



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX (831) 454-2131 TDD (831) 454-2123  
TOM BURNS, PLANNING DIRECTOR

### NOTICE OF ENVIRONMENTAL REVIEW PERIOD

#### SANTA CRUZ COUNTY

APPLICANT: John Ricker for Santa Cruz County, Environmental Health Services

APPLICATION NO.: Countwide (Amendments to County Well Ordinance)

APN: Countwide

The Environmental Coordinator has reviewed the initial Study for your application and made the following preliminary determination:

XX Negative Declaration  
(Your project will not have a significant impact on the environment.)

\_\_\_\_\_ Mitigations will be attached to the Negative Declaration.

XX No mitigations will be attached.

\_\_\_\_\_ Environmental Impact Report  
(Your project may have a significant effect on the environment. An EIR must be prepared to address the potential impacts.)

As part of the environmental review process required by the California Environmental Quality Act (CEQA), this is your opportunity to respond to the preliminary determination before it is finalized. Please contact Matt Johnston, Environmental Coordinator at (831) 454-3201, if you wish to comment on the preliminary determination. Written comments will be received until 5:00 p.m. on the last day of the review period.

Review Period Ends: **May 16, 2007**

John Ricker  
Staff Planner

Phone: 454-2750

Date: April 11, 2007



# Environmental Review Initial Study

Application Number: **Countywide**

**Date:** April 9, 2007

**Staff Planner:** John Ricker, Environmental Health Services

## **I. OVERVIEW AND ENVIRONMENTAL DETERMINATION**

**APPLICANT:** County of Santa Cruz

**APN:** Countywide

**OWNER:** N/A

**SUPERVISORAL DISTRICT:** Countywide

**LOCATION:** Countywide

### **SUMMARY PROJECT DESCRIPTION:**

Amend County Code Chapter 7.70, Water Wells, to: 1) allow the Board of Supervisors to waive the requirement for a County well permit if another agency provides comparable oversight; 2) require that wells may only be constructed on an existing legal lot of record; 3) allow construction of a replacement well less than 100 feet from a septic system if there is no other alternative and the well is constructed in a manner to prevent contamination; 4) require evaluation by an appropriately qualified professional when a new well is proposed to be located in proximity to a hazardous materials facility or site of known soil or groundwater contamination; 5) provide for development of additional procedures specific to construction and destruction of monitoring wells; 6) provide more explicit requirements for the destruction of abandoned wells; 7) expand the requirement that wells must utilize deeper seals and can only draw from one aquifer zone throughout the Pajaro groundwater basin or any other areas where poor groundwater quality may exist; 8) require basic water quality testing whenever a new or replacement well is constructed; 9) require water use efficiency measures for wells serving more than 4 residential connections or serve nonresidential uses that consume more than 2 acre-feet per year, in lieu of requiring environmental review for individual well permits; 10) modify wording to provide the Board of Supervisors with discretion in the declaration of a groundwater emergency, depending on whether adequate actions are being taken to address the overdraft condition; and, 11) other minor editorial corrections and clarifications.

**ALL OF THE FOLLOWING POTENTIAL ENVIRONMENTAL IMPACTS ARE EVALUATED IN THIS INITIAL STUDY. CATEGORIES THAT ARE MARKED HAVE BEEN ANALYZED IN GREATER DETAIL BASED ON PROJECT SPECIFIC INFORMATION.**

☐ Geology/Soils

Noise

☒ Hydrology/Water Supply/Water Quality

Air Quality

**County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060**

<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Public Services & Utilities
<input type="checkbox"/> Energy & Natural Resources	<input type="checkbox"/> Land Use, Population & Housing
<input type="checkbox"/> Visual Resources & Aesthetics	<input type="checkbox"/> Cumulative Impacts
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Growth Inducement
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Mandatory Findings of Significance
<input type="checkbox"/> Transportation/Traffic	

### DISCRETIONARY APPROVAL(S) BEING CONSIDERED

<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Grading Permit
<input type="checkbox"/> Land Division	<input type="checkbox"/> Riparian Exception
<input type="checkbox"/> Rezoning	<input checked="" type="checkbox"/> Other: Ordinance Amendment
<input type="checkbox"/> Development Permit	<input type="checkbox"/>
<input type="checkbox"/> Coastal Development Permit	<input type="checkbox"/>

### NON-LOCAL APPROVALS

Other agencies that must issue permits or authorizations:

*California Coastal Commission*

### ENVIRONMENTAL REVIEW ACTION

On the basis of this Initial Study and supporting documents:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the attached mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

  
Matt Johnston

4/11/07  
Date

For: Claudia Slater  
Environmental Coordinator

## II. BACKGROUND INFORMATION

### EXISTING SITE CONDITIONS

Parcel Size: N/A - Countywide

Existing Land Use:

Vegetation:

Slope in area affected by project: \_\_\_\_ 0 - 30% \_\_\_\_ **31** - 100%

Nearby Watercourse:

Distance To:

### ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Groundwater Supply:

Water Supply Watershed:

Groundwater Recharge:

Timber or Mineral:

Agricultural Resource:

Biologically Sensitive **Habitat**:

Fire Hazard:

Floodplain:

Erosion:

Landslide:

Liquefaction:

Fault Zone:

Scenic Corridor:

Historic:

Archaeology:

Noise Constraint:

Electric Power Lines:

Solar Access:

Solar Orientation:

Hazardous Materials:

### SERVICES

Fire Protection:

School District:

Sewage Disposal:

Drainage District:

Project Access:

Water Supply:

### PLANNING POLICIES

Zone District:

General Plan:

Urban Services Line:

Coastal Zone:

\_\_\_\_ Inside

\_\_\_\_ Inside

Special Designation:

\_\_\_\_ Outside

\_\_\_\_ Outside

### PROJECT SETTING AND BACKGROUND:

Chapter 7.70 of the County Code (the Code) includes various provisions to ensure that wells are constructed and destroyed in a manner that protects the quality of water in the well and in the underlying aquifer. Santa Cruz County is the only jurisdiction in the State that has treated well permits as discretionary permits, subject to CEQA review. That has resulted in evaluation of the impacts of the use of the well, including imposition of mitigation measures to limit water use. Such restrictions may be contrary to recent case law which affirm a property owner's right to utilize underlying groundwater. The Code is proposed to be amended to make well permits ministerial, with neither the well construction nor the use of the water subject to CEQA review unless the well is part of a larger project that would be subject to CEQA review. In order to mitigate the potential

impacts of this change and ensure that water is not wasted, the ordinance would require standard water efficiency measures for larger uses.

Other measures are included to require additional protective measures where a well is located near an existing or potentially contaminated, basin subject to seawater intrusion or other location with degraded groundwater quality.

The Code currently requires the Board of Supervisors to declare a groundwater emergency and implement temporary protective measures if a basin is found to be in overdraft. In actual practice there are other water management agencies with more clear authority and resources that are taking action to manage overdrafted groundwater basins in the county and the Board has not declared an emergency. These other agencies, which have power provided by AB 3030 or special legislation, include Pajaro Valley Water Management Agency, Soquel Creek Water District, Central Water District and Scotts Valley Water District. The Code would be amended to provide the Board the discretion to not declare an emergency if adequate protective actions are being taken.

In various parts of the county, pockets of groundwater may be of a quality that does not meet drinking water standards. If this is known at the time a well is being constructed, the well may be able to be completed in a manner that seals out the poor quality water, or it may be properly destroyed to minimize the potential for movement of contaminants into cleaner parts of the aquifer. The Code will be amended to require testing at the time of the well is drilled, with the provision that the well either be destroyed or completed in a manner that prevents the movement of contaminants.

The well Code presently contains provisions primarily related to water wells and there are limited explicit requirements for monitoring wells. The Code will be amended to allow the Health Officer to promulgate standards specific to monitoring wells.

Some water districts or groundwater management entities in unincorporated areas also have the authority to regulate water wells. This could overlap with County responsibility and result in a duplication of effort and confusion for the property owner. The Code is proposed to be amended to give the Board of Supervisors the authority to waive the requirement for a County well permit in the future if another jurisdiction will provide an adequate level of protection and oversight.

**DETAILED PROJECT DESCRIPTION:** (See attached underline/strikeout version)

Amend County Code Chapter 7.70, Water Wells, to: 1) allow the Board of Supervisors to waive the requirement for a County well permit if another agency provides comparable oversight (7.70.030.A); 2) require that wells may only be constructed on an existing legal lot of record (7.70.030.E); 3) allow construction of a replacement well less than 100 feet from a septic system if there is no other alternative and the well is constructed in a manner to prevent contamination (7.70.090.A); 4) require evaluation by an appropriately qualified professional when a new well is proposed to be located in proximity to a hazardous materials facility or site of known soil or groundwater contamination (7.70.090.G); 5) provide for development of additional procedures specific to construction and destruction of monitoring wells (7.70.090.1); 6) provide more explicit requirements for the destruction of abandoned wells (7.70.100); 7) expand the requirement that wells must utilize deeper seals and can only draw from one aquifer zone throughout the Pajaro groundwater basin or any other areas where poor groundwater quality may exist (7.70.110.A); 8) require basic water quality testing whenever a new or replacement well is constructed (7.70.110.B); 9) require water use efficiency measures for wells serving more than 4 residential connections or serve nonresidential uses that consume more than 2 acre-feet per year, in lieu of requiring environmental review for individual well permits (7.70.110.C&D).; 10) modify wording to provide the Board of Supervisors with discretion in the declaration of a groundwater emergency, depending on whether adequate actions are being taken to address the overdraft condition (7.70.130.A); and, 11) other minor editorial corrections and clarifications.

### III. ENVIRONMENTAL REVIEW CHECKLIST

#### A. Geoloav and Soils

Does the project have the potential to:

- |    |  |   |
|----|--|---|
| 1. | Expose people or structures to potential adverse effects, including the risk of material loss, injury, or death involving:   |   |
|    | A. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or as identified by other substantial evidence? | X |
|    | B. Seismic ground shaking?   | X |
|    | C. Seismic-related ground failure, including liquefaction?   | X |
|    | D. Landslides?   | X |
| 2. | Subject people or improvements to damage from soil instability as a result of on- or off-site landslide, lateral spreading, to subsidence, liquefaction, or structural collapse?                               | X |
| 3. | Develop land with a slope exceeding 30%?   | X |
| 4. | Result in soil erosion or the substantial loss of topsoil?   | X |

Some potential for erosion exists from discharge of water from pump testing. Section 7.70.090.E is being tightened to prohibit that.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
---	---	---	-------------------

5.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code(1994), creating substantial risks to property?				X
----	--	--	--	--	---

6.	Place sewage disposal systems in areas dependent upon soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems?				X
----	--	--	--	--	---

7.	Result in coastal cliff erosion?				X
----	----------------------------------	--	--	--	---

#### **B. Hydrology, Water Supply and Water Quality**

Does the project have the potential to:

1.	Place development within a 100-year flood hazard area?				X
----	--	--	--	--	---

2.	Place development within the floodway resulting in impedance or redirection of flood flows?				X
----	---	--	--	--	---

3.	Be inundated by a seiche <b>or</b> tsunami?				X
----	---	--	--	--	---

4.	Deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit, or a significant contribution to an existing net deficit in available supply, or a significant lowering of the local groundwater table?				X
----	---	--	--	--	---

The removal of discretion for issuance of well permits would preclude the denial of a permit due to the potential impact of water use (7.70.030.C). However, it is questionable whether such a denial would be allowable under California groundwater law. The proposed changes will require implementation of water efficiency measures



Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
---	---	---	-------------------

for all large uses served by a new or replacement well (7.70.110.D), which is more protective than current provisions, which exempt replacement wells from any CEQA consideration. Wells serving 4 homes or less would be exempt from that requirement. Although wells serving 2 homes or less are currently exempt from CEQA review, the exemption was raised to 4 homes because all systems serving 5 or more units are subject to ongoing County oversight as small water systems and as such can be supervised for ongoing implementation of water efficiency measures.

The proposed change allowing the Board of Supervisors some discretion in declaring a groundwater emergency still remains protective in that the Board must declare and emergency if adequate measures to manage a basin and prevent a long term overdraft are not being taken by other agencies which have more authority to manage the basin (7.70.130.A.4). There are a number of basins in Santa Cruz County which are being actively managed now by responsible agencies. In the Pajaro basin, the PVWMA has developed a basin management plan and is promoting water conservation, redistribution of pumping, utilization of reclaimed water, development of additional supplies and import of water. In Soquel-Aptos, Soquel Creek Water District and Central Water District have recently updated their groundwater management plan and are requiring substantial water conservation, redistribution of pumping, and development of a supplemental supply. The ~~Scotts~~ Valley Water District and partner agencies have completed a groundwater model, wastewater reclamation, and are embarking on water conservation and recharge enhancement. A declaration of groundwater emergency by the County would not materially affect or increase the efforts already underway in these basins.

5. Degrade a public or private water supply<sup>7</sup> (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).

x

The proposed additions to the Code will provide for greater protection of water quality in both the individual well and the surrounding aquifer.

6. Degrade septic system functioning?

x

There is a provision to explicitly allow a reduced setback between a septic system and a replacement well in only very limited circumstances where an existing well is closer and it can be demonstrated there will not be an impact (7.70.090.A).

7. Alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which could result in flooding,

x

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
---	---	---	-------------------

erosion, or siltation on or off-site?

- a. Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems, or create additional source(s) of polluted runoff?

X

9. Contribute to flood levels or erosion in natural water courses by discharges of newly collected runoff?

X

No new impervious surfaces are proposed as part of the project, thus there will be no additional storm water runoff that could contribute to flooding or erosion.

10. Otherwise substantially degrade water supply or quality?

X

Provisions are included to prevent adverse water quality impacts from drilling fluids or discharge of pump water (7.70.090.D&E).

### C. Biological Resources

Does the project have the potential to:

1. Have an adverse effect on any species identified as a candidate, sensitive, or special status species, in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service?

X

2. Have an adverse effect on a sensitive biotic community (riparian corridor, wetland, native grassland, special forests, intertidal zone, etc.)?

X

issuance of a well permit will continue to be discretionary if the well permit requires one or more discretionary approvals pursuant to Chapters **13.20, 16.20, 16.30, 16.32, or 16.42** of the Santa Cruz County Code, which provide for protection of riparian corridors and biotic resources (7.70.030.C). When an application is received, staff checks the biotic resource maps to determine if the well or its access road may be located where

significant <b>Or</b> Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
--	---	---	-------------------

there is a mapped resource. The permit is modified if necessary to prevent any impact or the Planning Department staff are consulted to determine if other measures are necessary. If well permitting authority is delegated to another agency a procedure will be put in place to ensure biotic review of well permits in County jurisdiction.

- |    |  |   |
|----|--|---|
| 3. | Interfere with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites?  | x |
|    |  |   |
| 4. | Produce nighttime lighting that will illuminate animal habitats?   | x |
|    |  |   |
| 5. | Make a significant contribution to the reduction of the number of species of plants or animals?  | x |
|    |  |   |
| 6. | Conflict with any local policies or ordinances protecting biological resources (such as the Significant Tree Protection Ordinance, Sensitive Habitat Ordinance, provisions of the Design Review ordinance protecting trees with trunk sizes of 6 inch diameters or greater)? | x |
|    |  |   |

Issuance of a well permit will continue to be discretionary if the well permit requires one or more discretionary approvals pursuant to Chapters 13.20, 16.20, 16.30, 16.32, or 16.42 of the Santa Cruz County Code, which provide for protection of riparian corridors and biotic resources (7.70.030.C). (See C.2, above)

- |    |  |   |
|----|--|---|
| 7. | Conflict with the provisions of an adopted Habitat Conservation Plan, Biotic Conservation Easement, or other approved local, regional, or state habitat conservation plan? | x |
|    |  |   |

#### **D. Energy and Natural Resources**

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
---	---	---	-------------------

Does the project have the potential to:

1.	Affect or be affected by land designated as "Timber Resources" by the General Plan?		X
----	---	--	---

2.	Affect or be affected by lands currently utilized for agriculture, or designated in the General Plan for agricultural use?	X	
----	--	---	--

The definition of agricultural well is being clarified **to** maintain special consideration for wells utilized for commercial agriculture (7.70.020.C).

3.	Encourage activities that result in the use of large amounts <b>of</b> fuel, water, or energy, or use <b>of</b> these in a wasteful manner?	X	
----	---	---	--

Provisions are added to require water use efficiency measures for large water users whenever a new or replacement well is drilled (7.70.110.D).

4.	Have a substantial effect on the potential use, extraction, or depletion <b>of</b> a natural resource (i.e., minerals or energy resources)?		X
----	---	--	---

#### **E. Visual Resources and Aesthetics**

Does the project have the potential to:

1.	Have an adverse effect on a scenic resource, including visual obstruction of that resource?		X
----	---	--	---

2.	Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited <b>to</b> , trees, rock outcroppings, and historic buildings?		X
----	--	--	---

3.	Degrade the existing visual character or quality of the site and its		X
----	--	--	---

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
---	---	---	-------------------

surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridge line?

4. Create a new source of light or glare which would adversely affect day or nighttime views in the area?

x

5. Destroy, cover, or modify any unique geologic or physical feature?

x

### **F. Cultural Resources**

Does the project have the potential to:

1. Cause an adverse change in the significance of a historical resource as defined in CEQA Guidelines 15064.5?

x

2. Cause an adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines 15064.5?

x

3. Disturb any human remains, including those interred outside of formal cemeteries?

x

4. Directly or indirectly destroy a unique paleontological resource or site?

x

### **G. Hazards and Hazardous Materials**

Does the project have the potential to:

1. Create a significant hazard to the public or the environment as a result of the routine transport, storage, use, or disposal of hazardous materials, not

x

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
---	---	---	-------------------

including gasoline or other motor fuels?

2. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

X

Wording has been added to require evaluation by an appropriately qualified professional when a new well is proposed to be located in proximity to a hazardous materials facility or site of known soil or groundwater contamination (Section 7.70.090.6). The review is intended to determine that a potential for contamination will not result. Based on that review, a well permit could be denied or additional safeguards could be required to ensure groundwater protection. Wording is also proposed to require a deeper seal when a well cannot meet the normal setback from a septic system (7.70.90.A).

3. Create a safety hazard for people residing or working in the project area as a result of dangers from aircraft using a public or private airport located within two miles of the project site?

X

4. Expose people to electromagnetic fields associated with electrical transmission lines?

X

5. Create a potential fire hazard?

X

6. Release bio-engineered organisms or chemicals into the air outside of project buildings?

X

#### **H. Transportation/Traffic**

Does the project have the potential to:

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
1. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	_____	_____		X
2. Cause an increase in parking demand which cannot be accommodated by existing parking facilities?	_____	_____		X
3. Increase hazards to motorists, bicyclists, or pedestrians?	_____	_____		X
4. Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the county congestion management agency for designated intersections, roads or highways?	_____	_____		X

#### I. Noise

Does the project have the potential to:

1. Generate a permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____		X
2. Expose people to noise levels in excess of standards established in the General Plan, or applicable standards of other agencies?	_____	_____		X
3. Generate a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing	_____	_____		X

**X**

X



	significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
c. Schools?				X
d. Parks or other recreational activities?				X
e. Other public facilities; including the maintenance of roads?				X
2. Result in the need for construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
3. Result in the need for construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
4. Cause a violation of wastewater treatment standards of the Regional Water Quality Control Board?				X
5. Create a situation in which water supplies are inadequate to serve the project or provide fire protection?				X
6. Result in inadequate access for fire protection?				X
7. Make a significant contribution to a cumulative reduction of landfill capacity or ability to properly dispose of refuse?				X

significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
---	---	---	-------------------

- |    |   |   |
|----|---|---|
| 8. | Result in a breach of federal, state, and local statutes and regulations related to solid waste management? | X |
|----|---|---|
- 

**L. Land Use, Population, and Housing**

Does the project have the potential to:

- |    |   |   |
|----|---|---|
| 1. | Conflict with any policy of the County adopted for the purpose of avoiding or mitigating an environmental effect? | X |
|----|---|---|
- 
- |    |   |   |
|----|---|---|
| 2. | Conflict with any County Code regulation adopted for the purpose of avoiding or mitigating an environmental effect? | X |
|----|---|---|
- 
- |    |   |   |
|----|---|---|
| 3. | Physically divide an established community? | X |
|----|---|---|
- 
- |    |  |   |
|----|--|---|
| 4. | Have a potentially significant growth inducing effect, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | X |
|----|--|---|
- 
- |    |   |   |
|----|---|---|
| 5. | Displace substantial numbers of people, or amount of existing housing, necessitating the construction of replacement housing elsewhere? | X |
|----|---|---|
-

**M. Non-Local Approvals**

Does the project require approval of federal, state, or regional agencies?

Yes   x        No       

Coastal Commission approval for amendment of LCP implementing ordinance.

**N. Mandatory Findings of Significance**

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant, animal, or natural community, or eliminate important examples of the major periods of California history or prehistory?

Yes             No   x  

2. Does the project have the potential to achieve short term, to the disadvantage of long term environmental goals? (A short term impact on the environment is one which occurs in a relatively brief, definitive period of time while long term impacts endure well into the future)

Yes             No   x  

3. Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of reasonably foreseeable future projects which have entered the Environmental Review stage)?

Yes             No   x  

4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Yes             No   x

**TECHNICAL REVIEW CHECKLIST**

	<b><u>REQUIRED</u></b>	<b><u>COMPLETED*</u></b>	<b><u>N/A</u></b>
Agricultural Policy Advisory Commission (APAC) Review			X
Archaeological Review			X
Biotic Report/Assessment			X
Geologic Hazards Assessment (GHA)			X
Geologic Report			<del>X</del>
Geotechnical (Soils) Report			X
Riparian Pre-Site			X
Septic Lot Check			X
Other:			

**Attachments:**

*For all construction projects:*

1. *Proposed revisions Of County Code Chapter 7.70*

*To be included when applicable:*

**Other technical reports** or information sources used in preparation of this Initial Study

*Cite any additional documents that were consulted but do not need to be attached.*

Additions **are** shown as underlined  
 Deletions are shown as ~~strikeout~~

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF **THE** BOARD OF SUPERVISORS OF **THE** COUNTY  
 OF SANTA CRUZ AMENDING AND ENACTING CHAPTER 7.70 OF THE  
 SANTA CRUZ COUNTY CODE RELATING TO WATER WELLS

The Board of Supervisors of the County of Santa Cruz ordains **as** follows:

SECTION I

Chapter 7.70 of the ~~Santa Cruz~~ County Code is hereby mended to **read as** follows:

CHAPTER 7.70  
 WATER WELLS

Sections:

- 7.70.010** Purpose of provisions.
- 7.70.020** Definitions.
- 7.70.030** Permit--Required--Issuance.
- 7.70.040** Permit — Expiration.
- 7.70.050** Permit—Suspension or revocation.
- 7.70.060** Licensed contractor required.
- 7.70.070** State reporting.
- 7.70.080** Inspections.
- 7.70.090** Technical Standards.
- 7.70.100** Well Abandonment and Destruction; Inactive Well.
- 7.70.110** Groundwater Protection ~~zone~~.
- 7.70.120** Soquel Creek service area restrictions.
- 7.70.130** Groundwater emergencies.
- 7.70.140** ~~Abatement--Investigation.~~
- 7.70.150** Abatement generally.
- 7.70.160** ~~Nuisance--~~Abatement of safety hazard.
- 7.70.170** Amendments.

**7.70.010** Purpose of provisions.

It is the purpose of this chapter to provide for the location, construction, **repair**, and reconstruction of all wells, including geothermal heat exchange wells, cathodic protection wells, test wells and monitoring wells, to the end that the groundwater of this county will not be polluted or contaminated and that water ~~obtained from~~ such wells will be suitable for the purpose for which **used** and will not jeopardize the health, safety or welfare of the people of this county. It is also the purpose of ~~this~~ chapter to provide for the destruction of any abandoned wells, monitoring wells, test wells,

Environmental Review Initial Study  
 ATTACHMENT 1 of 14  
 APPLICATION ~~for~~ Amendment  
Well Ordinance

geothermal heat exchange wells, or cathodic protection wells ~~which may serve as a conduit for movement of contaminants, or which is found to be a public nuisance, or when otherwise appropriate,~~ to the end that ~~all such a~~ wells will not cause pollution or contamination of groundwater or otherwise jeopardize the health, safety or welfare of the people of this county. It is also the purpose of this chapter to implement policies of the County General Plan and the Local Coastal Program Land Use Plan.

#### **7.70.020 Definitions.**

As used in this chapter, the following words shall have the meaning provided in this section:

A. "Abandoned Well" means any well whose original purpose and use has been permanently discontinued or which is in such a state of ~~disrepair~~ that it cannot be used for its original purpose. A well is considered abandoned when it has not been used for a period of one year, unless the owner demonstrates ~~his~~ intent to use the well again for supplying water or other associated purposes and the well is ~~considered~~ maintained ~~as~~ an inactive well.

B. "Abatement" ~~means~~ the construction, reconstruction, ~~repair~~ or destruction of a well so as to eliminate the possibility that such well could pollute or contaminate groundwater.

C. "Agricultural wells" means a water wells used to supply water for ~~irrigation or other~~ commercial agricultural purposes, including so-called "livestock wells."

D. "Cathodic protection well" ~~means~~ any artificial excavation in excess of fifty feet in depth constructed by any method for the purpose of installing equipment or facilities for the protection electronically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.

E. "Community water supply well" means a water well ~~used~~ to supply water for domestic purposes in systems subject to Chapter 7 of Part 1 of Division 5 of the California Health and Safety Code (commencing with Section 4010).

F. "Contamination" or "contaminated" means an impairment of the quality of water to a degree ~~that water contains contaminants in excess of the applicable standards currently promulgated by the California Department of Health Services which create a hazard to the public, and shall include any effect which results from disposal of wastes, whether or not waters of the state are affected.~~

G. "Contamination Hazard" is the hazard to a well when the water entering a well ~~contains or that within a reasonable period of time it will likely contain contaminants in excess of the applicable standards currently promulgated by the California Department of Health Services.~~

~~GH.~~ "Geothermal heat exchange well" means any uncased artificial excavation, by any method, that uses the heat exchange capacity of the earth for heating and cooling, and in which excavation the ambient ground temperature is 30 degrees Celsius (86 degrees ~~Fahrenheit~~) or less, and which excavation uses a closed loop fluid system to prevent the discharge or escape of its fluid into surrounding aquifers or other geologic formations. Geothermal heat exchange wells include ground source heat pump wells. Such wells or boreholes are not intended to produce water or steam

**HI.** "Health Officer" means the County Health Officer or his/her authorized representative.  
**IJ.** "Individual domestic well" means a water well used to supply water for domestic needs of an individual residence or commercial establishment.

**JK.** "Industrial well" means a water well used to supply industry on an individual basis.

**KL.** "Inactive well" means a well not routinely operated but capable of being made an operating well with a **minimum** of effort.

**LM.** "Observation or Monitoring Well" means a well constructed or modified for the purpose of observing or monitoring groundwater conditions.

**MN.** "Order of abatement" means both mandatory and prohibitory orders requiring or prohibiting one or more acts; the term also includes those orders effective for a limited **as well as** an indefinite period of time, and includes modifications or restatements of any order.

**NO.** "Pajaro groundwater protection zone" ~~means that the~~ area in the Pajaro Groundwater Basin within the boundaries of the Pajaro Valley Water Management Agency. in the vicinity of San Andreas Road and Beach Road, as shown on the map of the Pajaro groundwater protection zone on file with the Director of Environmental Health.

**OP.** "Person" means any person, firm, corporation or governmental agency

**PQ.** "Pollution" means an alteration of the quality of water to a degree which unreasonably affects:

1. Such waters for beneficial uses, or
2. Facilities which **serve** such beneficial uses

Pollution may include contamination or the presence of contaminants in amounts less than the applicable standards currently promulgated by the California Department of Health Services.

**QR.** "Safe yield" means the **annual** draft of water that can be withdrawn from an aquifer without producing some undesirable result **such as** reducing the total amount of water available or allowing the ingress of low-quality water.

**RS.** "Test well" means a well constructed **for** the purpose of obtaining information **needed** to design a well prior to its construction. Test wells are cased and can be converted to observation or monitoring wells and under certain circumstances to production wells

**ST.** "Well" or "water well" means any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the underground. "Well" or "water well" does not include:

1. Oil and **gas** wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use **as** water wells; or

2. Wells or bores used for the purpose of dewatering excavation during construction, or

stabilizing dikes or earth embankments.

**FU.** "Well reconstruction" means certain work done to an existing well in order to restore its production, replace defective casing, seal off certain strata or surface water, or similar work, not to include the cleaning out of sediments or surging, or maintenance to the pump or appurtenances where the integrity of the annular seal or water bearing strata are not violated.

### 7.70.030 Permit--Required—Issuance.

A. No person shall, within the unincorporated area of the county, construct, repair, reconstruct or destroy any well, abandoned well, cathodic protection well, geothermal heat exchange well, monitoring well, or test well unless a written permit has first been obtained from the Health Officer of the county as provided in this chapter, and the work conforms to the conditions of such permit and this chapter. Applications for such permits shall be made on the forms provided for that purpose and in accordance with procedures established by the County Health Officer. Upon recommendation by the Health Officer, the Board of Supervisors may waive the requirement for a permit if a permit is issued by another agency having jurisdiction which will require measures necessary to protect groundwater and public health, as are contained in this Chapter.

B. ~~In the coastal zone, where a well is to be drilled on an undeveloped parcel for any purpose other than to serve one proposed single family dwelling, meeting the requirements of Section 13.20.078 of Chapter 13.20, a coastal zone permit shall be required pursuant to the provisions of A~~ Coastal zone permit shall be required for any well proposed to be drilled in the coastal zone unless exempt or excluded as provided in Chapter 13.20.

C. ~~Well permit applications shall be consistent with Chapter 16 of Santa Cruz County Code pertaining to Environmental and Resource Protection prior to issuance. Well permits are ministerial unless issuance of the well permit requires one or more discretionary approvals pursuant to Chapter 13 20, 16 20, 16 30, 16 32, or 16 42 of the Santa Cruz County Code~~

D. Each such application shall be accompanied by a filing fee set by resolution of the Board of Supervisors. No part of the fee shall be refundable.

E. Within ten business days after receipt of a complete application including all studies or additional information requested by the Health Officer, the County Health Officer shall either grant, conditionally grant or deny the permit. ~~A permit shall not be issued if, in the judgment of the Health Officer, the well may jeopardize the health, safety or welfare of the people of the county.~~ Well permits shall be issued only if the proposed well is in compliance with all applicable county codes and will be located on a legal lot of record. Well permits may be approved with specific requirements to comply with this Chapter.

F. ~~At the discretion of the Health Officer and prior to the commencement of any work, an emergency approval may be granted for any work for which a permit is required by this Chapter if the Health Officer determines that a sudden, unexpected occurrence demands immediate action to prevent loss of or damage to life, health, property or essential public services, and it is not practical to obtain a permit before the commencement of the work. The Health Officer may request, at the applicant's expense, verification by a qualified professional of the nature of and solutions to the emergency situation~~



~~Any person who shall commence any work for which a permit is required by this Chapter without having obtained a permit therefore, shall, if subsequently granted a permit, pay double the permit fee for such work; provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the Health Officer that such work was urgently necessary and that it was not practical to obtain a permit before commencement of the work.~~ In all cases in which emergency work is necessary, a permit shall be applied for within three working days after commencement of the work. If emergency approval by the Health Officer is not requested or an application is not submitted within the specified time, the work shall be considered a violation of this Chapter. The applicant for a permit for any such emergency work shall demonstrate that all work performed is in compliance with the technical standards of Section 7 70 090 of this Chapter

#### **7.70.040 Permit--Expiration.**

A Each permit issued pursuant to this chapter **shall** expire and become null and void if the work authorized thereby has not been completed within one year following the issuance of the permit

B. Upon expiration of any permit issued pursuant thereto, no further work may be done in connection with construction, repair, reconstruction or destruction of a well, monitoring well, test well, geothermal heat exchange well, or cathodic protection well unless and until a new permit for such purpose is secured in accordance with the provisions of this chapter.

C. The Health Officer may authorize renewal of a permit for an additional year upon payment of 20% of the application fee within 180 days after the date of permit expiration.

#### **7.70.050 Permit--Suspension or revocation.**

A. A permit issued under this Chapter may be revoked or suspended by the Health ~~Officer~~ as provided in this section if he/she determines that a violation of this Chapter exists, that written notice has been directed to the permittee specifying the violation and that the permittee has failed or neglected to make necessary adjustments within thirty days after receiving such notice.

B. A permit may be revoked or suspended by the Health ~~Officer~~ if he/she determines ~~at~~ a hearing held by the Health Officer for such purpose that the person to whom any permit was issued pursuant to this chapter has obtained the ~~same~~ **by** fraud or misrepresentation; provided that notice of the time, place and purpose of such hearing is given to the permittee at least five days prior thereto.

C. The suspension or revocation of any permit shall not be effective until notice thereof in writing is mailed to the permittee.

#### **7.70.060 Licensed contractor required.**

Construction, reconstruction, repair and destruction of all wells, including cathodic protection wells, geothermal heat exchange wells, test wells and monitoring wells, shall be performed by a contractor with a C-57 contracting license, or an equivalent license issued by the Department of Professional and Vocational Standards.

**7.70.070 State and Federal Reporting Regulations.**

Nothing contained in this Chapter shall be deemed to release any person from compliance with the provisions of Article 3, Chapter 10, Division 7 of the Water Code of the state or any other State or Federal reporting regulations.

**7.70.080 Inspections.**

A. Upon receipt of an application, an inspection of the location of the well, test well, geothermal heat exchange well, or cathodic protection well shall be made by the Health Officer prior to issuance of a well permit. Inspection of monitoring well locations prior to permit issuance may be made by the Health Officer.

B. The person responsible for construction, reconstruction or destruction of any well shall notify the Health Officer ~~when~~ at least 48 hours prior to commencement of work commences. All work shall be subject to inspection by the Health Officer to insure compliance with all the requirements of this Chapter.

C. After work ~~has~~ been completed, the person performing the work shall ~~file~~ with the Health Officer a notice of completed work or a copy of the California Department of Water Resources well ~~driller's completion~~ report. The Health Officer shall make final inspection of the completed work to determine compliance with the well standards

**7.70.090 Technical Standards**

Standards for the construction, repair, reconstruction of or destruction of wells, abandoned wells, monitoring wells, test wells, geothermal heat exchange wells, and cathodic protection wells shall be ~~as~~ set forth in Chapter II of the Department of Water Resources Bulletin No. 74-81, "Water Well Standards" (December, 1981), the Department of Water Resources Bulletin No. 74-90. "Water Well Standards" (June, 1991) and Chapter II of the Department of Water Resources Bulletin No. 74-1, "Cathodic Protection Well Standards" (March, 1973), or ~~as~~ subsequently revised or supplemented, which are incorporated by reference in this Chapter, with the following modifications:

A. The ~~minimum~~ distance between all wells and subsurface sewage leaching fields, ~~or~~ septic tanks, or animal enclosures shall be one hundred feet. If the property is already developed and served by a well that is less than 100 feet from the septic system, and if no other alternative water source is available, a replacement well may be drilled less than 100 feet from the septic system if a sanitary seal at least 100 feet deep is installed and the existing well is destroyed.

B. No well shall be constructed within fifty feet from the property line of the property owner authorizing construction of the well. This setback may be reduced to not less than 5 feet if the owner of the adjacent property authorizes a reduction in setback, or if the Health Officer determines that ~~area~~ on the adjacent property within 100 feet of the proposed well is unsuitable for installation of ~~an~~ on-site sewage disposal system.

C. All wells shall be constructed so that the well seal shall be a ~~minimum~~ of fifty feet below the surface of the ground. If usable water is only available less than 50 feet from the surface,

the Health Officer may allow the seal depth to be reduced to not less than twenty feet if the well construction, site conditions, and the characteristics of the underlying geology will preclude the downward movement of contaminants into the aquifer.

D. Drilling fluids and other drilling materials used in connection with well construction shall not be allowed to discharge onto streets or into waterways; and shall not be allowed to discharge off the parcel on which the well is constructed onto adjacent properties, provided, that adjacent property may be used temporarily for the discharge of such fluids and materials pursuant to a written agreement with the owner(s) of the adjacent property and provided that such fluids and materials are removed and cleaned up within thirty days of completion of the well drilling.

E. Water generated during test pumping of wells shall be dispersed or disposed of in a manner which will not cause excessive erosion or turbidity, in violation of County Code Chapters 16.22 or 16.24.

F. Paragraphs A, B and C, do not apply to monitoring wells.

G. New wells that supply water to a public water system must use the methodology, as required by the State of California Department of Health Services Drinking Water Source Assessment and Protection Program, to determine the ten-year time-of-travel Ground Water Protection Zone. For other wells, e.g., individual domestic wells, the default Ground Water Protection Zone minimum radius of 1,000 feet for a five-year time-of-travel shall be used to protect the drinking water source from chemical contamination. If sites with existing soil and/or groundwater contamination are present within the ten-year zone for public water systems, or five-year zones for other wells such as domestic wells, and the Health Officer determines that there is a potential for a Contamination Hazard to be created, the Health Officer may require that a report evaluating the potential for contamination or pollution of the well from existing nearby activities be prepared prior to issuance of a well permit. The report shall be prepared by a Professional Geologist, Engineering Geologist or Professional Engineer and shall at a minimum include conclusions and data supporting the conclusions, including a description of site and regional geology, subsurface conditions, strata, direction and rate of groundwater flow, locations of vicinity water wells, and construction details for those wells as can be determined based on existing data. The report shall describe proposed well construction methods and other measures to be taken to prevent contamination or pollution of the well and surrounding aquifers. The Health Officer shall deny a well permit or require specific construction requirements in order to prevent contamination or pollution of the well or surrounding aquifers.

G.H. The Health Officer shall have the power to allow minor variances from the standards set forth in this section so as to prevent unnecessary hardship or injustice and at the same time accomplish the general purpose and intent of the standards and the resource protection policies of the County's General Plan and Local Coastal Program Land Use Plan. In no case may a variance be granted that constitutes a special privilege.

I. The Health Officer may establish standards and procedures for the construction and destruction of wells to be used for monitoring or remediation of sites with known or threatened contamination.

**7.70.100 Well Abandonment and Destruction; Inactive Well**

A. A well is considered abandoned when it has not been used for a period of one year and it is not being maintained as a monitoring well or an Inactive Well. If the well owner demonstrates to the satisfaction of the Health Officer an intent to use the well again for supplying water or other associated purposes, the well is considered an Inactive Well.

B. The owner of an Inactive Well shall properly maintain the well in such a way that:

1. The well is covered such that the cover is watertight and cannot be removed, except with the aid of equipment or the use of a tool.

2. The well is marked so it can clearly be seen

3. The area surrounding the well is kept clear of brush or debris

4. The pump shall be maintained in the well, with an approved power supply, except for temporary removal for repair or replacement.

C. On abandonment of a well, or on the order of the Health Officer, a well shall be destroyed under permit by methods described in Bulletin 74-81 and Bulletin 74-90, which are incorporated by reference in this chapter with the following modifications.

1. All open wells shall be immediately capped with a **fixed** cover until the well is **properly** destroyed.

2. The well shall be completely sealed with acceptable sealing material from the true bottom of the well up to 5 feet of the surface. The casing should be cut off **5** feet below the surface, with the excavation backfilled by compacted native material.

3. Acceptable sealing materials are 23 7sack neat cement, 10sack cement grout, hydrated high solids 20 percent bentonite slurry, or any other compound approved by the Health Officer.

4. A tremie pipe or other method approved by the Health Officer shall be used to pump the sealing material into the well under pressure if the well is over 30 feet deep or more than 3 feet of standing water is present in the well. ~~In some cases the well casing may be required to be perforated by the Health Officer, prior to sealing~~

5. Where there is potential for movement of contaminants between the outside of the well casing and the borehole, the Health Officer shall require perforation of the casing at certain depths, overdrilling, and/or other techniques which will seal the annular space outside the well casing as needed to prevent the migration of contaminants.

6. For destruction of wells where moundwater quality problems are known to exist, the Health Officer may require that destruction be designed and supervised by a professional Geologist, Professional Engineer or other qualified person. The proposed method of destruction shall be subject to approval by the Health Officer prior to performance of the work.

D. A well which has any defects which will allow the impairment of quality of water in the well or in the water-bearing formations penetrated shall be destroyed and may not be designated Inactive. In areas where groundwater problems are known to exist, abandoned wells that penetrate and/or are perforated in two or more aquifers shall be destroyed and may not be designated Inactive.

E. To prevent the contamination of underground water supplies through open wells, no person shall knowingly permit the existence on premises in his or her ownership or possession or control of any well opening or entrance which is not sealed or secured in such a way as to prevent the introduction of contaminants.

F. No person shall knowingly permit on premises in his or her ownership or possession or control the existence of any abandoned well that constitutes a known or probable pathway for the vertical movement of contaminants.

#### 7.70.110 Groundwater protection.

A. ~~Within the Pajaro groundwater protection zone, and in other areas where groundwater quality problems are known to exist by the Health Officer~~ water contains constituents in excess of the applicable standards currently promulgated by the California Department of Health or where a monitoring agency has determined that seawater intrusion is threatened, all new wells shall be constructed in such a manner that the well does not provide a conduit for contamination or pollution between aquifers screen or perforations are located solely in one aquifer. All other aquifers shall be sealed by installing a cement or cement grout seal in the annular space between the well casing and the borehole to prevent present and future inter-aquifer movement of water.

1. In such ~~areas where groundwater quality problems are known to exist by the Health Officer,~~ the Health Officer shall impose a requirement for new wells which penetrate more than one aquifer that an electric log device measuring spontaneous potential and resistivity be run in the uncased well bore hole by a registered certified hydrologist, geohydrologist or other qualified person. Based on the ~~data~~ obtained from the electric log and the geologic log of the well, the hydrologist, geohydrologist or ~~other~~ qualified person approved by the Health Officer shall identify strata containing poor water quality and recommend to the well driller the location and specifications of the seal or ~~seals~~ needed to prevent the entrance of poor-quality water or its migration into other aquifers.

2. The well shall be completed with the seal or ~~seals~~ specified by the hydrologist, geohydrologist or other such qualified person. The person performing and evaluating the electric log shall submit a written **report** to the Health Officer.

B. Prior to completion of a well, a water sample shall be collected and tested for total dissolved solids, chloride, nitrate, and any other constituent which the Health Officer has reason to believe could be present in the well. The sample results shall be submitted to the Health Officer. If any constituent exceeds drinking water standards, the Health Officer shall require testing and sealing of the well pursuant to Section A., above. If drinking water standards cannot be met or the aquifer cannot be adequately protected from contamination or pollution, the Health Officer shall require that the well be destroyed. The Health Officer may require additional water quality testing upon completion of the well.

C. Each application for a new or replacement well shall accurately specify the parcels proposed to be served, the type of land uses to be served, the estimated annual water use, and the presence of any existing wells which also serve those uses. The Health Officer may require documentation to support the water use estimates provided.

D. For wells which will serve more than four residential connections or which will serve nonresidential uses which can be expected to utilize more than 2 acre-feet of water per year, the following measures will be taken to ensure that groundwater is put to beneficial use and is not wasted

1. A water use efficiency audit shall be completed, with recommendations for increased efficiency of use identified. The Health Officer shall require that all reasonable measures be implemented.

2. ~~In lieu of performing an efficacy audit as required by subsection D.1,~~ the property owner may provide verification that conservation measures to achieve efficient interior and exterior water use have been taken.

3. For new uses that will be developed after the well is completed, the property owner shall provide certification that conservation measures will be implemented as a part of the new use.

4. Requirements for water efficiency audits and acceptable conservation measures shall be defined by the Health Officer and periodically revised to reflect advanced technology that is readily available locally.

#### **7.70.120 Soquel Creek service area restrictions.**

A. Findings. The Board of Supervisors finds and determines that:

1. Several reports have been prepared which indicate the potential for seawater intrusion into the Purisima Formations of the Soquel-Aptos groundwater basin, and

2. There is need for careful monitoring and management of the groundwater basin; and

3. Careful management is greatly facilitated by restricting the number of new wells and requiring that new development be supplied by Soquel Creek County Water District, a public agency empowered to carry out monitoring and management efforts; and

4. Construction of new wells within the water district service area increases the potential public health hazard of cross-connection between public and private water systems;

5. Current County General Plan policies require that new development within the urban services line be served by a public water system.

B. Well Construction Within the Soquel Creek County Water District Service Area. The construction of new wells shall be prohibited on parcels that are both within the area designated as the

"Soquel-Aptos groundwater basin" (as adopted by separate Board Resolution 233-81) and within two hundred feet of a water distribution line of the Soquel Creek County Water District:

C. New Well Construction—Exceptions. The following new well construction shall not be subject to the prohibition of this section:

1. Replacement of existing wells;
2. Construction of a well for agricultural use, monitoring and observation purposes, geothermal heat exchange or cathodic protection; and
3. Well construction on parcels which cannot be served by the Soquel Creek County Water District, as determined by the Environmental Health Director based on a written statement from the District clearly demonstrating their inability to provide service.
4. Construction of a well by any public water purveyor.

#### 7.70.130 Groundwater emergencies.

A groundwater emergency shall be declared in areas demonstrated to be experiencing a groundwater overdraft exceeding the safe yield in order to prevent further depletion and degradation of water resources where such degradation threatens the public health, safety and welfare of the community and where the Board of Supervisors finds that adequate measures are not already being taken to alleviate the overdraft situation. The emergency shall have no effect on drilling of monitoring geothermal heat exchange or cathodic protection wells.

A. Declaration. A declaration of a groundwater emergency shall be made by the Board of Supervisors only after a public hearing. Such an emergency shall be declared by resolution of the Board after the public hearing to consider all relevant information such as, but not limited to, the most current groundwater study, recommendations of water purveyors and the Water Advisory Commission and only after the following findings can be made:

1. The designated area is experiencing a groundwater overdraft exceeding the long-term average annual recharge of groundwater resource;
2. The creation of new wells or the expansion of existing wells will significantly increase the demand on the affected aquifer and thereby increase the overdraft; and
3. The continuation of the overdraft will result in further depletion and degradation of the water resource that can lead to, but is not limited to, impairment of the aquifer or allowing the ingress of low-quality or saline waters.
4. Adequate measures are not being taken by water users and other responsible agencies to alleviate the overdraft situation.

B. Immediate Measure to Alleviate. In areas where a groundwater emergency is declared, the Board of Supervisors shall take action to establish water conservation measures, to limit construction of new wells, to regulate pumping from or expansion of existing wells, and in order to

prevent further depletion and degradation of the affected aquifer. In taking these actions, the Board shall give consideration to the seasonal needs of agriculture including, but not limited to, the following factors.

1. Agriculture's need to repair, **maintain** and replace existing wells serving existing agricultural use acreage;

2. Well construction for agricultural use to serve existing agricultural acreage when new parcels are created due to change in legal ownership, split parcels or parcels created **by** change in zoning laws or other governmental regulations; and

3. The different water requirements of agricultural crops.

**C.** Long-term Measures to Alleviate. The Board shall initiate actions such **as**, but not limited to, joint power agreements with other agencies with the goal of **finding permanent** solutions to the groundwater problem.

**D.** Duration. A groundwater emergency and the measures enacted to alleviate the emergency shall remain in effect until rescinded **as** established in Subsection **F** of this Section.

**E.** Annual Review. The establishment of a groundwater emergency and all actions to alleviate the emergency **shall be** reviewed by the Board of Supervisors within one year of the date of enactment of the measures at a public hearing to decide whether the declaration of emergency shall remain in effect

**F.** Rescinding. A groundwater emergency shall be rescinded by resolution of the Board of Supervisors after a public hearing when one of the following **findings** are **made**:

1. Alternative water sources which compensate for the existing overdraft and supply the affected area are developed,

2. A groundwater management program is implemented which will allow for additional development without contribution to groundwater overdraft; or

3. The Board of Supervisors determines that new information is available which indicates that the technical data upon which the original **findings** were based is no longer valid.

#### **7.70.140 Abatement—Investigation.**

The Health **Officer** may, upon reasonable cause to believe that an abandoned well, a cathodic protection well, or any other well, may potentially either contaminate or pollute groundwater, investigate the situation to determine whether such potential threat to groundwater quality or **present** nuisance, does, in fact exist. The Health Officer shall have the power upon presenting identification to any person apparently in control of the premises to enter upon any such premises between the hours of 8:00 a.m. and 600 p.m., to discover or inspect any thing or condition which may indicate such a nuisance or threat to groundwater quality. The Health **Officer** may examine such premises, things or conditions, take such samples and make such tests **as** needed and take other steps reasonably



necessary for the proper investigation and determination of whether a nuisance or threat to groundwater quality exists.

#### 7.70.150 Abatement generally.

Whenever the Health Officer determines that ~~an~~ abandoned well, a cathodic protection well, or any other well or is presently polluting or contaminating groundwater, or poses a substantial ~~threat~~ to groundwater quality, or is otherwise not in compliance with the provisions of this Chapter, the Health Officer may abate the well ~~as~~ a nuisance in accordance with the provisions of Chapter 1.14 of this Code.

#### 7.70.160 Nuisance-Abatement of safety hazard.

This chapter shall not affect the right of the county to abate ~~as~~ a public nuisance ~~pursuant~~ to Article 9, Chapter 1, Division 1, Title 5, of the Government Code (commencing with Section 50230) any abandoned well, or cathodic protection well, or other well which presents a safety hazard.

#### 7.70.170 Amendments

Any revision to this chapter which applies to the coastal zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes ~~an~~ amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program, such revision shall be processed pursuant to the hearing and notification provisions of Chapter 13.03 of the Santa Cruz County Code, and ~~shall~~ be subject to approval ~~by~~ the California Coastal Commission.

### SECTION II

**This** ordinance shall take effect on the 31st day after the date of final passage or upon certification by the State Coastal Commission, whichever is latest

### SECTION III

In order to prevent or control groundwater overdraft, and to preclude the declaration of a groundwater emergency pursuant to Section 7.70.130, the County Board of Supervisors, after holding ~~a~~ public hearing, may ~~take action to~~ enact additional measures applicable to production wells, water conservation, monitoring and other activities within its jurisdiction that are deemed necessary to prevent degradation of the aquifer and which are in support of and consistent with programs and requirements adopted by established groundwater management authorities.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

AYES: SUPERVISORS

Environmental Review Initial Study  
ATTACHMENT 14 13 of 14  
APPLICATION Countywide-  
Amendments to County  
Well Ordinance

NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

\_\_\_\_\_  
Chair, Board of Supervisors

Attest:

\_\_\_\_\_  
Clerk of the Board

Approved as to form:

\_\_\_\_\_  
County Counsel

Environmental Review Initial Study  
ATTACHMENT 1 of 14  
APPLICATION Countywide  
Amendments to County  
Well Ordinance.