Staff Report to the Planning Commission

Agenda Date: October 23, 2024

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: Public hearing to review and provide recommendations to the Board of Supervisors regarding proposed amendments to Chapters 7.70 and 7.73 of the Santa Cruz County Code

RECOMMENDED ACTIONS

1) Conduct a public hearing to review proposed amendments to Santa Cruz County Code Chapter 7.70 (Water Wells) (Exhibit A) and Chapter 7.73 (Individual Water Systems) (Exhibit B) and Resource Protection Policy (Attachment C-3) to bring County provisions into conformance with State Policy and with associated CEQA Notice of Exemption, and

2) Adopt the attached resolution (Exhibit C) recommending that the Board of Supervisors:
   a. Approve amendments to Santa Cruz County Code (SCCC) Chapter 7.70, as set forth in Attachment C-l, incorporated herein by reference:
   b. Approve amendments to SCCC Chapter 7.73, as set forth in Attachment C-2, incorporated herein by reference;
   c. Approve the Resolution Adopting the Resource Protection Policy for Evaluation of Well Applications to Minimize Resource Impacts, pursuant to SCCC 7.70.110, as set forth in Attachment C-3, incorporated herein by reference;
   d. Direct staff to file the California Environmental Quality Act (CEQA) Notice of Exemption (Exhibit D) with the Clerk of the Board; and
   e. Direct staff to transmit the amendments to the California Coastal Commission as part of the next Local Coastal Program round.

EXECUTIVE SUMMARY

Staff proposes amendments to SCCC Chapter 7.70 (Water Wells) and Chapter 7.73 (Individual Water Systems) and adoption of a Resource Protection Policy to bring

County provisions into conformance with State policy and recent court decisions. Amendments include various measures for improved protection of groundwater and other resources and improved water supply reliability. Amendments to the Code require a recommendation from the Planning Commission to the Board of Supervisors. Amendments to County Code Chapter 7.70 and 7.73 are Coastal Implementing and will require Coastal Commission certification after County adoption.

DISCUSSION

Staff proposes amendments to SCCC Chapter 7.70 (Water Wells) and Chapter 7.73 (Individual Water Systems) and adoption of a Resource Protection Policy to bring County provisions into conformance with State policy and recent court decisions. Amendments include various measures for improved protection of groundwater and other resources and improved water supply reliability, including requirements for: various measures to reduce impact of wells on groundwater resources, streams and associated public trust resources, karst areas, nearby wells, and designated groundwater extraction concern areas; different levels of review and protective measures for different types of wells, including discretionary review and potential for denial of Tier 4 wells; provisions for review and comment on well applications by affected water agencies and groundwater sustainability agencies; provisions for regulation of soil borings and stormwater infiltration devices; metering of all newly installed non domestic wells; penalties for code violations; promulgation of specific policies for implementation of code requirements; more extensive water quality testing for individual water systems and more stringent yield testing in known limited yield areas; recordation of a notice on the deed for wells with limited yield or quality; water quality testing and yield testing at the time of property transfer; and, various other wording changes and clarifications. Amendments to County Code Chapter 7.70 and 7.73 are Coastal Implementing and will require Coastal Commission certification after County adoption.

Background

SCCC Chapter 7.70 specifies measures for the siting, construction, and destruction of wells to protect groundwater resources and provide suitable water supply for the intended use. SCCC Chapter 7.73 specifies yield and water quality requirements for individual water systems that predominantly utilize wells. Both chapters implement General Plan/Local Coastal Plan (LCP) policies in Objectives ARC-4.5 and PPF-4.1 and are designated as Local Coastal Program (LCP) implementing ordinances. The last significant revisions of Chapter 7.70 and Chapter 7.73 were completed in 2009 and 1993, respectively.

Since the last update of Chapter 7.70 was completed in 2009, policy changes at the State and local level, including the following, have taken place:

- Adoption by the State of the Sustainable Groundwater Management Act (2014), which supports the action of three local Groundwater Sustainability Agencies (Santa Margarita, Mid-County, and Pajaro Valley);
- Senate Bill 552 and Executive Order N-7-22, which required counties to evaluate and address drought impacts on wells, and evaluate the effect of new wells on existing wells and on groundwater sustainability agencies;

- Court decisions have required counties to consider CEQA review and protection of public trust values in the issuance of new well permits;
- Locally, the County has adopted the Climate Action and Adaptation Plan, and the Drought Response and Outreach Plan;
- Concerns were raised by the National Marine Fisheries Service that the County needs to consider the impact of new wells on interconnected surface waters and threatened and endangered salmonid species;
- The County has not exercised regulatory oversite of soil borings even though that is provided for in state policy and is done in most neighboring counties;
- The State is looking to counties to take more responsibility for deficiencies of private wells.

To address these issues, Environmental Health staff and the County Water Advisory Commission have undertaken a process to update the County Codes that address wells and individual water systems. Staff convened a technical advisory committee (TAC) that included representatives form the Water Advisory Commission, local water agencies, well drillers, groundwater sustainability agencies, resource agencies, and agricultural interests. Staff met with the TAC four times and held additional meetings with individual stakeholder groups. Staff also conducted outreach to the Farm Bureau and realtors. The Water Advisory Commission held a public workshop on the proposed amendments on August 7, 2024, and recommended staff proceed to take the proposed amendments to the Planning Commission and the Board.

Staff conducted extensive analysis and analytical modelling to evaluate the impact of groundwater pumping on streamflow and the effectiveness of various measures to reduce the impact on streamflow, including increased setbacks from streams and deeper well seals. These measures have been incorporated into the resource protection policy to reduce the impact of small domestic wells and replacement wells with no increase in water use. New non-domestic wells with significant increase in water use will require more extensive CEQA review and analysis and may be subject to denial if impacts cannot be mitigated.

Code Amendments

Staff worked with the TAC and interested stakeholders to prepare proposed amendments to Chapters 7.70 and 7.73. The objectives of the updates included:

1. Follow all applicable laws and regulations.
2. Honor the core tenants of the County General Plan which includes recognition of agricultural land as an essential and irreplaceable resource for future generations.
3. Be equitable in consideration of impacts to groundwater users, including consideration of public trust resources.
4. Limit impacts on existing users and small domestic users while providing improved protection of resources.
5. Facilitate communications with Groundwater Sustainability Agencies and recognizes their mandate to sustainably manage their groundwater basins.
6. Acknowledge the impact that climate change is having on water resources.

Following are the significant changes proposed to Chapter 7.70 (all changes are shown

in Exhibit A):

1. Additional measures are added to reduce impact of wells on groundwater resources, streams and associated public trust resources, karst areas, nearby wells, and designated groundwater extraction concern areas;
2. Different levels of review and protective measures for different types of wells are provided for, including discretionary review and potential for denial of Tier 4 wells;
3. Explicit provisions are added for review and comment on well applications by affected water agencies and groundwater sustainability agencies;
4. Provisions are added for regulation of soil borings and stormwater infiltration devices;
5. Metering of all newly installed non domestic wells will be required;
6. Penalties for code violations are added;
7. Provisions are added for promulgation of specific policies for implementation of code requirements to allow more flexibility for implementation and adjustment of specific elements of effective policy.

Following are the significant changes proposed to Chapter 7.73 (all changes in Exhibit B):

1. More extensive water quality testing for individual water systems: Title 22 constituents, plus other constituents in water quality concern areas;
2. More stringent yield testing in known limited yield areas;
3. Recordation of a notice on the deed for new wells with limited yield or quality;
4. IWS requirements also apply to non-domestic uses and additional testing is required for change or expansion of use;
5. Water quality testing and yield testing at the time of property transfer to inform the buyer.

Resource Protection Policy

The Resource Protection Policy (Attachment C-3) has been developed pursuant to Chapter 7.70, which would provide more specific details for the implementation of resource protection measures. This policy would be adopted by Board resolution but could be updated by Board resolution much more quickly than a code amendment. This allows for a much timelier implementation of the objectives of the Chapter 7.70. This policy includes specific provisions to:

1. Minimize impacts on streams, public trust resources, groundwater dependent ecosystems, and groundwater sustainability
    a. Definition and requirements for review and approval of different types of wells (Tiers 1-4)
    b. Specification of Critical Streams and the limited amount of depletion allowed related to resource value and current impairment of flow in that stream.
2. Minimize Influence on groundwater levels and production of nearby wells: calculated setbacks required
3. Evaluation of non-domestic wells that encounter karst;
4. Applicability of environmental review requirements for well permits;
5. Requirement for metering and water use reporting for non-de minimis wells;
6. Requirement for water use efficiency measures to prevent waste and minimize overdraft;

7. Specification of additional requirements in groundwater extraction concern areas.
   a. Limited Yield Areas: more stringent yield testing
   b. Elevated Water Quality Concern Areas: water quality testing
   c. Tier 4 Seawater Intrusion Areas: Tier 4 evaluation

Summary of Tiers for Evaluation and Approval of Well Permit Applications:

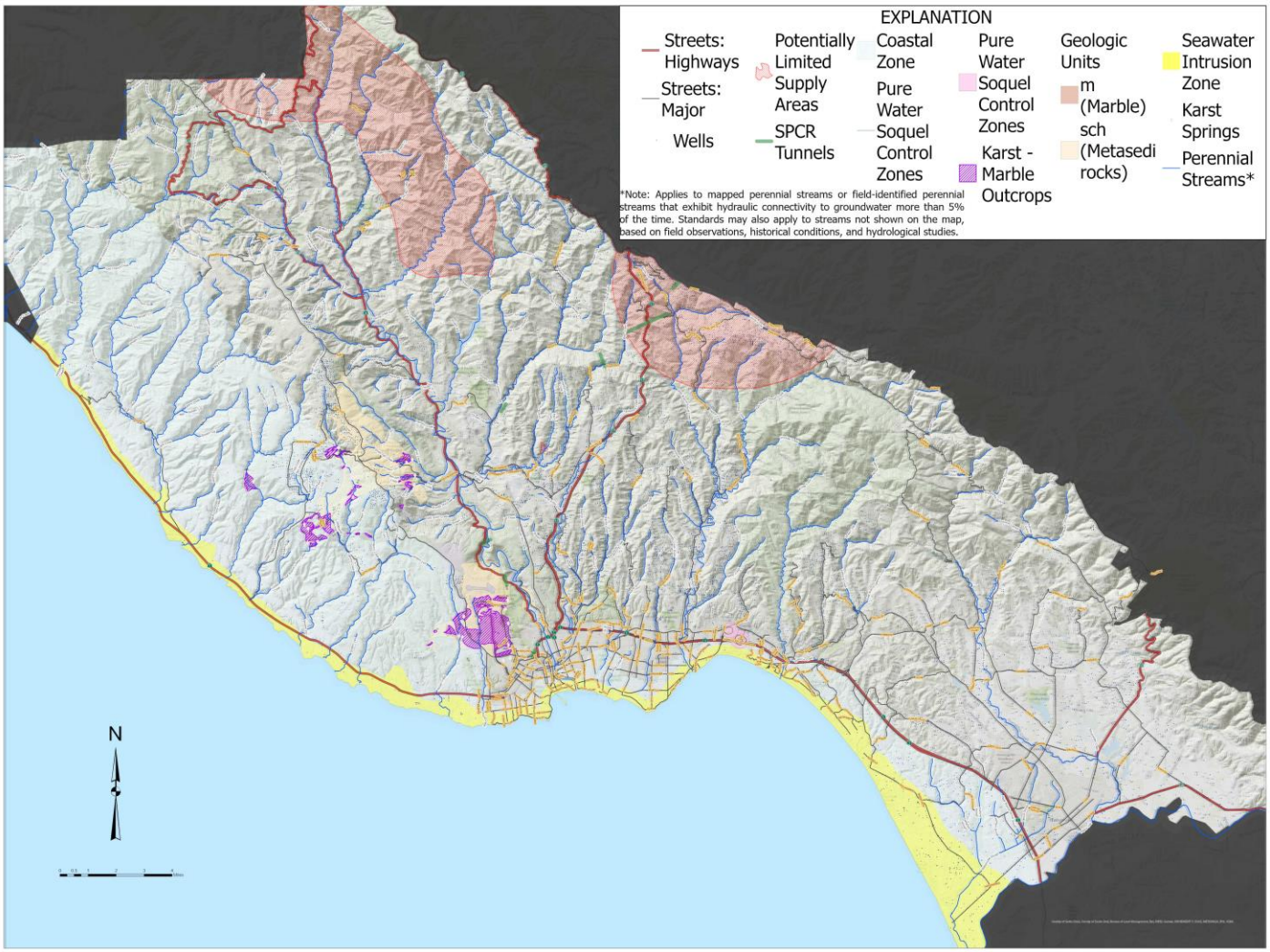
Proposed Level of Review and Mitigation Required for Various Types of Well permit Applications					
Tier	**Criteria**	**Average Number of Permits/year**	**CEQA Review Required?***	**Connected Stream Setback**	**Nearby Well Setback**
Tier 1	De Minimis, domestic < 5 connections; Non-de minimis <2 AFY	44	Ministerial	>50 ft and 100 ft deep seal within 1000 ft of stream**	>50 ft
Tier 2	Non-De minimis Replace/Supplemental	11	Ministerial	>100 ft or not less than existing, and 200 ft deep seal within 2000 ft of stream**	>50 ft, or not less than existing
	Public Water system replace/supplemental	1			
Tier 3	New Non-De minimis wells that are consistent with GSPs, meet Tier 3 calculated setbacks, and will pump less than 50 afy/100gpm	1	Ministerial	If within 2000 ft of stream, Using depletion model, 10th percentile dry season flow shall not be reduced by more than allowed % after 10 years of pumping ***	Calculated minimum setback so that drawdown at nearby well is less than 5 feet****
	Wells that do not meet Tier 1 or 2 minimum setbacks, but do meet Tier 3 calculated setbacks	?			
Tier 4	Wells that do not meet Tier 1,2,or 3 requirements; or located in a control zone or Tier 4 gw concern area	?	Yes	Analysis, including cumulative effect on streamflow in overall basin	Analysis and mitigation
	New Public Water System Serves > 199 connections	<1			

Definition of Types of Wells:

1. De Minimis Well: used to extract less than 2 acre-feet per year for domestic purposes. De minimis wells include a water well used to supply water for domestic needs of up to four individual primary residences using a total of less than 2 acre-feet per year. An approved accessory dwelling unit is not considered a separate primary residence for this purpose. De minimis domestic use may include up to one half acre of non-commercial residential irrigated landscaping and gardening per primary unit.
2. New Well will serve a new or significantly expanded use, which represents an increased extraction of groundwater. A significant increase would result from a new use or change of use in the area served by the well that will result in an increase in the maximum annual amount of water extracted in the past 5 years.
3. Replacement Well serves an existing use or change of use with no significant increase in water use and will replace an existing water source such as a spring or a well that is to be destroyed.

4. Supplemental Well supports an existing use, including a change of use, with no significant overall increase in total water use as described above.

Groundwater Extraction Concern Areas



General Plan and Local Coastal Program Consistency

The proposed amendments are consistent with objectives and implementation strategies in the General Plan/LCP in the Agriculture and Natural Resource Conservation Element (ARC 4.5) and the Parks, Recreation and Public Facilities Element (PFF 4.1). The proposed amendments will provide for increased protection of water resources and coastal resources and will not have any adverse effects or conflicts with Local Coastal Program policies.

Environmental Review

The Environmental Coordinator has made a determination that this package qualifies for an exemption under the CEQA as the package will provide for increased protection of the environment. This proposal is therefore exempt from further consideration under the

CEQA (CEQA Guidelines Section 15308) and a Notice of Exemption has been prepared (Exhibit D).

Report Prepared by:
John Ricker, Water Resources Consultant for Environmental Health Division

Report Reviewed by:
Sierra Ryan, Water Resources Program Manager, Environmental Health Division

Exhibits

A. Proposed amendments to Chapter 7.70 (Underline/strike-out)
B. Proposed amendments to Chapter 7.73 (Underline/strike-out)
C. Resolution Recommending Board Approval
    C-1 Proposed Amendments to County Code Chapter 7.70
    C-2 Proposed Amendments to County Code Chapter 7.73
    C-3 Proposed Board Resolution Adopting Resource Protection Policy
    C-3-A Resource Protection Policy
D. Categorical Exemption (CEQA Determination)

Chapter 7.70
~~WATER~~ WELLS AND BORINGS

Sections:

7.70.010 Purpose of provisions.

~~It is the purpose~~The purposes of this chapter are to ~~provide~~:

(A)Provide for the location, construction, repair, and reconstruction of all wells, including geothermal heat exchange wells, cathodic protection wells, test wells ~~and~~, monitoring wells, and soil borings, 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~~;

(B) Provide for the destruction of any abandoned wells, monitoring wells, test wells, geothermal heat exchange wells, ~~or~~ cathodic protection wells or soil borings, which may serve as a conduit for movement of contaminants, or which are found to be a public nuisance, to the end that such a well or boring 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.~~ ;

(C) Protect surface and ground water resources, and related public trust resources; and,

(D) Implement policies of the County General Plan and the Local Coastal Program Land Use Plan, the California Sustainable Groundwater Management Act, and local groundwater sustainability plans.

7.70.015 Applicability.

Except as otherwise provided in this chapter, this chapter shall apply to all wells and soil borings within the unincorporated area of the County, except the following:

(A) 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;
(B) Wells or bores used for the purpose of dewatering excavation during construction, or stabilizing hillsides or earth embankments; or
(C) Seepage Pits.

7.70.020 Definitions.
As used in this chapter, the following words shall have the meanings provided in this section:

(A) ~~(A)~~ "Abandoned well" means any well whose original purpose and use have 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~~their intent to use the well again for supplying water or other associated purposes and the well is maintained as an inactive well.

(B) ~~(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)~~

~~(1) "Agricultural well" means a water well used to supply water for commercial agricultural purposes, including so-called "livestock wells."~~

(C) ~~(D)~~ "Cathodic protection well" means any artificial excavation in excess of 50 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).~~

(D) ~~(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~~State Water Resources Control Board.

(E) ~~(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~~State Water Resources Control Board.

(F) ~~(H)~~ "Control Zone" means an area around a groundwater management project where well drilling is prohibited. Control Zones are defined by a water district and/or groundwater sustainability agency in order to comply with state health and safety requirements as required by the Section 60320.200(e) of Title 22 of the California Code of Regulations.

(G) "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.

(H) ~~(I)~~ "Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water.

(I) "Groundwater Extraction Concern Area" means an area designated by the Health Officer where groundwater availability is limited due to inadequate supply or poor quality, or where construction of additional wells may cause significant adverse impacts on groundwater levels, surface water flow, or seawater intrusion.

(J) "Health Officer" means the County Health Officer or ~~his/her~~their authorized representative.

~~(J) "Individual domestic well" means a water well used to supply water for domestic needs of an individual residence or commercial establishment.~~

~~(K) "Industrial well" means a water well used to supply industry on an individual basis.~~

(K) ~~(L)~~ "Inactive well" means a well not routinely operated but capable of being made an operating well with a minimum of effort.

~~(M) "Observation or monitoring well" means a well constructed or modified for the purpose of observing or monitoring groundwater conditions.~~

(L) ~~(N)~~ "Karst" means a type of underlying geology that may have the presence of subsurface fissures, caverns, sinkholes or other features resulting from dissolution of limestone or marble that could lead to the rapid subsurface movement of water. Known areas of karst are shown on maps maintained by the Health Officer and other underground karst areas may be discovered in the process of drilling.

(M) "Monitoring or observation well" means any artificial excavation by any method for the purpose of obtaining groundwater, vadose zone, or other subsurface data, including groundwater levels, groundwater quality, and soil vapor quality.

(N) "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.

(O) ~~(O)~~ "Pajaro groundwater protection zone" means the area in the Pajaro Valley Groundwater Basin within the boundaries of the Pajaro Valley Water Management Agency.

(P) ~~(P)~~ "Person" means any person, firm, corporation or governmental agency.

(Q) ~~(Q)~~ "Pollution" means an alteration of the quality of water to a degree that unreasonably affects:
(1) ~~(1)~~ Such waters for beneficial uses; or
(2) ~~(2)~~ Facilities which serve such beneficial uses.

(3) 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~~State Water Resources Control Board.

(R) ~~(R) "Safe~~"Public Trust Resources" mean resources, such as fisheries, wildlife, aesthetics, and navigation, which are held in trust for the public.

(S) "Seepage pit" means a large diameter borehole for the disposal of sewage.

(T) "Soil Boring or Boring" means an excavation or boring constructed to obtain information on subsurface conditions.

(U) "Stormwater infiltration device or dry well" means a trench or large diameter borehole for the infiltration of stormwater.

(V) "Sustainable 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~~significant unreasonable, undesirable result such as chronic lowering of groundwater levels, reduction of storage, seawater intrusion, degraded water quality, depletion of interconnected surface water. Where applicable, sustainable yield would be as defined by the Groundwater Sustainability Agency in their Groundwater Sustainability Plan or Alternative.

(W) ~~(S)~~ "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.

(X) ~~(T) "Well" or "~~"Tier" means the type of well application and the level of review and conditions that will be needed for approval based on the proposed volume of pumping, type of water use, proposed increase in water use, the aquifer characteristics and the potential for impact on streams, public trust resources, nearby wells, groundwater sustainability, control zones, and/or the environment.

(Y) "Water Well" means a well constructed to extract groundwater. Types of water wells include:

(1) "Agricultural well" means a water well used to supply water for commercial agricultural purposes, including so-called "livestock wells."

(2) ~~well~~"Community well" means a water well used to supply water for domestic purposes in public water systems or state small water systems as defined in Section 116275 of the Health and Safety Code.

(3) "De Minimis Well" means a water well used to supply water for domestic needs of up to four individual primary residences using a total of less than 2 acre-feet per year. An approved accessory dwelling unit is not considered a separate primary residence for this purpose. De minimis domestic use may include up to one half acre of non-commercial residential irrigated landscaping and gardening per primary unit.

(4) "Industrial well" means a water well used to supply industry or a commercial use on an individual basis.

(5) "New Well" means a water well that will serve a new or significantly expanded use, which represents an increased extraction of groundwater.

(6) "Replacement Well" means a water well that will serve an existing use with no significant increase in water use and will replace an existing water source such as a spring or well that is to be destroyed.

(7) "Supplemental Well" means a water well that that will support an existing use with no overall increase in water use. The existing source could be a shared well or other well that will be maintained as a backup source.

(Z) "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:~~, evaluating subsurface conditions, providing for geothermal heat exchange or cathodic protection, or any other subsurface installation that may create a potential conduit or preferential pathway for movement of water or contaminants to groundwater.

~~(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 hillsides or earth embankments.~~

~~(U)~~

(AA) "Well reconstruction" or "well repair" 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 is 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, or soil boring unless a written permit has first been obtained from the Health Officer 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 Health Officer.

(B) A coastal development 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 SCCC.

(C) Well permits for wells that meet the Tier 1, Tier 2 or Tier 3 requirements of SCCC 7.70.110(E) of this chapter are ministerial unless the ~~proposed well will serve a water system that is regulated by the State Department of Health Services or~~ issuance of the well permit requires one or more discretionary approvals pursuant to Chapter 13.20, 16.20, 16.30, 16.32, 16.40, or 16.42 SCCC.

~~(D) Each such~~(D) For proposed wells that do not meet the Tier 1, Tier 2, or Tier 3 requirements of SCCC 7.70.110(E), the Health Officer may require a report evaluating the potential impact of the proposed well to nearby wells, surface waters, public trust resources, or groundwater sustainability that is to be prepared and submitted to the Health Officer 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 nearby 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 adverse impacts of the well. The Health Officer shall deny a well permit or require specific construction requirements in order to prevent significant adverse impacts on nearby wells, surface water, public trust resources, or groundwater sustainability as defined by the applicable groundwater sustainability agency.

(E) Each application shall be accompanied by a filing fee set by resolution of the Board of Supervisors. No part of the fee shall be refundable.

(F) Water well permit applications shall be transmitted to the water system, water district, and/or groundwater sustainability agency that has jurisdiction over the parcel where the proposed well will be located or that could be impacted by the proposed well. Those entities shall have ten business days to provide any comment, request additional information, or identify any other requirements that must be met for the construction of the proposed well within their jurisdiction.

(~~E~~G) Within ~~10~~ 20 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 or deny the permit. 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~~H) 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 geologist, engineering geologist, or professional engineer of the nature of and solutions to the emergency situation. In all cases in which emergency work is necessary, a permit shall be applied for within three ~~working~~(3) business 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 SCCC 7.70.090.

(I) Any person who commences or completes any work for which a permit is required without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay double the permit fee established by resolution of the Board of Supervisors for such work. If such well does not meet the requirements of this Chapter, the Health Officer shall require the well to be destroyed under permit.

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~~two (2) years 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, or soil boring 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 percent of the application fee within 180 calendar 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~~they determine 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 (30) calendar days after receiving such notice.

(B) A permit may be revoked or suspended by the Health Officer if ~~he/she determines~~they determine 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 (5) calendar days prior thereto.

(C)~~-~~ The suspension or revocation of any permit shall not be effective until notice thereof in writing is ~~mailed~~provided 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~~ covered by this Chapter, 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 California 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 and soil boring 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 at least ~~48 hours~~two business days prior to commencement of work. All work shall be subject to inspection by the Health Officer to ensure compliance with all the requirements of this chapter.

~~(C)~~ (C) The Health Officer shall make inspection of the well seal and completed work to determine compliance with the well standards. 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 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 horizontal distance between ~~all~~ wells and potential sources of contamination shall be:

(1) 100 feet between subsurface sewage leaching fields, septic tanks, or animal enclosures ~~shall be 100 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 under permit.

(2) 150 feet to seepage pit

(3) 150 feet between a community well and subsurface sewage dispersal system less than 10 feet deep

(4) 200 feet between a community well and a subsurface sewage dispersal system greater than 10 feet deep. A greater separation up to 600 feet may be required in order to maintain a 2 year time of travel.

(B) No well shall be constructed within 50 feet horizontal from the property line of the property owner authorizing construction of the well. This setback may be reduced to not less than five feet horizontal if the owner of the adjacent property authorizes a reduction in setback~~,~~ or if the Health Officer determines area on the adjacent property within 100 feet of the proposed well is unsuitable for installation of an onsite sewage disposal system.

(C) All wells shall be constructed so that the well seal shall be a minimum of 50 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 20 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 written agreement with the owner(s) of the adjacent property; and provided, that such fluids and materials are removed and cleaned up within thirty (30) 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 Chapter 16.22 or 16.24 SCCC.

(F) Subsections (A), (B) and (C) of this section 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~~State Water Resources Control Board Drinking Water Source Assessment and Protection Program, to determine the 10-year time-of-travel groundwater protection zone. For other wells, e.g., ~~individual domestic~~de minimis wells, the default groundwater 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 10-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 without limitations 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.

(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 or soil borings to be used for evaluation, 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 (1) year and it is not being maintained as a monitoring well or 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 Nos. 74-81 and 74-90, or as subsequently revised or supplemented, 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 five (5) feet of the surface. The casing should be cut off five (5) feet below the surface, with the excavation backfilled by compacted native material.
(3) Acceptable sealing materials are 23 sack neat cement, 10 sack 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 three (3) feet of standing water is present in the well.
(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 groundwater 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~~their 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~~their ownership or possession or control the existence of any abandoned well that constitutes a known or probable pathway for the vertical movement of contaminants.

7.70.105 Soil Borings.

The Health Officer shall establish policies and procedures for installation and destruction of soil borings so that such soil borings do not create a conduit or preferential path for movement of contaminants into groundwater.

7.70.107 Stormwater Infiltration Devices.
The Health Officer shall establish policies and procedures for installation and destruction of stormwater infiltration devices so that such installations do not create a conduit or preferential path for movement of contaminants into groundwater.

7.70.110 ~~Groundwater~~Resource protection.

(A) Within the Pajaro groundwater protection zone, and in other areas where water contains constituents in excess of the applicable standards currently promulgated by the California Department

of Health or where a monitoring agency or groundwater sustainability 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.

(1) In such areas, 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 borehole by a certified hydrologist, geohydrologist or other qualified person~~.~~ approved by the Health Officer. Based on the data obtained from the electric log and the geologic log of the well, the certified 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 certified hydrologist, geohydrologist or other such qualified person approved by the Health Officer. 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 subsection (A) of this section. If ~~drinking water~~ standards for the proposed use 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, supplemental, 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 for non-de minimis wells, 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 two acre-feet of water per year~~new, supplemental, or replacement wells, 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~~evaluation 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 efficiency ~~audit~~evaluation as required by subsection (D)(1) of this section, 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~~evaluations and acceptable conservation measures shall be established by ~~resolution of the Board of Supervisors~~ policy by the Health Officer. The Health Officer may specify maximum annual water use based on Tier and mitigation of potential impacts.

(5) A meter shall be installed and maintained to accurately measure water use and usage shall be reported annually to the Health Officer, according to procedures established by the Health

Officer. The cost of meter installation, maintenance and reporting shall be borne by the well owner(s).

(6) The Health Officer may require the property owner to provide information to confirm that the required conservation measures are being maintained. If such information is not provided or water usage is not being reported, the Health Officer may conduct an inspection to observe the meter and/or verify that water conservation measures are being maintained. Inspections shall be conducted at reasonable times and the inspector shall first make a reasonable effort to contact the property owner(s) or occupant(s) of the premises. If the inspection requires the entry into a building or an area that is designed for privacy, then prior permission shall be obtained from any of the property owner(s) or occupant(s). If permission is denied, then a site inspection warrant shall be obtained.

(7) If the usage information or the results of a site inspection show that the well owner is not in compliance with this Chapter or with the requirements of the permit, the Health Officer shall require that corrective measures be taken.

(E) Each application for a new, supplemental, or replacement well shall be evaluated and specific measures may be required to ensure that the well will not have significant adverse impacts on groundwater sustainability, nearby wells, surface water, or the environment. The level of evaluation and required measures will depend on the Tier in which the well falls, based on the type of well, the location, and the aquifer characteristics. The Health Officer shall establish specific criteria and procedures for assigning the Tier and the extent of required evaluation and protective measures. Such criteria shall be adopted by resolution of the Board of Supervisors. The Health Officer may deny applications for Tier 4 wells that will have a significant adverse impact on groundwater sustainability, nearby wells, surface water, or the environment.

(1) Tier 1 will include de minimis wells and non-domestic wells using less than 2 acre-feet per year that do not require any discretionary review under other chapters of the SCCC and meet the minimum standards for preventing impacts on streams and nearby wells based on aquifer characteristics, well characteristics, depth of well seal, and location.

(2) Tier 2 will include supplemental and replacement non-de minimis wells with no significant increase in water use and meet the minimum standards for preventing impacts on streams and nearby wells based on aquifer characteristics, well characteristics, depth of well seal, and location.

(3) Tier 3 will include new non-de minimis wells serving new uses that will pump less than ~~100~~50 acre-feet per year and Tier 1 or Tier 2 wells that do not meet the Tier 1 or Tier 2 requirements. Tier 3 wells must also meet the minimum Tier 3 requirements for stream depletion and nearby well drawdowns.

(4) Tier 4 will include wells that do not meet the Tier 1, 2, or 3 requirements, are in a control zone, are in specified Tier 4 Groundwater Extraction Concern Areas, or are wells that could adversely affect the sustainability of a groundwater basin.

(F) A well permit shall not be approved for a well that poses a significant conflict with the implementation of a groundwater replenishment project or other project specified in an adopted groundwater sustainability plan as determined by the affected water district or groundwater sustainability agency.

(G) For non de minimis wells, if a well is proposed in a known karst area or if karst is encountered during the drilling process, further drilling shall be suspended, and the Health Officer shall evaluate whether a well can be completed without causing adverse impacts on groundwater resources, surface waters, or

other water users. The Health Officer shall establish procedures for such evaluation and may require analysis at the expense of the applicant by a professional geologist familiar with occurrence and movement of water in karst landscapes. Recommendations may include procedures for destroying the borehole without adversely affecting subsurface conditions. For de minimis wells that are proposed in karst or that encounter karst, the Health Office shall be notified prior to well completion, and additional protective measures may be required.

(H) Wells located in designated groundwater extraction concern areas will be subject to additional requirements to ensure reliability, adequate quality, and limited resource impact, as established by the Health Officer's policy. Approval of wells located in Tier 4 groundwater extraction concern areas shall be discretionary and may not be granted if resource impacts cannot be mitigated.

(I) If a groundwater sustainability agency has required metering or other conditions for an existing, new, replacement, or supplemental well, the property owner shall abide by those requirements. If the usage information or the results of a site inspection show that the well owner is not in compliance with those requirements, the Health Officer shall require that corrective measures be taken.

(J) New, supplemental~~ry~~, or replacement wells shall not be constructed within a designated control zone for a groundwater management project.

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 ~~Soquel-Aptos~~Santa Cruz Mid-County 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 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; and

(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 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 200 feet~~within 200 feet horizontal of a water distribution line of the Soquel Creek 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 commercial 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 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 or state small water system.

7.70.130 Groundwater emergencies.

A groundwater emergency shall be declared in areas demonstrated to be experiencing a groundwater overdraft exceeding the ~~safe~~sustainable 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, or the ability of a groundwater sustainability agency to meet its minimum thresholds, 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, soil borings, 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 of Supervisors after the public hearing to consider all relevant information such as, but not limited to, the most current groundwater study, recommendations of groundwater sustainability agencies, 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~~sustainable yield;

(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;

(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~~water, or other undesirable results; and

(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 of Supervisors 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 of Supervisors 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 (1) 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 is 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 or soil boring that 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 6:00 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 soil boring 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~~shall abate the well as a nuisance in accordance with the provisions of Chapter 1.14 SCCC.

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 or soil boring 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 SCCC, and shall be subject to approval by the California Coastal Commission.

7.70.180 Violations.

(A) In the event of a violation of the provisions of this chapter or the conditions of any permit issued under this chapter, the property owner/permittee shall be given notice of such violation and a reasonable time to correct the violation.

(B) Whenever the Health Officer visits a property to ensure compliance with a permit condition or a notice to correct violation, and the condition or requirement is not satisfied or the violation has not been corrected, the property owner shall be subject to a violation reinspection fee, the amount to be established by resolution of the Board of Supervisors.
(C) Reimbursement of the costs of investigation and enforcement of a violation including any fines or fees related to the violation shall be borne by the responsible party.

7.70.190 Recording notices of violations.
Whenever the Health Officer has knowledge of a violation of any of the provisions of this chapter or any condition of a permit issued under this chapter, the Health Officer may provide a notice of intent to record a notice of violation to the owner of the property on which the violation is located. Notice shall be provided by posting on the property and by mail at the address shown on the latest assessment roll or at any other address of the owner known to the Health Officer. The notice shall state that within twenty (20) calendar days of the date of the notice, the owner may request a meeting with the Health Officer to present evidence that a violation does not exist. In the event that a meeting is not requested and the violation has not been corrected, or, in the event that after consideration of the evidence the Health Officer determines that a code violation in fact exists, the Health Officer may record a notice of code violation in the office of the County Recorder. At the request of any affected property owner, the Health Officer shall issue a notice of expungement of code violation upon correction of any violation noticed hereunder. The notice of expungement may be recorded by the affected property owner at their expense. The decision of the Health Officer shall be final.

7.70.200 Promulgation of policies.
Any policy, specification, or procedure which the Health Officer is authorized by this chapter to adopt shall be in writing with copies made available to the public. Such policies, specifications or procedures shall be made available to the public thirty (30) days before their implementation by the Health Officer.

Chapter 7.73
INDIVIDUAL WATER SYSTEMS

Sections:

7.73.010 Purpose of provisions.

It is the purpose of this chapter to establish standards for safe and adequate water supplies for individual water systems and to ensure that such systems do not induce contamination of aquifers and therefore jeopardize the health, safety, and welfare of the people of Santa Cruz County. It is also the purpose of this chapter to implement policies of the County General Plan and Local Coastal Program Land Use Plan.

7.73.020 Definitions.

As used in this chapter:

(A) "Destroy" means the complete filling of the well, with impervious sealing materials to an appropriate level in accordance with procedures established by Department of Water Resources Bulletin ~~74-81~~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, and Chapter 7.70 SCCC, in order to restore, as nearly as possible, those subsurface conditions which existed before the well was constructed.

(B) "Dwelling unit" means a structure for human habitation providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, with the restrictions that only one kitchen or set of food preparation facilities is allowed in each dwelling unit and an interior stairway shall be provided between all stories. These restrictions shall not apply where an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) is permitted

pursuant to Chapter 13.10 SCCC. ADUs and JADUs shall be considered as extensions of the primary dwelling unit.

(C) "Health officer" means the County Health Officer or authorized representative.

(D) "Horizontal well" means a well drilled approximately horizontally into a water-bearing stratum as contrasted with a common vertical well, and from which water issues without the aid of a pump.

(E) "Individual water system" means any combination of water sources, storage facilities and related appurtenances which provides domestic water service to either:

(1) A single parcel under one ownership with not more than four dwelling units or other permitted land uses on the parcel;

(2) Up to four parcels, if:

(a) All parcels served are either contiguous with one another or are contiguous with the parcel on which the water source is located; provided, that public or private rights-of-way shall not be taken into consideration in determining contiguity; and

(b) The water source(s) is located on one of the parcels served; and

(c) Each parcel owner has not less than a one-quarter interest in the water system (source, facilities and appurtenances) and a sufficient legal interest in the land upon which it is located to guarantee access thereto and a right to the use thereof; and

(d) All of the parcels taken together have a total of no more than four primary dwelling units or other permitted land uses existing on them.

(3) A permitted land use that includes the provision of water to members of the public and/or employees but does not regularly serve more than an average of 25 individuals daily for more than 60 days out of the year,

(F) "Permit" means the written permission of the Health Officer or authorized representative to utilize water from, or otherwise participate in, an individual water system.

(G) "Spring" means a place where water issues from a rock or soil strata onto the land.

(H) "Well" means any artificial excavation constructed by any method for the purpose of extracting water from underground.

7.73.030 Requirement for permit.

No parcel which is or shall be dependent in whole or in part upon an individual water system for its water supply shall be developed for human habitation until an individual water system permit is granted by the Health Officer. No land use which is or shall be dependent in whole or in part upon an individual water system for its water supply shall be approved until an individual water system permit is granted by the Health Officer.

7.73.040 Application for permit.

(A) An application for an individual water system permit shall be made to the Health Officer on forms provided for that purpose and 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.

(B) Whenever an applicant seeks a permit for an individual water system which is to supply water to other properties in addition to the applicant's, the applicant must submit a copy of a recorded deed showing not less than one-quarter individual interest in the water source, storage and transmission facilities, and the land upon which the system is situated. The applicant must also identify the holders of the remaining interests in the water system, and comply with the requirements of SCCC 7.73.050, 7.73.060 and 7.73.070.

(C) Within ten (10) business days after receipt of a completed application, the Health Officer shall either grant, conditionally grant, or deny the permit. A permit shall be granted if the applicant has complied with all the provisions of this section and if those conditions specified in SCCC 7.73.050, 7.73.060 and 7.73.070 are satisfied.

7.73.050 Yield requirements.

No permit shall be issued unless and until the following water source requirements are established as prescribed in SCCC 7.73.060:

(A) November Through July. For each connection to a well water source, a minimum of three gallons per minute of yield must be sustained during a 24-hour period of continuous pumping, or until 4,320 gallons have been achieved during a time period of 24 hours or less of continuous pumping.

(B) August Through October. For each connection to a well water source, a minimum of two gallons per minute of yield must be sustained during a 24-hour period of continuous pumping, or until 2,880 gallons have been achieved during a time period of 24 hours or less of continuous pumping.

(C) For water systems serving new or expanded uses other than residential dwelling unit, the applicant shall estimate the proposed water use and shall demonstrate that the water source can reliably and

sustainably supply that amount of water and meet the requirements to protect resources as specified in County Code Section 7.70.110. Such estimates and demonstration of water availability and compliance with Section 7.70.110 must be approved by the Health Officer. The Health Officer may develop policies for the demonstration of adequate non-residential supply.

(D) Limited Yield Areas. In areas where groundwater yield is known or expected to be limited, as determined by the Health Officer, more extensive yield testing will be required, which may include longer duration testing and monitoring of groundwater levels in the source well and nearby wells. Yield testing will also be required to demonstrate that yield requirements are met prior to approval of accessory dwelling units in Limited Yield areas. Limited Yield areas are those areas where underlying geologic conditions are limiting for the storage and transmittal of groundwater, particularly where rock is impermeable, and water only occurs in fractures.

(E) Spring or Horizontal Well.

(1) For each connection to a spring or horizontal well, a continuous yield of at least one gallon per minute during the dry season (August through October). The yield requirements of this subsection may not be satisfied by tests conducted during the months of November through July.

(2) Notwithstanding the provisions of subsection (~~C)(~~1) of this section, the Board of Supervisors may, upon finding of drought or other unusual weather conditions of limited duration, extend or redefine by resolution the period of time defined in subsection (~~C)(~~1) of this section as the “dry season” for purposes of undertaking the required testing to establish compliance with the yield requirements of this subsection. Any resolution adopted pursuant to this subsection shall be resubmitted to the Board of Supervisors for consideration of whether or not it should continue to be in effect on or before the first meeting of the calendar year which follows the calendar year in which the resolution was first adopted.

~~(D) Streams. A stream source must have an adequate year-round flow during drought periods and must have a minimum flow of at least five gallons per minute for each connection, measured during the months of August through October. The users must have a legal right to use water from the stream source on each property where the water will be used.~~

(~~E~~(F) Streams. Due to water quality concerns and limited availability of available flow during dry periods, streams shall not be permitted as a new source of domestic water supply.

(G) Existing Permit—Yield Retesting. The applicant for a building permit for a dwelling unit or other expanded use proposed for connection to a previously permitted individual water system shall submit a

new certified yield test for any water source which is a component of that system in the event that two (2) years or more have elapsed since the last certified test of that water source or sources. The yield test must demonstrate that the source or combination of sources meet the present yield requirements for the existing and proposed connection to the individual water system. A bacteriological analysis shall be performed in accordance with the requirements of SCCC 7.73.070(A). A chemical analysis may be required by the Health Officer under the requirements of SCCC 7.73.070(B).

7.73.060 Yield testing.

Compliance with the standards set forth in SCCC 7.73.050 shall be established by well pumping tests to be performed by a California-licensed well driller, pumping contractor maintaining a C-61 license with a D-21 classification, registered engineer, registered geologist, certified hydrogeologist, or registered environmental health specialist, according to the standards and procedures established by the Health Officer. Water yield reports shall be reported and certified on forms provided by the Environmental Health Service.

7.73.070 Quality requirements.

No permit shall be issued until required reports of bacteriological analysis and chemical analysis performed by a laboratory ~~certified by the State Department of Health Services~~Environmental ~~Laboratories Accreditation Program~~approved by the Health Officer are submitted to the Health Officer, and the Health Officer determines that water produced by the system is fit for human consumption, according to standards established by the ~~California Department of Health Services.~~State Water Resources Control Board . The Health Officer shall require that the water sample(s) be obtained by the ~~certified~~ approved laboratory or an independent third party acceptable to the Health Officer.

(A) Bacteriological Analysis. Bacteriological analysis shall be performed by a laboratory ~~certified by the California Department of Health Services.~~Environmental Laboratories Accreditation Programapproved by the Health Officer. The analysis shall be for total coliform organisms by the methods as prescribed by the latest edition of the Standard Methods for the Examination of Water and Wastewater, American Public Health Association.

(B) Chemical Analysis. Chemical analysis must conform to the specifications of the California Drinking Water Standards Test (Title 22 of the California Code of Regulations) for ~~chlorides, nitrates, total dissolved solids, iron and manganese~~inorganic (chemical) analyses and shall be performed by a laboratory ~~certified by the California Department of Health Services~~Environmental Laboratories ~~Accreditation Program~~approved by the Health Officer. Such analysis shall be as prescribed by the latest edition of the Standard Methods for the Examination of Water and Wastewater, American Public Health Association. Wells drawing water from the Aromas formation shall also be tested for hexavalent

chromium. More extensive analysis may be required on a case-by-case basis if the Health Officer determines that the quality of the water may not be safe for domestic use because of evidence of contamination of groundwater in the area or because of past or present land use related or potentially related to the use or disposal of hazardous materials.

(C) Sealing or Destruction of Substandard Wells. All new wells found to be of unsuitable quality according to standards established by the ~~California Department of Health Services~~State Water Resources Control Board shall be sealed or destroyed as prescribed in the Department of Water Resources Bulletin No. 74-81, or as subsequently revised or supplemented, unless mitigating measures can be found to make the water potable and to assure that the groundwater supply is protected, as determined by the County Health Officer.

~~(D) Treatment of Stream Sources. An automatic chlorination device, or other approved treatment system to assure that established bacteriologic standards for drinking water will be met at all times shall be required for all stream sources. The Health Officer may also require installation of water filtration equipment for streams subject to turbidity levels that could interfere with the treatment process or otherwise make the water unsuitable for consumption. [Ord. 4283 § 16, 1993; Ord. 4023 § 2, 1989].~~

(D) Deviation or Treatment. Deviations exceeding any of the maximum contaminant levels for secondary (aesthetics) chemicals may be allowed, in the discretion of the Health Officer, if adequate chemical treatment is provided, or if the quality of water from the water system is not objectionable to an appreciable number of users. Individual water systems which fail primary or secondary drinking water standards as set forth in Chapter 15, Division 4 of Title 22 of the California Code of Regulations, as may be amended from time to time, and incorporated herein by this reference, may choose to treat the supply at the source. In lieu of a source treatment facility, an individual water system may choose to install a Point of Use (POU) or Point of Entry (POE) treatment device at each connection, subject to approval by the Health Officer.

(E) Notification Requirement. A notice of nonstandard water quality shall be recorded by the Health Officer with the County Recorder's office on the deed of any property served by a water source that does not meet water quality standards for drinking water according to standards established by the State Water Resources Control Board. The Notice shall include:

(1) The date(s) the well was tested and the identity and amount of the constituent(s) found that did not meet standards,

(2) The type of treatment device (s) installed to reduce the constituent to a level that meets standards.

(3) Statement of the operating requirements to ensure proper performance of the treatment system, such as: use of water conservation measures, disposal of byproducts, maintenance of a contract for servicing of the treatment system, other maintenance requirements.

(4) Specification of any restriction on system use or property use, such as limitations on amount of water used, wastewater generated, restrictions on building additions, etc.

(5) Notification that County staff may conduct routine inspections of the system, as necessitated by the increased likelihood that the treatment system might fail.

7.73.075 Water source evaluation upon transfer of property.

(A) Evaluation Prior to Sale of Property. Prior to selling a property that is served by an individual water system, a property owner shall cause the water quality of the water source to be tested pursuant to the requirements of Section 7.73.070 and the yield of the source to be tested pursuant to the requirements of Section 7.73.060. The results of water quality testing and yield testing shall be provided to prospective buyers and the Environmental Health Division. Tests must have been completed within three (3) years prior to the date of transfer.

(B) Water Treatment Systems. If the property is served by a water treatment system or if a notice of nonstandard water quality has been recorded for the property, the seller is required to disclose any active annual service agreements, contact information of the current service provider, and the associated annual county and service provider fees.

(C) Enforcement. Failure to comply with any of the provisions of this section will be considered a violation of this chapter and subject the violator to any and all enforcement remedies provided by SCCC.

7.73.080 Amendments.

Any revision of 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 a 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 SCCC and shall be subject to approval by the California Coastal Commission.

Exhibit C

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner
duly seconded by Commissioner
The following resolution is adopted:

PLANNING COMMISSION RESOLUTION RECOMMENDING BOARD OF SUPERVISORS APPROVAL OF AN ORDINANCE TO AMEND CHAPTER 7.70 OF THE COUNTY CODE REGARDING WELLS AND BORINGS; AN ORDINANCE AMENDING CHAPTER 7.73, INDIVIDUAL WATER SYSTEMS; AND RELATED ACTIONS

WHEREAS, the Planning Commission has held a duly noticed public hearing on October 23, 2024, and has considered the proposed amendments, the staff report, and all testimony and evidence received at the public hearing; and

WHEREAS, the County's Environmental Coordinator has determined that the proposed amendments of SCCC 7.70 and SCCC 7.73, would improve protection of the environment and are exempt from further consideration under the California Environmental Quality Act (CEQA Guidelines Section 15308) and a Notice of Exemption has been prepared; and

WHEREAS, County Code Chapter 7.70 and Chapter 7.73 are implementing ordinances for the Local Coastal Program (LCP) and amendments of these chapters constitute amendments to the LCP; and

WHEREAS, the Planning Commission finds that the proposed amendments to the SCCC 7.70 and 7.73 are consistent with all other provisions of the County Code and the General Plan / LCP, and with State law; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the Board of Supervisors take the following actions:

1. Approve amendments to County Code Chapter 7.70, as set forth in Attachment C-l, incorporated herein by reference:
2. Approve amendments to County Code Chapter 7.73, as set forth in Attachment C-2, incorporated herein by reference;
3. Approve the Resolution Adopting Resource Protection Policy for Evaluation of Well Applications to Minimize Resource Impacts pursuant to SCCC 7.70.110, as set forth in Attachment C-3, incorporated herein by reference;
4. Direct staff to file the California Environmental Quality Act (CEQA) Notice of Exemption (Exhibit D) with the Clerk of the Board; and
5. Direct staff to transmit the amendments to the California Coastal Commission as part of the next Local Coastal Program round.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2024, by the following vote:

Exhibit C

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

_____
Chairperson

ATTEST: _____
Secretary

APPROVED AS TO FORM:

DocuSigned by:
Natalie Kirkish
D52DC6AA0E74498...
ASSISTANT COUNTY COUNSEL

cc: County Counsel
Environmental Health Department

ORDINANCE NO. ___

ORDINANCE AMENDING CHAPTER 7.70 OF THE SANTA CRUZ COUNTY CODE RELATING TO WELLS AND BORINGS

The Board of Supervisors of Santa Cruz County hereby finds and declares the following:

WHEREAS, Santa Cruz County Code Chapter 7.70, Wells (SCCC 7.70), includes various policies for the siting, design, and use of wells to protect groundwater and natural resources, as also provided for in the Santa Cruz County General Plan and Local Coastal Program (LCP) Chapter 5 (Agriculture, Natural Resources and Conservation Element) and Chapter 7 (Parks, Recreation and Facilities Element); and

WHEREAS, in 2014, the State of California adopted the Sustainable Groundwater Management Act, which requires local entities to sustainably manage groundwater to prevent overdraft, protect water quality, maintain groundwater levels and prevent depletion of surface water); and

WHEREAS, judicial actions have required counties to consider impacts on public trust resources and the environment when issuing well permits; and

WHEREAS, California Water Code Section 13801 and related provisions require oversight of the construction and destruction of soil borings to protect groundwater quality; and

WHEREAS, amendments to SCCC 7.70 have been prepared in order to be consistent with the State policies and guidance; and

WHEREAS, the County's Environmental Coordinator has determined that the proposed amendments of SCCC 7.70, would improve protection of the environment and are exempt from further consideration under the California Environmental Quality Act (CEQA Guidelines Section 15308) and a Notice of Exemption has been prepared; and

WHEREAS, the Board of Supervisors of the County of Santa Cruz finds that the proposed amendments to the SCCC 7.70 are consistent with all other provisions of the County Code and the General Plan / LCP, and with State law; and

NOW THEREFORE, 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 amended in its entirety to read as follows:

Chapter 7.70
WELLS AND BORINGS

Sections:

7.70.010 Purpose of provisions.

The purposes of this chapter are to:

(A)Provide for the location, construction, repair, and reconstruction of all wells, including geothermal heat exchange wells, cathodic protection wells, test wells, monitoring wells, and soil borings, 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;

(B) Provide for the destruction of any abandoned wells, monitoring wells, test wells, geothermal heat exchange wells, cathodic protection wells or soil borings, which may serve as a conduit for movement of contaminants, or which are found to be a public nuisance, to the end that such a well or boring will not cause pollution or contamination of groundwater or otherwise jeopardize the health, safety or welfare of the people of this County;

(C) Protect surface and ground water resources, and related public trust resources; and,

(D) Implement policies of the County General Plan and the Local Coastal Program Land Use Plan, the California Sustainable Groundwater Management Act, and local groundwater sustainability plans.

7.70.015 Applicability.

Except as otherwise provided in this chapter, this chapter shall apply to all wells and soil borings within the unincorporated area of the County, except the following:

(A) 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;

(B) Wells or bores used for the purpose of dewatering excavation during construction, or stabilizing hillsides or earth embankments; or
(C) Seepage Pits.

7.70.020 Definitions.
As used in this chapter, the following words shall have the meanings provided in this section:

(A) "Abandoned well" means any well whose original purpose and use have 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 their intent to use the well again for supplying water or other associated purposes and the well is 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) "Cathodic protection well" means any artificial excavation in excess of 50 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."

(D) "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 State Water Resources Control Board.

(E) "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 State Water Resources Control Board.

(F) "Control Zone" means an area around a groundwater management project where well drilling is prohibited. Control Zones are defined by a water district and/or groundwater sustainability agency in order to comply with state health and safety requirements as required by the Section 60320.200(e) of Title 22 of the California Code of Regulations.

(G) "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.

(H) "Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water.

(I) "Groundwater Extraction Concern Area" means an area designated by the Health Officer where groundwater availability is limited due to inadequate supply or poor quality, or where construction of additional wells may cause significant adverse impacts on groundwater levels, surface water flow, or seawater intrusion.

(J) "Health Officer" means the County Health Officer or their authorized representative.

(K) "Inactive well" means a well not routinely operated but capable of being made an operating well with a minimum of effort.

(L) "Karst" means a type of underlying geology that may have the presence of subsurface fissures, caverns, sinkholes or other features resulting from dissolution of limestone or marble that could lead to the rapid subsurface movement of water. Known areas of karst are shown on maps maintained by the Health Officer and other underground karst areas may be discovered in the process of drilling.

(M) "Monitoring or observation well" means any artificial excavation by any method for the purpose of obtaining groundwater, vadose zone, or other subsurface data, including groundwater levels, groundwater quality, and soil vapor quality.

(N) "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.

(O) "Pajaro groundwater protection zone" means the area in the Pajaro Valley Groundwater Basin within the boundaries of the Pajaro Valley Water Management Agency.

(P) "Person" means any person, firm, corporation or governmental agency.

(Q) "Pollution" means an alteration of the quality of water to a degree that unreasonably affects:
    (1) Such waters for beneficial uses; or
    (2) Facilities which serve such beneficial uses.
    (3) Pollution may include contamination or the presence of contaminants in amounts less than the applicable standards currently promulgated by the State Water Resources Control Board.

(R) "Public Trust Resources" mean resources, such as fisheries, wildlife, aesthetics, and navigation, which are held in trust for the public.

(S) "Seepage pit" means a large diameter borehole for the disposal of sewage.

(T) "Soil Boring or Boring" means an excavation or boring constructed to obtain information on subsurface conditions.

(U) "Stormwater infiltration device or dry well" means a trench or large diameter borehole for the infiltration of stormwater.

(V) "Sustainable yield" means the annual draft of water that can be withdrawn from an aquifer without producing some significant unreasonable, undesirable result such as chronic lowering of groundwater levels, reduction of storage, seawater intrusion, degraded water quality, depletion of interconnected surface water. Where applicable, sustainable yield would be as defined by the Groundwater Sustainability Agency in their Groundwater Sustainability Plan or Alternative.

(W) "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.

(X) "Tier" means the type of well application and the level of review and conditions that will be needed for approval based on the proposed volume of pumping, type of water use, proposed increase in water use, the aquifer characteristics and the potential for impact on streams, public trust resources, nearby wells, groundwater sustainability, control zones, and/or the environment.

(Y) "Water Well" means a well constructed to extract groundwater. Types of water wells include:

(1) "Agricultural well" means a water well used to supply water for commercial agricultural purposes, including so-called "livestock wells."

(2) "Community well" means a water well used to supply water for domestic purposes in public water systems or state small water systems as defined in Section 116275 of the Health and Safety Code.

(3) "De Minimis Well" means a water well used to supply water for domestic needs of up to four individual primary residences using a total of less than 2 acre-feet per year. An approved accessory dwelling unit is not considered a separate primary residence for this purpose. De minimis domestic use may include up to one half acre of non-commercial residential irrigated landscaping and gardening per primary unit.

(4) "Industrial well" means a water well used to supply industry or a commercial use on an individual basis.

(5) "New Well" means a water well that will serve a new or significantly expanded use, which represents an increased extraction of groundwater.

(6) "Replacement Well" means a water well that will serve an existing use with no significant increase in water use and will replace an existing water source such as a spring or well that is to be destroyed.

(7) "Supplemental Well" means a water well that that will support an existing use with no overall increase in water use. The existing source could be a shared well or other well that will be maintained as a backup source.

(Z) "Well" means any artificial excavation, constructed by any method for the purpose of extracting water or injecting water into the underground, evaluating subsurface conditions, providing for geothermal heat exchange or cathodic protection, or any other subsurface installation that may create a potential conduit or preferential pathway for movement of water or contaminants to groundwater.

(AA) "Well reconstruction" or "well repair" 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 is 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, test well, or soil boring unless a written permit has first been obtained from the Health Officer 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 Health Officer.

(B) A coastal development 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 SCCC.

(C) Well permits for wells that meet the Tier 1, Tier 2 or Tier 3 requirements of SCCC 7.70.110(E) of this chapter are ministerial unless the issuance of the well permit requires one or more discretionary approvals pursuant to Chapter 13.20, 16.20, 16.30, 16.32, 16.40, or 16.42 SCCC.

(D) For proposed wells that do not meet the Tier 1, Tier 2, or Tier 3 requirements of SCCC 7.70.110(E), the Health Officer may require a report evaluating the potential impact of the proposed well to nearby wells, surface waters, public trust resources, or groundwater sustainability that is to be prepared and submitted to the Health Officer 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 nearby 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 adverse impacts of the well. The Health Officer shall deny a well permit or require specific construction requirements in order to prevent significant adverse impacts on nearby wells, surface water, public trust resources, or groundwater sustainability as defined by the applicable groundwater sustainability agency.

(E) Each application shall be accompanied by a filing fee set by resolution of the Board of Supervisors. No part of the fee shall be refundable.

(F) Water well permit applications shall be transmitted to the water system, water district, and/or groundwater sustainability agency that has jurisdiction over the parcel where the proposed well will be located or that could be impacted by the proposed well. Those entities shall have ten business days to provide any comment, request additional information, or identify any other requirements that must be met for the construction of the proposed well within their jurisdiction.

(G) Within 20 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 or deny the permit. 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.

(H) 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 professional geologist, engineering geologist, or professional engineer of the nature of and solutions to the emergency situation. In all cases in which emergency work is necessary, a permit shall be applied for within three (3) business 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 SCCC 7.70.090.

(I) Any person who commences or completes any work for which a permit is required without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay double the permit fee established by resolution of the Board of Supervisors for such work. If such well does not meet the requirements of this Chapter, the Health Officer shall require the well to be destroyed under permit.

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 two (2)_years 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, cathodic protection, or soil boring 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 percent of the application fee within 180 calendar 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 they determine 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 (30) calendar days after receiving such notice.

(B) A permit may be revoked or suspended by the Health Officer if they determine 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 (5) calendar days prior thereto.

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

7.70.060 Licensed contractor required.

Construction, reconstruction, repair, and destruction of all wells covered by this Chapter, 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 California Water Code 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 and soil boring 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 at least two business days prior to commencement of work. All work shall be subject to inspection by the Health Officer to ensure compliance with all the requirements of this chapter.

(C) The Health Officer shall make inspection of the well seal and completed work to determine compliance with the well standards. 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 report.

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 horizontal distance between wells and potential sources of contamination shall be:

(1) 100 feet between subsurface sewage leaching fields, septic tanks, or animal enclosures 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 under permit.

(2) 150 feet to seepage pit

(3) 150 feet between a community well and subsurface sewage dispersal system less than 10 feet deep

(4) 200 feet between a community well and a subsurface sewage dispersal system greater than 10 feet deep. A greater separation up to 600 feet may be required in order to maintain a 2 year time of travel.

(B) No well shall be constructed within 50 feet horizontal from the property line of the property owner authorizing construction of the well. This setback may be reduced to not less than five feet horizontal if the owner of the adjacent property authorizes a reduction in setback or if the Health Officer determines area on the adjacent property within 100 feet of the proposed well is unsuitable for installation of an onsite sewage disposal system.

(C) All wells shall be constructed so that the well seal shall be a minimum of 50 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 20 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 written agreement with the owner(s) of the adjacent property; and provided, that such fluids and materials are removed and cleaned up within thirty (30) 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 Chapter 16.22 or 16.24 SCCC.

(F) Subsections (A), (B) and (C) of this section 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 State Water Resources Control Board Drinking Water Source Assessment and Protection Program, to determine the 10-year time-of-travel groundwater protection zone. For other wells, e.g., de minimis wells, the default groundwater 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 10-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 without limitations 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.

(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 or soil borings to be used for evaluation, 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 (1) year and it is not being maintained as a monitoring well or 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 Nos. 74-81 and 74-90, or as subsequently revised or supplemented, 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 five (5) feet of the surface. The casing should be cut off five (5) feet below the surface, with the excavation backfilled by compacted native material.
(3) Acceptable sealing materials are 23 sack neat cement, 10 sack cement grout, , 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 three (3) feet of standing water is present in the well.
(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 groundwater 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 their 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 their ownership or possession or control the existence of any abandoned well that constitutes a known or probable pathway for the vertical movement of contaminants.

7.70.105 Soil Borings.
The Health Officer shall establish policies and procedures for installation and destruction of soil borings so that such soil borings do not create a conduit or preferential path for movement of contaminants into groundwater.

7.70.107 Stormwater Infiltration Devices.
The Health Officer shall establish policies and procedures for installation and destruction of stormwater infiltration devices so that such installations do not create a conduit or preferential path for movement of contaminants into groundwater.

7.70.110 Resource protection.
(A) Within the Pajaro groundwater protection zone, and in other areas where water contains constituents in excess of the applicable standards currently promulgated by the California Department of Health or where a monitoring agency or groundwater sustainability agency has determined that seawater intrusion is threatened, all wells shall be constructed in such a manner that the well does not provide a conduit for contamination or pollution between aquifers.

(1) In such areas, 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 borehole by a certified hydrologist, geohydrologist or other qualified person approved by the Health Officer. Based on the data obtained from the electric log and the geologic log of the well, the certified 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 certified hydrologist, geohydrologist or other such qualified person approved by the Health Officer. 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 subsection (A) of this section. If standards for the proposed use 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, supplemental, 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 for non-de minimis wells, 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 new, supplemental, or replacement wells, the following measures will be taken to ensure that groundwater is put to beneficial use and is not wasted:

(1) A water use efficiency evaluation 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 efficiency evaluation as required by subsection (D)(1) of this section, 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 evaluations and acceptable conservation measures shall be established by policy by the Health Officer. The Health Officer may specify maximum annual water use based on Tier and mitigation of potential impacts.
(5) A meter shall be installed and maintained to accurately measure water use and usage shall be reported annually to the Health Officer, according to procedures established by the Health Officer. The cost of meter installation, maintenance and reporting shall be borne by the well owner(s).
(6) The Health Officer may require the property owner to provide information to confirm that the required conservation measures are being maintained. If such information is not provided or water usage is not being reported, the Health Officer may conduct an inspection to observe the meter and/or verify that water conservation measures are being maintained. Inspections shall be conducted at reasonable times and the inspector shall first make a reasonable effort to contact the property owner(s) or occupant(s) of the premises. If the inspection requires the entry into a building or an area that is designed for privacy, then prior permission shall be obtained from any of the property owner(s) or occupant(s). If permission is denied, then a site inspection warrant shall be obtained.
(7) If the usage information or the results of a site inspection show that the well owner is not in compliance with this Chapter or with the requirements of the permit, the Health Officer shall require that corrective measures be taken.

(E) Each application for a new, supplemental, or replacement well shall be evaluated and specific measures may be required to ensure that the well will not have significant adverse impacts on groundwater sustainability, nearby wells, surface water, or the environment. The level of evaluation and required measures will depend on the Tier in which the well falls, based on the type of well, the location, and the aquifer characteristics. The Health Officer shall establish specific criteria and procedures for assigning the Tier and the extent of required evaluation and protective measures. Such criteria shall be adopted by the Board of Supervisors by resolution. The Health Officer may deny applications for Tier 4 wells that will have a significant adverse impact on groundwater sustainability, nearby wells, surface water, or the environment.

(1) Tier 1 will include de minimis wells and non-domestic wells using less than 2 acre-feet per year that do not require any discretionary review under other chapters of the SCCC and meet the minimum standards for preventing impacts on streams and nearby wells based on aquifer characteristics, well characteristics, depth of well seal, and location.
(2) Tier 2 will include supplemental and replacement non-de minimis wells with no significant increase in water use and meet the minimum standards for preventing impacts on streams and nearby wells based on aquifer characteristics, well characteristics, depth of well seal, and location.
(3) Tier 3 will include new non-de minimis wells serving new uses that will pump less than 50 acre-feet per year and Tier 1 or Tier 2 wells that do not meet the Tier 1 or Tier 2 requirements. Tier 3 wells must also meet the minimum Tier 3 requirements for stream depletion and nearby well drawdowns.

(4) Tier 4 will include wells that do not meet the Tier 1, 2, or 3 requirements, are in a control zone, are in specified Tier 4 Groundwater Extraction Concern Areas, or are wells that could adversely affect the sustainability of a groundwater basin.

(F) A well permit shall not be approved for a well that poses a significant conflict with the implementation of a groundwater replenishment project or other project specified in an adopted groundwater sustainability plan as determined by the affected water district or groundwater sustainability agency.

(G) For non de minimis wells, if a well is proposed in a known karst area or if karst is encountered during the drilling process, further drilling shall be suspended, and the Health Officer shall evaluate whether a well can be completed without causing adverse impacts on groundwater resources, surface waters, or other water users. The Health Officer shall establish procedures for such evaluation and may require analysis at the expense of the applicant by a professional geologist familiar with occurrence and movement of water in karst landscapes. Recommendations may include procedures for destroying the borehole without adversely affecting subsurface conditions. For de minimis wells that are proposed in karst or that encounter karst, the Health Office shall be notified prior to well completion, and additional protective measures may be required.

(H) Wells located in designated groundwater extraction concern areas will be subject to additional requirements to ensure reliability, adequate quality, and limited resource impact, as established by the Health Officer's policy. Approval of wells located in Tier 4 groundwater extraction concern areas shall be discretionary and may not be granted if resource impacts cannot be mitigated.

(I) If a groundwater sustainability agency has required metering or other conditions for an existing, new, replacement, or supplemental well, the property owner shall abide by those requirements. If the usage information or the results of a site inspection show that the well owner is not in compliance with those requirements, the Health Officer shall require that corrective measures be taken.

(J) New, supplemental, or replacement wells shall not be constructed within a designated control zone for a groundwater management project.

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 Santa Cruz Mid-County 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 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; and

(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 Water District Service Area. The construction of new wells shall be prohibited on parcels that are within 200 feet horizontal of a water distribution line of the Soquel Creek 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 commercial 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 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 or state small water system.

7.70.130 Groundwater emergencies.

A groundwater emergency shall be declared in areas demonstrated to be experiencing a groundwater overdraft exceeding the sustainable 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, or the ability of a groundwater sustainability agency to meet its minimum thresholds, 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, soil borings, 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 of Supervisors after the public hearing to consider all relevant information such as, but not limited to, the most current groundwater study, recommendations of groundwater sustainability agencies, 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 sustainable yield;

(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;

(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, allowing the ingress of low-quality or saline water, or other undesirable results; and

(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, in order to prevent further depletion and degradation of the affected aquifer. In taking these actions, the Board of Supervisors 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 of Supervisors 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 (1) 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 is 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 or soil boring that 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 6:00 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. The burden, including costs, of these activities, analyses, and reports shall be borne by the responsible party.

7.70.150 Abatement generally.

Whenever the Health Officer determines that an abandoned well, a cathodic protection well, or any other well or soil boring 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 shall abate the well as a nuisance in accordance with the provisions of Chapter 1.14 SCCC.

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, cathodic protection well, or other well or soil boring 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 SCCC, and shall be subject to approval by the California Coastal Commission.

7.70.180 Violations.
(A) In the event of a violation of the provisions of this chapter or the conditions of any permit issued under this chapter, the property owner/permittee shall be given notice of such violation and a reasonable time to correct the violation.
(B) Whenever the Health Officer visits a property to ensure compliance with a permit condition or a notice to correct violation, and the condition or requirement is not satisfied or the violation has not been corrected, the property owner shall be subject to a violation reinspection fee, the amount to be established by resolution of the Board of Supervisors.
(C) Reimbursement of the costs of investigation and enforcement of a violation including any fines or fees related to the violation shall be borne by the responsible party.

7.70.190 Recording notices of violations.
Whenever the Health Officer has knowledge of a violation of any of the provisions of this chapter or any condition of a permit issued under this chapter, the Health Officer may provide a notice of intent to record a notice of violation to the owner of the property on which the violation is located. Notice shall be provided by posting on the property and by mail at the address shown on the latest assessment roll or at any other address of the owner known to the Health Officer. The notice shall state that within twenty (20) calendar days of the date of the notice, the owner may request a meeting with the Health Officer to present evidence that a violation does not exist. In the event that a meeting is not requested and the violation has not been corrected, or, in the event that after consideration of the evidence the Health Officer determines that a code violation in fact exists, the Health Officer may record a notice of code violation in the office of the County Recorder. At the request of any affected property owner, the Health Officer shall issue a notice of expungement of code violation upon correction of any violation noticed hereunder. The notice of expungement may be recorded by the affected property owner at their expense. The decision of the Health Officer shall be final.

7.70.200 Promulgation of policies.
Any policy, specification, or procedure which the Health Officer is authorized by this chapter to adopt shall be in writing with copies made available to the public. Such policies, specifications or procedures shall be made available to the public thirty (30) days before their implementation by the Health Officer.

SECTION II

The Board of Supervisors hereby finds and determines that, on the basis of the whole record before it, that the amendments to County Code Chapter 7.38 will result in improved protection of the environment and are exempt from consideration under the California Environmental Quality Act.

SECTION III

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION IV

This ordinance shall take effect in areas outside the Coastal Zone on the 31st day after the date of final passage, and shall take effect within the Coastal Zone on the 31st day after the date of final passage or upon certification by the State Coastal Commission whichever event occurs last.

PASSED AND ADOPTED this ____ day of _____, 2024, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

_____

Chairperson of the Board of Supervisors

Attest:_____
Clerk of the Board

Approved as to form:

_____
County Counsel

ORDINANCE NO. ___

ORDINANCE AMENDING CHAPTER 7.73 OF THE SANTA CRUZ COUNTY CODE RELATING TO INDIVIDUAL WATER SYSTEMS

The Board of Supervisors of Santa Cruz County hereby finds and declares the following:

WHEREAS, Santa Cruz County Code Chapter 7.73, Individual Water Systems (SCCC 7.73), includes various policies for ensuring adequate water availability and water quality to support approved uses served by individual water systems, as also provided for in the Santa Cruz County General Plan and Local Coastal Program (LCP) Chapter 5 (Agriculture, Natural Resources and Conservation Element) and Chapter 7 (Parks, Recreation and Facilities Element); and

WHEREAS, the State of California adopted Senate Bill 552, which amended the Water Code to require counties to take additional responsibilities to assist small water systems and individual well users respond to drought impacts; and

WHEREAS, the California Department of Fish and Wildlife has taken action to limit the diversion of stream water during the dry season in order to maintain adequate flow for fish; and

WHEREAS, state drinking water standards have evolved and there are a number of water quality constituents that may occur in Santa Cruz County that could make water unsafe for drinking; and

WHEREAS, amendments to SCCC 7.73 have been prepared in order to be consistent with the State policies and guidance; and

WHEREAS, the County's Environmental Coordinator has determined that the proposed amendments of SCCC 7.73, would improve protection of the environment and are exempt from further consideration under the California Environmental Quality Act (CEQA Guidelines Section 15308) and a Notice of Exemption has been prepared; and

WHEREAS, the Board of Supervisors of the County of Santa Cruz finds that the proposed amendments to the SCCC 7.73 are consistent with all other provisions of the County Code and the General Plan / LCP, and with State law; and

NOW THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 7.73 of the Santa Cruz County Code is hereby amended in its entirety to read as follows:

Chapter 7.73
INDIVIDUAL WATER SYSTEMS

Sections:

7.73.010 Purpose of provisions.

It is the purpose of this chapter to establish standards for safe and adequate water supplies for individual water systems and to ensure that such systems do not induce contamination of aquifers and therefore jeopardize the health, safety, and welfare of the people of Santa Cruz County. It is also the purpose of this chapter to implement policies of the County General Plan and Local Coastal Program Land Use Plan.

7.73.020 Definitions.

As used in this chapter:

(A) "Destroy" means the complete filling of the well, with impervious sealing materials to an appropriate level in accordance with procedures established by 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, and Chapter 7.70 SCCC, in order to restore, as nearly as possible, those subsurface conditions which existed before the well was constructed.

(B) "Dwelling unit" means a structure for human habitation providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, with the restrictions that only one kitchen or set of food preparation facilities is allowed in each dwelling unit and an interior stairway shall be provided between all stories. These restrictions shall not apply where an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) is permitted pursuant to Chapter 13.10 SCCC. ADUs and JADUs shall be considered as extensions of the primary dwelling unit.

(C) “Health officer” means the County Health Officer or authorized representative.

(D) “Horizontal well” means a well drilled approximately horizontally into a water-bearing stratum as contrasted with a common vertical well, and from which water issues without the aid of a pump.

(E) “Individual water system” means any combination of water sources, storage facilities and related appurtenances which provides domestic water service to either:

(1) A single parcel under one ownership with not more than four dwelling units or other permitted land uses on the parcel;

(2) Up to four parcels, if:

(a) All parcels served are either contiguous with one another or are contiguous with the parcel on which the water source is located; provided, that public or private rights-of-way shall not be taken into consideration in determining contiguity; and

(b) The water source(s) is located on one of the parcels served; and

(c) Each parcel owner has not less than a one-quarter interest in the water system (source, facilities and appurtenances) and a sufficient legal interest in the land upon which it is located to guarantee access thereto and a right to the use thereof; and

(d) All of the parcels taken together have a total of no more than four primary dwelling units or other permitted land uses existing on them.

(3) A permitted land use that includes the provision of water to members of the public and/or employees but does not regularly serve more than an average of 25 individuals daily for more than 60 days out of the year,

(F) “Permit” means the written permission of the Health Officer or authorized representative to utilize water from, or otherwise participate in, an individual water system.

(G) “Spring” means a place where water issues from a rock or soil strata onto the land.

(H) “Well” means any artificial excavation constructed by any method for the purpose of extracting water from underground.

7.73.030 Requirement for permit.

No parcel which is or shall be dependent in whole or in part upon an individual water system for its water supply shall be developed for human habitation until an individual water system permit is granted by the Health Officer. No land use which is or shall be dependent in whole or in part upon an individual water system for its water supply shall be approved until an individual water system permit is granted by the Health Officer.

7.73.040 Application for permit.

(A) An application for an individual water system permit shall be made to the Health Officer on forms provided for that purpose and 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.

(B) Whenever an applicant seeks a permit for an individual water system which is to supply water to other properties in addition to the applicant's, the applicant must submit a copy of a recorded deed showing not less than one-quarter individual interest in the water source, storage and transmission facilities, and the land upon which the system is situated. The applicant must also identify the holders of the remaining interests in the water system, and comply with the requirements of SCCC 7.73.050, 7.73.060 and 7.73.070.

(C) Within ten (10) business days after receipt of a completed application, the Health Officer shall either grant, conditionally grant, or deny the permit. A permit shall be granted if the applicant has complied with all the provisions of this section and if those conditions specified in SCCC 7.73.050, 7.73.060 and 7.73.070 are satisfied.

7.73.050 Yield requirements.

No permit shall be issued unless and until the following water source requirements are established as prescribed in SCCC 7.73.060:

(A) November Through July. For each connection to a well water source, a minimum of three gallons per minute of yield must be sustained during a 24-hour period of continuous pumping, or until 4,320 gallons have been achieved during a time period of 24 hours or less of continuous pumping.

(B) August Through October. For each connection to a well water source, a minimum of two gallons per minute of yield must be sustained during a 24-hour period of continuous pumping, or until 2,880 gallons have been achieved during a time period of 24 hours or less of continuous pumping.

(C) For water systems serving new or expanded uses other than residential dwelling unit, the applicant shall estimate the proposed water use and shall demonstrate that the water source can reliably and

sustainably supply that amount of water and meet the requirements to protect resources as specified in County Code Section 7.70.110. Such estimates and demonstration of water availability and compliance with Section 7.70.110 must be approved by the Health Officer. The Health Officer may develop policies for the demonstration of adequate non-residential supply.

(D) Limited Yield Areas. In areas where groundwater yield is known or expected to be limited, as determined by the Health Officer, more extensive yield testing will be required, which may include longer duration testing and monitoring of groundwater levels in the source well and nearby wells. Yield testing will also be required to demonstrate that yield requirements are met prior to approval of accessory dwelling units in Limited Yield areas. Limited Yield areas are those areas where underlying geologic conditions are limiting for the storage and transmittal of groundwater, particularly where rock is impermeable, and water only occurs in fractures.

(E) Spring or Horizontal Well.

(1) For each connection to a spring or horizontal well, a continuous yield of at least one gallon per minute during the dry season (August through October). The yield requirements of this subsection may not be satisfied by tests conducted during the months of November through July.

(2) Notwithstanding the provisions of subsection (1) of this section, the Board of Supervisors may, upon finding of drought or other unusual weather conditions of limited duration, extend or redefine by resolution the period of time defined in subsection (1) of this section as the “dry season” for purposes of undertaking the required testing to establish compliance with the yield requirements of this subsection. Any resolution adopted pursuant to this subsection shall be resubmitted to the Board of Supervisors for consideration of whether or not it should continue to be in effect on or before the first meeting of the calendar year which follows the calendar year in which the resolution was first adopted.

(F) Streams. Due to water quality concerns and limited availability of available flow during dry periods, streams shall not be permitted as a new source of domestic water supply.

(G) Existing Permit—Yield Retesting. The applicant for a building permit for a dwelling unit or other expanded use proposed for connection to a previously permitted individual water system shall submit a new certified yield test for any water source which is a component of that system in the event that two (2) years or more have elapsed since the last certified test of that water source or sources. The yield test must demonstrate that the source or combination of sources meet the present yield requirements for the existing and proposed connection to the individual water system. A bacteriological analysis shall be

performed in accordance with the requirements of SCCC 7.73.070(A). A chemical analysis may be required by the Health Officer under the requirements of SCCC 7.73.070(B).

7.73.060 Yield testing.

Compliance with the standards set forth in SCCC 7.73.050 shall be established by well pumping tests to be performed by a California-licensed well driller, pumping contractor maintaining a C-61 license with a D-21 classification, registered engineer, registered geologist, certified hydrogeologist, or registered environmental health specialist, according to the standards and procedures established by the Health Officer. Water yield reports shall be reported and certified on forms provided by the Environmental Health Service.

7.73.070 Quality requirements.

No permit shall be issued until required reports of bacteriological analysis and chemical analysis performed by a laboratory approved by the Health Officer are submitted to the Health Officer, and the Health Officer determines that water produced by the system is fit for human consumption, according to standards established by the State Water Resources Control Board . The Health Officer shall require that the water sample(s) be obtained by the approved laboratory or an independent third party acceptable to the Health Officer.

(A) Bacteriological Analysis. Bacteriological analysis shall be performed by a laboratory approved by the Health Officer. The analysis shall be for total coliform organisms by the methods as prescribed by the latest edition of the Standard Methods for the Examination of Water and Wastewater, American Public Health Association.

(B) Chemical Analysis. Chemical analysis must conform to the specifications of the California Drinking Water Standards Test (Title 22 of the California Code of Regulations) for inorganic (chemical) analyses and shall be performed by a laboratory approved by the Health Officer. Such analysis shall be as prescribed by the latest edition of the Standard Methods for the Examination of Water and Wastewater, American Public Health Association. Wells drawing water from the Aromas formation shall also be tested for hexavalent chromium. More extensive analysis may be required on a case-by-case basis if the Health Officer determines that the quality of the water may not be safe for domestic use because of evidence of contamination of groundwater in the area or because of past or present land use related or potentially related to the use or disposal of hazardous materials.

(C) Sealing or Destruction of Substandard Wells. All new wells found to be of unsuitable quality according to standards established by the State Water Resources Control Board shall be sealed or destroyed as prescribed in the Department of Water Resources Bulletin No. 74-81, or as subsequently

revised or supplemented, unless mitigating measures can be found to make the water potable and to assure that the groundwater supply is protected, as determined by the County Health Officer.

(D) Deviation or Treatment. Deviations exceeding any of the maximum contaminant levels for secondary (aesthetics) chemicals may be allowed, in the discretion of the Health Officer, if adequate chemical treatment is provided, or if the quality of water from the water system is not objectionable to an appreciable number of users. Individual water systems which fail primary or secondary drinking water standards as set forth in Chapter 15, Division 4 of Title 22 of the California Code of Regulations, as may be amended from time to time, and incorporated herein by this reference, may choose to treat the supply at the source. In lieu of a source treatment facility, an individual water system may choose to install a Point of Use (POU) or Point of Entry (POE) treatment device at each connection, subject to approval by the Health Officer.

(E) Notification Requirement. A notice of nonstandard water quality shall be recorded by the Health Officer with the County Recorder's office on the deed of any property served by a water source that does not meet water quality standards for drinking water according to standards established by the State Water Resources Control Board. The Notice shall include:

(1) The date(s) the well was tested and the identity and amount of the constituent(s) found that did not meet standards,

(2) The type of treatment device (s) installed to reduce the constituent to a level that meets standards.

(3) Statement of the operating requirements to ensure proper performance of the treatment system, such as: use of water conservation measures, disposal of byproducts, maintenance of a contract for servicing of the treatment system, other maintenance requirements.

(4) Specification of any restriction on system use or property use, such as limitations on amount of water used, wastewater generated, restrictions on building additions, etc.

(5) Notification that County staff may conduct routine inspections of the system, as necessitated by the increased likelihood that the treatment system might fail.

7.73.075 Water source evaluation upon transfer of property.

(A) Evaluation Prior to Sale of Property. Prior to selling a property that is served by an individual water system, a property owner shall cause the water quality of the water source to be tested pursuant to the

requirements of Section 7.73.070 and the yield of the source to be tested pursuant to the requirements of Section 7.73.060. The results of water quality testing and yield testing shall be provided to prospective buyers and the Environmental Health Division. Tests must have been completed within three (3) years prior to the date of transfer.

(B) Water Treatment Systems. If the property is served by a water treatment system or if a notice of nonstandard water quality has been recorded for the property, the seller is required to disclose any active annual service agreements, contact information of the current service provider, and the associated annual county and service provider fees.

(C) Enforcement. Failure to comply with any of the provisions of this section will be considered a violation of this chapter and subject the violator to any and all enforcement remedies provided by SCCC.

7.73.080 Amendments.

Any revision of 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 a 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 SCCC and shall be subject to approval by the California Coastal Commission.

SECTION II

The Board of Supervisors hereby finds and determines that, on the basis of the whole record before it, that the amendments to County Code Chapter 7.73 will result in improved protection of the environment and are exempt from consideration under the California Environmental Quality Act.

SECTION III

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION IV

This ordinance shall take effect in areas outside the Coastal Zone on the 31st day after the date of final passage, and shall take effect within the Coastal Zone on the 31st day after the date of final passage or upon certification by the State Coastal Commission whichever event occurs last.

PASSED AND ADOPTED this ____ day of _____, 2024, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

_____

Chairperson of the Board of Supervisors

Attest:_____
Clerk of the Board

Approved as to form:

_____
County Counsel

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted

RESOLUTION ADOPTING RESOURCE PROTECTION POLICY FOR EVALUATION OF WELL APPLICATIONS TO MINIMIZE RESOURCE IMPACTS PURSUANT TO PROPOSED AMENDMENTS OF CHAPTER 7.70 OF THE SANTA CRUZ COUNTY CODE REGARDING WELLS AND BORINGS

WHEREAS, amendments to Chapter 7.70 of the County Code, Wells and Borings, have been proposed; and,

WHEREAS, Section 7.70.110 of the proposed County Code amendment, requires that measures will be taken to ensure that newly installed wells will not adversely affect groundwater resources, surface water or public trust resources; and,

WHEREAS, the proposed Section 7.70.110.E provides that requirements for resource protection measures be established by resolution of the Board of Supervisors: and,

WHEREAS, County staff have developed proposed resource protection measures, which have been reviewed by the Planning Commission and the Water Advisory Commission;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors hereby adopts the Resource Protection Policy for Evaluation of Well Applications to Minimize Resource Impacts pursuant to Section 7.70.110 of the proposed amendments to Chapter 7.70, Wells and Borings, as shown in Exhibit C-3-A.

PASSED AND ADOPTED by the Board of Supervisors of Santa Cruz County State of California this ____ day of _____, 2024, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS

_____
Chairperson, Board of Supervisors

APPROVED AS TO FORM:

_____
County Counsel

Resource Protection Policy
for Evaluation of Well Applications to Minimize Resource Impacts

This policy specifies the level of review of proposed well applications and requirements to minimize potential impacts on water resources, public trust resources, and other wells; (7.70.110 (C-G)), and coastal, biotic and cultural resources (7.70.030(C)). This policy addresses the following issues:

- Water use efficiency measures to prevent waste and minimize overdraft;
- Influence on groundwater levels and production of nearby wells;
- Influence on surface water and public trust resources;
- Evaluation of wells that encounter karst;
- Consistency with groundwater sustainability plans;
- Applicability of environmental and coastal review and assessment of biotic and cultural resources.
- Metering and reporting for non-de minimis wells;
- Additional requirements in groundwater extraction concern areas.

Definitions:

(1) "Community Well" means a water well used to supply water for domestic purposes in public water systems or state small water systems as defined in Section 116275 of the State Health and Safety Code.
(2) "De Minimis Well" means a well that is used to extract less than 2 acre-feet per year for domestic purposes. De minimis wells include a water well used to supply water for domestic needs of up to four individual primary residences using a total of less than 2 acre-feet per year. An approved accessory dwelling unit is not considered a separate primary residence for this purpose. De minimis domestic use may include up to one half acre of non-commercial residential irrigated landscaping and gardening per primary unit.
(3) "Non-De Minimis Well" means a well that is not a de minimis well: it serves a non-domestic use, or serves more than 4 separate primary dwelling units.
(4) "New Well" means a well that will serve a new or significantly expanded use, which represents an increased extraction of groundwater. A significant increase would result from a new use or change of use in the area served by the well that will result in an increase in the maximum annual amount of water extracted in the past 5 years.
(5) "Replacement Well" means a well that will serve an existing use or change of use with no significant increase in water use as defined above and will replace an existing water source such as a spring or a well that is to be destroyed.
(6) "Supplemental Well" means a well that that will support an existing use, including a change of use, with no significant overall increase in total water use as described above. The existing source could be a shared well or other well that will be maintained as a backup source.
(7) "Tier" means the type of well application and the level of review and conditions that will be needed for approval based on the proposed volume of pumping, type of water use, proposed increase in water use, the aquifer characteristics and the potential for impact on streams, nearby wells, groundwater sustainability, and/or the environment. Each application for a new, supplemental, or replacement well shall be evaluated and specific measures may be required to ensure that the well will not have significant adverse impacts on groundwater sustainability, nearby wells, surface water, or the environment. The level of evaluation and required measures will depend on the Tier in which the well falls, based on the type of

well, the location, and the aquifer characteristics. The Health Officer shall establish specific criteria and procedures for assigning the Tier and the extent of required evaluation and protective measures. Such criteria shall be adopted by the Board of Supervisors by resolution. The Health Officer may deny applications for Tier 4 wells that will have a significant adverse impact on groundwater sustainability, nearby wells, surface water, or the environment.

(a) Tier 1 will include de minimis wells and non-domestic wells using less than 2 acre-feet per year that do not require any discretionary review under other chapters of the SCCC and meet the minimum standards for preventing impacts on streams and nearby wells based on aquifer characteristics, well characteristics, depth of well seal, and location.

(b) Tier 2 will include supplemental and replacement non-de minimis wells with no significant increase in water use and meet the minimum standards for preventing impacts on streams and nearby wells based on aquifer characteristics, well characteristics, depth of well seal, and location.

(c) Tier 3 will include new non-de minimis wells serving new uses that will pump less than 50 acre-feet per year and Tier 1 or Tier 2 wells that do not meet the Tier 1 or Tier 2 requirements. Tier 3 wells must also meet the minimum Tier 3 requirements for stream depletion and nearby well drawdowns.

(d) Tier 4 will include wells that do not meet the Tier 1, 2, or 3 requirements, are in a control zone, are in specified Tier 4 Groundwater Extraction Concern Areas, or are wells that could adversely affect the sustainability of a groundwater basin.

(8) "Groundwater Extraction Concern Area" means an area designated by the Health Officer where groundwater availability is limited due to inadequate supply or poor quality, or where construction of additional wells may cause significant adverse impacts on groundwater levels, surface water flow, or seawater intrusion. These areas are shown in the County's Geographic Information System.

(9) "Stream" means a perennial stream fed by groundwater. Streams are those that are mapped as perennial streams as shown on a USGS map, the County Geographic Information System (GIS), or that are identified in the field. Required setbacks from streams shall be measured horizontally from the mean rainy season flowline. These standards shall apply to wells near streams or reaches of streams that are hydraulically connected to groundwater more than 5% of the time. (This does not include lower Valencia Creek, lower Corralitos Creek, upper East Soquel Creel, and Rider Creek. Specific reach designations and other exempt streams may be added.)

Requirements for Minimizing Impacts on Stream, Public Trust Resources and Groundwater Dependent Ecosystems

Tier 1: (New and replacement de minimis wells)

- All wells located within 1000 ft of perennial stream as mapped on a USGS map, County GIS or as identified in the field shall meet standards for minimizing impact on streamflow unless that stream is designated as exempt by the Health Officer.
- Wells shall be located a minimum of 50 ft from the streambank, outside riparian woodland and outside the 100 year floodplain, whichever distance is greater. If a 50 ft setback cannot be attained due to the size of the property, steep slopes, setbacks from onsite wastewater treatment systems, or other factors, the setback shall be the maximum attainable and shall not be less than the existing well if the proposed well is a replacement or supplemental well.

- The minimum depth of the well seal shall be 100 ft or into first impermeable material, whichever is less. An impermeable layer is defined as a layer that limits the downward movement of groundwater and will be identified based on information on local geology or nearby well logs, and will be confirmed by the well log of the newly installed well.
- No well shall be completed in alluvium deposited into a known and definite channel with a direct hydraulic connection to surface water.
- Additional measures, as outlined in the *'Groundwater Extraction Concern Table',* may be required for proposed Tier 1 wells located within a designated groundwater concern area.

Tier 2 (Replacement/supplemental non-de minimis wells, with no increase in water use)

- All wells located within 2000 ft of perennial stream as mapped on a USGS map, County GIS or as identified in the field shall meet standards for minimizing impact on streamflow unless that stream is designated as exempt by the Health Officer.
- Wells shall be located a minimum of 100 ft from the streambank, outside riparian woodland, and outside the 100 year floodplain, whichever is greater. If a 100ft setback cannot be attained due to the size of the property, steep slopes, setbacks from onsite wastewater treatment systems, or other factors, the setback shall be the maximum attainable and shall not be less than the existing well.
- The minimum depth of the well seal shall be 200 ft or into first impermeable material, whichever is less. An impermeable layer is defined as a layer that limits the downward movement of groundwater and will be identified based on information on local geology or nearby well logs, and will be confirmed by the well log of the newly installed well.
- No well shall be completed in alluvium in a known and definite channel.
- Replacement or supplemental wells in the Pajaro Groundwater Protection Zone that are proposed to draw from a deeper formation than the existing well and that may threaten basin sustainability as determined by the Pajaro Valley Water Management Agency may be treated as Tier 3 or 4 wells and require more extensive evaluation.
- Additional measures, as outlined in the *'Groundwater Extraction Concern Table',* may be required for proposed Tier 2 wells located within a designated groundwater extraction concern area.

Tier 3 (Wells that do not meet Tier 1 or 2 requirements and new non-de minimis wells that will not pump more than 50 afy or more than a daily average of 100 gpm and are consistent with local GSPs):

- All wells located within 2000 ft of perennial stream as mapped on a USGS map or as identified in the field shall meet standards for minimizing impact on streamflow unless that stream is designated as exempt by the Health Officer.
- The minimum depth of the well seal shall be 200 ft or into first impermeable material, whichever is less.
- The well shall be located and designed so that a calculation of projected streamflow depletion shall not cause exceeding the allowable additional cumulative depletion percentage of the 10th percentile dry season flow in an affected fish-bearing stream after 10 years of pumping, as calculated by Environmental Health staff based on well characteristics, water usage, aquifer characteristics using the most appropriate streamflow depletion model (e.g. Reeves, 2008; Hunt, 1999 ; Hunt, 2003, Li et. al. 2022, Bakker 2013). 10th percentile dry season flow shall be the observed flow, if available, or the calculated natural flow as indicated in the most recent version of the California Unimpaired Flow Database (Zimmerman, et.al, 2023). Environmental Health staff

will utilize the Critical Stream Table and will develop additional resource and streamflow information for the specific location of the proposed well as needed.
- Consideration will be given for mitigating flow depletion impacts through increased groundwater recharge, use of summer storage, limitations on water use, or other methods of reducing impact on flow or associated public trust resources.
- Additional measures, as outlined in the *'Groundwater Extraction Concern Table',* may be required for proposed Tier 3 wells located within a designated groundwater concern area.

Tier 4 (Wells that do not meet Tier 1, 2, or 3 requirements, are in a control zone, are in specified Tier 4 Groundwater Extraction Concern Areas, are in a seawater intrusion area (excluding de minimis wells), are wells that could adversely affect the sustainability of a groundwater basin, or are new Public Water System wells serving 200 or more connections):

- An analysis of the projected impacts on groundwater levels, streamflow, and groundwater dependent ecosystems in the groundwater basin and watershed where the well will be located shall be conducted by a hydrogeologist, taking into account specific aquifer characteristics, well characteristics, cumulative impacts of existing groundwater and surface water withdrawals, the presence and lifecycle needs of protected species in affected surface waters, and the potential impact on public trust resources.
- Consideration will be given for mitigating flow depletion impacts through increased groundwater recharge, use of summer storage, limitations on water use, or other methods of reducing impact on flow or associated public trust resources.
- This analysis will be required for any proposed Tier 4 well located within a half mile of a stream that is not exempt, in a designated Tier 4 groundwater extraction concern area, or anywhere within the watershed of a critical Level 1 stream (Scott Creek, San Vicente Creek, Laguna Creek, Bean Creek, Zayante Creek, East Branch Soquel Creek). Critical Streams are indicated in the critical stream table and additional streams may be added as additional information on habitat value and/or extent impairment becomes available.
- This analysis will also be required for any Tier 4 well located within or near a groundwater basin where the GSA has determined that the well may threaten achieving groundwater sustainability pursuant to the GSP. Wells will not be approved in the Pure Water Soquel Control Zones, unless it can be shown that well will not impact or be impacted by the injection program.
- Tier 4 wells are subject to discretionary review and evaluation under the California Environmental Quality Act (CEQA).
- Specific construction and/or operating measures may be required as a condition of approval and the application may be denied if the project would result in significant adverse impacts on groundwater resources, control zones, surface water or public trust resources.

Critical Streams:

Allowable Additional Cumulative Flow Depletion				
Current Depletion	**>20%**	**10-20%**	**5-10%**	**<=5%**
Resource Value				
Coho Core-1	1%	1%	5%	10%
Coho Recovery-2	1%	5%	5%	10%
Steelhead high intrinsic=3	1%	5%	5%	10%
Steelhead/Other Fish-4	1%	5%	10%	15%

Stream	Resource Value	All years 10th Percentile Dry Season Unimpaired Flow (A)	All Years 10th Percentile Dry Seas. Observed Flow	Data Sources Observed Flow	Current Estimated Depletion	Data Sources Estimated Depletion	Allowed Additional Depletion*	Allowed Depletion cfs*
Lower Soquel @USGS	2	2.44	0.84	A	65%	B,G,H,G	1%	0.008
E. Branch Soquel @ W. Branch	1	1.23	0.1	B,D,E,G	60%	B,D,E,G	1%	0.001
W. Branch Soquel @ E. Branch	2	0.63	0.81	B,D,E,F	15%	B,D,E,F	5%	0.041
Moore Gulch	4	0.05	0.15	E,F	17%	E,I	5%	0.008
Other Soquel Tribs	4				10-20%	E	5%	
Aptos ab Valencia	2	0.46	0.66	D,E,G	<=5%	D,E	10%	0.046
Valencia	4	0.11	0.02	D,E,G	82%	D,E	1%	0.001
Upper Corraltios	4	0.63	0.3	D, E	50%	D,E	1%	0.006
Browns Valley Cr.	4	0.22	0.2	D, E	>20%	D,E	1%	0.002
SLR @ Big Trees (Felton, mainstem)	2	15.2	12	A,C,G,H	30%	C,D,E,G,H	1%	0.120
Branciforte	2	0.34	0.46	C,D,E,F	5-10%	C,D,E	5%	0.017
Bean	1	0.5	2.3	C,D,F,G	21%	F,G,H	1%	0.023
Zayente ab Bean	1	1.19	1.53	A,D,E,G,H	5-10%	C,D,E,G	5%	0.077
Bear	2	1.12	0.63	C,D,E,F	<=5%	C,D,E	10%	0.063
Kings	2	0.58	0.2	A,C,E,F	<=5%	C,E	10%	0.058
Boulder Creek	3	0.89	1.1	A,C,D,E,F	25%	C,D,E	1%	0.011
SLR Other Tribs	4			C,E	5-10%	C,E	10%	
Laguna	1	0.5	0.9	A,E,G	>10%	E,F,G	1%	0.009
Majors	2	0.22	0.71	A,E,G	>10%	E,F,G	5%	0.036
San Vicente	1	0.85		A	>10%	E	1%	0.009
Scott	1	1.99		A	>10%	E	1%	0.020
Other County Streams	4			E	5-10%	E	10%	

* Allowed depletion for Tiers 1-3. Additional Analysis would be required for Tier 4.

Data Sources (See Notes for more information)

A-California Natural Flows Database

B-RCDSCC-TU surface diversion info

C- San lorenzo River Watershed Plan

D-JSSH September Flow Summary-cbec

E - Judgement and observations

F-Flow Measurements

G-Gage data, current

H-Numerical Basin Model

I - Calculated Water Budget

Proposed Level of Review and Mitigation Required for Various Types of Well permit Applications					
Tier	**Criteria**	**Average Number of Permits/year**	**CEQA Review Required?***	**Connected Stream Setback**	**Nearby Well Setback**
Tier 1	De Minimis, domestic < 5 connections; Non-de minimis <2 AFY	44	Ministerial	>50 ft and 100 ft deep seal within 1000 ft of stream**	>50 ft
Tier 2	Non-De minimis Replace/Supplemental	11	Ministerial	>100 ft or not less than existing, and 200 ft deep seal within 2000 ft of stream**	>50 ft, or not less than existing
	Public Water system replace/supplemental	1			
Tier 3	New Non-De minimis wells that are consistent with GSPs, meet Tier 3 calculated setbacks, and will pump less than 50 afy/100gpm	1	Ministerial	If within 2000 ft of stream, Using depletion model, 10th percentile dry season flow shall not be reduced by more than allowed % after 10 years of pumping ***	Calculated minimum setback so that drawdown at nearby well is less than 5 feet****
	Wells that do not meet Tier 1 or 2 minimum setbacks, but do meet Tier 3 calculated setbacks	?			
Tier 4	Wells that do not meet Tier 1,2,or 3 requirements; or located in a control zone or Tier 4 gw concern area	?	Yes	Analysis, including cumulative effect on streamflow in overall basin	Analysis and mitigation
	New Public Water System Serves > 199 connections	<1			

Notes:	
*	Well permit is discretionary if other discretionary permits are requried by other sections of County Code.
**	Deep Seal is specified depth or first impermeable layer, whichever is less.
***	Allowed depletion is function of stream value and current impairment, as shown in Critical Stream Table
****	Use modified Theis Non-Equilibium Equation (Cooper-Jacob), with proposed well parameters and regional aquifer properties. Calculated drawdown at proposed distance of nearby well should not exceed 5 foot after 60 days of pumping.

Water use efficiency measures are required for all wells; metering and reporting is required for all non-de minimis wells; other mitigation measures may be required.

Minimizing Impact on Nearby Wells

- Tier 1 and 2: The minimum setback from existing wells shall be 50 ft. If this cannot be met, the setback shall not be less than the setback of the existing well to be replaced. Minimum setbacks will not be required for wells located on the same parcel or owned by the same owner.
- Tier 3: The minimum setback to a nearby well shall be calculated using the modified Theis Non-Equilibrium Equation (Cooper-Jacob), with proposed well parameters and regional aquifer properties. Calculated drawdown at the proposed distance of nearby well shall not exceed 5 feet after 180 days of pumping.
- Tier 4: A geohydrologic analysis shall be required for Tier 4 wells that will evaluate the projected effect on nearby wells and shall demonstrate that the new well will not cause significant and unreasonable impacts on nearby wells. If projected impacts are found to be significant and unreasonable, the well applicant must implement a monitoring plan with possible mitigation measures to address observed impacts.

Karst Areas

- For non-de minimis wells, if a well is proposed in a known karst area or if karst is encountered during the drilling process, further drilling shall be suspended, and the Health Officer shall evaluate whether a well can be completed without causing adverse impacts on groundwater resources, surface waters or other water users. The Health Officer may require analysis at the expense of the applicant by a professional geologist familiar with the occurrence and movement of water in karst landscapes. The analysis shall take into account the potential effect of the proposed well on nearby wells, springs and streams in terms of flow, water temperature and water quality. Recommendations may include depth of casing, perforations and seal, or procedures for destroying the borehole without adversely affecting subsurface conditions.
- For de minimis wells that are proposed in karst or that may encounter Karst, the Health Office shall be notified prior to completion, and additional protective measures may be required.
- Known karst areas and outcrops of marble or limestone are shown on the map of Groundwater Extraction Concern Areas, but other unmapped areas of karst may be encountered during drilling, particularly within mapped metasedimentary formations.

Compliance with California Environmental Quality Act and Protection of Coastal, Biotic and Cultural Resources

Tier 1, 2, and 3 wells that meet the requirements for those tiers may be approved ministerially. unless the issuance of the well permit requires one or more discretionary approvals pursuant to County Code Chapter 13.20, 16.20, 16.30, 16.32, 16.40, or 16.42. Tier 4 wells are subject to discretionary review and evaluation under the California Environmental Quality Act (CEQA), pursuant to state and local environmental review guidelines.

Wells within the Coastal Zone require a coastal development permit and are subject to evaluation under CEQA unless they qualify for an exemption or exclusion under County Code Chapter 13.20:

1. The following wells are exempt from coastal permit requirements: Replacement well on Park land (13.20.064) or serving an existing single-family dwelling (including ADU) or other existing legal

structure where there will be no increase or expansion of the use and where the well or access road will not encroach into a sensitive biotic habitat.

2. A well can qualify for a coastal exclusion under the following circumstances:
    a. The well is for agriculture on lands designated for agriculture on a parcel greater than 10 acres, the well is greater than 100 feet from a stream or waterbody, and is not between the coast and the first public through road paralleling the coast (typically Hwy 1, or San Andreas Rd)
    b. The well will serve a proposed single-family dwelling (including ADU) and is not in a sensitive habitat, urban services line, rural services line, appealable area, or in an area subject to saltwater intrusion or groundwater emergency.
    c. If a well meets the above requirements, a notice of coastal exclusion must be completed and sent to the Coastal Commission. These forms must be completed by staff in the Community Development and Infrastructure Department (CDI).
3. In all other cases the well is subject to Coastal Development Permit Requirements, and the applicant must apply to CDI. In some cases an emergency coastal permit may be obtained, but the applicant will still need to go through the process to obtain a coastal development permit.

When a well application is submitted, County staff will assess the presence and potential impact on mapped resources, including, sensitive habitat (Chapter 16.32), riparian corridors (Chapter 16.30), native American cultural sites (Chapter 16.40), and historic resources (Chapter 16.42). Where the proposed well location may impact any of those resources, further analysis, additional requirements, and/or discretionary review may be required prior to well permit approval. Any site disturbance required for the well construction must be in compliance with the County Grading ordinance (Chapter 16.20), and as such may require further discretionary review and permitting.

Metering and Reporting

- For all non-de minimis wells, a meter shall be installed to measure water use and usage shall be reported annually to the Health Officer, according to procedures established by the Health Officer. The cost of meter installation and reporting shall be borne by the well owner(s).
- The Health Officer may require the property owner to provide information to confirm that any required conservation measures are being maintained. If such information is not provided or water usage is not being reported, the Health Officer may conduct an inspection to observe the meter and/or verify that water conservation measures are being maintained. Inspections shall be conducted at reasonable times and the inspector shall first make a reasonable effort to contact the owner or occupant of the premises. If the inspection requires the entry into a building or an area that is designed for privacy, then prior permission shall be obtained from the owner or occupant. If permission is denied, then an inspection warrant shall be obtained.
- If the usage information or the results of a site inspection show that the well owner is not in compliance with Chapter 7.70 or with the requirements of the permit, the Health Officer shall require that corrective measures be taken.

Water Use Efficiency

Section 7.70.110.D of the County Well Ordinance requires that as a condition of approval of a well permit, it is demonstrated that groundwater will be put to beneficial use and will not be wasted. To that end, each non-de minimis well permit application shall be accompanied by a supplemental sheet that describes the proposed use of the well and measures that are taken to maximize water use efficiency. De minimis users are required to complete a water efficiency checklist and ensure that irrigated areas do not exceed 0.5 acre. The section requires that a water efficiency evaluation be performed, with reasonable recommendations for improved efficiency implemented. Following are the elements to be addressed in the water use efficiency audit.

Water Use Efficiency Audit for Non-Agricultural Uses

- Measure showerhead flow rates and install low flow showerheads, if needed.
- Measure faucet flow rates and install faucet aerators for kitchens and bathrooms, if needed.
- Check toilet for leaks and install tank displacement devices or retrofit, if needed.
- Evaluate the efficiency of the irrigation system.
- Identify and correct irrigation leaks, broken or mismatched sprinkler heads, high pressure and other common problems.
- Provide water conservation materials and water-wise landscaping tips.
- Evaluate any other water uses in the home or business for efficiency.
- Institute measures for dispersal and infiltration of stormwater where feasible, ensuring slope stability is not compromised.

Section 7.70.110.D.2 allows the installation of standard conservation measures in lieu of performing an audit. In this case, the following measures would be required. Some optional measures could be substituted to offset high water use landscaping.

Conservation Measures (** - Mandatory Measures)

1. Install ultra-low flow toilets (<1.2 gal/flush)** (retrofit waived if 1.6 gal/flush toilet is already in use)
2. Install low-flow showerheads (<2.0 gpm)**
3. Retrofit Clothes Washer
4. Audit for leaks**
5. Audit for irrigation efficiency**
6. Use xeriscape landscaping.
7. Utilize drip irrigation if feasible. (Required for agricultural use if feasible)
8. Evaluate water use and water savings by installation and use of a water meter.

Conservation Measures for Agricultural Uses

A more detailed and specific analysis of water use efficiency for agricultural uses shall be required to be completed on forms developed by the Health Officer. Additional measures may be required to prevent unnecessary water waste.

Groundwater Extraction Concern Areas

Additional measures will be required in designated groundwater extraction concern areas:

Type of Concern:	Karst	Limited Yield	Elevated Nitrate/ TDS/Cl	Tier 4 Seawater Intrusion
Protective Measure:				
Geohydrologic Evaluation	x			x
Modified Yield test observed by County		x		
Discretionary CEQA Review	x			x
Water Quality Testing			x	x
Seal Design	x		x	x
Treatment/Deed Recordation			x	
Well Interference Evaluation?		x		
Water Conservation/ Recordation		x		

Limited Yield Areas:

These are areas of the county known to provide limited amounts of groundwater due to the presence of non-water-bearing formations, with limited fractures. These areas have a history of dry holes and/or wells going dry during the summer or dry years. Wells proposed to serve a new or expanded use (including an accessory dwelling unit) in these areas will require a yield test that includes observation of a sustained pumping rate over a four-hour period that meets the requirements of Chapter 7.73 and concurrent observation of groundwater level in the well to show the level is stable and that it recovers at least 90% within 24 hours after the pump test is completed. Tier 2, 3 and 4 wells will also require concurrent observation of groundwater levels in existing wells within 2000 ft of the new well, subject to authorization by the affected well owners, who will also be required to rest their wells during the test period. If the yield test does not meet standards, additional water efficiency measures may be required and a notice may be recorded on the deed to note the limitations of the well.

Elevated Water Quality Concern

Areas of the county are known to have elevated levels of nitrate, total dissolved solids, chloride, chromium, or other constituents. Water quality testing is required for all newly constructed wells. In water quality concern areas this testing must be completed and submitted to the Health Officer for review and approval prior to well completion. If constituents are found to exceed drinking water

standards, or may degrade nearby groundwater quality, the Health Officer may require additional testing, electronic logging, evaluation by a qualified professional, specific completion and sealing measures, treatment, complete destruction and sealing of the borehole, and/or other measures necessary to protect groundwater quality and ensure the water quality is suitable for the proposed use. If treatment is required to meet drinking water standards, a notice will be recorded on the deed, pursuant to Chapter 7.73.

Tier 4 Seawater Intrusion Areas

Some areas of the county are experiencing seawater intrusion that is not currently being controlled by implementation of groundwater sustainability plans. In these areas, continued or expanded pumping may further threaten groundwater quality. Any new or replacement non-de minimis well in these areas shall be considered Tier 4 and will require an evaluation by a qualified professional to evaluate the likely impact of that well on seawater intrusion and groundwater quality, also taking into account the potential effects of sea level rise and climate change. The Health Officer may deny drilling of a non-de minimis well in these areas if such well is expected to worsen seawater intrusion.

County of Santa Cruz

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE DEPT
701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

NOTICE OF EXEMPTION

To: Clerk of the Board
Attn: xxx
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Project Name:	**Amend County Code Chapter 7.70 (Water Wells) and Chapter 7.73 (Individual Water Systems) to bring County provisions into conformance with State Policy and recent court decisions. Amendments include various measures for improved protection of groundwater and other resources and improved water supply reliability.**
Project Location:	Countywide
Assessor Parcel No.:	N/A
Project Applicant:	**County of Santa Cruz**

Purpose and Need for the Project

County Code Chapter 7.70 (Water Wells) includes various provisions regarding the siting and construction of wells to protect groundwater resources and ensure wells deliver good quality water. Chapter 7.73 (Individual Water Systems) establishes standard for yield and water quality of wells and other water sources to ensure that there is adequate and reliable quantity and quality of water for the intended use. Since 2009, when Chapter 7.70 was last updated, there have been a number of new state policies and court decisions that require that the County strengthen permitting procedures for wells and individual water systems to provide for increased consideration of: potential impacts on sustainability of groundwater basins and public trust resources, particularly waterways; potential environmental impacts of discretionary approvals; potential drought impacts on individual users; and, proper construction and destruction of soil borings to prevent contamination of underlying groundwater. The proposed amendments are intended to provide additional protection of the environment and individual well users, while mitigating impacts of well use and allowing continued reasonable beneficial use of groundwater resources.

Project Description:

Amend County Code Chapter 7.70 (Water Wells) and Chapter 7.73 (Individual Water Systems) and adopt Resource Protection Policy to bring County provisions into conformance with State Policy and recent court decisions. Amendments include various measures for improved protection of groundwater and other resources and improved water supply reliability, including requirements for: various measures to reduce impact of wells on groundwater resources, streams and associated public trust resources, karst areas, nearby wells, and designated groundwater extraction concern areas; different levels of review and protective measures for different types of wells, including discretionary review and potential for denial of Tier 4 wells; provisions for review and comment on well applications by affected water agencies and groundwater sustainability agencies; provisions for regulation of soil borings and stormwater infiltration devices; metering of all newly installed non domestic wells; penalties for code violations; promulgation of specific policies for implementation of code requirements; more extensive water quality testing for individual water systems and more stringent yield testing in known limited

yield areas; recordation of a notice on the deed for wells with limited yield or quality; water quality testing and yield testing at the time of property transfer; and, various other wording changes and clarifications. Amendments to County Code Chapter 7.70 and 7.73 are Coastal Implementing and will require Coastal Commission certification after County Adoption.

Agency Approving Project: County of Santa Cruz

County Contact: Matt Johnston **Telephone No**. (831) 454-5357

County Contact: Sierra Ryan **Telephone No**. (831) 454-2022

Date Completed: _____

Exempt status: (*check one**)

☐ The proposed activity is not a project under CEQA Guidelines Section 15378.

☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060(c).

X☐ The proposed activity is exempt from CEQA as specified under CEQA Guidelines Section 15061(b)(3).

Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.

Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285):
Specify type: Pub. Res. Code § 21080(b)(4), CEQA Guidelines Section 15269(c)

X **Categorical Exemption:** Class 8, Action by Regulatory Agency to Protect the Environment

**An agency may combine several exemptions to find an entire project exempt. In appropriate circumstances, different exemptions may also be found to apply to separate or sequential approvals for a single project.*

Reasons why the project is exempt:

Staff finds that this project qualifies for the Class 8 categorical exemption because it "consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." (14 Cal. Code Regs. § 15308.) The ordinance amendment does not involve construction activities, and it tightens, rather than relaxes, standards to prevent environmental degradation. (See 14 Cal. Code Regs. § 15308.)

Chapter 7.70 of Santa Cruz County Code currently allows any proposed well to be constructed as long as it meets technical standards for water quality protection and water use efficiency. There are currently no provisions to reduce potential impacts on groundwater sustainability or streamflow or to allow denial of new wells that cannot meet standards for mitigation of impacts.

Because the project would not allow an increase in the number of wells that would be permitted over the baseline number of permits allowed pursuant to the prior well ordinance, and the project would not allow an increase in pumping over current baseline operations, the project is also exempt from CEQA review under the common-sense exemption. A project is not subject to CEQA when it can be seen with certainty that there is no possibility the activity may have a significant effect on the environment. 14 Cal. Code Regs. §15061(b)(3).

This project qualifies for the Class 8 and common-sense exemptions because it provides for additional requirements to protect the environment over the baseline protections provided in the current Santa Cruz County Code:

- Increased setbacks and deeper well seals for newly permitted wells to reduce the depletion of streamflow and reduce impacts on fish and other aquatic resources.
- Limits on the amount of additional stream depletion that could be caused by new non-domestic wells; limits take into account resource values of affected streams and cumulative impacts from current water uses.
- Discretionary review of larger well serving new uses and grounds for denial if impacts on

resources and groundwater basin sustainability cannot be mitigated.
- Evaluation and mitigation of impacts from non-domestic wells penetrating karst formations.
- Metering and reporting of water use for all newly permitted non-domestic wells, which will help to discourage excessive water use.
- Authority to establish and implement policies to prevent impacts from soil borings and stormwater infiltration wells.
- More stringent yield and water quality testing to ensure suitability and sustainability of individual water supplies.
- Prohibition on use of streams as new water sources for individual water systems.
- Additional protective measures in specific mapped Groundwater Extraction Concern Areas.

The code amendments also provide for the adoption of a Resource Protection Policy by the Board of Supervisors, which will provide specific procedures and requirements for implementation of the new protective provisions of the code. This policy may be updated as needed by the Board, as new understandings and approaches evolve in methodologies for minimizing stream depletion caused by groundwater pumping.

Proposed code amendments and policy were developed in consultation with a Technical Advisory Committee, including well drillers, engineers, hydrogeologists, agriculture interests, water agency representatives, groundwater sustainability agency representatives, resource agency representatives, and other stakeholders interested in protection of streamflow and aquatic resources. Information on current and potential impacts of groundwater use was derived from numeric models for major groundwater basins in the county and analytical models used to analyze potential impacts of individual wells under various pumping and geologic scenarios.

The following findings indicate that this project qualifies for the Class 8 and common-sense exemptions because it will improve protection of the environment:

- Groundwater extraction by existing rural domestic wells in the county has potentially reduced streamflow in major groundwater basins by 1-14%, based on numeric groundwater models for the Santa Margarita and Santa Cruz Mid-County Groundwater Basins. The majority of stream depletion results from basin-wide lowering of groundwater levels from municipal and agricultural pumping. These impacts are being addressed through implementation of the groundwater sustainability plans in the three major basins.
- Individual domestic wells pump an average of less than 0.5 af/yr, with an estimated 45% of that water returned to the aquifer through onsite wastewater disposal and percolation.
- Development constraints and land use policies that minimize rural development limit the number of new domestic wells in the county. In the past 5 years there have been an average of 10 permit applications for new domestic wells per year. There has been an average of 1 permit application per year for new non-domestic wells. The groundwater sustainability plans have projected that there will be no significant increase in groundwater pumping over the next 40 years.
- There have been 31 applications per year for replacement/supplemental domestic wells and 10 applications for supplemental/replacement non-domestic wells.
- The proposed regulations will reduce the impacts of existing pumping by requiring greater stream setback and deeper seal depth for replacement and supplemental wells. Analytical models that estimate the relative impacts on steam depletion under different scenarios show that a 100 ft deep well seal can reduce the amount of stream depletion by 20-70%, depending on geologic conditions. A 100 ft setback from a stream can reduce the amount of stream depletion by 3-30%.
- Under the proposed tiered review of well applications, if a proposed well cannot meet the new requirements, or if a large (more than 50 af/yr) new or expanded well is proposed, that well will require a more detailed analysis and mitigation of impacts on streams and associated resources.

More detailed discussion and analysis can be found in the following documents on the County's website: https://scceh.com/NewHome/Programs/WaterResources/WellOrdinanceUpdate.aspx:

- Annotated Resource Protection Policy
- Critical Streams Table and Notes
- Stream Depletion Analysis

Signature: _____ Date: _____ Title: Environmental Coordinator