



## Legislation Details (With Text)

**File #:** 19-1513      **Version:** 2

**Type:** Agenda Item      **Status:** Approved

**File created:** 10/4/2019      **In control:** Board of Supervisors

**On agenda:** 12/17/2019      **Final action:** 12/17/2019

**Title:** Environmental Management Department recommending the Board adopt and authorize the Chair to sign approve the Final Passage (Second Reading) of Ordinance 5115 amending in its entirety Chapter 8.39, Well Standards, Ordinance No. 4110, of the El Dorado County Ordinance Code pertaining to Well Construction and Water Supply Standards. (Cont. 12/10/19, Item 42)

**FUNDING:** General Fund / Environmental Health Permit fees (no change to current cost or revenue).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Routing Sheet, 2. B - Well Construction and Water Supply Standards Ordinance Summary, Chapter 8.39, 3. C - Well Construction and Water Supply Standards Ordinance, Chapter 8.39, 4. Executed Ordinance 5115

Date	Ver.	Action By	Action	Result
12/17/2019	2	Board of Supervisors	Approved	Pass
12/10/2019	1	Board of Supervisors	Approved	Pass

Environmental Management Department recommending the Board ~~adopt and authorize the Chair to sign~~ approve the Final Passage (Second Reading) of Ordinance **5115** amending in its entirety Chapter 8.39, Well Standards, Ordinance No. 4110, of the El Dorado County Ordinance Code pertaining to Well Construction and Water Supply Standards. (Cont. 12/10/19, Item 42)

**FUNDING:** General Fund / Environmental Health Permit fees (no change to current cost or revenue).

### DISCUSSION / BACKGROUND

On December 10, 2019 (Item 42), the Board continued this matter to December 17, 2019 for Final Passage (Second Reading).

Environmental Management Department (Environmental Management), is recommending the Board amend Title 8, Public Health & Safety, Chapter 8.39, Well Standards within the County (Ordinance 4110), in its entirety in order to comply with the El Dorado County General Plan Objective 5.2.3, the County Land Development Code Chapters 110.16 and 110.64, and any other applicable County ordinance codes. Consistent with Board Policy A-3, Ordinances - New or Amended, the Board provided conceptual approval on April 28, 2015 (File No. 15-0396, Item No. 24) to amend Chapter 8.39 of the County Ordinance Code.

On April 10, 1990, the Board first adopted the Well Ordinance (Ordinance 4110), which was modeled after the State's model document and became effective on May 10, 1990, in order to protect the health, safety, and general welfare of the people of the County by ensuring that the groundwater of the County will not be polluted or contaminated. Ordinance 4110 set the minimum requirements for

construction, reconstruction, repair, and destruction of water wells, cathodic protection of wells, and monitoring wells.

Since the time that the Well Ordinance was first adopted, several changes to regulations and land use policy have occurred, most notably the passage of the voter approved County General Plan in 2005. The County's General Plan Objective 5.2.3 requires well water quality and quantity testing, and limits development of parcels dependent upon groundwater to one (1) dwelling per five (5) acres. Consistent with Objective 5.2.3, Environmental Management regulates, develops, administers, and enforces the Well Ordinance. This objective also requires verification of water quantity and quality to ensure a safe and reliable water supply for proposed parcel development.

In accordance with County Land Development Code sections 110.16.070 and 110.64.090, proof of an adequate potable water supply is required to be submitted to Environmental Management prior to the issuance of a building permit or installation of a manufactured home on a parcel.

The proposed revision of Chapter 8.39 consolidates requirements for minimum parcel sizes where wells can be installed as specified in the County General Plan and the Land Development Code. The revised Chapter 8.39 also references the California Department of Water Resources "Water Well Standards" Bulletins 74-81, 74-90 and subsequent supplements or revisions for construction, reconstruction, destruction, and repair of water wells, cathodic protection wells, soil borings, monitoring wells, and geothermal heat exchange wells. Further, the revised Chapter 8.39 includes standards for determining water supply for developments such that it is sustainable and that quality meets state standards.

During the preparation of the revised Chapter 8.39, Environmental Management held a workshop with interested stakeholders, including well drilling and pumping contractors. On June 22, 2018, a draft of the proposed Chapter 8.39 revisions was circulated to El Dorado Irrigation District (EID), and to Surveyors, Architects, Geologists, and Engineers (SAGE) members for comments, which were incorporated into the revised ordinance where appropriate.

Significant proposed changes to Chapter 8.39 include, but are not limited to, the following:

- Changing the title of the Ordinance to Well Construction and Water Supply Standards;
- Expanding and revising the definitions section of Chapter 8.39;
- Establishing minimum parcel size for a private water well and exceptions;
- Further detailing the permit application procedure;
- Establishing the minimum required setbacks;
- Providing for the provision for self-certification for seal inspections in order to expedite project completion; and
- Clarifying the administrative enforcement procedures for violations and the appeals process for permit denial, suspension, or revocation.

Environmental Management will be returning to the Board on December 17, 2019, for the Second Reading of Chapter 8.39 of the Ordinance Code.

## **ALTERNATIVES**

The Board may choose not to amend Chapter 8.39 of the Ordinance Code. This would limit Environmental Management's ability to enforce water well standards and requirements in accordance with current County objectives and practices, the County's General Plan, and State standards. The

revision of Chapter 8.39 allows the Well Ordinance to better align with current County building practices in order to ensure adequate water is available prior to any new land development.

**PRIOR BOARD ACTION**

See Discussion/Background above.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

**CAO RECOMMENDATION**

It is recommended that the Board approve this item, continuing the action to December 17, 2019, for final passage.

**FINANCIAL IMPACT**

There is no change to Net County Cost associated with the proposed ordinance revision. There may be additional increases in permit fees as well as a potential financial impact due to staff time required to administer and enforce the revised ordinance; however, the full extent of the impact is unknown at this time.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Publish the Summary Ordinance in the appropriate local newspaper(s) following Board approval of the Introduction (First Reading) of the Ordinance; and
- 2) Continue this agenda item to December 17, 2019 for Final Passage of the Ordinance.

**STRATEGIC PLAN COMPONENT**

Good Governance and Public Safety

**CONTACT**

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