

ORDINANCE NO. 2006

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA
AMENDING TITLES 9 AND 10 OF THE TEHAMA COUNTY CODE RELATING TO
GROUNDWATER AQUIFER PROTECTION AND WATER WELLS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA ORDAINS AS
FOLLOWS:

SECTION 1. The Board of Supervisors of the County of Tehama hereby finds and declares the following:

- (A) Tehama County is entering the fourth year of an historic drought, with 2015 projected to become the one of the driest years on record, and a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond.
- (B) California's water supplies statewide, including those serving Tehama County, continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins.
- (C) The impact of the drought upon Tehama County's groundwater aquifers is substantial, as decreased surface water supplies have resulted in increasing reliance on groundwater, thereby magnifying the negative effects naturally resulting from the drought.
- (D) New expedited actions are needed to reduce these harmful impacts to Tehama County's groundwater aquifers, in order to ensure the long-term vitality of these basins and the adequacy of future water supplies therefrom for lawful and beneficial uses.
- (E) The use of groundwater to supply activities and land uses conducted in violation of applicable ordinances, and the off-parcel use of groundwater without a permit in violation of Chapter 9.40 of the Tehama County Code, is wasteful and unreasonable, and threatens both immediate and permanent harm to the reasonable, beneficial, and lawful uses of groundwater from every affected aquifer.
- (F) Non-agricultural groundwater wells located on vacant parcels, which do not supply any land use lawfully permitted by the Tehama County Code,

or any permitted off-parcel use, facilitate the wasteful and unreasonable use of groundwater for unlawful and unpermitted activities on the parcel, or the unlawful and unpermitted use of groundwater off-parcel, or both. Such wells further facilitate the perpetuation of unlawful land uses in contravention of Tehama County's General Plan and ordinances.

- (G) It is therefore necessary to ensure that drilling of any new non-agricultural wells on vacant parcels is delayed until such time as a lawful permitted use of that parcel is established, or a lawful off-parcel use permit is obtained. It is further necessary to ensure that existing non-agricultural wells on vacant parcels are maintained in a manner that does not allow for ready extraction of groundwater therefrom until such time as a lawful and permitted use of the parcel is established, or a lawful off-parcel use permit is obtained.
- (H) Preservation of Tehama County's groundwater aquifers further necessitates that the prohibitions and enforcement provisions of Chapter 9.40 of the Tehama County Code, pertaining to aquifer protection, be expanded and enhanced, in order to effectively prevent and remedy future violations.

SECTION 2. Section 9.40.030 of the Tehama County Code is hereby repealed.

SECTION 3. Section 9.40.030 is hereby added to the Tehama County Code to read:

9.40.030 Permit required for extraction of groundwater for use off-parcel. It shall be unlawful to extract groundwater of any nature or description, or for a property owner to allow such extraction on his land, or for any person to knowingly cause, permit, aid, abet, suffer, or furnish equipment or labor for such extraction, for the purpose of using the water or selling the water for use on other than the parcel of land upon which the extraction occurs, or contiguous parcels of land under the same ownership as the parcel from which the extraction occurs, without first obtaining a permit as provided in this chapter. It shall be unlawful to knowingly use water extracted in violation of this section on other than the parcel of land upon which the extraction occurs, or contiguous parcels of land under the same ownership as the parcel from which the extraction occurs, or for a property owner to knowingly allow such use on their land, or for any person to knowingly cause, permit, aid, abet, suffer, or furnish equipment or labor for such use, without first obtaining a permit as provided in this chapter. This provision does not apply to the extraction of water for the purposes of supplying a "public water system," a "community water system," a "noncommunity water system," or "state small water system" as defined by Division 5, Part 1, Chapter 7 of the California Health and Safety Code commencing with Section 4010, serving residents of the County of Tehama.

SECTION 4. Section 9.42.334 is hereby added to the Tehama County Code to read:

9.42.334 Permitted Use Required.

- A. Except as provided in subdivision (c), no permit shall be issued for any individual well with a casing diameter of eight (8) inches or less unless the parcel upon which the well is located contains a permitted use which will be supplied by the well.
- B. For purposes of this section and Section 9.42.399, "permitted use" shall mean only the following, as determined by the Director of Planning in accordance with Title 17 of this Code:
 - 1. In the case of property located within the R-1, R-2, R-3, R-4, RE, AG-1, AG-2, AG-3, and AG-4 zoning districts, actual residential use of the premises that is conducted in a residential structure or manufactured home on a permitted foundation system for which a final certificate of occupancy has been issued in accordance with Title 15 of the Tehama County Code.
 - 2. In the case of property located within the C-1, C-2, C-3, C-4, M-1, M-2, GR, PD, PA, and AV zoning districts, actual use of the premises for a purpose permitted within that zoning district and otherwise in compliance with the Tehama County Code that is conducted in a structure or manufactured home on a permitted foundation system for which a final certificate of occupancy authorizing such use has been issued in accordance with Title 15 of the Tehama County Code.
 - 3. In AG-1, AG-2, AG-3, AG-4, NR, GR, and PF zoning districts, an active commercial agricultural use that is permitted within that zoning district and otherwise in compliance with the Tehama County Code.
- C. The following individual wells are exempt from this Section:
 - 1. A well permit may be issued for an individual well that will supply a structure or manufactured home for which a building permit has been obtained, and not expired, if that structure when completed and actually used will constitute a permitted use under this section.
 - 2. A well permit may be issued for an individual well that will supply an off-parcel use for which a permit has been issued in accordance with Chapter 9.40 of this Code.

SECTION 5. Section 9.42.399 is hereby added to the Tehama County Code to

read:

9.42.399 Maintenance of Dormant Wells.

- A. Except where the context otherwise requires, the following definitions shall govern the construction of this Section:
 - 1. "Dormant well" shall mean any individual well with a casing diameter of eight (8) inches or less which has not been used to supply water to a permitted use located on the same parcel for a period of ninety (90) days or more.
 - 2. "Permitted use" shall have the same meaning set forth in Section 9.42.334.
- B. Except as provided in subdivision (d), every dormant well shall be idled by (i) removal of the pump and motor to render the well inoperative, and (ii) covering the well with a watertight welded seal that cannot be removed without the use of tools to prevent injury to persons and the entrance of undesirable water, rodents or foreign matter.
- C. Any person idling a well under this Section, or reactivating a well that was previously idled, shall provide written notification to the Director of Environmental Health. It shall be unlawful and a violation of this chapter for any person to tamper with the seal placed upon a dormant well, or to extract water from a dormant well, or to cause, permit, aid, abet, suffer, or furnish equipment or labor for such tampering or extraction, without first notifying the Director of Environmental Health as provided herein.
- D. The following individual wells are exempt from this Section:
 - 1. An individual well actively used to supply an off-parcel use for which a permit has been issued in accordance with Chapter 9.40 of this Code, in compliance with the terms of that permit, shall not be considered a dormant well for purposes of this chapter.
- E. Any dormant well that is not idled in the manner set forth in this subsection is hereby declared to be a public nuisance. Such nuisance may be abated in the manner set forth in Chapter 10.16, in addition to any other remedies.

SECTION 6. Section 10.16.200 of the Tehama County Code is hereby repealed.

SECTION 7. Section 10.16.200 is hereby added to the Tehama County Code to read:

10.16.200 Administrative Civil Penalties.

- A. In addition to any other remedy or penalty prescribed in this chapter, any nuisance as described in this chapter may be subject to an administrative penalty in the following amounts:
1. Up to one hundred dollars per day, or part thereof, for the first violation.
 2. Up to two hundred dollars per day, or part thereof, for a second violation of the same ordinance within one year.
 3. Up to five hundred dollars per day, or part thereof, for each additional violation of the same ordinance within one year.
 4. Notwithstanding subdivisions (a)(1) through (a)(3), any nuisance resulting from a violation of Chapter 9.40 of the Tehama County Code may be subject to an administrative penalty of up to one thousand dollars per day.

The administrative penalty may be imposed via the administrative process set forth in this section, as provided in Government Code Section 53069.4, or may be imposed by the court if the violation requires court enforcement without an administrative process.

SECTION 8. This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in the *Red Bluff Daily News*, a newspaper of general circulation in Tehama County.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Tehama, State of California, at a regular meeting of the Board of Supervisors on the 9th day of June, 2015 by the following vote:

AYES: Supervisors Garton, Williams, Chamblin, Carlson and Bundy

NOES: None

ABSENT OR NOT VOTING: None


CHAIRMAN, Board of Supervisors

STATE OF CALIFORNIA)
) ss
COUNTY OF TEHAMA)

I, JENNIFER A. VISE, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California, hereby certify the above and foregoing to be a full, true and correct copy of an ordinance adopted by said Board of Supervisors on the 9th day of June, 2015.

DATED: This 9th day of June, 2015.

JENNIFER A. VISE, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California,

By Angela L Ford
Deputy