



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 18-1580      **Version:** 2

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

**File created:** 10/3/2018      **In control:** Board of Supervisors

**On agenda:** 12/4/2018      **Final action:** 12/4/2018

**Title:** Community Development Services, Planning and Building Department, Long Range Planning, recommending that the Board approve Final Passage (Second Reading) of Ordinance 5096 to repeal Ordinance 4385 and repeal and replace El Dorado County Ordinance 4325 - Providing For Public Water Planning (the repeal or amendment of Ordinance No. 4325 requires unanimous approval by the Board of Supervisors).

**FUNDING:** There is no funding associated with this item.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2A - Revised Ordinance 5096 for Adoption 12-4-18, 2. A - Approved CRS MOU Water Agency, 3. B - MOU with EDC Water Agency, 4. C - County Ordinance No. 4325, 5. D - County Ordinance No. 4385, 6. E - Approved CRS Repeal and Replace Ord.pdf, 7. F - Proposed Amendment Ordinance No. 4325\_Final Draft, 8. F - Revised Proposed Ordinance 5096, 9. G - State Legislative Requirements vs. Ordinance No. 4325, 10. H - Resolution 118-92, 11. Proof of Publication, 12. Executed MOU, 13. Executed Ordinance 5096, 14. Proof of Publication 12-7-18

Date	Ver.	Action By	Action	Result
12/4/2018	2	Board of Supervisors	Approved	Pass
11/20/2018	1	Board of Supervisors	Continued	Pass
11/20/2018	1	Board of Supervisors	Continued	

Community Development Services, Planning and Building Department, Long Range Planning, recommending that the Board approve Final Passage (Second Reading) of Ordinance **5096** to repeal Ordinance 4385 and repeal and replace El Dorado County Ordinance 4325 - Providing For Public Water Planning (the repeal or amendment of Ordinance No. 4325 requires unanimous approval by the Board of Supervisors).

**FUNDING:** There is no funding associated with this item.

### DISCUSSION / BACKGROUND

At their regular meeting of November 20, 2018 (Item 17), the Board approved the Introduction (First Reading) of Ordinance 5096 as amended and continued the matter to December 4, 2018 for Final Passage (Second Reading).

In August 1995, the El Dorado County Board of Supervisors took a proactive approach related to long-term water supply planning for the County. Ordinance No. 4325 was adopted to ensure that land use actions taken by the Board of Supervisors were based on adequate information regarding water supply availability for anticipated land development projects. Ordinance No. 4325 was adopted by the Board of Supervisors pursuant to the Elections Code's process for adoption of an Ordinance proposed by initiative petition. Ordinance No. 4325 was originally presented to the Board of Supervisors after having received a sufficient number of petition signatures to place the Ordinance on

the ballot. The repeal or amendment of Ordinance No. 4325 will require unanimous approval by the Board of Supervisors. Additionally, Ordinance No. 4325 works in concert with Board of Supervisors Resolution No. 118-92 (Attachment H).

Ordinance No. 4325 requires the following:

1. Meters
  - a) Requires the purchase of a water meter prior to final action on a parcel map, subdivision maps or development projects requiring public water service.
2. Obtain Water Data
  - a) Requires water supply and demand data from all the public water agencies and districts within 180 days and then annually as set forth in California Government Code Section 65352.5 from that point forward;
  - b) Requires public review of the data;
  - c) Requires public hearings prior to acceptance of the water data.
3. Water Plan (First plan was due in August 1996)
  - a) Requires the County to prepare a long-term public water plan to be updated annually which includes the following:
    - i. An inventory of the projects and parcels being processed by the County, within each public water district; and, estimates of the potential water needs;
    - ii. An inventory of all existing and unserved parcels and projects within each public water district and estimates of their potential public water needs;
    - iii. A water availability assessment for each public water district that determines the adequacy of existing and planned future water supplies to meet existing and planned future demand on these water supplies, projected over the next twenty (20) years, for all types of growth and development - residential, commercial and agricultural.

Ordinance No. 4325 requires a long-term public water plan be updated and approved annually. Reports pursuant to this Ordinance have not been prepared for a number of years. County staff was initially responsible for preparing this report, but on November 6, 2001, the Board of Supervisors directed “that preparation of future, annual Water Supply and Demand Reports will be the responsibility of the County Water Agency”. The record indicates that the El Dorado County Water Agency (EDCWA) contracted with Economic and Planning Systems, Inc. (EPS) in 2002 to prepare the 2001 annual report, and since that time EDCWA has produced several reports.

In February 2016, the Board of Supervisors directed County staff to review Ordinance No. 4325 and develop recommendations on continuance or other actions regarding the Ordinance. County staff met with EDCWA to review and discuss the Ordinance, identify redundancies (if any) between the Ordinance and other mandates, and assess the continued need for the Ordinance.

Since 1995, State legislative requirements have caught up with the Ordinance’s requirements. Attachment G contains a table that compares County Ordinance No. 4325 with the various State legislative requirements; it shows that current legislation now mandates the objectives of County Ordinance No. 4325.

Because the County and EDCWA can rely on analyses and reports currently being produced pursuant to existing State statutes to meet the objectives of County Ordinance No. 4325, the

Ordinance is proposed to be amended. However, to facilitate the development of a Countywide Water Management Plan, the responsibilities of the parties to that end are set forth in the MOU, which is intended to work in concert with County Ordinance No. 4325, as amended. Finally, County Ordinance No. 4385, which works in concert with Ordinance No. 4325 and requires annual reporting on or before July 1 of each calendar year, beginning in 1996, is not practical or seen as necessary and therefore is proposed to be repealed.

Amending Ordinance No. 4325 will save money and time, as well as avoid duplicative work which may cause confusion. For example, Ordinance No. 4325 requires a Water Plan be updated and approved and mailed out to all property owners annually. Developing this Plan and the associated approval and mailing process has been proven to be a time-consuming and expensive effort for the County. Given the County's average growth rate, the need to update the Plan on an annual basis appears to be excessive, and can be replaced with the mandated State requirements outlined in the UWMPs and Water Supply Assessments (WSA) / water verification statutes.

Implementation of the State requirements, regardless of the County Ordinance, requires a coordinated effort between EDCWA, the County and water purveyors. In the past, coordination has been somewhat inconsistent; the recommended Water Plan and associated coordination would ensure that assumptions, analysis and resulting documents are aligned amongst all parties involved. Recently, EDCWA has assumed the role to facilitate coordination between the County and the water purveyors in its responsibility to develop and maintain a county-wide Water Management Plan.

The following outlines the governance and general roles between the County and EDCWA within the MOU:

**Land Use Planning:** County has police power to protect the public health, safety, and welfare of its residents. Land use and zoning regulations are a derivative of County's police power. This power allows counties to establish land use and zoning laws which govern the development and use of the community. County has the responsibility to maintain an adequate General Plan pursuant to state law and the authority to consider, and ultimately approve or deny, land use development proposals within its jurisdiction.

**Countywide Water Planning:** EDCWA is authorized by Chapter 96 of the 1959 Water Agency Act. The establishment of the EDCWA allows the agency to develop a Countywide Water Plan and to participate in statewide water planning. The agency is empowered to negotiate contracts with the Department of Water Resources, the U.S. Bureau of Reclamation, and other local, state, and federal agencies for water management and facility construction. In its role to prepare the Countywide Water Plan, EDCWA works with the existing water purveyors in El Dorado County regarding the availability of water supplies in the respective service areas and the unrepresented areas of the County. El Dorado County is currently served by six (6) public water purveyors: El Dorado Irrigation District (EID), Georgetown Divide Public Utility District (GDPUD), Grizzly Flats Community Services District (GFCSD), South Lake Tahoe Public Utility District (STPUD), Tahoe City Public Utility District (TCPUD), and City of Placerville (Placerville).

EDCWA was formed, to "Ensure that El Dorado County has adequate water for today and in the future." The interaction and formal development of standard review process between the water providers, EDCWA and the County will provide information the Board needs to make informed land use decisions while reducing the time and effort currently expended to "recreate" the same data annually. Substantial cost savings will be recognized by both the County and water agencies; and a more efficient and coordinated data gathering process to comply with State legislative requirements

will be in place.

In addition to the proposed changes to the water supply reporting requirements to Ordinance No. 4325, staff is proposing a clarification to the requirement for the purchase of a water meter for final parcel maps. The intent is for the applicants of residential parcel maps to purchase a water meter as those are standard in size. However, water meters for commercial lots vary in size dependent on the commercial use. Currently the ordinance requires applicants of development projects to purchase a water meter in advance. The changes would allow the applicants of commercial lots to purchase a meter once appropriately sized, not in advance.

### CEQA

Staff has determined that the project is exempt from CEQA under Section 15061(b)(3) because the actions listed in the proposed Ordinance and MOU reiterate existing County land use policies.

### **ALTERNATIVES**

The Board could choose to deny approval of the MOU and/or maintain County Ordinance No. 4325, and/or maintain County Ordinance No. 4385.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

El Dorado County Water Agency

### **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

Cost savings will be realized through increased collaboration and by eliminating the need to produce and mail a copy of the Water Plan to all County residents every year.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- Obtain the Chair's signature and return two original signed copies of the MOU to Cindy Johnson, Long Range Planning
- Repeal and replace County Ordinance No. 4325
- Repeal County Ordinance No. 4385

### **STRATEGIC PLAN COMPONENT**

Good Governance and Collaboration

### **CONTACT**

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