

MEMORANDUM

TO: City Council

FROM: Brian Pedrotti, Community Development Director

BY: Patrick Holub, Associate Planner

SUBJECT: Consider a Resolution Denying the Installation of One (1) Domestic Well on Property Zoned Planned Development (PD); Applicant – Michael Harris; Representative – Richard Burde, SLO Civil Design

DATE: October 24, 2023

SUMMARY OF ACTION:

Following a public hearing, consider staff's recommended denial of the request of the property owner to drill and install a new domestic well at an unaddressed property on Noyes Road (APN: 007-781-055) northeast of the intersection of Noyes Road and Equestrian Way.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There is no direct funding impact anticipated as a result of this denial. If the application is denied, the applicant will alternatively have the option to connect to City services, which will require staff time to process the connection application. If the application is approved, staff time will be required to finalize the well permit. Both options will require applicant fees to offset staff time.

RECOMMENDATION:

1) Adopt a Resolution denying the request by Michael Harris to drill and install one (1) new domestic well on an unaddressed property on Noyes Road (APN: 007-781-055) northeast of the intersection of Noyes Road and Equestrian Way; and 2) Determine that the installation of a domestic water well is categorically exempt from the California Environmental Quality Act ("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.).

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BACKGROUND:

The City received a request from property owner Michael Harris, who is seeking approval to drill a well at the subject parcel in order to provide domestic/drinking water to a future proposed residence. If allowed, the proposed well would be drilled to a depth of four hundred feet (400'), depending on the depth of permeable sands. The well is proposed to pump at about 10-20 gallons per minute (gpm). The proposed well meets the City's definition of an individual domestic well because it is a single well used to supply water for the domestic needs of an individual residence.



ANALYSIS OF ISSUES:

Arroyo Grande Municipal Code (AGMC) Chapter 13.08 requires 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 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.

Depletion or Contamination

The applicant's proposed location for the well is on the subject property northeast of the intersection of Noyes Road and Equestrian Way. Any well proposal would be required to submit verification that the well is located at least one-hundred feet (100') from septic

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system areas, which would also be confirmed by County Environmental Health. Additionally, any new well would be conditioned to be metered to determine annual usage. The well site is outside of the adjudicated Santa Maria Groundwater Basin and is located in the Los Robles Aquifer. The closest City well is located about 2,800 feet away southwest of the proposed well site. Because the proposed well would not tap the same aquifer tapped by the City's wells, staff's determination is that there is no anticipated interference or depletion to the City's system from the requested well. However, staff does not believe the well application meets the second required prong, as described in additional detail below.

Practicality and Feasibility of Connecting to the City's Water System

It is important to highlight that, in determining the practicality and feasibility for a domestic water service connection, City staff reads the practicality and feasibility test as one based on whether **the City** is reasonably able to provide a domestic water service connection from the City water service line to the private property boundary. The City does not believe the second of the two approval criteria should be based upon the private property owner's costs associated with installing domestic water service, nor should it be based on the topography of the site. The applicant has provided a groundwater feasibility analysis that examines the local conditions and finds that developing a groundwater well to serve the subject property is feasible from a hydrological perspective, which is included as an exhibit to this agenda item.

Staff has determined that it is both feasible and practical for the City to connect the City's water supply to the subject property. The subject parcel is immediately adjacent to the City's Reservoir No. 5, which is a 1.2 million gallon above-ground storage tank. The City's Utilities Manager has stated that a residential water service connection can be made directly to the City owned main water line from the tank and a connection placed to the applicant's property line with a standard water meter on their property.

As described above, Section 13.08 of the AGMC provides that the City Council may approve a well if "service from the city water system is neither practical nor feasible". This connection would be approximately 50 feet in length along generally level land with minimal surface restrictions, which staff has determined is both practical and feasible for the City to provide to the applicant's property. In contrast to City staff's determination, the applicant has argued that this connection is neither practical nor feasible, citing that the location of their preferred building site on the property is approximately 600-800 feet from the reservoir, depending on the trenching route, and would involve grading through steeper slopes and sensitive oak trees. However, the City is not responsible for the proposed location of residential structures on a property – that is proposed by an applicant and ultimately reviewed by the City to ensure any municipal code requirements are met, such as setbacks, height, and health and safety standards contained in the California

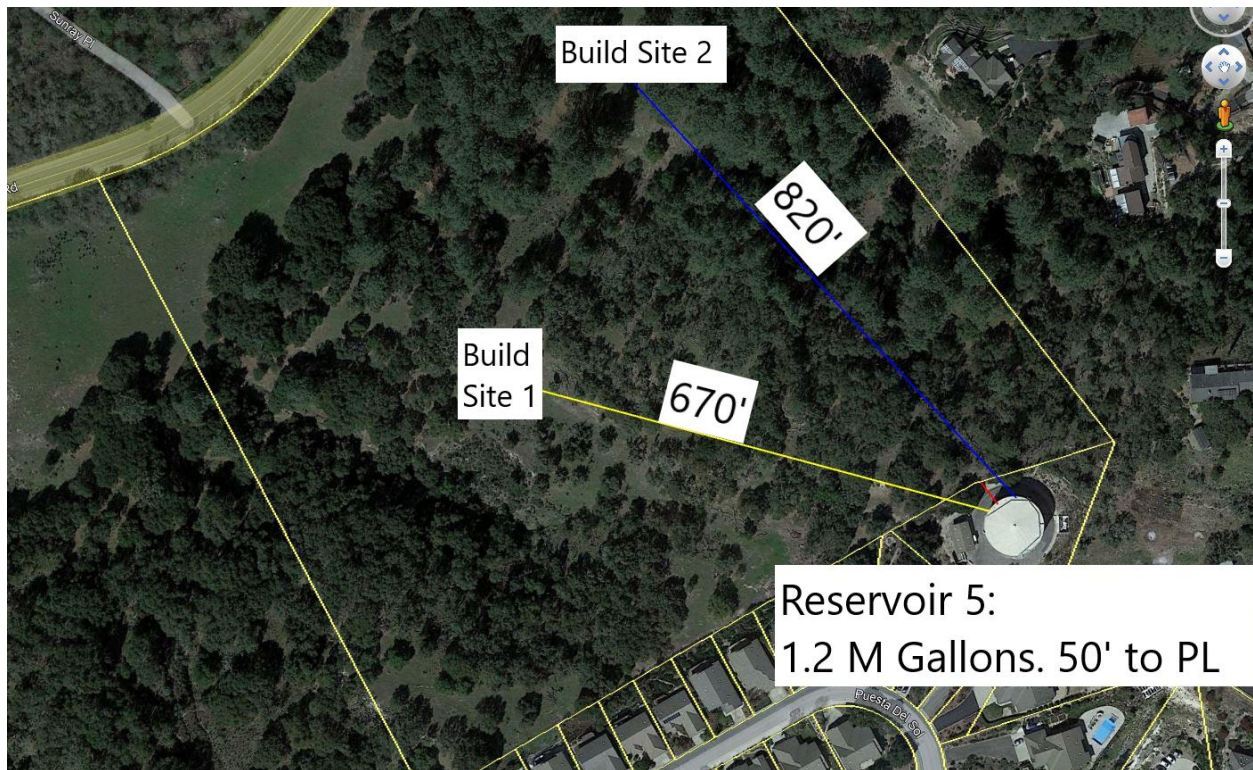
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Building Standards Code. The City has historically determined practicality and feasibility based on the City's ability and cost to serve each parcel.



Other Sites with Wells in City

The City Council approved the establishment of an agricultural well for the property adjacent to the subject site (APN 007-781-056) in December 2017 (see Attachment 3). This well was approved for agricultural purposes (crop irrigation and/or livestock watering) as the City does not provide agricultural water and had no such service connections. That approval for an agricultural well has since expired and was never constructed.

The City Council also approved wells for properties on Easy Street at the northern end of the City, with the most recent approval for 575 Easy Street in January of 2021 (see Attachment 4). The City determined that it was neither practical nor feasible to extend services to these properties because the nearest City waterlines are over 1,000 feet away and cross multiple private properties and open space to reach Easy Street. Connection to the City's water system in this case was determined to be infeasible because multiple private property owners would be required to grant an easement to the owner of 575 Easy Street. This is in contrast with the current applicant's situation, where applicant's property is adjacent to City property and no easements/agreements with other private property owners are required to connect services. Because of the proximity of the City's above

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ground reservoir, staff finds that a connection to the City's system is both practical and feasible and should be required.

ALTERNATIVES:

1. Adopt the Resolution denying the installation of one (1) new domestic supply well;
2. Reject staff's recommendation denying the installation of one (1) new domestic supply well; or
3. Provide other direction to staff.

ADVANTAGES:

Denial of the application will prevent the applicant from drilling a well on the property for domestic use, consistent with City policy to ensure that properties within the City will connect to the system when it is practical and feasible to do so.

DISADVANTAGES:

None identified.

ENVIRONMENTAL REVIEW:

In compliance with the California Environmental Quality Act (CEQA), it has been determined that the installation of a domestic water well is categorically exempt from the California Environmental Quality Act ("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 a small well structure. In the alternative, if the application is denied, the item does not qualify as a "project" under CEQA, because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.).

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. A public hearing notice was published in the Tribune on October 13, 2023.

Attachments:

1. Proposed Resolution
2. Groundwater Feasibility Report, Infeasibility Statement and Application
3. Resolution 4830 – Agricultural Well for APN 007-781-055
4. Resolution 5054 – Domestic Well for 575 Easy Street

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