



Board of Supervisors  
Meeting Date: March 21, 2017  
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Regular Item

**DORMANT WELLS AND RELATED GROUNDWATER ISSUES AD-HOC  
COMMITTEE / WELL PERMIT ORDINANCE - Environmental Health Director Tim  
Potanovic**

**Requested Action(s)**

- a) Request to find that adoption of the proposed Ordinance amending Title 9 of the Tehama County Code relating to groundwater well permits and dormant groundwater wells is not a project subject to review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines sections 15060, subdivision (c)(2); 15061, subdivision (b)(3); and 15378, and that in addition to the foregoing general exemptions, the Ordinance is also categorically exempt from review under CEQA under the Class 7 and Class 8 Categorical Exemptions (regulatory activity to assure the protection of natural resources and the environment), and direction to the Environmental Health Director to file a Notice of Exemption upon adoption of the ordinance
- b) ORDINANCE NO. 2017-2037 - Request adoption of an ordinance amending Title 9 of the Tehama County Code relating to groundwater well permits and dormant groundwater wells
  - 1) Waive the first reading
  - 2) Accept the Introduction

**Financial Impact:**

The ordinance revisions may result in a small increase in the number of well permits issued (and thus permit fee revenue). However, the number of such permits and amount of such revenues are not expected to be significant. The proposed deposit requirement would provide a source of funds to offset abatement costs for nuisances occurring on the subject properties, but this is likewise not anticipated to be significant.

**Background Information:**

Ordinance No. 2006, adopted in June 2015, prohibits the drilling of new non-agricultural wells (less than eight-inch diameter) on vacant parcels (with certain exceptions), and further requires that "dormant" wells (i.e., existing wells on vacant parcels without a "permitted use") be idled. On March 7, 2017, the Board of Supervisors directed staff to bring forward an ordinance implementing the following revisions to Ordinance No. 2006 in order to address community concerns:

Allow drilling of new non-agricultural wells (less than eight-inch diameter) on vacant parcels, subject to the following conditions:

- 1) The property owner must submit a statement under penalty of perjury

identifying the intended use(s) for any groundwater extracted from the well. These uses cannot violate any provision of federal or state law or the Tehama County Code.

- 2) The property owner must also submit security (in the form of a cash deposit, bond, etc.) in the amount of \$300 guaranteeing compliance with all applicable provisions of federal and state law and the Tehama County Code. This security must be maintained in full force and effect until a permitted use is established on the property, or until the well is idled - and will be forfeited in the event that the Planning Commission or Marijuana Cultivation Ordinance Hearing Officer finds that a public nuisance is occurring on the premises.
- 3) In the event that a nuisance is found to occur on the premises, the environmental health director may order that the well be idled, and not reactivated until a permitted use is established on the parcel (i.e., the property will no longer be eligible to use the foregoing statement/bond option to activate a non-agricultural well).

Existing "dormant" wells (permitted prior to Ordinance No. 2006) will be eligible to obtain an amended permit subject to all of the foregoing conditions. "Dormant" wells that do not obtain such an amended permit (and provide security and a sworn statement, etc.) will still be subject to idling under the existing provisions of Ordinance No. 2006.

That ordinance is presented for Board action today.

**Attachment List:**

Dormant Well Ordinance 2017 (Final) (PDF)