

ORDINANCE NO. 4501

AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AMENDING AN EXCEPTION TO THE PROHIBITION ON NEW WATER WELL PERMITS AND NEW WATER WELLS IN FOUR WATERSHEDS IN THE UNINCORPORATED AREA OF VENTURA COUNTY

The Board of Supervisors of the County of Ventura hereby ordains as follows:

Section 1. Findings

The Board of Supervisors makes the following findings in support of the enactment of this Ordinance:

- a. Due to lengthy drought conditions in the State of California and in Ventura County, the County on October 28, 2014, adopted Ordinance No. 4466, an urgency measure prohibiting the issuance of permits for the construction of new water wells or modification or repair of existing wells and prohibiting construction of new water wells or modification or repair of existing wells except as provided therein.
- b. On December 6, 2016, the County adopted Ordinance No. ~~4497~~ an urgency measure temporarily extending the prohibition in Ordinance No. 4466 on new water wells and new water well permits within basins designated as High or Medium Priority by Department of Water Resources (DWR) when a groundwater sustainability agency has submitted an alternative plan under the Sustainable Groundwater Management Act (Stats. 2014, chs. 346, 347 and 348) (SGMA).
- c. SGMA requires an alternative plan to be submitted no later than January 1, 2017, and thereafter allows DWR two years within which to evaluate and issue an assessment of the alternative plan, following a 60-day public comment period.
- d. The current prohibition may expire within a basin for which a groundwater sustainability agency has submitted an alternative plan prior to DWR's completion of its assessment and identification of any deficiencies in the alternative plan.

- e. The public health and safety require that Ventura County take steps to ensure that the current prohibition remain in place until it can be determined that a groundwater sustainability agency submitting an alternative plan has in place appropriate measures for ensuring that the construction of new wells or modification or repair of existing wells within the basin will not result in significant adverse impacts on the surface and subsurface water supply within the watershed in which it is located.
- f. This Ordinance is exempt from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect groundwater resources within watersheds in the unincorporated area of Ventura County from further depletion (CEQA Guidelines § 15061(b)(3)); because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources, namely the groundwater resources within watersheds in the unincorporated area of Ventura County (Class 7, CEQA Guidelines § 15307); and because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of the environment, including groundwater resources within watersheds within the unincorporated area of Ventura County (Class 8, CEQA Guidelines § 15308). No exceptions to these exemptions are present.
- g. This Ordinance is also exempt from CEQA because it extends a temporary prohibition on new well permits and new wells, the effect of which is to reject or disapprove water well projects. This Ordinance therefore qualifies for an exemption under Public Resources Code section 21080(b)(5) and CEQA Guidelines section 15270.
- h. This Ordinance is also exempt from CEQA because it prevents or mitigates impacts from the sudden, unexpected failures of existing wells within watersheds in the unincorporated areas of Ventura County which failures impose a clear and imminent danger to existing residential and agricultural water wells in the watersheds in the unincorporated area of Ventura County and to users who rely on the water from those wells, and which requires immediate action to prevent or mitigate the loss of, or damage to, life, health, property and essential public services. This Ordinance therefore qualifies for an exemption under Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c).

Section 2. Section 4826.2 of Division 4, Chapter 8, Article 1 of the Ventura County Ordinance Code is hereby amended to read as follows:

4826.2 Exceptions to Water Well and Permit Prohibitions.

The water well and permit prohibitions in Section 4826.1 shall not apply to:

A. Water well permits for the repair, modification or replacement of an existing permitted water well or legal nonconforming water well involving no increase in well capacity. Well capacity means the name plate performance rating for the existing well equipment.

B. Water well permits for backup or standby wells which do not initiate any new or increased use of groundwater. For purposes of this Section, a new or increased use of groundwater is a use that did not exist before October 22, 2014.

C. Water well permits within areas in which groundwater rights have been adjudicated by a court where this water well permit prohibition would interfere with the court's order, decree, or physical solution.

D. County water well permit applications approved for processing by a Groundwater Management Agency, provided that on October 22, 2014, the Groundwater Management Agency is prohibiting new groundwater extraction facilities. For purposes of this Section 4826.2, Groundwater Management Agency shall mean an agency formed under Water Code - Appendix Sections 121-102 et seq.

E. County water well permit applications filed on or before October 22, 2014.

F. Water well permit applications within groundwater basins designated as High or Medium Priority under the Department of Water Resources ("DWR") California Statewide Groundwater Elevation Monitoring Program (CASGEM) Groundwater Basin Prioritization for which designations are made pursuant to Water Code Section 10722.4 and for which a groundwater sustainability agency has adopted and submitted to DWR a groundwater sustainability plan pursuant to Water Code Section 10727 or for which a groundwater sustainability agency has submitted an alternative plan pursuant to Water Code Section 10733.6 and the alternative plan has been approved by DWR, or a determination has been made by the Ventura County Watershed Protection District that the construction of new water wells or modification or repair of existing wells can occur in the groundwater basin without significant adverse impact on the surface or subterranean supply of waters within the watershed in which the groundwater basin is located, whichever occurs first.

Section 3. Effective Date. This Ordinance shall take effect and be operative 30 days after its adoption.

PASSED AND ADOPTED this 10th day of January, 2017, by the following vote:

AYES: Supervisors Zaragoza, Bennett, Parks

NOES: Long, Foy

ABSENT: none


Chair, Board of Supervisors
County of Ventura

ATTEST:

MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California
By: Lou Shines
Deputy Clerk of the Board

