



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: April 28, 2015

TO: Ordinance Committee

FROM: Water Resources Division, Public Works Department

SUBJECT: Ordinance To Prohibit Private Well Construction On Properties Served By City's Water System

RECOMMENDATION:

That the Ordinance Committee forward to Council for introduction An Ordinance of the Council of the City of Santa Barbara Amending Section 14.32.040 of the Santa Barbara Municipal Code to Prohibit Private Well Construction on Properties Served by the City's Water Supply System and to Repeal Section 14.32.115 Pertaining to Emergencies.

DISCUSSION:

After four years of historically dry weather and diminished surface water supply, the City is preparing to declare a Stage Three Drought Condition in May 2015. Stage Three is the highest level of drought response. Groundwater is an important part of the City's water supply, especially during critical drought periods when surface water supplies are limited. Groundwater is also the City's only potable water supply that is available in the event deliveries from the Santa Ynez River are disrupted. Given this serious drought condition, it is important to protect the City's groundwater basins.

The City boundaries overlie Storage Units I and III of the Santa Barbara groundwater basin, as well as portions of the Foothill Basin, which are all relatively small basins. The City currently owns and operates water supply production wells in the groundwater basins and has an extensive network of groundwater monitoring wells that measure water levels and water quality. While the City is the only known pumper in Storage Unit I, there are other private pumpers in Storage Unit III and the Foothill Basin.

Santa Barbara Municipal Code (SBMC) Chapter 14.32 is known as the Well Ordinance of the City of Santa Barbara. The Well Ordinance specifies regulations related to the metering and permitting of wells. Section 14.32.040 addresses prohibited acts and required permits for activities related to wells.

Staff recommends that the Ordinance Committee forward to Council for introduction an Ordinance of the Council of the City of Santa Barbara Amending Section 14.32.040 to

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The amended Ordinance will prohibit the construction or replacement of water supply production wells when a property is or can feasibly be served by the City's water supply system. This prohibition will help ensure water users adhere to the City's water conservation rules, will prevent the wasteful misuse of groundwater, and will protect the financial integrity of the City's water supply system by preventing parallel usage of groundwater and City water system supplies. The amended Ordinance will help staff manage the City's groundwater basins to ensure there are adequate water supplies for public health, safety, and welfare.

Staff also identified an outdated "emergency" clause in Section 14.32.115 that might be misinterpreted to allow well owners to construct new wells without permits. The City Attorney has advised repealing SBMC section 14.32.115.

ATTACHMENT(S): Draft Ordinance Amending SBMC, Section 14.32.040

PREPARED BY: Joshua Haggmark, Water Resources Manager/DH/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTION 14.32.040 OF THE SANTA BARBARA MUNICIPAL CODE TO PROHIBIT PRIVATE WELL CONSTRUCTION ON PROPERTIES SERVED BY THE CITY'S WATER SUPPLY SYSTEM AND TO REPEAL SECTION 14.32.115 PERTAINING TO EMERGENCIES

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings and Purposes. The City Council finds and declares that the City is in an ongoing state of drought emergency. In order to conserve surface water and groundwater supplies, the City Council finds and declares it is necessary to prohibit the construction of new private water wells when a property is or can be feasibly served by the City's water supply system. This prohibition will prevent water users from bypassing and avoiding the City's water conservation rules by virtue of using alternative groundwater supplies. This prohibition will also prevent the wasteful misuse of groundwater. Finally, this prohibition will protect the financial integrity of the City's water supply system by preventing parallel usage of groundwater and City water system supplies.

SECTION 2. Section 14.32.040 of Chapter 14.32 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

14.32.040 Acts Prohibited, Permit Required.

(a) It shall be unlawful for any person to construct, modify or repair, abandon or destroy any well unless such person has a valid permit issued by the Public Works Director for the specific action to be taken.

(b) It shall be unlawful for any person to construct, modify or repair, abandon or destroy any well unless such construction, modification or repair, abandonment or destruction is in conformance with the terms and conditions contained in the permit issued by the Public Works Director.

(c) It shall be unlawful for any person to construct any well, and no permit shall be issued for construction of a well, if the property to be served is connected to the City's water supply system or the property is within 500 feet of a feasible connection point to the City's water supply system. The Public Works Director may grant conditional exemptions when a connection to the City's water supply system is infeasible.

SECTION 3. Section 14.32.115 of Chapter 14.32 of Title 14 of the Santa Barbara Municipal Code is repealed.

~~14.32.115 Emergency.~~

~~In the event of an emergency, a person may construct, modify or repair, destroy or abandon a water well without the permit required by this ordinance providing that (1) such work is performed in conformance with the standards set forth herein, (2) the Public Works Director is notified of such emergency work prior to its commencement and (3) an application for the required permit is made within three (3) City working days after the initiation of such emergency work.~~