

Monterey County Planning Commission  
Ms. Sharon Parsons, Chair  
240 Church Street  
Salinas, Ca 93901

15 May, 2002

**Re: Draft General Plan -- Public Services Element**

Dear Chair Parsons and Members of the Commission;

The Salinas Valley Water Coalition has been an active participant in working with the Monterey County Water Resources Agency to develop and implement policies that provide for a solution to the water problems within the Salinas Valley Basin. Our support of the Agency has been based on the belief that the Agency is committed to developing a program that will be cost-effective, reasonable, hydrologically sound and equitable to landowners in all portions of the Salinas Valley.

After careful review, we find that the draft General Plan does not consider the progress made these last years pertaining to the Salinas Valley water problems & issues. **In fact, the Draft General Plan could change all of the progress made over the last 5 years -- it could totally derail the progress and move the County and all landowners into a water rights adjudication.** This is something many of us have worked very hard to avoid.

The following comments are submitted for your consideration, in anticipation that the Planning Commission is also committed to finding a solution to our water problems and to developing policies that will truly serve the community.

**GENERAL:**

We generally support the "Guiding Objectives" as stated on page PS-3 of this element. Unfortunately, we do not believe that the policies described to implement these objectives will actually do so. This is a serious flaw that exists throughout the draft document.

"Guiding Objective #8" states, in part, **"provide adequate infrastructure and public services for existing residents and businesses."** Nevertheless, the draft General Plan clearly does not provide adequate infrastructure for existing residents. **Policy PS-3.1 discusses a "Comprehensive Integrated Water Management Plan" --and requires the County to maintain and update such a plan, yet it fails to discuss when and how this Plan will be developed.**

**How can you adequately provide for infrastructure, and how can the public understand what programs are intended to be developed [and need funding] to meet the "Guiding Objective #8", when there is no plan in place? We believe it would be better policy to require the development of Water Management**

**Plan(s) which would also identify how the plan would be implemented and funded.**

### **GOAL PS-3 -- DOMESTIC WATER:**

While this Goal is titled “Domestic Water”, the majority of the proposed policies do not distinguish between domestic and agricultural water. The following comments are submitted based on our reading of the policies and that it appears they could, and do, apply to both domestic and agricultural water use.

#### **Policy PS-3.1 Comprehensive Integrated Water Management Plan**

Under this proposed policy the County would “allocate water usage and manage water resources”. **Policy PS 3.3** would establish similar allocation requirements.

**While some areas of the County are currently restricted to a certain water allocation, this is not an appropriate policy for all areas of the County. This is another example where the Draft GPU has a “one size fits all” attitude.**

**Further, such water allocation proposals do not serve to provide a solution to our water problems, and instead, serve to impose further restrictions on areas already riddled with regulations. The County and the public would be better served if the Draft General Plan document exhibited leadership and focused on solving our problems.**

#### **Policy PS-3.2 Annual Production Reports of Overdrafted Areas**

This policy requires reporting of annual well production in all overdrafted areas. This could include the Salinas Valley as the draft Plan does not state which areas within the County are currently in overdraft. This policy would require all wells to be metered and the metered records to be provided to the County.

**The Salinas Valley Water Coalition fought the County on this very issue about 10 years ago. The end result of that court battle essentially provided for an annual reporting of water usage, but that the method of calculating that usage could be based on electrical usage records. Our lawsuit was based on CEQA and the County’s failure to prepare and identify the potential adverse environmental impacts that would be associated with mandatory metering.**

**Also, the accompanying draft EIR for this General Plan Update does not address the environmental impacts of metering -- the same defect that led to the court overturning the previous meter ordinance. Most important, because the draft EIR recognizes that the groundwater problem in the Salinas Valley is a distribution problem, and not a supply problem, there is no reason to require meters. Crop data and continuing to report using electrical records should provide sufficient information on groundwater usage.**

### **Policy PS-3.4 Water Supply Augmentation**

This is a commendable policy in that it requires the identification and implementation of water projects to serve existing residents and businesses. However, it would be more realistic to state that the **County shall work with the appropriate Agencies [ i.e. those who have current jurisdiction] to identify and implement water projects to serve existing residents and businesses and to ensure a safe, secure long-term water supply. This should include meeting the “changing” needs of existing residents and businesses.**

### **Policy PS-3.5 Water Transfers or Credits**

Prohibition of water transfers out of the area watershed certainly is appropriate. However, prohibition of water transfers, or credit, between properties within a watershed may be appropriate. This policy provides for a prohibition of transfer or credit<sup>1</sup> of a water supply between properties within a watershed to serve new development. According to the definition of “development” in the Draft GPU, this could provide a hardship for the agricultural industry and certainly does not serve to encourage conservation. It is more efficient for agricultural properties NOT to have a well on every individual parcel, and rather to “share” a well between properties. This policy could prohibit such water transfers between two agricultural properties. There are situations where a water transfer or credit makes sense. The General Plan should allow such discretion to the decision-makers, and should create a policy that would require the development of standards and criteria for circumstances where such water transfers or credits would be appropriate.

### **Policy PS-3.11 Reclamation**

Reclamation projects are generally good alternatives to potable water supply. However, it seems unrealistic, expensive, and more than likely not implementable, to require “all golf courses, green belts....[to] require use of reclaimed water.”

**Who will pay for these projects? Under what conditions and/or authority can the County require existing golf courses, etc., to construct reclamation projects? How will the County enforce such a requirement?**

### **Policy PS-3.12 Private Well Construction**

Under this policy, construction of private wells would require environmental review in overdrafted areas or areas with known water quality problems.

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<sup>1</sup> Please note that “credit” is not defined within the Draft General Plan.

This policy does not identify the “overdrafted areas” or “areas with known water quality problems”. What types of “water quality” problems are being considered? The policy as proposed could require extensive CEQA documents (including EIR’s) for many new and replacement wells, including small domestic single user wells and agricultural wells. Landowners would incur significant costs to have these documents prepared, there would be significant delays before new permits would be issued, and some applications for new or replacement wells could be denied. **What is the basis for requiring environmental review of all wells? Again, there should be the development of standards and criteria as to which wells could trigger CEQA, and thereby eliminating the review of all wells.**

### **Policy PS-3.13 Verification of Water Supply for Existing Lots of Record**

This policy would require verification of long-term water supply before the County would issue discretionary or ministerial project approvals. Although this proposed policy does not state which types of project approvals would be subject to this requirement, it could apply to all applications for new or replacement wells. If it did, then landowners seeking to construct new or replacement wells would be subject to substantial expenses to obtain the necessary technical information, would be subject to significant delays, and ultimately might not obtain the necessary permits.

The proposed policy does not state any criteria for determining the adequacy of long-term water supply, which could lead to unreasonable or uneven enforcement. The policy further requires verification of long-term water supply, including a sufficient supply during drought years -- however, there is no definition for drought, which could be defined on differing basis depending on the water supply area.

### **Policy PS-3.15 Consolidation of Small Water Systems**

This policy requires “new development projects, both on existing lots of record and newly created lots.” to consolidate individual wells into small water systems. In reviewing the definition of “development” this could include replacement wells.

**Is the County saying that it will fund the consolidation of individual wells and the formation of small water systems? Who will manage and operate such systems? This is another example of a policy that may be appropriate in some areas of the County, some of the time. However, the County and the public would be better served if standards and criteria were developed to assist in determining when consolidation is appropriate.**

### **Policy PS-3.17 Proof of Water Rights**

This policy would require applicants to prove to the County that they have water rights for proposed development projects. If, as is likely, “development projects” is construed to include all new and replacement wells, then this proposed policy would require any

landowner seeking a new or replacement well first to obtain an expensive chain-of-title guarantee from a title company, and a formal water-rights opinion from an attorney specializing in water rights. These requirements would create significant additional expense and delays, and could cause many applications to be denied.

This policy does not state on what criteria and/or basis a determination as to the validity of the proof of water rights would be made? What happens if the proof is opposed? The County does not have the authority to make a decision as to the validity of water rights. It is our understanding that only a court and the State Water Resources Control Board may make these decisions. **This is the type of policy that will lead the County into a basin-wide water rights adjudication.** Many individuals and organizations have worked very hard these last years toward developing and implementing water solutions in an effort to avoid such a water rights adjudication -- this policy will undo all of the progress made to date.

**This policy should be deleted.**

**Conclusion:** The overall defect with all of these proposed policies is that neither the Draft General Plan nor the draft EIR identify any water-resource problems that need to be addressed. It is impossible to determine whether or not the proposed policies are prudent, or even legal, until the problems that these proposed policies are supposed to address are identified and there is an explanation of what is necessary to solve these problems. Imposing unwieldy restrictions on landowners as proposed in the draft General Plan is without basis and in many instances, the County does not have the authority to do that which they are attempting to impose.

Unfortunately this is truly a General Plan that is not in the best interest of the public it is meant to serve. It does not plan but rather proposes to implement great restrictions on the landowners within the County --- many of which are considered a taking of private property rights. The County and the public would be better served if the General Plan were developed in a way that protected private property rights. The Salinas Valley Water Coalition is committed to working with the County to develop a General Plan that will do this.