

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.**
- 7.73.020 Definitions.**
- 7.73.030 Requirement for permit.**
- 7.73.040 Application for permit.**
- 7.73.050 Yield requirements.**
- 7.73.060 Yield testing.**
- 7.73.070 Quality requirements.**
- 7.73.075 Water source evaluation upon transfer of property.**
- 7.73.080 Amendments.**

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