

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING THE INSTALLATION OF ONE (1) NEW DOMESTIC SUPPLY WELL ON PROPERTY ZONED PLANNED DEVELOPMENT; LOCATED NORTHEAST OF THE INTERSECTION OF NOYES ROAD AND EQUESTRIAN WAY (APN: 007-781-055); APPLIED FOR BY MICHAEL HARRIS, AND FINDING THAT THIS ACTION IS EXEMPT FROM CEQA

WHEREAS, Michael Harris has submitted an application to drill and install one (1) new domestic supply well at a property on an unaddressed parcel on Noyes Road in Arroyo Grande (“Well Application”); and

WHEREAS, the Well Application would be on unaddressed property on Noyes Road (APN: 007-781-055), northeast of the intersection of Noyes Road and Equestrian Way (“Subject Property”); and

WHEREAS, Arroyo Grande Municipal Code (“AGMC”) Chapter 13.08 requires City Council to discretionarily review and approve or deny all new or replacement wells in the City; and

WHEREAS, specifically, AGMC section 13.08.040 requires the City Council to consider, in its discretion, approval for new or replacement wells or abandonment of existing wells. Approval to drill a well within the City boundaries may be granted if the City Council determines: 1) the well will neither deplete nor contaminate the City water supply; and 2) service from the City’s water system is neither practical nor feasible; and

WHEREAS, the City Council held a noticed, continued public hearing on May 28, 2024, to consider the Well Application.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arroyo Grande, as follows:

1. The foregoing recitals are true and correct and are incorporated herein.
2. **Well Application.** Approves the application to drill and install one (1) new domestic supply well at the property located northeast of the intersection of Noyes Road and Equestrian Way (APN: 007-781-055), subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

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3. **Findings.** The approval of the well application is based on the findings required by AGMC Section 13.08.040 and made below:
 - a. The drilling and operation of the well will neither deplete nor contaminate the City water supply because:
 - i. The proposed well does not access the same aquifer utilized by the City's wells, and no interference or depletion of the City's water system is anticipated.
 - ii. The proposed well will not impact adjacent properties because the owner will be required to obtain County Environmental Health approval, be located at least 100 feet from septic system areas, and be metered to determine annual water usage.
 - b. Service from the city water system is neither practical nor feasible because:
 - i. The proposed well is on property that is predominantly covered by native oak woodland, includes steeper slopes and includes significant existing rock outcroppings, which when taken together require significant construction challenges in avoiding impacts from a City water system infrastructure extension for a single family residence.
 - ii. Although the Subject Property is immediately adjacent to the City's Reservoir No. 5 and is within the City's boundaries, and would not require any easements or improvements to existing City infrastructure, a direct water service connection for a single-family residence would necessitate construction of a service line that would have potential impacts to sensitive resources such as native oak woodland and existing rock outcroppings.
 - iii. The proposed well would require minor infrastructure that would not impact sensitive resources on the property.

4. **CEQA.** The City Council determines that the installation of a domestic water well is categorically exempt from CEQA under the Class 3 exemption, which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (State CEQA Guidelines, § 15303.) This project falls within the Class 3 exemption because approval of the project would result in the installation of one small well structure. Furthermore, none of the exceptions outlined in State CEQA Guidelines section 15300.2 apply here. The well will be located to avoid sensitive habitats. There will be no cumulative impact of successive projects of the same type in the same place, over time, because

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only one domestic well is necessary to serve any future proposed residential uses on the project site. There are no unusual circumstances such that the project will have a significant environmental impact. The well will avoid all scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, and is not within a highway officially designated as a state scenic highway. The project is not located on a site included on any list compiled pursuant to Government Code section 65962.5. In addition, the project will not cause a substantial adverse change in the significance of a historical resource. Therefore, the project is categorically exempt from CEQA and no further environmental review is required.

City Council directs staff to file a Notice of Exemption with the County Clerk and State Clearinghouse within five days of this Resolution.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution was passed and adopted this 28th day of May 2024.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

MATTHEW DOWNING, CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY

**EXHIBIT "A"
CONDITIONS OF APPROVAL
ONE (1) NEW DOMESTIC SUPPLY WELL
NORTHEAST CORNER OF NOYES ROAD AND EQUESTRIAN WAY
APN: 007-781-955**

GENERAL CONDITIONS:

1. The applicant shall ascertain and comply with all State, County and City requirements as are applicable to this project.
2. The project shall occur in substantial conformance with the application and plans on file in the Community Development Department office.
3. The applicant shall comply with all the conditions of the City Council Resolution adopted on May 28, 2024, as well as the terms, conditions, and standards specified in the written permit issued by the County of San Luis Obispo Public Health Department.
4. To the extent permitted by law, Applicant shall defend, indemnify and hold harmless the City of Arroyo Grande, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice. The Applicant shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City related to this permit or approval. Although the Applicant is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the Applicant of any obligation under this condition.
5. This approval shall expire on May 28, 2026 unless a drilling permit is obtained from the County of San Luis Obispo Public Health Department. Time extensions may be requested in conformation with the Arroyo Grande Municipal Code.
6. This approval shall only be valid for the residential construction of up to one (1) single family home, one (1) accessory dwelling unit, and one (1) junior accessory dwelling unit. Any additional development of the property will be required to connect to the City's water infrastructure at the sole cost of the property owner at the time of proposed development.

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7. This approval shall only be valid for the existing legal parcel and shall not extend to any future parcels created through subdivision of the property. Prior to recordation of any subdivision of the property, the owner shall abandon the well in accordance with County Environmental Health Standards.
8. The applicant shall install a meter on the well head that monitors all water drawn from the well and report annual pumping amounts as of December 31st to the City Public Works Department by January 31st of the following year.
9. An approved backflow device shall be installed per City standard on the water meter service.
10. A copy of the well/driller report required by the provisions of Section 13751 of the Water Code of the State shall be submitted to the Public Works Department upon completion of the construction of the well.
11. The applicant shall obtain permits for all electrical connections required for the new well pumps.
12. The applicant shall produce survey verification that the distance of the well to any septic system (leach field) is greater than 100 feet to the satisfaction of the Director of Public Works.
13. This well approval is conditioned on the stated planned development of a single family home, Accessory Dwelling Unit and Junior Accessory Dwelling Unit on the subject parcel. If the residential use on the site is intensified, such as a subdivision or additional housing units are created, applicant must return to the City Council for a new hearing and approval to use the well pursuant to the City's Municipal Code existing at the time of such intensification of use.
14. The well must comply with all general legal requirements imposed by the California Department of Water Resources, State Water Resources Control Board, and any other applicable state or federal law.
15. During any period of noncompliance with these conditions, the well will constitute an unapproved use of land subject to the penalties and remedies of the Arroyo Grande Municipal Code.