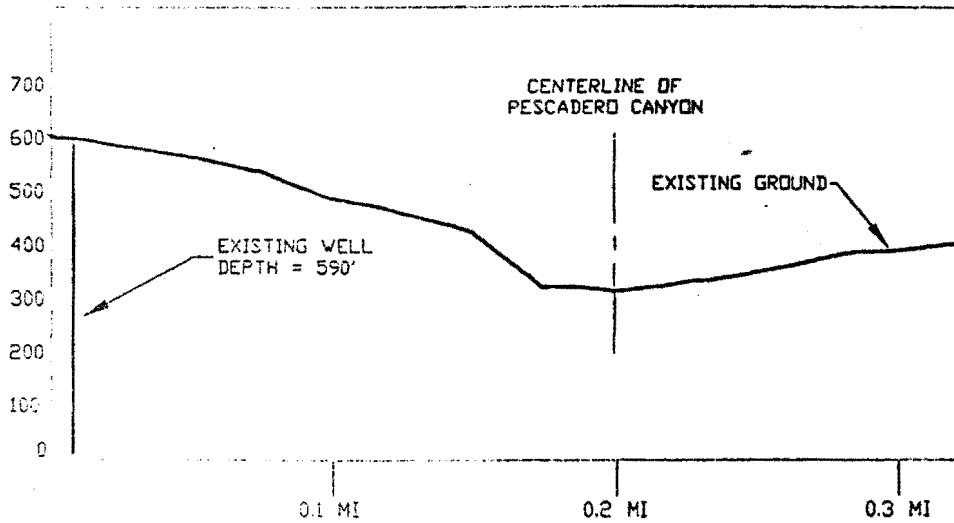
SEGUNDA



FELOS PROPERTY

24304 SAN JUAN ROAD
CARMEL, MONTEREY COUNTY

NO SCALE



SECTION A-A

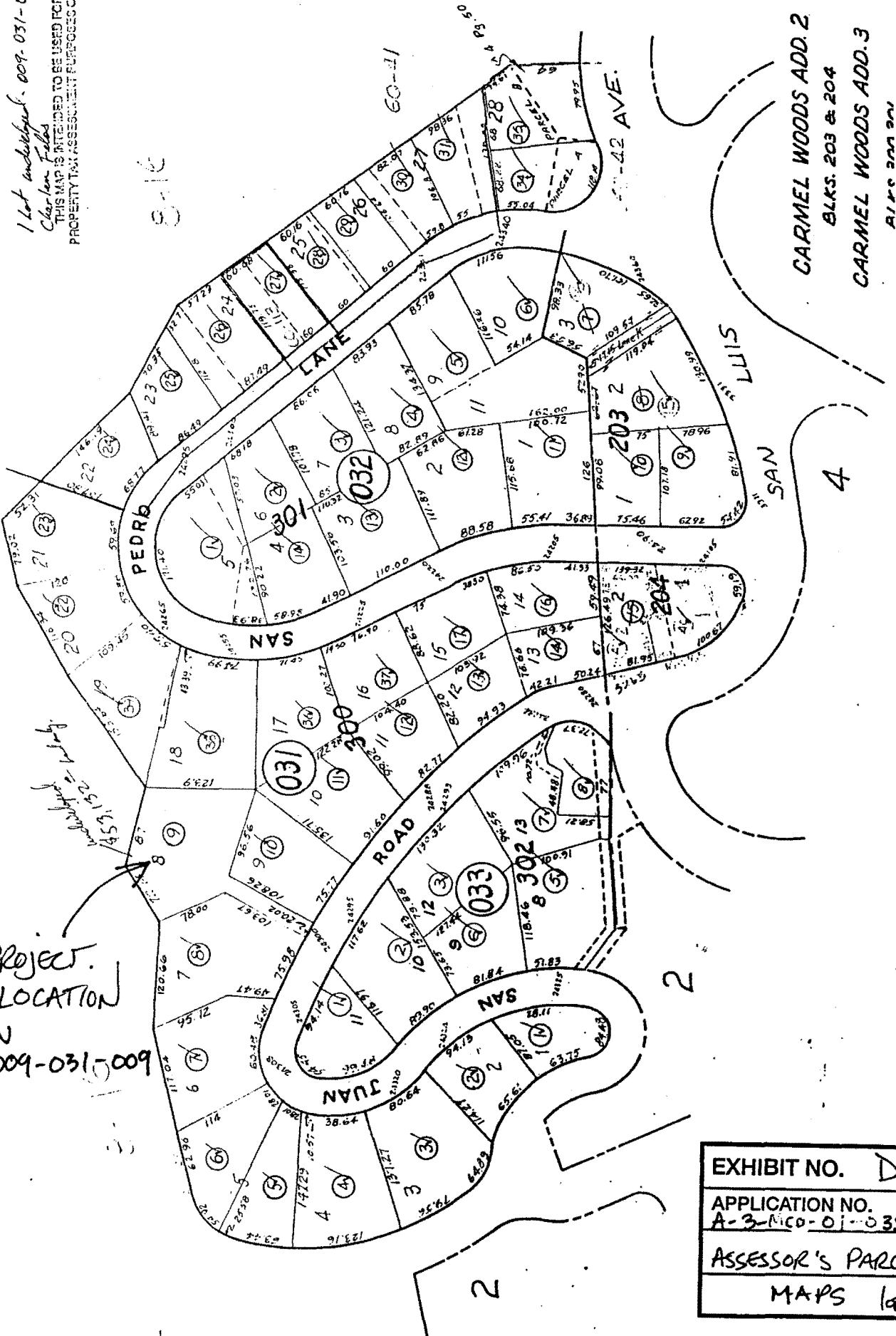
NO SCALE

EXHIBIT NO.	C
APPLICATION NO.	A-3-MCO-D1-036
PESCADERO CANYON WATERSHED	
MAP	

ASSESSOR'S MAP
BOOK 9, PAGE 03

1st amended. 009-031-009
Charlem Fields
THIS MAP IS INTENDED TO BE USED FOR
PROPERTY TAX ASSESSMENT PURPOSES ONLY.

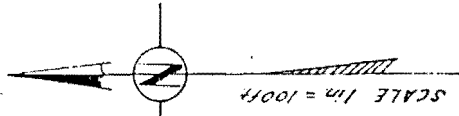
TAX CODE AREA



Project Location
 APN
 009-031-009

CARMEL WOODS ADD. 2
 BLKS. 203 & 204
 CARMEL WOODS ADD. 3
 AIRS 200 201

EXHIBIT NO. D ₁
APPLICATION NO. A-3-MCO-01-035
ASSESSOR'S PARCEL MAPS 1 & 2



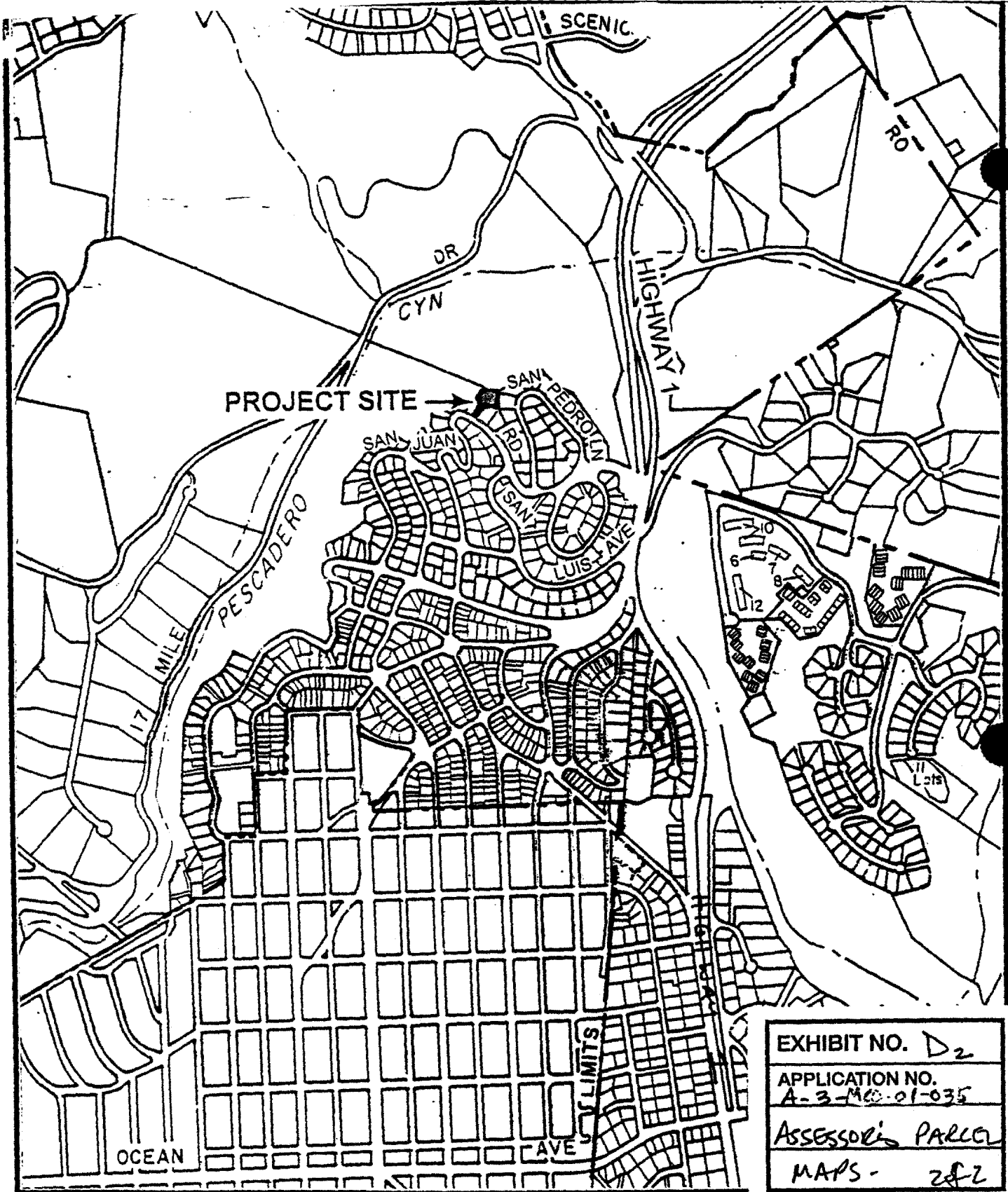


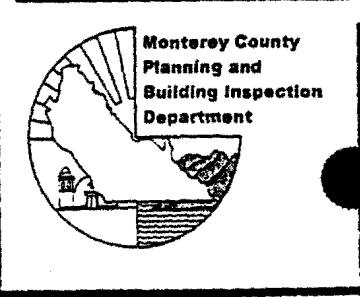
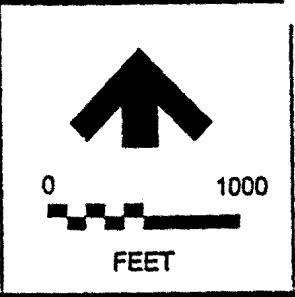


EXHIBIT NO. D2
 APPLICATION NO. A-3-MC-01-035
 ASSESSOR'S PARCEL MAPS - 282

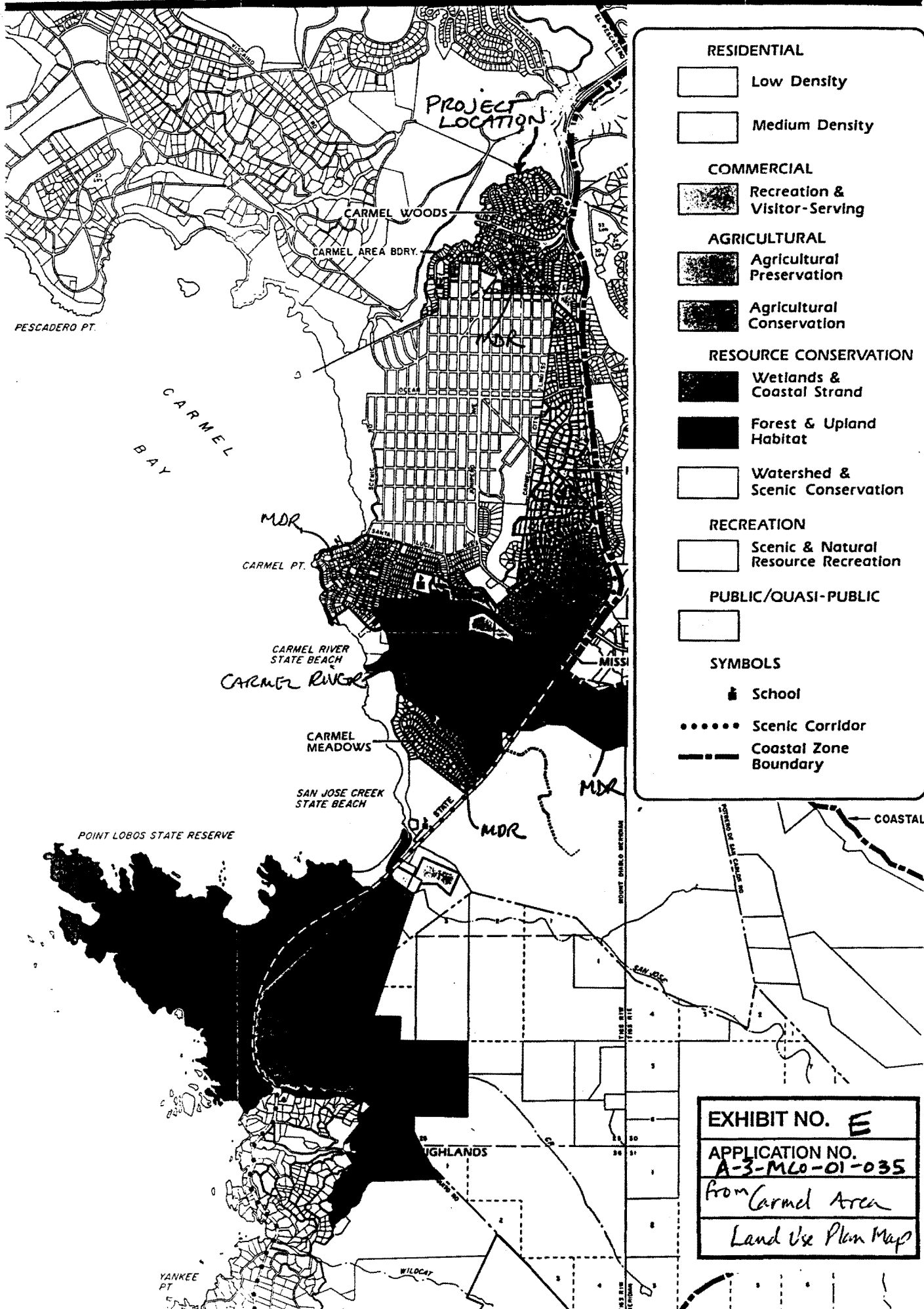
APPLICANT: FELOS TRUST

APN: 009-031-009-000 FILE # 000160



300' LIMIT: 
 2,500' LIMIT: 



DATE:





RESIDENTIAL

-  Low Density
-  Medium Density



COMMERCIAL

-  Recreation & Visitor-Serving


AGRICULTURAL

-  Agricultural Preservation
-  Agricultural Conservation

RESOURCE CONSERVATION

-  Wetlands & Coastal Strand
-  Forest & Upland Habitat
-  Watershed & Scenic Conservation

RECREATION

-  Scenic & Natural Resource Recreation

PUBLIC/QUASI-PUBLIC

- 

SYMBOLS




-  School
-  Scenic Corridor
-  Coastal Zone Boundary

EXHIBIT NO. E
APPLICATION NO.
A-3-MCO-01-035
from Carmel Area
Land Use Plan Map

copy
3/21/01

DALE ELLIS, AICP
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

NO. 000160

A.P.# 009-031-009-000

FINDINGS & DECISION

In the matter of the application of
Felos, Charlene TR (PLN000160)

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow the development of a test well to a well, located at 24304 San Juan Rd, easterly of San Juan Rd, Carmel (Carmel Woods) area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on March 21, 2001.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

1. FINDING: The subject Coastal Administrative Permit (PLN #000160), as described in condition #1, conforms with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Carmel Area Land Use Plan, Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 24304 San Juan Road, in the Carmel Woods area of the Coastal Zone. The parcel is zoned "MDR/2 (CZ)". The site is physically suitable for the use proposed and will not be seen from Hwy #1. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: Staff evaluated the project's conformance with the text and policies of these documents and determined the project is consistent with all applicable requirements.

EVIDENCE: The application and plans submitted for the Coastal Administrative Permit in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The site is not located within an archaeologically sensitive area.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection

Department, Water Resources Agency, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed. Finally, after a site visit by Planning Staff on February 15, 2001, the well structure will not be seen from Hwy #1, it will provide water service for a residential unit.

2. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303 of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

3. **FINDING:** The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying material was reviewed by the Department of Planning and Building Inspection, applicable Fire Department, Public Works and Parks Departments, Environmental Health Division, and Water Resources Agency. The respective departments and Agency have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood or the County in general.

4. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20, and all zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

5. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Zoning Administrator, that said application for a coastal Administrative Permit be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Coastal Administrative Permit will allow for the conversion of a test well to a residential use well. Neither the residential use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action, or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall thereafter be responsible to defend, indemnify or hold the County harmless. **(Planning and Building Inspection Department)**
3. The applicant shall record a notice that states: "A permit (Resolution 000160) was approved by the Zoning Administrator for Assessor's Parcel Number #009-031-009-000 on March 21, 2001. The permit was granted subject to x conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**

4. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (**Planning and Building Inspection**)

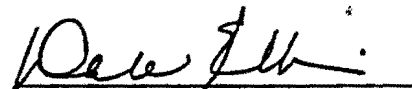
Prior to Commencement of Use / Final Building Inspection / Occupancy:

5. The Applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. (**Water Resources Agency**)
6. Prior to use of the well for domestic or irrigation purposes, the applicant must obtain final approval from the water well drilling program of the Division of Environmental Health, (E. Karis 755.8927). (**Environmental Health**)

Continuous Permit Conditions:

7. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (**Planning and Building Inspection**)

PASSED AND ADOPTED this 21st day of March, 2001.


DALE ELLIS, AICP
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON MARCH 21, 2001.

IF ANYONE ~~WISHES~~ TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE APRIL 2, 2001.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS AND THE COASTAL COMMISSION.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Monterey.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

DAVE ELLIS, AICP
ZONING ADMINISTRATOR

**FINAL LOCAL
ACTION NOTICE**

STATE OF CALIFORNIA
COUNTY OF MONTEREY

NO. 970141

A.P.# 009-031-009-000

FINDINGS & DECISION

REFERENCE # 3-MCO-98-018
APPEAL PERIOD 2/16-3/2/98

In the matter of the application of
CHARLENE FELOS, TR. (970141)

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), and Design Approval for the construction of a two-story single family dwelling with an attached studio, tree removal (6), and grading; fronting on and easterly of San Juan Road at 24304 San Juan Road, Carmel Woods, Carmel Area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on February 11, 1998.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

- FINDING:** The subject Coastal Administrative Permit and Design Approval consists of a request to construct a 3,034 square foot single family dwelling with an attached studio, removal of six (6) Monterey pine ranging from 6 - 29 inches in diameter and grading (approximately 220 cu. yds. of cut; 220 cu. yds. fill). The property is located at 24304 San Juan Road in the Carmel area of the Coastal Zone. The parcel is zoned "MDR/2 - D (CZ)" or Medium Density Residential, 2 units/acre - Design Control District.

The project, as described in the application and accompanying materials and as conditioned, conforms with the plans, policies, requirements and standards of the Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan, Part 4; and Monterey County Zoning Ordinance (Title 20).

EVIDENCE: The application and plans submitted for the Coastal Administrative Permit as found in Planning File No. 970141 of the Monterey County Planning and Building Inspection Department.

EVIDENCE: The proposed project is consistent with policies of the Carmel Area Coastal Implementation Plan dealing with development in seismically hazardous areas. A Geotechnical/Soils report has been prepared for this parcel by Grice Engineering and Geology Inc., dated October 1997, and is on record in the Monterey County Planning and Building Inspection Department (Library No. 24-13-020). The site is suitable for the proposed project.

EVIDENCE: The proposed project is consistent with policies of the Carmel Area Coastal Implementation Plan dealing with development in archaeologically sensitive areas. The site is in a moderate archaeological zones.

EVIDENCE: The proposed project is consistent with policies of the Carmel Area Coastal Implementation Plan dealing with development in forest

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Felos Well

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cc

resources. A Forest Management Plan has been prepared for this parcel by Hugh E. Smith, dated August 1997, and is on record in the Monterey County Planning and Building Inspection Department (Library No. 33-04-117).

2. FINDING: The subject parcel is in a Design Control or "D" District requiring Zoning Administrator action pursuant to Chapter 20.56.030 of the Monterey County Coastal Implementation Plan. The Zoning Administrator has suggested any changes in the plans of the proposed residence deemed necessary to accomplish the purposes of the above Chapter. To this end, the applicant has provided the Zoning Administrator with a Design Approval Request, drawings, and a statement of materials and colors to be used: exterior redwood walls (clear sealed to age naturally) bronze windows (anodized) with tar and gravel roofing material.
- EVIDENCE: Design Approval Request form with plans recommended for approval by the Carmel Unincorporated/Highlands Land Use Advisory Committee, in Planning File No. 970141.
3. FINDING: The recommended conditions regarding landscaping have been applied to eliminate erosion. The recommended condition regarding lighting has been applied to ensure that the character of the neighborhood is preserved, protected and enhanced.
- EVIDENCE: Section 20.147.070, Subsection C. 2 of the Monterey County Coastal Implementation Plan, Part 5 and Policy 26.1.20 of the Monterey County General Plan.
4. FINDING: Development of properties located in the Monterey Peninsula Water Management District ("District") depends in large part, on the availability of water pursuant to an allotment system established by the District based on a pro-rationing of the known water supply for each of the jurisdictions served by the California-American Water Service Company.
- EVIDENCE: Staff report, oral testimony at the hearing; administrative record.
5. FINDING: Based upon the District's water allotment system, the County of Monterey ("County") has established a system of priority distribution of water allocation for properties within its own jurisdiction. Current information available to the County indicates that the County's share of water under the District's allotment system, over which the County has no control, has been exhausted to the point that the County is unable to assure that property owners who do or have obtained development permits for their properties will be able to proceed with their development projects.
- EVIDENCE: Staff report, oral testimony at the hearing; administrative record.

- 6. FINDING: In accordance with Monterey County Resolution No. 94 - 468, due to the limited availability of water, the Monterey County Water Resources Agency is unable to allocate any water to the above mentioned project at this time.
 EVIDENCE: The Water Release form for this project has been placed on the waiting list on file with the Monterey County Water Resources Agency's Water Conservation Section. Water will be allocated to projects on the waiting list on a first - come first serve basis when additional water becomes available.

- 7. FINDING: The proposed project will not have a significant environmental impact.
 EVIDENCE: Section 15303 (a) of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during review of the proposed development application.

- 8. FINDING: The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
 EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Pebble Beach Community Services District, Public Works and Parks Departments, Environmental Health Division, and the Water Resources Agency. The respective departments and Agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood, or the county in general.

- 9. FINDING: The project, as approved by the Zoning Administrator, is appealable to the Board of Supervisors and the California Coastal Commission.
 EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Zoning Administrator, that said application for a Combined Development Permit be granted as shown on the attached sketch, subject to the following conditions:

- 1. The subject Coastal Administrative Permit and Design Approval consists of a request to construct a 3,034 square foot single family dwelling with an attached studio, removal of six (6) Monterey pine ranging from 6 - 29 inches in diameter and ~~MC 019036~~ approximately 220 ~~Exhibit~~ sq. ft. of

Felos Well

Exhibit G 3 of 8

cut; 220 cu. yds. fill). Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or constructions other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities (Planning and Building Inspection Department)

2. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. (Pebble Beach Community Services District)
3. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. (Pebble Beach Community Services District)
4. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." (Pebble Beach Community Services District)

5. The applicant shall comply with Ordinance No. 3539 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency; Planning and Building Inspection)

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Felos Well

Exhibit

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6. Prior to issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. (Water Resources Agency)
7. Prior to issuance of building or grading permits a deed restriction shall be recorded with the Monterey County Recorder which states: "A Geotechnical/Soils report has been prepared for this parcel by Grice Engineering and Geology Inc., dated October 1997, and is on record in the Monterey County Planning and Building Inspection Department Library No. 24-13-020. All development shall be in accordance with this report." (Planning and Building Inspection Department)
8. If cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by the qualified professional archaeologist. The Monterey County Planning and Building Inspection Department shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner shall immediately visit the site, with the archaeologist, to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection Department)
9. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. If applicable, the applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection Department)
10. A deed restriction shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Hugh E. Smith, Forester, dated August 1997, and is on record in the Monterey County Planning and Building Inspection Department Library, No. 33-04-117. All tree removal on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. (Planning and Building Inspection Department)
11. The applicant shall plant 2 5- gallon size Monterey pines in accordance with the Forest Management Plan. (Planning and Building Inspection Department)
12. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan

shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (Planning and Building Inspection Department)

13. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection Department)
14. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection Department)
15. The property owner agrees as a condition of the approval of this permit to defend at his sole expense any action brought against the County because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition. Said indemnification agreement shall be recorded upon demand of County Counsel or prior to the issuance of building permits or use of the property, whichever occurs first. (Planning and Building Inspection Department)
16. The applicant shall record a notice which states: "A permit (Resolution 970141) was approved by the Zoning Administrator for Assessor's Parcel Number and 009-031-009-000 on February 11, 1998. The permit was granted subject to 16 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection Department)

PASSED AND ADOPTED this 11th day of February, 1998.


DALE ELLIS, AICP
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON FEBRUARY 11, 1998.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE FEBRUARY 21, 1998.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS AND THE COASTAL COMMISSION.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Monterey.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.



Monterey County Planning and Building Inspection Department
240 Church Street, Room 116
P.O. Box 1200
Salinas, CA 93902
438-755-5025

DEVELOPMENT PROJECT APPLICATION

RECEIVED
SEP 12 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

This application is for:

- Combined Development Permit
- Rezoning
- Administrative Permit (Coastal/Non-Coastal)
- Use Permit (Major/Minor)
- Variance
- Design Approval
- General Development Plan
- Coastal Development Permit
- Modification of Conditions
- Local Coastal Plan Amendment (LUP, or CLP)
- General Plan Amendment
- Other _____
- Tentative Parcel Map (Major Subdivision)
- Tentative Map (Standard Subdivision)
- Vesting Tentative Map
- Preliminary Map
- Preliminary Project Review Map
- Lot Line Adjustment (Major/Minor)
- Revised Tentative Map
- Revised Tentative Parcel Map
- Amended Final Map
- Amended Parcel Map
- Subdivision Extension Request

1. Owner(s) Name: CHARLENE FELLOS
 Address: 3396 STARKLER City: HUNTINGTON BEACH State: CA
 Telephone: (714) 840-7677 Zip Code: 92649-1924

2. Applicant's Name: GEORGE BRUCE BATHLOW, ARCHITECT
 Address: P.O. DRAWER A-2 City: CARMEL State: CA
 Telephone: (408) 625-1225 Zip Code: 93921

3. Applicant's Interest in property (Owner, Buyer, Representative, etc.): REPRESENTATIVE

4. Property address and nearest cross street: DR. JUAN RD. #

5. Assessor's Parcel Number(s): 009-021-009-000

6. Current Zoning: MDR/2007 Medium Density Residential

7. Property area (acres or square feet): 1.2

8. Describe the proposed project: Simple Spanish Dwelling with a Garage and attached Studio, Trench (see plan), Grading and Design Approval.

9. REZONING OR AMENDMENT ONLY: The applicant wishes to amend Section _____ of the Monterey County Code, from a _____ Zoning District to a _____ Zoning District or some other classification.

10. GENERAL PLAN AMENDMENT OR COASTAL PLAN AMENDMENT ONLY: Describe the proposed amendment:

11. SUBDIVISION INFORMATION ONLY: Number of Lots: _____
Purpose of Subdivision: Sale Lease Financing Other: _____

12. LOT LINE ADJUSTMENT INFORMATION ONLY: What is the purpose of the adjustment: _____

WILL THE ADJUSTMENT RELOCATE THE BUILDING AREA? Yes No

ADJUSTED PARCEL SIZE (S): _____

Owner's Signature _____ Owner's Signature _____
 Owner's Name (Please Print) _____ Owner's Name (Please Print) _____
 Assessor's Parcel Number _____ Assessor's Parcel Number _____

13. VARIANCES ONLY: Describe the proposed variance: _____
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Felos Well

Exhibit H
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14. If new or additional construction is proposed, complete the following information:
- A. Residential Development: Single Family Residence Other (how many total units) _____
 No. of covered parking spaces 2 No. of uncovered parking spaces 1 Lot Coverage 13.1 %
 B. Commercial or Industrial Development: No. of employees (include all shifts) _____
 No. of covered parking spaces _____ No. of uncovered parking spaces _____
 No. of Loading Spaces _____ Lot Coverage _____ %
 Cubic Yards 2220 CU YDS. CUT
2220 CU YDS. FILL
15. Will grading or filling be required: Yes No Cubic Yards _____
16. Will the project require placement of structures, roads, grading cuts or fills on slopes of 30% or greater: Yes No
17. Will any trees be removed: Yes No If yes, indicate the number, specie(s) and diameter: (1) 24-29" PINE,
(4) COAST LIVE OAK, 3-5" db
 Other vegetation to be removed: NON-NATIVE GRASS.
18. How will water be supplied: Individual Wells _____ Mutual System
 Name of Public or Private Water System: CARMEL
19. How will sewage or other waste be disposed: SEWER SYSTEM (EXISTING)
 Name of Public or Private Sewer System: _____
20. Is this land currently in row crop production: Yes No
21. Is this land used for grazing: Yes No
22. Is this land under an Agricultural Preservation Contract: Yes No If yes, indicate the Contract No. _____
23. Is this proposed project located on a hazardous waste facility: Yes No (Government Code 65962.5). (A list of hazardous waste sites is maintained by the Environmental Health Dept., Phone 755-4500).

I/We state that as the owner(s) or agent for owner(s) for the development permit application I/We have read the complete application and know the contents herein. I/We declare under penalty of perjury that the information contained in this application including the plans and documents submitted herewith are true and correct to the best of my/our knowledge.

Dated: 11/21/97

CHARLENE FELOS
 Owner's Name (Please Print or Type)

 Owner's Signature

CARMEL, California.
 I declare under penalty of perjury that I am authorized by the owner(s) of the described property to make this application.

GEORGE BROOK-KOTHLOW, ARCHITECT
 Agent's Name (Please Print or Type)

 Agent's Signature

Application fees are charged based upon average hours to process a given application. Actual processing hours may be greater or less than hours specified on the fee sheet. Processing hours in excess of the fee sheet will be billed to the applicant at the rate of \$52.50 / hour prior to issuance of entitlements or permits. Processing hours less than the original fee will be refunded at the same rate after issuance of the entitlements or permits.

For Department Use Only

Plan Designation: Medium Density Residential Plan: Carmel Area
 Legal Lot: As per '64 & '92 Zoning Violation Case No.: _____
 Property Owner Verified: Yes No Height: 30' Lot Coverage: 35%
 Setbacks: F 20' R 10' S 5' Special: _____ OPL: N/A
 FAR: 45% Fire Haz: Urban SRA: N/A Flood: N/A
 Advisory Committee: Carmel/Humboldt A/C
 Geo. Hazard Zones: IV N.V.C. Arch. Sensitivity Zone: I-200 SM: N/A; date: Site Visit Req.
 Misc.: 100' setback from EIRW Sea wall
 Application Given Out By: [Signature] Date: 4-14-97
 Application Received By: [Signature] Date: 11-26-97

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
RESIDENTIAL WATER RELEASE FORM AND WATER PERMIT APPLICATION

NOTE: When approved and signed, this form must be submitted with final and complete construction plans, to the Monterey Peninsula Water Management District permit office (408-349-2500), 187 Eldorado, Monterey. Completing the Water Release Form & Permit Application does not guarantee issuance of a water permit.

ALL SPACES BELOW MUST BE COMPLETED OR THE APPLICATION MAY NOT BE PROCESSED. (Please print firmly).

Property Owner: CHARLENE FELOS
Owner's Telephone Number: (714) 840-7677
Agent/Representative: LORELEE BROOK-KOTHLOW
Agent's Telephone Number: (408) 628-1225
Property Address: SAN VILVA RD.
Mailing Address (if different than property): Street: P.O. DRAWER A-D City: CARMEL ZIP 93921
Assessor's Parcel Number: 009-031-009 No. Meters Requested
Water Company Serving Parcel: [X] Cal-Am [] C.V. Mutual [] Bishop [] Ryan Ranch [] Private Well [] Seaside Mut. [] Steep Hollow [] Other (Explain)
PROJECT DESCRIPTION: (Be specific) SFL STUDIO GARAGE.

Does this application include toilet retrofit credit? If yes, number of toilets eligible for retrofit credit: No X 2.35 =

TABLE NO 1 - EXISTING PROPERTY FEATURE COUNT (All fixtures before project)

Table with columns: TYPE OF FIXTURE, QUANTITIES, UNIT VALUE, UNIT COUNT. Includes items like Wash basin, Water closet, Large bathtub, Standard bathtub, Shower, Kitchen sink, Dishwasher, Laundry/utility sink, Washing machine, Bidet, Bar sink, Vegetable sink, Outdoor spa/jacuzzi, Decorative fountain, Drinking fountain, Swimming pool.

TABLE NO 2 - POST-PROJECT PROPERTY FEATURE COUNT (All fixtures after project completion)

Table with columns: TYPE OF FIXTURE, NO. OF FIXTURES, FEATURE UNIT VALUE, FEATURE UNIT COUNT. Includes items like Wash basin, Water closet, Large bathtub, Standard bathtub, Shower, Kitchen sink, Dishwasher, Laundry/utility sink, Washing machine, Bidet, Bar sink, Vegetable sink, Outdoor spa/jacuzzi, Decorative fountain, Drinking fountain, Swimming pool.

OFFICIAL USE ONLY
PLAN CHECK FOR: BUILDING PERMIT DISCRETIONARY
FILE OR PLAN CHECK NO.:
PLAN CHECK DATE:
FEATURE UNIT (FU) COUNT (THIS FORM):
NET INCREASE IN P.U.:
NET INCREASE IN A.P.:
AMOUNT OF WATER REDUCTION AUTHORIZED:
DATE OF AUTHORIZATION:
AUTHORIZED BY (SIGN):
COMMENTS:
RECEIVED SEP 12 2001

PROPOSED FIXTURE UNIT COUNT 31.75
In completing the Water Release Form, the undersigned acknowledges that any discrepancy or mistake may cause rejection of the application. Additionally, the undersigned is responsible for accurately accounting for all water fixtures. If the fixture unit count changes after construction, the permit may be canceled. In addition, the undersigned acknowledges that the permit may be cause for interruption of the water service to the site, additional fees and penalties, the imposition of a lien on the property, and construction within the jurisdiction's allocation.

I certify, under penalty of perjury, that the information provided on this Water Release Form & Permit Application is to my knowledge correct, and the information accurately reflects the changes affecting water use presently planned for this property.
Signature of Owner/Agent: [Signature]
This form expires on the same date as any discretionary or building permits issued for this project by the city or county.



Exhibit H
3 of 3

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

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APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

APR 09 2001

CALIFORNIA
COASTAL COMMISSION
STATE OF CALIFORNIA

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Commissioner Pedro Nava
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Zip (415) 904-5200
Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:
Monterey County

2. Brief description of development being appealed:
Conversion of a test well to a residential well

3. Development's location (street address, assessor's parcel number, cross street, etc.):
24304 San Juan Rd. Carmel Woods, Monterey County
APN 009-031-009

4. Description of decision being appealed:
a. Approval; no special conditions: _____
b. Approval with special conditions: X
c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-MCO-01-035
DATE FILED: 4/9/2001
DISTRICT: Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. Planning Director/Zoning Administrator

c. Planning Commission

b. City Council/Board of Supervisors

d. Other: _____

6. Date of local government's decision: 3/21/01

7. Local government's file number: PLN000160

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Charlene Felos
3396 Sparkler Dr.
Huntington Beach, CA 92649-1924

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) none

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

see attached

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: *Lucia J. [Signature]*
Appellant or Agent

Date: April 9, 2001

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

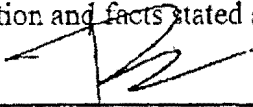
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

see attached

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: 
Appellant or Agent

Date: April 9, 2001

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document 2)

REASONS FOR APPEAL OF FELOS WELL PERMIT PLN000160

I am appealing Monterey County's coastal permit to Charlene Felos for a well (PLN000160) for the following reasons. The project is located within the CalAm service area in an area designated for medium-density residential development. Normally, CalAm supplies water and on-site wells are unnecessary. There is no indication in the staff report as to why an on-site well is necessary. Approval of a well would conflict with *Carmel Area Land Use Plan* policy 4.4.3.E.1:

Medium-density residential development shall be directed to existing residential areas where urban services – water, sewer, public transit, fire protection, etc. – are available.

If for some reason a well was potentially appropriate for the site, *Carmel Area Land Use Plan* policy 2.4.4.A.2 must be satisfied:

As part of the permit process, the applicant must also demonstrate that the proposed new water use or use intensification will not adversely affect both the natural supply necessary to maintain the environment, including wildlife, fish, and plant communities, and the supply available to meet the minimum needs of existing users during the driest year. At the County's discretion, the applicant may be required to support his application through certification by a consultant deemed qualified by the County to make such determinations. The County will request that the Department of Fish and Game provide a written recommendation on each application.

There is no evidence in the staff report of this analysis being performed. Without such analysis it is impossible to know if the project is free of adverse environmental impact and meets LCP policies. Also, there would be potential cumulative impacts on the groundwater in the area (assuming that there is groundwater) from other such wells, if the County starts allowing them, without some kind of groundwater study. The site is located in Pescadero Canyon. Pescadero Creek could be adversely impacted. It is unclear if riparian setbacks are being maintained. The proposed project may not be in compliance with the following policy under Section 2.3.4 of the *Carmel Area Land Use Plan* under "Riparian Corridors":

1. Riparian plant communities shall be protected by establishing setbacks consisting of a 150-foot open space buffer zone on each side of the bank of perennial streams and 50 feet on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater. No new development, including structural flood control projects, shall be allowed within the riparian corridor. However, improvements to existing dikes and levees shall be allowed if riparian vegetation damage can be minimized and at least an equivalent amount and quality of replacement vegetation is planted. In addition, exceptions may be made for carefully sited recreational trails. The setback requirement may be modified if it can be demonstrated that a narrower corridor is sufficient to protect existing riparian vegetation. Riparian vegetation is an association of plant species which typically grows adjacent to freshwater courses and needs or tolerates a higher level of soil moisture than dryer upland vegetation.

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JUL 13 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RICHARD B. EVANS
33775 East Carmel Valley Road
Carmel Valley, CA 93924
(831) 659-3235

July 13, 2001

Kelly Cuffe
California Coastal Commission
Central Coast District Office
725 Front Street
Suite 300
Santa Cruz, CA 95060

Re: Revised letter for appeal #A-3-MCO-01-035

Dear Kelly Cuffe:

This is a follow up letter to our brief conversation regarding the Coastal Commission appeal of Charlene Felos well permit #PLN000160 issued by Monterey County on March 21, 2001.

The purpose of this letter is to respond in part, to the Coastal Commission appeal including the technical information and analysis that is currently available to address the policy compliance issues raised in the appeal.

It appears that appellant did not have benefit of the entire record and that there are misunderstandings as a result. Part of the misunderstanding is explained by the fact that the Coastal Commission was not provided a complete file by the Monterey County. The reason the Commission's file is not complete is because the missing information was considered proprietary. According to Dale Ellis, the Monterey County Zoning Administrator, there is state law that prohibits proprietary information from being put in the public record. The proprietary information including well logs, pump test, well reports, and other documents were used by the Monterey County Water Resource Agency and the Monterey County Environmental Health Department, as a basis of their review and conditions placed on the project by the Monterey Peninsula Water Management District, who has jurisdiction over both ground water and surface water resources in the Cal-American Water Company service area and regulates all wells in percolating ground

water within the district boundaries under their well registration ordinance and their new ordinance 96.

The appellant apparently suggests 4 erroneous reasons that the project is not consistent with various Local Coastal Program policies.

I. The appellant states that the project may not be consistent with Carmel Area

Land Use Plan policy #4.4.3.E.1. This policy states that residential development shall be directed to existing urban areas.

Response: The project is an infill lot in a subdivision certified 1927 and known as Carmel Woods. The subdivision is 97% built out. Besides the Charlene Felos lot, there are 2 additional vacant lots. One of these undeveloped lots is substandard and neither would qualify for wells as a source water under Monterey County Zoning and Environmental Health Department Regulations. Neither of these lots is in the Carmel Area Coastal zone. See cumulative impact analysis on page 4.

The appellant claims that there is no indication in the County's analysis as to why an on-site well is necessary.

Response: The property owner has a legal lot of record in a subdivision certified in 1927, and desires to build a single-family dwelling upon this lot, whereby she will have a reasonable economic use of her property as have all the other residents in the Carmel Woods neighborhood in which the subject parcel is located. Because of the current moratorium denying hook-ups to Cal-American Water Company, the public purveyor, the property owner is compelled to obtain water via a well. The property owner has been on the County's public water allocation list since 1997 and is currently #60 in a list of 90 properties. There is no water allocation to provide 60 properties in the foreseeable future from the public water purveyor. Please refer to enclosed list from the Monterey County Water Resource Agency.

Further, it is relevant to note that the LCP, CIP and Area Plans were approved after the first round of water moratoriums of the 1970's. In this light, it is important that Carmel LUP specifically provides for wells as a source of water in policy 2.4.4.A.1. Further, Carmel Area Local Coastal Program zoning regulations specifically provide for on-site wells and water systems as a principal use in MDR (medium density residential) land use. Further evidence of compliance with this policy is contained in the engineer's report of July 6, 2001 on pages 1 and 2 copy enclosed.

II. The appellant erroneously claims that the well is in conflict with Carmel LUP policy 4.4.3.E.1.

Response: The appellant references policy #4.4.3.E.1, but quotes policy #4.4.3.E.2. We are assuming that the appellant made an error in stating policy #4.4.3.E.1 and meant to state policy #4.4.3.E.2. Policy #4.4.3.E.2 discusses directing medium-density development to existing residential areas where urban services – water, sewers, roads, public transit, fire protection, etc., are available. The parcel is in an area of the County called “Carmel Woods” which was subdivided in 1927 and subsequently developed. The subdivision is substantially built out and has few remaining empty lots of record. Furthermore, this subdivision is urbanized and is provided all the urban services required in this policy. The project is not in conflict with policy #4.4.3.E.1 or #4.4.3.E.2 and, in fact is supported by it.

You have suggested to us that this policy is being interpreted by the Coastal Commission to mean that all urban services mean all urban “public” services. I do not find that wording in the policy. Had the County/Coastal Commission adopted such a policy (which it did not), that policy would have read “public water, sewers, roads, transit”. The policy doesn’t say that urban services required are for public water. It says only that urban services required are “water, sewer, roads, public transit, fire protection, etc.”. The project has provided all services through the approval of the County’s permitting process. It would be unreasonable for the Coastal Commission to claim that urban water services were not available to the property after the owner has demonstrated that water is not available through the public purveyor but is available through the well permitted by the County for use as a source of water for a single-family dwelling. The certified coastal implementation plan supports the use of a well and water system developed by the owner as a principal land use in both policy and regulation. The policies and regulations are cited in I above and in the engineer’s report dated July 6, 2001 on pages 1 and 2.

III. The appellant claims, in error, that the project review by the County and other agencies may not meet the requirements contained in policy #2.4.4.A.2. This policy requires the permittee to provide information that “demonstrates” that the new water source will not adversely affect both the natural supplies necessary to maintain the environment, and the supply available to meet the minimum needs of existing users during the driest year. The appellant’s claims contradict finding #1 of the County decision on the Felos well and disregards the evidence to support the finding including the proprietary information and review by others.

Response: Part one of policy 2.4.4.A.2 requires the documentation that the project will not adversely affect the natural supply of water necessary to maintain the environment. Documentation that supports the findings of compliance with this policy is included in the well log, drillers report and pump test and also in the engineer’s report on the project, all of which now is in the Commission’s file.

The engineer’s pump test and static level measurements clearly show that there is no effect on the ground water table elevation by pumping the well at full

capacity for extended periods up to 24 hours. Recovery time for the water table static level is 10 minutes. This represents the time it takes the ground water table to fill the well casing through the screens until the well casing water level rises 2 to 3 feet to equal the ground water table level. It is important to note that the ground water table does not change with the operation of the well at full capacity. Because there is no effect on static ground water level and because the volume of recharge exceeds the capacity of the pump to draw water, there is no significant impact on the percolating ground water beneath the Felos property. Further, the proposed use of the water draw from the well is only 4% of the capacity of the pump at full discharge. This further eliminates any concerns on ground water flowing in any direction beneath the property to imperceptible and immeasurable amounts. This level of remote impact, if any, is insignificant and demonstrates that the well is in compliance with policy #2.4.4.A.2. Please see engineer's conclusions.

Analysis of possible impacts of drilling wells on other vacant lands in the Carmel Area Coastal Zone

A. There are no other vacant lots of record in the Carmel Woods subdivision portion of the Carmel Area Coastal Zone.

There are however 2 lots that are adjoined by 1 lot that share 1 house. Potentially, these properties could be separated in ownership interest if demolition permits were available. However, the lots are small and on sloping topography that would make well drilling impractical or impossible. Based on the combination of setback required by zoning and Monterey County Environmental Health Department, it would be virtually impossible to develop wells on these properties. Water source for these properties would most likely be through a split in the existing fixture units in each of the houses, now serviced by Cal-American Water Company for each property.

B. In addition to the 2 remotely possible future lots in the Coastal Zone that have existing houses on them, there are 2 undeveloped lots in the Carmel Woods subdivision outside the Coastal Zone. One of these lots is 50' x 100', or 5000 square feet, which is substandard for the zoning. The other lot is 60' x 100', or 6000 square feet, which is the minimum lots size for MDR. Neither of these lots could be developed with a well under existing setback requirements of zoning and the Monterey County Environmental Health Department.

There are no other vacant lots in the Carmel Woods subdivision that could qualify for development of a single-family dwelling served by an on-site well as a water source. Therefore, there could be no other cumulative impacts associated with future development in the Carmel Woods subdivision. Evidence to support this is contained in the enclosed certified subdivision

maps and the Monterey County Assessors parcel maps for the Carmel Woods subdivision.

In conclusion, the Charlene Felos well will not set a precedent for the development of other lots in the Carmel Area unincorporated area of the Coastal Zone and will not cumulatively impact Pescadero Creek or its natural resource. Reference conclusion in engineer's report and assessors parcel maps.

Next, the policy requires the demonstration that "the new water source will not affect the water supply available to meet the minimum needs of existing users during the driest year.

Compliance with this policy requirement has already been accomplished because all of the adjacent landowners are hooked up to the public water purveyor and the public water purveyor receives no water from the percolating ground water within the Carmel Woods or Carmel Area. There are no other private or public wells in the Carmel Woods subdivision or its vicinity that draw from percolating ground water. Documentation of this is contained in the Monterey Peninsula Water Management District Program EIR under description of the water sources defines as "the Monterey Peninsula Water Resource System". This document and maps can be included in the documentation provided by the property owner if requested by the Coastal Commission. The engineer's report dated July 6, 2001 pages 2, 3 and 4 further support this project's compliance.

IV. The appellant states that the project is in Pescadero Canyon and suggest that the project may adversely affect the Pescadero Creek. The appellant states that it is unclear if riparian setbacks are maintained and claims the project may conflict with policy #2.3.4

Response: The project is not located in Pescadero Canyon. The project is above the south rim of the canyon on a bench that is far outside the setbacks required in policy #2.3.4. Further, the project does not impact any of the water resources of Pescadero Canyon including surface flows in Pescadero Creek and the project may ultimately benefit them. Pescadero Creek, in its closest proximity to the project, receives no surface flow from any continuous ground water source. The creek is dependant on rainfall and runoff for surface flows. All surface flows in upper Pescadero Creek are in excess of 1,000 feet from the project site.

Further, all surface flows in upper Pescadero Creek are above the elevation of the static level in the project well. The upper ¼ of Pescadero Creek dries up completely in summer dry months. The engineer's transect of the canyon adjacent to the project's site is in an area with no continuous surface flow. The lower Pescadero Canyon does have small amounts of surface flow that comes from a wide area of seepage mainly in the lower ½ of the creek. There is less than 10 gallons per minute flowing in the lowest reaches now (July 6, 2001). There is

(6)

no single source of seepage or spring that accounts for the majority of the flow. The engineer, Gary Weigand, in cooperation with the hydrologist, has analyzed the hydrology and geology and the relationship, if any, between the proposed water used from the well and Pescadero Creek and environment. His report shows that the water table connected to the well is not within the influence of the upper creek and influence is unlikely in the lower creek. It also concludes that there is no measurable impact on the environment including flows in Pescadero Creek due to the proposed use of the project. Compliance with policy #2.3.4 is contained in the engineer's report dated July 6, 2001 on pages 2, 3 and 4.

In addition to the engineer and hydrologist, I have had discussions with the plant and wildlife biologist who wrote the Pescadero Canyon Management Plan for Pebble Beach Company's Del Monte Forest Area Plan. He has disclosed that there are no threatened or endangered species in Pescadero Canyon and that the impacts of water use from the well on the natural environment of Pescadero Canyon is a hydrologic question, not relating to his expertise. For that reasons I have eliminated use of his service for compliance with the coastal plan.

I have had discussion with Terry Palmisano of the Monterey office of the Department of Fish and Game and with the Department's hydrologist in Sacramento who informed me that the Department of Fish and Game would not review the project for compliance with the local area plan because there are no fish in Pescadero Creek and the project is CEQA exempt. He did represent that if the Coastal Commission wanted the Department to analyze this project, it would have to be taken through the proper channels through the regional headquarters. He also said unless there was a threat to the natural resources under Fish and Game authority, it was unlikely that the Department had the manpower to review this project more than it has already under the request for review from the Monterey County Planning Department during the County permit process.

In conclusion, the appellant's claimed project inconsistency is incorrect. The permitted project is consistent with policies cited in the appeal.

Please review the attached responses to the "reasons for appeal" included as Exhibit A. The responses appear in the form of statements of additional findings with supporting evidence. After the Coastal Commission has reviewed this letter and statements, please provide us with a statement summary that tells us if the provided responses are sufficient to make a finding or determination that the project presents no significant issue to compliance with Coastal Act policy. Please also provide us with a statement that if there are no conflicting issues for compliance that you will process the dismissal of the appeal administratively without the necessity and expense of a public hearing out of the area. The hardship imposed by not dismissing the appeal administratively would be very detrimental to Ms. Felos and myself and our reasonable investment-backed expectations. Without the ability to use the well water that is readily available on this residentially zoned infill lot, it would be virtually worthless. If for any

⑦

reason the submitted information isn't sufficient to make these determinations, please inform us of what additional information is needed as soon as possible.

Thank you for your help on this matter.

Respectfully submitted,



Richard B. Evans

RB/enclosures:

1. Exhibit A
2. List of applicant for water allocation from MCWRA
3. Engineer's report dated July 6, 2001
4. Assessor's parcel map for Carmel Woods adjacent to Pescadero Canyon showing vacant lots.

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EXHIBIT A
Revised July 5, 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Additional findings to support the Felos well permit and corresponding evidence:

1. Statement: The project is the conversion of an existing producing permitted test well to a permanent well to be used as a water source for a single-family dwelling.

Evidence: Test well permit #00-102
Permit #PLN000160 with finding and conditions
Maps of project site and survey map.

2. Statement: The project site is an infill lot, the last to be developed, in an existing subdivision that was certified in 1925. The subdivision and project site are adjacent to and above the south rim of Pescadero Canyon. Pescadero Canyon is a privately owned and privately managed open space with no public access. The project site is not in Pescadero Canyon.

Evidence: Certified subdivision map
Map of Pescadero Canyon
Surveyor map of site

3. Statement: All of the developed lots in the subdivision are connected to Cal-American Water Company service, which is the sole public purveyor of water in the area.

Evidence: Map of Cal-American Water Company service area

4. Statement: There is no water connection available from the public purveyor because the governing agency that controls jurisdiction of water resources, the Monterey Peninsula Water Management District (MRWMD), has imposed a long-standing water moratorium on new service connections because of the purveyor's lack of appropriate permits from the State Water Resource Control Board.

Evidence: Monterey Peninsula Water Resource Management District ordinances and regulations

5. Statement: The Monterey Peninsula Water Management District has no projects or allocations that will provide water connections to new single-family dwellings on existing lots of record in the foreseeable future.

Evidence: Newspaper articles stating such

Representation of District staff

6. Statement: All other urban services are available to the project site.

Evidence: Site visit to confirm other services provided

7. Statement: In order that the landowner has beneficial use of the property for construction of a single-family dwelling, a well was required as an approved water source for the property. There is no other beneficial use of the property and there is no other source of water.

Evidence: Site visit to property

8. Statement: The owner drilled a well into percolating ground water.

Evidence: Well log
Test bore tailings
Pump test
Well driller's report

9. Statement: There is no water bearing strata that are present in the location of the project that adversely affects or influence any riparian corridor, riparian vegetation or other aquatic habitat.

Evidence: The static level of the well is below any adjacent private or public trust lands or resources including the adjacent reaches of Pescadero Canyon.

10. Statement: The flow regime required to support the use of the property would have no measurable or significant impact on any adjacent resource or other land use.

Evidence: Well log
Test bore tailings
Pump test
Well driller's report
Approval of Monterey Peninsula Water Management District Engineer's report

11. Statement: The classification of ground water is percolating ground water based on the well log and driller's report.

Evidence: Definition of percolating ground water from State Water Code and the State Water Resources Control Board

12. Statement: The well was tested in accordance with the Monterey County Environmental Health Department requirements and exceeded flow capacity required for a single-family dwelling by 200 percent.

Evidence: Staff report and findings of permitted well in #PLN000160

13. Statement: The well was approved by the Monterey County Environmental Health Department as meeting all the regulatory requirements for use based on tests and compliance with county well standards.

Evidence: Permit #PLN000160 and findings

14. Statement: The well was approved by the Monterey Peninsula Water Management District as meeting all the regulatory compliance requirements imposed under district jurisdiction.

Evidence: Monterey Peninsula Water Management District memo to the County Planning Department with conditions

15. Statement: The well test and technical data shows that the water level being pumped from the aquaclude beneath the project site has a negligible probability of any impact on the vegetation, wetlands, riparian corridors or any on-site or off-site natural resources including any surface stream flows in Pescadero Creek.

Evidence: Well log
Test bore tailings
Pump test
Well driller's report
Analysis of engineer

16. Statement: Pescadero Creek, in the vicinity of the project site, has no surface flow that is not the result of rainfall runoff or drainage from developed urban areas. Drainage includes culverts and concrete ditches from Highway 1, Highway 68-Aguajito Road interchange, and the Hill Gate-17 Mile Drive interchange. Drainage also comes from the California Department of Forestry Hill Station retention reservoir.

Evidence: Field inspection in May of 2001

17. Statement: The project site meets and exceeds the setbacks from sensitive habitat areas including, wetlands and riparian corridors, by wide margins.

Evidence: Vicinity maps showing project site and creek bed

18. Statement: The water right for use of percolating ground water in this site location is specific and unique to the site property and is protected as a right to that property. There is no known claim of right that could affect the use of water specific in the application made, by any jurisdictional authority or other private landowner. There is no water resource system that is affected by the use of water from the well.

Evidence: State Water Code
Monterey Peninsula Water Management District registration of wells

19. Statement: The project will provide public benefits to the Carmel River area by:
a. Providing an independent and alternate water source that is not causing severe adverse impacts to the public trust resources of the Carmel River.
b. By allowing the exported sewer water used from the site to be reused after treatment as an in basin use on Pebble Beach's playing fields. This reduces Carmel River use.
c. By allowing a certain amount of in basin recharge of ground water used from beneath the site for landscape.
d. By allowing infill in an existing urban area with all other services in compliance with adopted public plan.

Evidence: Transfer of water agreement with Monterey Peninsula Water Management district and Pebble Beach Service District
Monterey County Permit #PLN000160
Proposed Land Use
Pebble Beach Service Areas Water District
System and maps of Pebble Beach golf courses
Carmel Area Land Use Plan policy 4.4.3.E.1

20. Statement: According to Carmel Area Land Use Plan policy #3.2.3.1, the project sit has a priority water use over all other kinds of development:

Evidence: "The County shall reserve adequate water supply from its fair share allotment of Cal-Am water as approved by the Monterey Peninsula Water Management District to supply expansion of existing and development of new visitor-servicing facilities permitted by the plan. Water must be first assured for coastal-priority visitor-servicing facilities before allowing any new residential development other than infilling of existing vacant lots. In addition, 0.056 acre-feet/year of water is reserved for each visitor-servicing unit permissible under this plan."

21. Statement: The project has a priority water use based on policy #3.2.3.2:

Evidence: "The County should reserve from its allotment an additional supply through 1988 to serve residential development of existing vacant lots affected by the water connection moratorium of 1975-78."



Utility Services

July 6, 2001

Ms. Kelly Cuffe
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

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JUL 13 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: Appeal No. A-3-MCO-01-035
Residential Water Well for
Property of Charlene Felos
24304 San Juan Road, Carmel, Monterey County, CA
APN 009-031-009

Dear Ms. Cuffe:

The property owner has retained *Utility Services* to review Coastal Commission Appeal No. A-3-MCO-01-035, filed April 9, 2001 by Commissioners Nava and Wan of the decision by Monterey County to permit the construction and use of a water well for a residential development project in Carmel (well permit # PLN000160).

The appeal cites several reasons for the action, mainly that the application and/or staff report did not contain sufficient information supporting the decision by the County to approve the well. Following are the stated reasons with my response that I hope will provide the clarification requested by the appealing Commissioners.

1. *The appeal states that there is no indication in the staff report as to why an on-site well is necessary and that approval of a well would be in conflict with Carmel Area Land Use Plan policy 4.4.3.E.1 specifying that medium-density residential development shall be directed to existing residential area where urban services – water, sewer, public transit, fire protection, etc. – are available.*

The proposed residential development is on a lot in an existing residential subdivision created in 1925 where all the listed urban services are already provided to the existing residences. All of these services will also be available to the proposed project with the exception of the water supply. A 1995 decision of the State Water Resources Control Board (SWRCB) caused the Monterey Peninsula Water Management District (MPWMD) to place a moratorium on additional connections to the municipal water supply provided by the California- American Water Company (Cal-Am) until such time as a project to expand the available water supply is implemented. The community, Cal-Am, the MPWMD, the California PUC and the SWRCB have been proposing and debating such a project for the past twenty years. Sadly, there appears to be no forthcoming resolution to

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the water shortage problem. For the foreseeable future, new development in all areas of the MPWMD is possible only with the use of individual water wells. The property owner is not seeking to use the well out of a desire to provide an independent supply. The well is a very expensive last resort alternative to be able to enjoy the use of the property. For this reason a well is definitely appropriate for this site.

- 2. The appeal states that if the well was potentially appropriate for the site, Carmel Area Land Use Plan policy 2.4.4.A.2 must be satisfied. This policy requires demonstration that the proposed water use will not adversely affect both the natural supply necessary to maintain the environment and the supply available to meet the minimum needs of existing users during the driest year.*

As shown of the attached map and cross-section, the well is located about 1,000 feet from the thread of the adjacent Pescadero Canyon. The appeal mentions possible impacts of this well on Pescadero Creek, an intermittent stream that runs in the bottom of this canyon only following significant rainfall. After seasonal rains have diminished, there is very little water flowing in this "creek". On July 4, 2001, about three months after the last significant rainfall, flows ranging from six to ten gallons per minute were measured at various locations along the creek. This watercourse drains a watershed that covers about 1.02 square miles or 28,436,000 square feet. Since the subject property is about 1/3 acre or 14,520 square feet, equaling 0.0005 of the water shed area, it is doubtful that the groundwater below this property contributes a significant percentage of the total flow in the creek.

The static water level in the well was measured on July 4, 2001 at 283 feet below the ground surface at the well (elevation 600'±), placing this water level an elevation of 317 feet. The elevation of the bottom of the canyon adjacent to the property is about 315 to 320 feet. At elevations above this point in the canyon no surface water was visible. Just below this point surface water appeared and farther downstream there was surface flow in the creek varying from six to ten gallons per minute (gpm). This tends to indicate that the static water level coincides with the surface water level in the canyon where the canyon cuts through the geologic formation.

However, the entire formation dips towards the ocean as a result of geologic thrusting and folding. The groundwater supporting this well is percolating groundwater most likely contained in two confined layers of soft fractured rock located 265 to 290 and 473 to 550 feet below the surface as indicated in the well completion report (see attached copy). Water in these two formations probably flows west into the ocean, confined by overlying layers of clay and hard rock.

335 - 310
ft MSL
and
127 - 50
ft MSL

Pumping of the well on July 4, 2001 at a rate of 9 gpm resulted in negligible drawdown. Immediately after starting the pump, the water level dropped two feet from minus 283 to 285 feet. After 10.5 hours of continuous pumping at 9 gpm, the water level was at minus 286 feet. Pumping for 12 hours on the previous day resulted in similar drawdown with

recovery to the initial static level in about 10 minutes. Pumping at higher levels to produce greater drawdown was not possible with the installed pump.

The conclusions from these observations are:

1. The subject property is about 1/3 acre or 14,520 square feet equaling 0.0005 of the total Pescadero Canyon watershed. It is doubtful that the groundwater below this property contributes a significant percentage of the total flow of water in the creek.
2. There is no gradient to cause groundwater at the well to flow into the creek or to flow from the creek to the well. Since the well is located some 1,000 feet from the creek, the groundwater at the well will flow toward the ocean, not towards the creek.
3. Pumping at a rate of 9 gpm caused very little drawdown of the groundwater level. Since the proposed land use is for a single-family residence with minimal landscaping, the anticipated demand on this well is about 500 gallons per day (gpd). This is equal to about 1/3 gpm or about 4% of the 9 gpm test-pumping rate. This amount of withdrawal should cause virtually no drawdown of the water level and will not create a hydraulic gradient to cause water to move from the creek towards the well.
4. The aquifer appears to contain a significant amount of water. The proposed production rate should not significantly diminish this supply to the detriment of the environment. There are no other wells in this area that draw upon this groundwater and additional wells in this area are unlikely since this is one of the few remaining developable lots in Carmel and all existing residences in the area are supplied by the municipal water system operated by Cal-Am.

From my observations and analysis I do not believe that the use of this well will have any significant or measurable impact on the condition of the natural environment in Pescadero Canyon or upon the supply available to existing users. Furthermore, serving this property with water from the Cal-Am system would add to the cumulative adverse impacts on the Carmel River. This river is the principal watercourse listed in Section 2.4.1 of the Carmel Area Land Use Plan and it has experienced so much degradation that intensification of its use has been prohibited.

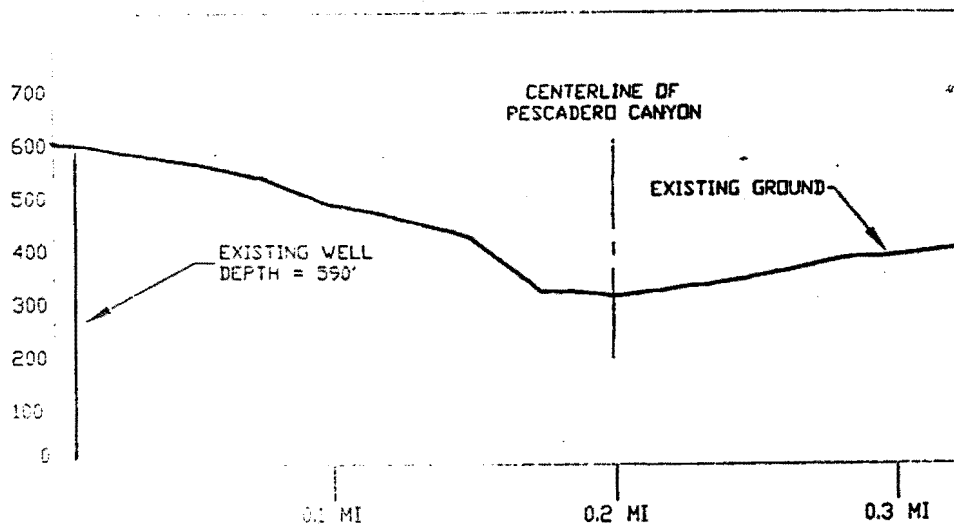
3. *The appeal questions compliance of the well with Section 2.3.4 of the Carmel Area Land Use Plan requiring 50 foot wide open space setbacks on each side of the bank of intermittent streams and stipulating no new development within the riparian corridor.*



FELOS PROPERTY

24304 SAN JUAN ROAD
CARMEL, MONTEREY COUNTY

NO SCALE



SECTION A-A

NO SCALE

A-3-MCO -01-035

Felos Well

Exhibit J
17 of 22

PLICATE
Driller's Copy
Page 1 of 2
Owner's Well No. _____
Date Work Began 6-23-00 Ended 7-6-00
Permit Agency MONTEREY CO HEALTH DEPT
Permit No. 00-102 Permit Date 4-24-00

STATE OF CALIFORNIA
WELL COMPLETION REPORT
Refer to Instruction Pamphlet

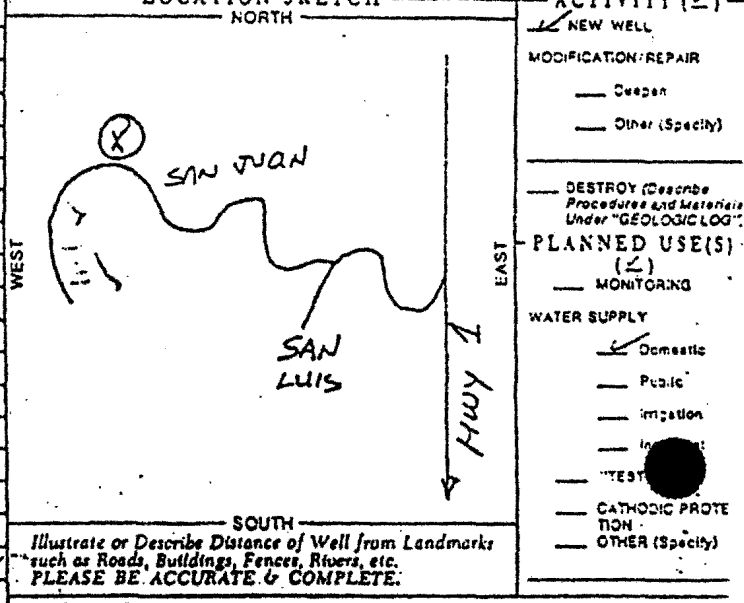
No. **517241**

STATE WELL NO. / STATION NO. (18)
LATITUDE _____ LONGITUDE _____
APN / TRS / OTHER _____

GEOLOGIC LOG

DEPTH FROM SURFACE (Fl. to Fl.)	DESCRIPTION
2-35	CLAY SOME ROCK
35-65	HARD ORANGE Y (SAND) CLAY
65-82	FRACTURED STONE
82-124	FIRM GRAY MUD STONE
124-140	HARD (SAND) (SAND)
140-143	VERY HARD
143-200	FIRM MUD STONE
200-242	BROWN CLAY
242-261	MUD STONE
261-265	VERY HARD
265-290	SOFT FRACTURES
290-310	LOOSE MUD STONE
310-315	VERY HARD
315-410	MUD STONE
410-445	" " "
445-473	HARD MUD STONE
473-550	SOFT FRACTURES
550-575	" " SOME CLAY
575-650	HARD LOOSE GRANITE

WELL OWNER
Name CHARLONE FLOS
Mailing Address 140 C MIRAMONTE Rd
CARMEL Valley CA 93924
City _____ State CA ZIP 93924
WELL LOCATION
Address SAN JUAN RD.
City CARMEL
County MONTEREY
APN Book 019 Page 031 Parcel 009
Township _____ Range _____ Section _____
Latitude _____ Longitude _____
DEG. MIN. SEC. NORTH Longitude DEG. MIN. SEC. WEST



DRILLING METHOD ROTARY FLUID AIR
WATER LEVEL & YIELD OF COMPLETED WELL _____
DEPTH OF STATIC WATER LEVEL 200+ (Fl.) & DATE MEASURED 7-1-00
ESTIMATED YIELD 30 (GPM) & TEST TYPE AIR
TEST LENGTH _____ (Hrs.) TOTAL DRAWDOWN _____ (Fl.)
* May not be representative of a well's long-term yield.

DEPTH FROM SURFACE (Fl. to Fl.)	BORE-HOLE DIA. (Inches)	CASING(S)				MATERIAL GRADE	INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)
		TYPE ()	BLANK	SCREEN	CONDUIT				
0-65	12			X	STEEL	10"	1/4		
0-240	9 7/8	X			PC	5	0.200		
240-300			X					.032	
300-360			X						
360-380			X					.032	
380-420			X						

DEPTH FROM SURFACE (Fl. to Fl.)	ANNULAR MATERIAL			
	CEMENT ()	BENTONITE ()	FILL ()	FILTER PAC (TYPE/SIZE)
0-65	X			
65-550				8X16

- ATTACHMENTS ()**
- Geologic Log
 - Well Construction Diagram
 - Geophysical Logs
 - Soil/Water Chemical Analyses
 - Other _____
- ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and be.

NAME ROY ALSON PUMP & DRILLING
(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)
ADDRESS 1508 ABBOTT ST. SALINAS CA 97050
A-3 MCO-07035 CITY STATE ZIP
Signed Fields Well DATE 7/8/00 EXHIBIT 56994
DRILLER/AUTHORIZED REPRESENTATIVE DATE SIGNATURE LICENSE NO.



Utility Services

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July 11, 2001

Mr. Richard Evans
33775 E. Carmel Valley Road
Carmel Valley, CA 93924

RE: Coastal Commission Appeal No. A-3-MCO-01-035
Professional Resume

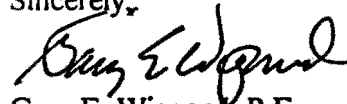
Dear: Mr. Richard Evans:

Enclosed please find my resume detailing my experience and credentials in water resources projects. I have worked exclusively on water projects for the past eight years for individuals and water districts. This work has included aquifer analysis, well yield studies and well design and construction. I have established working relationships with several of the hydrogeologists who work in this area, including Martin Feeney, Jeremy Wire of Geoconsultants and Joe Oliver of the Monterey Peninsula Water Management District.

Although the results of groundwater studies are sometimes open to differing interpretations, I believe that my conclusions concerning the impacts of the use of the subject well are reasonable and justifiable. As I stated in my report, without the use of this well the adverse impacts on the landowner are certain and substantial. Unless the Coastal Commission can present definite and measurable concerns that show cause for denial of the use of this well, it is my opinion that the well will have insignificant impacts on the environment and the Commission should rescind the appeal.

Please invite the Commission staff members to call me if they have questions or comments that I can address.

Sincerely,



Gary E. Wiegand, P.E.



Gary E. Wiegand, P.E.

1999-2001 Principle Engineer of Utility Services, a water resources consulting engineering firm providing services to municipal water districts, private water companies and individual landowners. Services include source analysis and development, design of wells, treatment, storage and conveyance facilities and construction management. Mr. Wiegand has consulted on numerous water well projects performing monitoring and yield analysis and engineering wells and water treatment facilities.

1993-1998 District Engineer and Operations Superintendent for the Monterey Division of the California-American Water Company. Mr. Wiegand managed the construction of several municipal water wells and contributed expertise on aquifer studies and analysis of impacts on the environment from pumping in the Carmel Valley and Seaside Coastal aquifers and the Laguna Seca/Hidden Hills basin. He participated on the committee to select the consultant to prepare the supplemental EIR for the Carmel River Dam and Reservoir Project with the Monterey Peninsula Water Management District.

1989-1993 Project Engineer with Tetrad Engineers and Luk, Milani & Associates. Designed and managed construction of water pipelines and storage tanks.

1985-1989 Superintendent and Project Manager for several general engineering contractors specializing in the construction of water resources facilities including wells, pipelines, pumping plants, tanks and treatment plants.

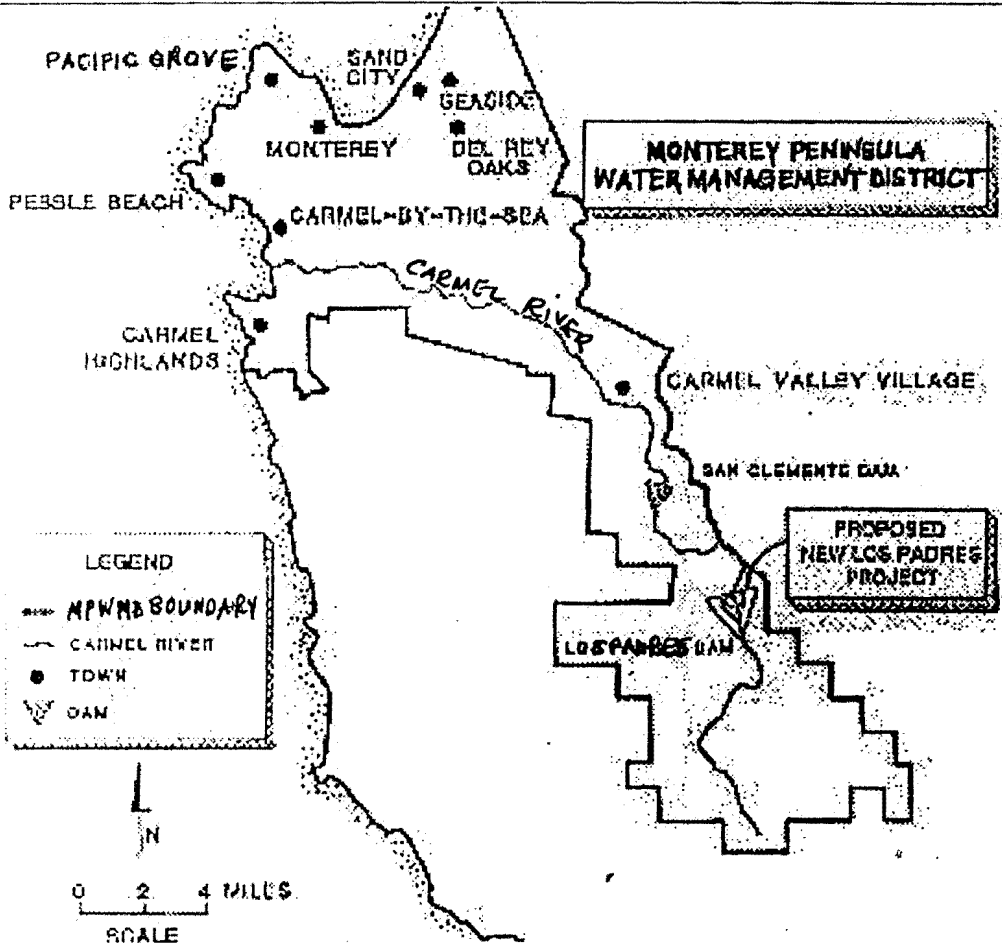
Education: B.S. Construction Engineering Management from California State University, Sacramento, 1984.

Licenses: Registered Professional Civil Engineer, California #C49871
Licensed General Engineering Contractor (A) and General Building Contractor (B), California #548698.

Affiliations: Member American Water Works Association
Member Monterey Bay Water Works Association
Member American Society of Civil Engineers

MPWMD

MAP



Monterey County Water Resources Agency
Water Waiting List

Priority	Date Rec'd by MCMRA	Data Approved @ MCMRA	Added Water (AF)	Water Allocated (AF) Permitted (AF)	Total Water Remaining (AF)	Work List Memo Date Forwarded:	Forwarded to: P&B or Non W.	MCMRA Work Order #
1	07/20/96	07/20/96	0	0.518	0.083	07/20/96	P&B	
2	07/20/96	07/20/96	0	0.482	-0.455	07/20/96	P&B	
3	08/02/96	08/02/96	0	0.272	-0.817	08/02/96	P&B	
4	08/02/96	08/02/96	0	0.065	-1.169	08/02/96	P&B	
5	08/12/96	08/12/96	0	0.680	-1.254	08/14/96	P&B	
	08/12/96	08/12/96	0	0.417	-1.334	08/14/96	P&B	
	08/12/96	08/12/96	0	0.010	-1.781	08/14/96	P&B	
	08/12/96	08/12/96	0	0.010	-1.781	08/14/96	P&B	
	08/12/96	08/12/96	0	0.020	-1.781	08/14/96	P&B	
10	08/13/96	08/13/96	0	0.543	-2.334	08/22/96	P&B	
	08/13/96	08/13/96	0	0.067	-2.401	08/22/96	P&B	
	08/13/96	08/13/96	0	0.010	-2.411	08/22/96	P&B	
	08/23/96	08/23/96	0	0.057	-2.476	08/23/96	P&B	
	08/23/96	08/23/96	0	0.382	-2.840	08/23/96	P&B	
	08/23/96	08/23/96	0	0.124	-2.964	08/23/96	P&B	
	08/23/96	08/23/96	0	0.332	-3.296	08/23/96	P&B	
	08/23/96	08/23/96	0	0.047	-3.343	08/23/96	P&B	
	08/23/96	08/23/96	0	0.347	-3.690	08/23/96	P&B	
	08/23/96	08/23/96	0	0.317	-4.007	08/23/96	P&B	
	08/23/96	08/23/96	0	0.246	-4.253	08/23/96	P&B	
20	08/27/96	08/27/96	0	0.070	-4.323	10/23/96	P&B	
	10/07/96	10/07/96	0	0.050	-4.373	10/23/96	P&B	
	10/07/96	10/07/96	0	0.347	-4.670	10/21/96	P&B	
	10/14/96	10/14/96	0	0.453	-5.123	10/21/96	P&B	
	10/14/96	10/14/96	0	0.342	-5.465	10/14/96	P&B	
	10/23/96	10/23/96	0	0.134	-5.600	10/23/96	P&B	
	10/23/96	10/23/96	0	0.022	-5.622	10/23/96	P&B	
	10/23/96	10/23/96	0	0.272	-5.894	10/23/96	P&B	
	11/02/96	11/02/96	0	0.010	-5.904	11/22/96	P&B	
	12/12/96	12/12/96	0	0.377	-6.281	01/06/97	P&B	
	12/17/96	12/17/96	0	0.317	-6.598	01/06/97	P&B	
	12/17/96	12/17/96	0	0.071	-6.669	01/06/97	P&B	
	12/17/96	12/17/96	0	0.402	-7.071	01/06/97	P&B	
	12/12/96	12/12/96	0	0.071	-7.142	01/06/97	P&B	
	12/15/96	12/15/96	0	0.221	-7.363	01/13/97	P&B	
	02/03/97	02/03/97	0	0.110	-7.473	02/18/97	P&B	
	02/03/97	02/03/97	0	0.047	-7.520	04/14/97	P&B	
	03/20/97	03/20/97	0	0.064	-7.584	03/31/97	P&B	
	04/10/97	04/10/97	0	0.498	-8.082	04/10/97	P&B	
	04/10/97	04/10/97	0	0.000	-8.082	04/10/97	P&B	
	04/20/97	04/20/97	0	0.534	-8.616	04/10/97	P&B	
	04/23/97	04/23/97	0	0.477	-9.093	05/09/97	P&B	
	05/13/97	05/13/97	0	0.613	-9.706	05/14/97	P&B	
	05/13/97	05/13/97	0	0.047	-9.753	05/20/97	P&B	
	06/18/97	06/18/97	0	0.047	-9.800	05/20/97	P&B	
	06/22/97	06/22/97	0	0.362	-10.162	07/09/97	P&B	
	06/22/97	06/22/97	0	0.000	-10.162	07/09/97	P&B	
	06/22/97	06/22/97	0	0.020	-10.142	07/09/97	P&B	
	06/22/97	06/22/97	0	0.649	-10.791	12/04/96	P&B	
	06/22/97	06/22/97	0	0.000	-10.791	12/04/96	P&B	
	06/22/97	06/22/97	0	0.377	-11.168	03/06/98	P&B	
	06/22/97	06/22/97	0	0.377	-11.545	03/06/98	P&B	
	06/22/97	06/22/97	0	0.377	-11.922	06/03/97	P&B	
	06/22/97	06/22/97	0	0.377	-12.299	06/03/97	P&B	
	06/22/97	06/22/97	0	0.377	-12.676	06/03/97	P&B	

901102064

901102065

* Date Application accepted by Planning & Building Inspector. (Application Date)
** These projects have partial water allocations previously approved by Board of Supervisors.

Felos Well

Monterey County Water Resources Agency

Water-Waiting list (cont'd)

Name	Application Type	APN #	File # or Plan Chk #	Priority Date*	Date Recvd by MCWRA	Date Approved @ MCWRA	Added Water (AF)	Water Alloc Debited (AF) Permits (AF)	MMWD Water Remainder (AF)	Total Water	Water List Memo Date Forwarded:	Forwarded to: P&BI or Ron W.	MCWRA Work Order #
Waiting List; First-Come, First-Served, Page 2 (Disbark)													
Oh, Richard	Discretionary	008 112 024 000	AP 970296	03/28/97	09/24/97		0	0.347		-12.190			
Weston, Margaret (Cancelled)	Discretionary	008 231 008 000	AP 970345	08/18/97	10/15/97		0	0.000		-12.537	09/24/97	P&BI	
Investmark Inc.	Ministerial	007 103 005 000	PC M97-1108	10/08/97	10/08/97		0	0.447		-12.537	10/15/97	P&BI	
Investmark Inc.	Ministerial	007 103 004 000	PC M97-1107	10/06/97	10/06/97		0	0.351		-12.984	10/08/97	P&BI	
Investmark Inc.	Ministerial	007 103 008 000	PC M97-1108	10/06/97	10/06/97		0	0.407		-13.335	10/06/97	P&BI	
Investmark Inc.	Ministerial	007 103 007 000	PC M97-1109	10/06/97	10/06/97		0	0.447		-13.742	10/06/97	P&BI	
Investmark Inc.	Ministerial	007 103 018 000	PC M97-1110	10/06/97	10/06/97		0	0.447		-14.189	10/06/97	P&BI	
Investmark Inc.	Ministerial	007 103 012 000	PC M97-1111	10/06/97	10/06/97		0	0.447		-14.638	10/06/97	P&BI	
La Posca Co.	Ministerial	008 401 018 000	PC M97-1181	10/23/97	10/23/97		0	0.129		-15.083	10/08/97	P&BI	
Christianson, Fred	Ministerial	108 141 011 000	PC M97-1249	11/08/97	11/10/97		0	0.347		-15.212	10/31/97	P&BI	
Felos, Charlene	Discretionary	008 031 009 000	AP 970141	11/26/97	12/23/97		0	0.312		-15.259	11/14/97	P&BI	
Lanson, Roy	Discretionary	007 431 012 000	AP 980147	01/20/98	03/27/98		0	0.477		-15.871	12/29/97	P&BI	
Lanson, Alan	Ministerial	007 221 006 000	980550M	03/09/98	03/10/98		0	0.201		-16.346	03/30/98	P&BI	
Vagnini, Lino (Superseded)	Ministerial	009 281 018 000	980879M	03/20/98	04/20/98		0	0.000		-16.549	03/13/98	P&BI	
Bonliem, Paul & Barbara (Superseded)	Ministerial	008 471 007 000	980745M	03/03/98	04/03/98		0	0.000		-16.549	04/10/98	P&BI	
Halsley, Ross	Ministerial	008 571 011 000	980810M	04/07/98	04/13/98		0	0.070		-16.619	04/17/98	P&BI	
Borcham, Paul & Barbara (Twisted)	Ministerial	009 471 007 000	981462M	06/10/98	06/19/98		0	0.000		-16.627	06/24/98	P&BI	
Callender, Robert J.	Ministerial	416 542 028 000	981660M	06/09/98	07/07/98		0	0.057		-16.619	07/08/98	P&BI	
Noh, Grace	Ministerial	008 162 006 000	982735M	10/27/98	11/02/98		0	0.127		-16.811	11/04/98	P&BI	904102037
Holt, Teddy & Lynn	Ministerial	008 062 011 000	982737M	10/27/98	11/02/98		0	0.084		-16.895	11/05/98	P&BI	904102039
Vandervort, Nol	Ministerial	189 271 011 000	983041M	11/18/98	11/23/98		0	0.047		-16.942	11/04/98	P&BI	904102041
Murphy, Pat	Ministerial	015 291 009 000	983180M	12/02/98	12/11/98		0	0.017		-16.959	12/22/98	P&BI	904102072
Miller, Eric & Gretchen / Wood, Warren	Ministerial	187 701 010 000	983240M	12/08/98	12/11/98		0	0.047		-17.006	01/14/99	P&BI	904102085
Mandurago, John	Discretionary	009 294 018 000	LLA 980275	12/11/98	01/12/99		0	0.191		-17.197	01/13/99	P&BI	904102086
Danner, Jack & M... ..	Ministerial	009 232 008 000	990202A	02/04/99	02/08/99		0	0.020		-17.217	02/19/99	P&BI	904102100
Sheahan, Joann	Discretionary	109 381 002 000	ZA 990149	05/11/99	05/24/99		0	0.322		-17.549	06/01/99	P&BI	904102143
Coehier, David	Discretionary	249 311 010 000	ZA 980571	05/04/99	05/23/99		0	0.141		-17.699	08/27/99	P&BI	904102284
Booby, Edward	Ministerial	015 111 022 000	992425M	06/17/99	06/23/99		0	0.317		-16.697	06/27/99	P&BI	904102285
Santer, Jeff & Steven	Discretionary	008 072 001 000	ZA 990149	10/05/99	11/10/99		0	0.377		-16.944	11/19/99	P&BI	904102352
Cybsman, Alan	Ministerial	008 222 017 000	993448M	11/14/99	11/26/99		0	0.157		-16.541	01/10/99	P&BI	904102411
Campa, Joyce	Ministerial	008 203 017 000	993685M	12/03/99	12/10/99		0	0.573		-16.814	12/27/99	P&BI	904102382
Adler, Daniel	Discretionary	008 442 013 000	PC 990220B	01/14/00	01/20/00		0	0.377		-16.491	01/25/00	P&BI	904102413
Dove, Richard / Zinn, Linda (Cancelled)	Ministerial	008 013 007 000	000186M	01/24/00	02/01/00		0	0.000		-16.491	02/13/00	P&BI	904102609
Spelzer, Zane & Integene	Ministerial	018 101 004 000	000313M	02/10/00	02/18/00		0	0.047		-16.538	03/14/00	P&BI	904102600
Brown, Timon	Ministerial	008 301 005 000	000345M	02/11/00	02/27/00		0	1.229		-16.777	03/14/00	P&BI	904102610
Holm, Jack	Ministerial	008 293 021 000	000705M	03/22/00	03/27/00		0	0.153		-16.230	04/14/00	P&BI	904102511
King, Michael	Discretionary	009 441 019 000	AP 990554	04/19/00	05/02/00		0	0.487		-17.717	02/02/01	P&BI	904102781
Quivette, Elizabeth	Ministerial	007 281 008 000	001302M	05/17/00	05/23/00		0	0.413		-22.130	08/14/00	P&BI	904102612
Orlino, Jack	Ministerial	187 281 023 000	001374M	05/20/00	06/05/00		0	0.272		-22.407	08/14/00	P&BI	904102613
Hill, Sherrwood & Cynthia	Ministerial	187 819 004 000	001927M	07/31/00	08/21/00		0	0.047		-22.449	08/21/00	P&BI	904102615
Moy, Nathan	Discretionary	243 052 048 000	AP 000072	08/13/00	08/18/00		0	0.372		-22.421	08/22/00	P&BI	904102652
Shroyer, Joseph	Discretionary	008 282 018 000	PC 000193	08/25/00	09/12/00		0	0.428		-23.249	09/21/00	P&BI	904102659
Marina Square Partners LI & JOR Dev. Group	Discretionary	009 471 014 000	ZA 000111B	11/02/00	11/28/00		0	0.171		-23.420	03/15/01	P&BI	904102810
Morris, David & Wendy	Discretionary	009 121 013 000	AP 000440	12/27/00	01/10/01		0	0.049		-23.469	04/04/01	P&BI	904102836
Cypressa Paint Club	Discretionary	008 272 012 000	AP 000699	03/19/01	04/09/01		0	0.014		-23.483	07/20/01	P&BI	904102982
Russell, Dill & Patricia	Discretionary	008 293 008 000	ZA 000251	04/04/01	04/19/01		0	0.263		-23.746	06/01/01	P&BI	904102845
Shawke, Rose & Roberts	Ministerial	243 052 008 000	011045M	04/27/01	05/08/01		0	0.302		-24.048	05/01/01	P&BI	904102854
Dell, Suki & Marjo	Ministerial	187 252 001 000	011381M	05/31/01	06/28/01		0	0.020		-24.068	07/12/01	P&BI	904102912
Clark, Stuart & Lena	Ministerial	108 211 034 000	010600M	07/02/01	07/08/01		0	0.050		-24.118	07/13/01	P&BI	904102906

* Date Application accepted by Planning & Building Inspection. (Application Date)
 ** These projects have partial water allocations previously approved by Board of Supervisors.

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Felos Well

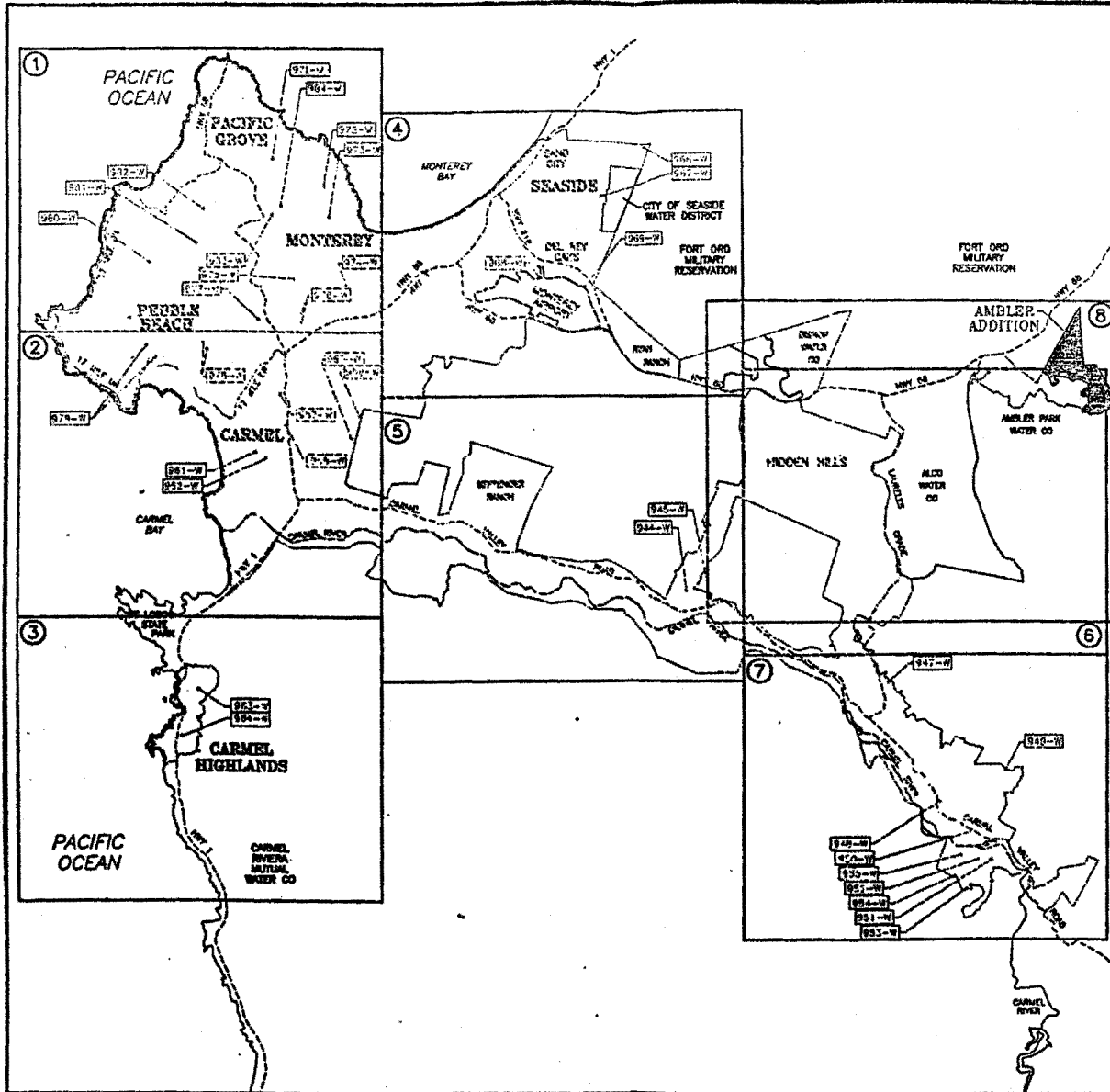
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101

Exhibit L
2 of 2





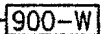

TOTAL P.03

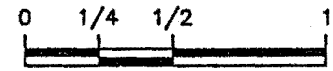
California-American Water Co.
 Service Area Index Map



MONTEREY DIVISION
 SERVICE AREA INDEX MAP
 AMBLER ADDITION

California-American
 Water Company
 Monterey Division
 50 Ragsdale Dr., Monterey, CA. 93940

- EXISTING SERVICE AREA 
- ADDITION TO SERVICE AREA 
- DELETION FROM SERVICE AREA 
- DETAILED SERVICE AREA MAPS 
- G.O. 103 LOW PRESSURE AREAS 
- SERVICE AREA BOUNDARY 



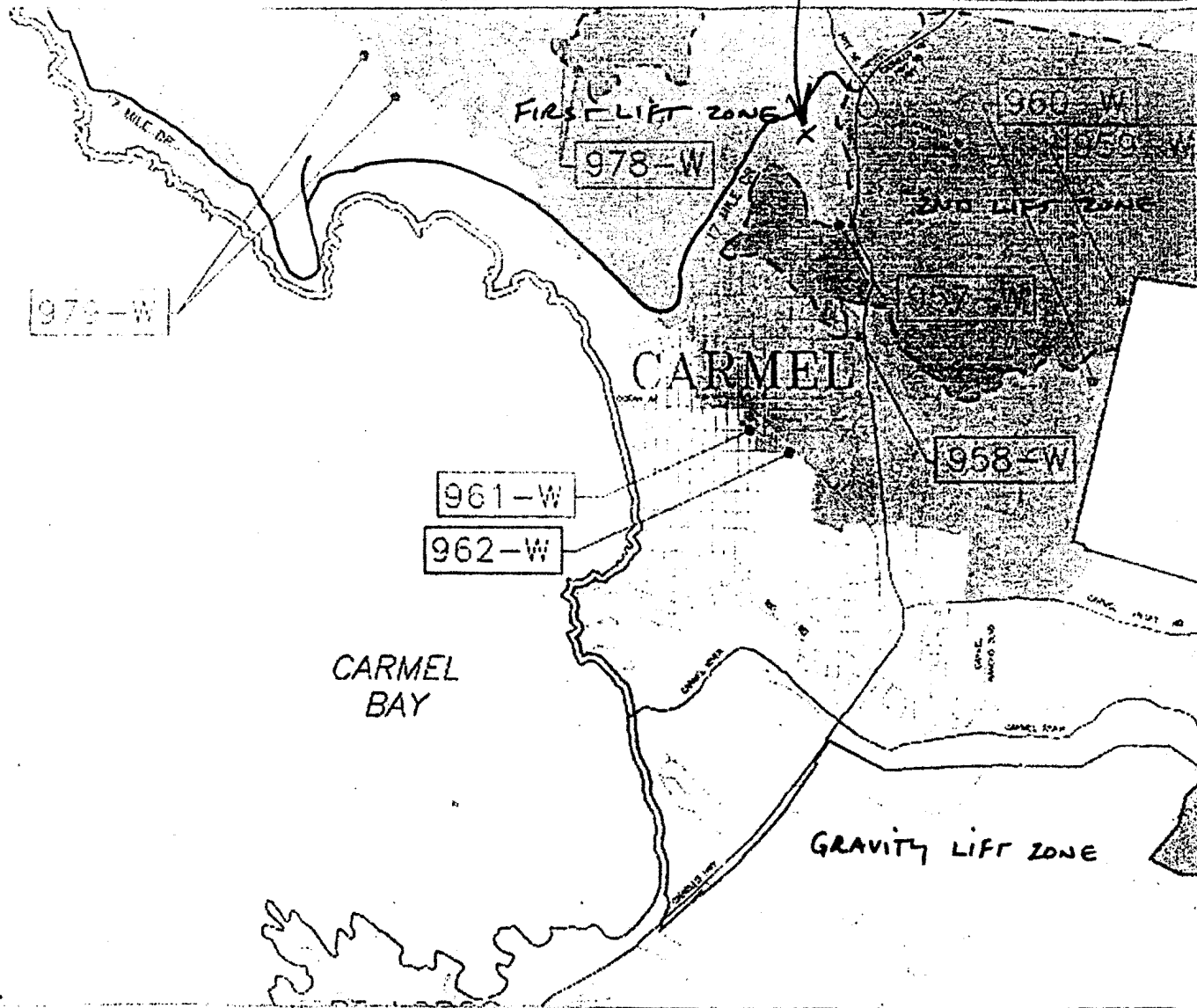
Original Plot Scale 1"=1/2 MI
 Revised: 7-18-00



A-3-MCO-01-035
 Felos Well

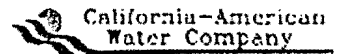
Exhibit
 1 of 2

California-American
Water Company
Service Area
Detail Map



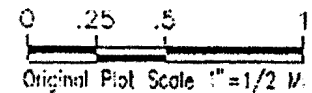
MONTEREY DIVISION
SERVICE AREA
DETAIL MAP 2

CARMEL



Monterey Division
50 Reggdale Dr.
Monterey, CA 93940

- GRAVITY LIFT
- FIRST LIFT ZONE
- SECOND LIFT ZONE
- HIDDEN HILLS TARIFF ZONE
- SERVICE AREA BOUNDARY
- NEW SERVICE TERRITORY
- DELETION FROM SERVICE AREA
- G.D. 103 LOW PRESSURE AREAS



Revised: 4-30-96

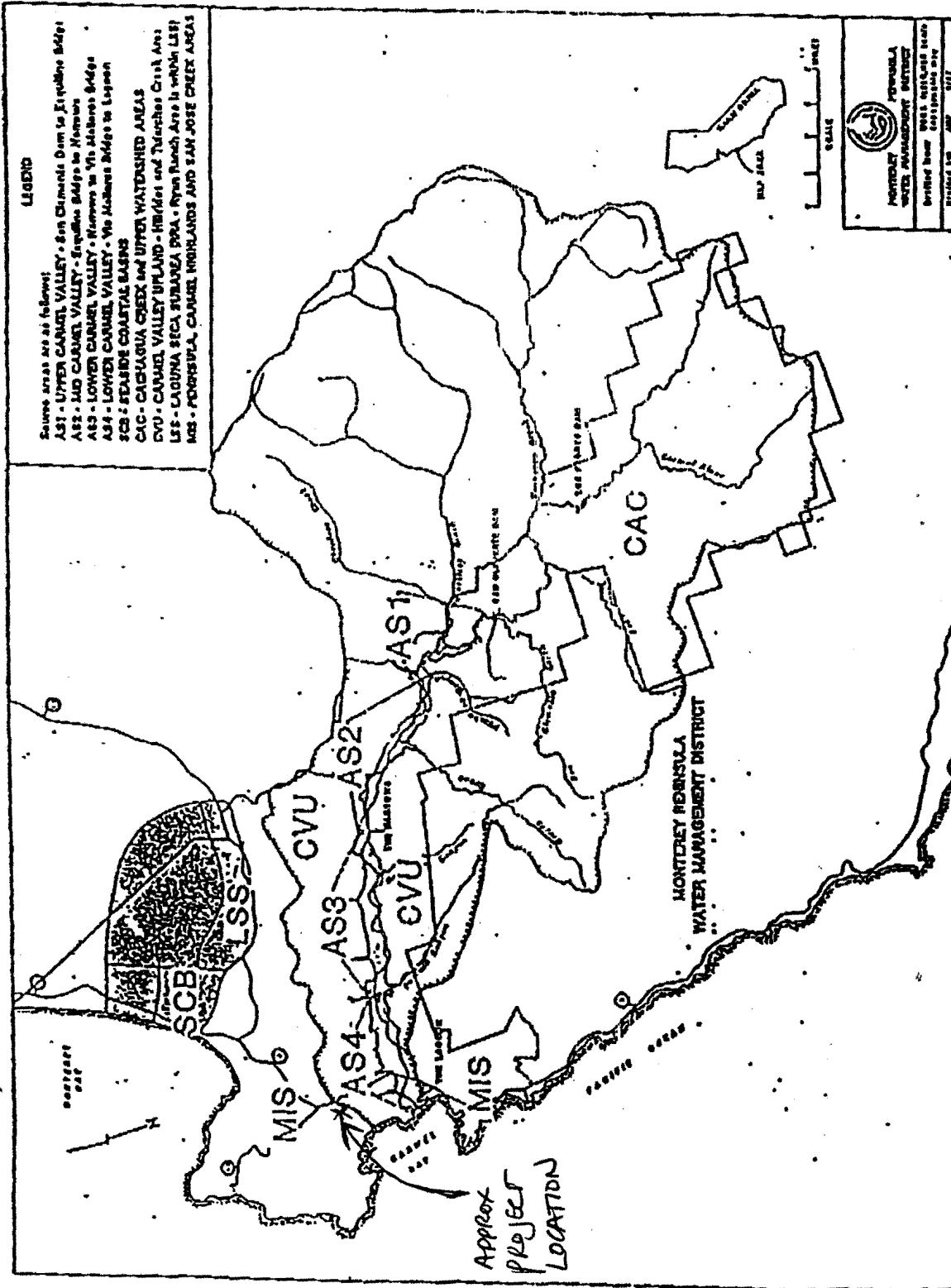
A-3-MCO-01-035
Felos Well

Exhibit M
2 of 2

Approximate
Project Location

Monterey Peninsula Water Management District -
Water Source Map

FIGURE 1



A-3-MCO-01-035
Felos Well

Exhibit
1 of 1

AUG. 10. 2001 4:18PM

MPWMD

NO. 1020

F. 3

RECEIVED

Calif. Coastal Comm.

MAY 13 1999

* Excerpts from:

MONTEREY COUNTY BOARD OF SUPERVISORS

CALIFORNIA COASTAL COMMISSION CENTRAL MEETING

May 11, 1999 at 10:00 A.M.

AGENDA NO.:

SUBJECT: Public hearing to consider an Appeal of the Planning Commission upholding an Administrative Interpretation (PLN980614) by the Director of the Planning and Building Inspection Department, that an Application for a Local Coastal Plan Amendment, not a Variance, is the appropriate application to provide for the development of a private water well in the coastal zone area of Del Monte Forest Land Use Plan Area. The property is a vacant residential parcel fronting on and easterly of Portola Road, located at 1271 Portola Lane (APN 008-301-005-000) in the Del Monte Forest area of the Coastal Zone

Staff recommendation: Affirm the Planning Commission decision upholding the Administrative Interpretation by the Director of the Planning and Building Inspection Department, denying the appeal of Firman Brown.

DEPARTMENT: PLANNING AND BUILDING INSPECTION

RECOMMENDATION:

It is recommended that the Board of Supervisors take the following actions:

- 1) Affirm the Planning Commission decision upholding the Administrative Interpretation of the Director of the Planning and Building Inspection Department, and deny the Appeal of Firman Brown; and
- 2) Adopt the Findings, Evidence and Resolution attached as Exhibit "B".

SUMMARY:

The Del Monte Forest Coastal Implementation Plan (CIP) prohibits the development of individual water wells, requiring development to utilize public water and sewer services. The Appellant, Firman Brown, is a property owner of a vacant parcel in Pebble Beach requesting a Variance application to this development standard in order to construct a private water well to serve a future single family dwelling. County Staff have determined that current County and State regulations do not allow for a Variance application to this development standard. The Planning Commission has upheld this Administrative Interpretation by the Director of Planning and Building Inspection. The Appellant is free to apply for a Local Coastal Plan Amendment to change the existing development standard.

DISCUSSION:

County Local Coastal Program (LCP)/Coastal Implementation Plan (CIP) Regulations and State Law do not provide for a Variance application in the present case. Section 20.147.110.A. General Development Standards, of the Monterey County CIP, Part 5, Regulations for Development in the Del Monte Forest Land Use Plan area, states: "4. *Septic systems, package treatment plants, and individual water wells shall not be permitted. Development shall utilize public water and sewer services*" (emphasis added). Further, Section 20.78.040. states in part: "C. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property." Similarly, California Government Code Section

* Complete staff report in files in District office

A-3-MCO -01-035
Felos Well

Exhibit 0
1 of 2

65906 provides, in part, that: "A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel property". Therefore, pursuant to State Law, and County regulations, an application for a Variance is not the appropriate mechanism for the Appellant to seek approval of the proposed water well. The appropriate application to allow for an individual water well is to apply for a Local Coastal Plan Amendment to change the existing development standard, amending the Monterey County Coastal Implementation Plan (CIP), Part 5, Sections 20.147.110.A.4, Regulations for Development in the (DMFLUP).

During the appeal from the Planning Commission to the Board of Supervisors, Staff researched the historical files (early 1980s) on the adoption of the Del Monte Forest Land Use Plan. Although the origin of the prohibition of private water wells is not distinctly defined in these documents, there are indications that the rationale is based upon 1) the known fact that water is a limited resource for the Del Monte Forest Area and domestic water is supplied by California-American Water Company; 2) Coastal Act Policy (Section 30231) - that biological resources and protection of human health shall both be maintained, in part, by "preventing depletion of ground water supplies and substantial interference with surface water flow"; and 3) Coastal Act Policy (Section 30250) - new residential development shall be located in "areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources". Additionally, the Environmental Health Division is concerned that a private water well is not a reliable source of water based upon the bedrock composition of granite underlying the Del Monte Forest area, which creates inconsistent groundwater pumping between dry and wet years. Development based upon a short term and intermittent water supply is not good policy and may predispose a water emergency. Water use for single family dwellings should utilize the public water system.


For a further discussion of the appellant's arguments on the interpretation, see Exhibit "A".

OTHER AGENCY INVOLVEMENT:

Staff consulted with the Office of the County Counsel and the Environmental Health Division in response to the Application for a Variance Request. County Counsel has reviewed the Appellant's appeal letter and staff report and concurs with the Director's Administrative Interpretation. The Planning Commission upheld the Director's Administrative Interpretation at a public hearing on February 24, 1999 with a vote of 6-2-2.

FINANCING:

There is no impact on the General Fund.


William L. Phillips, AICP
Director of Planning and Building Inspection
May 3, 1999

Attachments: Exhibits "A" - "E"
Report prepared by David B. Ward, Associate Planner



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

187 ELDORADO STREET • POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 649-4866
FAX (831) 649-3678 • <http://www.mpwmd.dst.ca.us>

September 21, 1999

Monterey County Board of Supervisors
c/o Monterey County Planning & Building Inspection Department
Attention: Dave Ward
P.O. Box 1208
Salinas, CA 93902-1208

Subject: Appeal by Mr. Firman Brown regarding Decision on Approval of Water Well Permit, October 5, 1999 Agenda Item

Dear Board of Supervisors:

This letter is to inform you of concerns that the Monterey Peninsula Water Management District (District) has regarding the development of domestic water wells in fractured bedrock formations within the District. Our concerns center on the long-term reliability of these wells, and the implications this may have on the Monterey Peninsula community's water supply system operated by the California-American Water Company (Cal-Am). As you know, Cal-Am is currently subject to strict production limitations by the State Water Resources Control Board (SWRCB). We are bringing this matter to your attention as we understand that an appeal has been filed by a property owner, Mr. Firman Brown, requesting approval of a new domestic water well in the Del Monte Forest Coastal Implementation Plan area.

The District is concerned that, as more building permits are approved on the basis of potable water service supplied by individual domestic wells completed in fractured bedrock, there is a significant risk that these well supplies could fail over time. These failures could result in a situation where increased demands are placed upon the Cal-Am system to "bail out" property owners that find themselves without an adequate potable water supply due to the loss of their individual well sources.

District Rules and Regulations do not prohibit the installation of water wells on individual parcels, but they do provide a process for well registration and annual reporting. Under current procedures, the District is usually notified of a pending water well permit application when staff receives an "Water Agency Review of Application for Well Permit" form from the Monterey County Health Department (MCHD). In response, we reply with specific comments and recommended conditions for consideration by the MCHD. If the permit application is for a well within a fractured bedrock area, we recommend that certain testing procedures be followed in assessing the well's performance. These procedures are provided for your information as Enclosure 1. We may recommend additional conditions (e.g., specific water quality tests, geophysical logging, completion of WDS application, etc.) depending upon the specific case.

A-3-MCO -01-035

Felos Well

Exhibit P

1 of 2

Monterey County Board of Supervisors
September 21, 1999
Page 2

If additional water well permit applications are to be approved in fractured bedrock formations, it is our belief that a more comprehensive approach should be taken to evaluate long-term water supply reliability. In particular, this approach is appropriate for areas poised for more concentrated well development, such as the Del Monte Forest area. This approach would require the completion of an independent hydrogeologic evaluation, prior to further consideration of water well permit applications for such areas. As with previous similar studies in other areas within the District, staff would be available to consult and work with the appropriate Monterey County agencies to plan, conduct and evaluate such a study.

If you have any questions regarding our comments or concerns, please do not hesitate to contact me or Joe Oliver of my staff at 649-4866. We appreciate the opportunity to provide our comments on this important matter.

Sincerely,



Darby W. Buerst
General Manager

enclosure

cc: Walter Wong, Monterey County Health Department
Mike Armstrong, Monterey County Water Resources Agency

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Enclosure 1

MEMORANDUM
MONTEREY COUNTY HEALTH DEPARTMENT
Division of Environmental Health



WELL CAPACITY PROCEDURES IN FRACTURED BEDROCK FORMATIONS

All new or rehabilitated wells in fractured bedrock formations proposed to be connected a potable water distribution system shall first undergo a minimum of a 72-hour, continuous well-capacity (pumping) test to determine the yield of the well. This procedure is also recommended for individual wells in fractured bedrock and/or where required by the Monterey Peninsula Water Management District or other jurisdictions. The test(s) shall be made no earlier than June 1 of each year and no later than the first significant rainfall event of the wet season. If multiple wells are located within 500 feet of each other, the wells shall be tested simultaneously.

The tests shall be witnessed by a representative of the Division of Environmental Health and shall follow the procedures set forth herein unless previous approval has been granted by the Director of Environmental Health. The test(s) and documentation shall be completed by a qualified individual approved by the Director of Environmental Health (hydrogeologist, engineer, experienced licensed contractors, etc.). The test results shall be submitted in a form for direct comparison to the criteria set forth in this procedure. Once the information is submitted, a determination shall be made as to the yield of the well in gallons-per-minute that can be credited towards the required minimum flows for the potable use requested.

PROCEDURE

1. Calculation of Specific Capacity. The transmissivity shall be determined and the specific capacity calculated from the drawdown of the well. If the apparent transmissivity decreases between the first 24 hours of the test and the end of the test, the 24-hour specific capacity shall be adjusted by multiplying the ratio of late-time transmissivity to early-time transmissivity. The discharge rate shall be maintained within a 5% range, and shall be closely monitored and documented.
2. Calculation of Available Drawdown. For the purposes of this procedure, available drawdown is defined as:
 - A) two-thirds of the vertical distance from the static water level to the top of the perforations of the well in partially screened wells, or,
 - B) one-third of the saturated thickness penetrated by a fully screened well. However in cases where the distance to the top of the perforations is less than one-third of the saturated thickness penetrated by the well, the distance to the top of the perforations shall be used.
3. Documentation of Recovery. The recovery of the well shall be documented until the recovering water level reaches 95% of the pre-pumping static water level. In the event that 95% recovery has not been achieved after two-times the pump testing period has elapsed, then an evaluation of the test will be conducted to determine whether the calculated yield will be reduced. A-3-MCO -01-035

Felos Well

Exhibit Q
1 of 2

(continued)

4. Calculation of Yield. Unless modified as per item 3 above, the yield of the well shall be calculated by multiplying the 24 hour specific capacity by the available drawdown.
5. Discharge Water. Discharge water shall be managed to prevent recharge of the well during the testing/recovery period and shall not be allowed to pond/percolate within 200 feet of the well.