

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ARROYO GRANDE AMENDING CHAPTER 13.08 OF THE
ARROYO GRANDE MUNICIPAL CODE REGARDING
WATER WELLS**

WHEREAS, on February 27, 2001, the City of Arroyo Grande City Council ("City Council") adopted Ordinance 524 to define a community supply well; and

WHEREAS, on November 22, 2005, the City Council adopted Ordinance 576 to further regulate the installation of private, domestic, irrigation and agricultural wells; and

WHEREAS, the foregoing Ordinance was incorporated into the Arroyo Grande Municipal Code as Chapter 13.08; and

WHEREAS, this Ordinance amends Chapter 13.08 to add restrictions on the installation and maintenance on private, domestic, irrigation and agricultural wells to prevent contamination or depletion of the City's groundwater supplies, as well as modifying the discretionary review authority and creating a new administrative authority; and

WHEREAS, the City Council of the City of Arroyo Grande, at its regularly scheduled public meeting on March 11, 2025 introduced this Ordinance to amend Chapter 13.08 of Title 13 of the Arroyo Grande Municipal Code; and

WHEREAS, the regulation of wells within the City is necessary to protect the City's water supply from contamination or pollution; and

WHEREAS, the regulation of wells within the City is necessary to protect the City's water supply from depletion or degradation or loss of volume, which would impact delivery to customers; and

WHEREAS, the regulation of wells within the City is essential more generally to other potential impacts to the public health and safety; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Environmental.

The City Council finds this Ordinance is exempt from CEQA under State CEQA Guidelines section 15061(b)(3), which exempts projects from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”

In the alternative, the City Council finds that the Ordinance does not qualify as a “project” under CEQA because the Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines section 15060, subd. (c)(2), (3).) Section 15378 of the State CEQA Guidelines defines a project as the whole of an action, which could potentially result in either a direct physical change, or reasonably foreseeable indirect physical change, in the environment. Here, the Ordinance will not result in any construction or development, and it will not have any other effect that would physically change the environment. The Ordinance therefore does not qualify as a project subject to CEQA.

Adopting the Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).

Finally, the Ordinance is adopted with the intent to protect natural resources and the environment, specifically the City’s water resources. This Ordinance will regulate and restrict the installation of private, domestic, irrigation and agricultural wells for nonresidential, residential, and mixed uses. Accordingly, this Ordinance is categorically exempt under either State CEQA Guidelines section 15307 or 15308.

SECTION 3. General Plan Consistency. The Ordinance’s amendments to the AGMC are consistent with the General Plan and necessary and desirable to implement the provisions thereof. Specifically, agricultural element objective AG2-3 requires the City to ensure that urban land use and development projects result in no net decrease in groundwater recharge and on adverse impact on agricultural water supplies. For this reason, the Ordinance’s amendments to the AGMC are consistent with the general plan and necessary and desirable to implement the provisions thereof.

SECTION 4. Code Amendment. Chapter 13.08 of the Arroyo Grande Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit “A-1,” attached hereto and incorporated herein by reference.

SECTION 5. Publication. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within 15 days after adoption of the Ordinance, the summary with the names of

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those City Council members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective 30 days after adoption.

SECTION 7. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance, and, to that end, the provisions hereof are severable. The City Council declares that it would have adopted all the provisions of this Ordinance that remain valid if any provisions of this Ordinance are declared invalid.

SECTION 8. Records. The documents and materials associated with this Ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at 300 E. Branch Street, Arroyo Grande, CA 93420. The City Clerk is the custodian of the record of proceedings.

On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

the foregoing Ordinance was adopted this _____ day of _____, 2025.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

MATTHEW DOWNING, CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY

EXHIBIT A-1

Chapter 13.08 WELLS

13.08.010 Purpose and Intent.

It is the purpose of this chapter to provide for the construction, repair, modification and destruction of wells in such a manner that the City's water supply will not be contaminated, polluted, or depleted and will not otherwise jeopardize the health, safety or welfare of the people living or visiting the City.

13.08.011 Administrative Authority.

The Director of Community Development, or the Director's designee, is charged with the responsibility of administering this chapter and executing the authority conferred thereby.

13.08.020 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Abandoned" or "abandonment" shall apply to a well which has not been used for a period of one year, unless the owner declares in writing to the Administrative Authority and Health Officer his or her intention to resume use of the well for supplying water or other related purposes, such as an observation well or injection well, and the Administrative Authority and Health Officer each approves such declaration in their reasonable discretion. All such declarations shall be renewed annually. Test holes and exploratory holes shall be considered abandoned twenty-four (24) hours after construction work has been completed, unless otherwise approved by the Administrative Authority and Health Officer.

"Administrative Authority" means the Director of Community Development of the City of Arroyo Grande, or the Director's designee.

"Agricultural well" means a well located on a property with an approved or permitted land use that supplies water for the irrigation of commercial crops or a well that supplies water for the use of livestock bred for commercial purposes.

"Cathodic protection well" means any artificial excavation more than fifty (50) feet deep for the purpose of installing equipment or facilities for the electrical protection of metallic equipment in contact with the ground, commonly referred to as cathodic protection.

"City Council" means the City Council of the City of Arroyo Grande.

"City water supply" means the totality of potable or non-potable water resources owned, operated, managed, or contractually obtained by the City.

"Completion" or "completion operation" means any work conducted after artificial excavation, including:

1. The replacement of the well casing;

2. Gravel packing;
3. Sealing;
4. Casing perforation; or
5. Other operations deemed necessary by the Health Officer.

"Contamination" means the introduction of any physical, chemical, biological or radiological substance or matter to water or soil that could harm people or property.

"County" means the San Luis Obispo County Environmental Health Services Division, or as that division may be renamed by the County of San Luis Obispo.

"Destruction" or "destroy" means the complete filling of a well in such a manner that it will not produce water or act as a conduit for the interchange of water.

"Health Officer" means the health officer of the San Luis Obispo County Environmental Health Services Division.

"Planning Commission" means the Planning Commission of the City of Arroyo Grande.

"Private domestic well" means a well that supplies groundwater for the domestic needs of an individual residence, or a water system that is not a public water system because it has no more than four (4) service connections. This includes private domestic irrigation.

"Irrigation well" means a private well that supplies water for landscaping, including sports fields and common area residential or commercial landscaping, but not including commercial agriculture.

"Modification" or "repair" means the deepening of a well or the reperforation, sealing or replacement of a well casing or the increase in capacity of the well, or any other physical alteration of a well.

"Observation well" means a well that is used for monitoring or sampling the condition of a water-bearing aquifer, such as water pressure, depth, movement, or quality.

"Person" means and includes any person, firm, association, corporation, organization, partnership, business trust, company, or special district formed under the laws of the State.

"Pollution" means a contaminant that impairs the quality of water to a degree that it creates a hazard to public health and safety.

"Public nuisance," under this chapter, means any well that threatens to impair the quality of City's water supply, cause contamination or pollution, or otherwise jeopardizes the health and safety of the public.

"Salt water (hydraulic) barrier well" means a well that is constructed to extract or introduce water into the ground as a means of preventing intrusion of salt water into a fresh water-bearing aquifer.

"Test hole" or "exploratory hole" means an excavation used for determining the nature of underground geological or hydrological conditions, whether by seismic investigation, direct observation, or any other means.

"Well" means any bored, drilled, driven shaft, or dug hole that is deeper than its widest surface dimension. Wells shall include, but shall not be limited to, community water supply wells, private domestic wells, industrial wells, agricultural wells, irrigation wells, cathodic protection wells, electrical grounding wells, test and exploratory holes, observation wells and salt water (hydraulic) barrier wells, and other wells whose regulation is necessary to fulfill the purpose of this chapter. This definition does not include:

1. Oil and gas wells or geothermal wells constructed under the jurisdiction of the Department of Conservation of the State, except those wells converted to use as water wells;
2. Wells used for the purpose of:
 - a. Dewatering excavations during construction,
 - b. Stabilizing hillsides or earth embankments; or
3. The following artificial excavations:
 - a. Drill holes for soil testing purposes where such holes are less than twenty-five (25) feet in depth,
 - b. Holes or excavations for soil percolation tests,
 - c. Drill holes for seismic exploration where such drill holes are less than twenty-five (25) feet in depth; and
 - d. Excavations for drainage percolation purposes.

"Well-drilling contractor" means a contractor licensed in accordance with the provisions of the Contractors State License Law, Chapter 9 (commencing with Section 7000) of Division 3 of the California Business and Professions Code, as may be amended from time to time.

"Well construction permit" means a permit issued by the San Luis Obispo County Environmental Health Department for construction of a well.

"Well Use Permit" means a discretionary use permit (Minor Use Permit/Plot Plan Review) issued by the City of Arroyo Grande to allow a well as a use on a property.

13.08.030 Acts prohibited—Permits required.

- A. No person shall dig, bore, drill, construct, repair, modify, deepen, or destroy any well in the City unless such person possesses a valid well construction permit issued by the County and receives approval of a City Well Use Permit, unless otherwise exempted by law. All uses of the well shall be consistent with those indicated on the application for the Well Use Permit.
- B. No person shall dig, bore, drill, construct, repair, modify, deepen, or destroy any well unless conducted in conformance with the terms, conditions, and standards

specified in this chapter, the Well Use Permit, and those terms, conditions, and standards in the written well construction permit issued by the County, unless otherwise exempted by law.

- C. In the event a person violates this section, that person will be subject to penalties as stated in Chapter 1.16 (Penalty Provisions) of the Arroyo Grande Municipal Code.

13.08.040 Permits.

A. Submittal Requirements.

Prior to the issuance of any permit, applicants shall submit the following information to the City to be considered by the Administrative Authority for review and a determination that the application is complete:

1. A copy of the well construction permit application to the County regarding the proposed well(s) and proof of payment.
2. Completed application [form](#) and payment in full of applicable fees for processing the application.
3. A digital copy of a plot plan showing the following:
 - a. Location, exterior boundaries, and dimensions of the entire property that is the subject of the application.
 - b. The scale of the drawing and a north arrow.
 - c. An area location map showing the proposed project site and its distance from nearby cross streets and natural or man-made landmarks, as necessary to readily locate the site.
 - d. The location, dimensions, and use of all existing and proposed structures on the property, including accessory structures, trash enclosures, decks, balconies, fences, walls, exterior lighting structures, signs, and other structural elements that protrude into yard areas. When the use of a proposed structure is not certain at the time of application, the occupancy type, as defined in the California Building Code, may be submitted for use.
 - e. The locations, dimensions, and types of existing and proposed utilities, including water supply, sewage disposal facilities, electricity, gas, or other utilities. Existing and proposed public and private easements shall be shown.
4. A statement from the applicant stating the type of well sought and why the request for a well should be supported, including any information regarding the infeasibility of connecting to the City's water supply.
5. A report from a licensed hydrogeologist or similar licensed professional indicating that the proposed method, depth and material of the proposed well will not deplete or contaminate any City water supply.

6. A good faith estimate of the well capacity, intended uses of the well, and any available water quality data.
 7. Any person who seeks to build or modify a well must possess a valid C57 Water Well Contractor's License in accordance with Water Code Section 13750.5, as may be amended from time to time.
- B. Reports. Upon the completion of the construction of each well, a copy of the well completion report required by the provisions of Section 13751 of the California Water Code, as may be amended from time to time, shall be submitted to the City's Public Works Department and Community Development Department.
- C. Time Limits. An approved Well Use permit expires two years from the date of issuance, unless the Administrative Authority has determined that well construction is complete and the well completion report required by Section 13751 of the Water Code (as may be amended) has been submitted to the California Department of Water Resources and the Administrative Authority. The Administrative Authority may, in its reasonable discretion, authorize up to two one-year extensions in cases of exceptional circumstances that prevented timely construction. Upon expiration of the permit, no further work shall be done unless and until the applicant receives an extension from the Administrative Authority or obtains a new permit if an extension is not granted.

13.08.041 Approval of New Wells

If the Administrative Authority determines the Well Use Permit application is complete, the Planning Commission may approve the application if the Planning Commission determines that approval of the Well Use Permit is in the public interest. In evaluating whether the Well Use Permit is in the public interest, the Planning Commission shall consider whether: (1) the proposed well will not cause an adverse impact to the public health or safety, (2) a refusal to grant the Well Use Permit would cause unnecessary hardship to the applicant, and (3) special circumstances apply to the property—due to its, size, shape, topography, location, or surroundings—which makes it impractical or infeasible to connect to the City's water supply. The Planning Commission shall not grant the application if doing so would constitute a special privilege to the applicant not afforded to other similarly situated properties. When applicable, the Planning Commission shall also consider the additional standards in consideration of whether to approve the Well Use Permit as being within the public interest:

- A. **Adjudicated Areas and Basins.** Private domestic wells (new or replacement) and private irrigation or agricultural wells (new or replacement) shall only be considered in locations outside of the adjudicated portion of the Northern Cities Management Area (NCMA) of the Santa Maria River Groundwater Basin (SMGB), unless otherwise required by law. No private domestic wells or private irrigation or agricultural wells shall be considered in locations within the adjudicated portion of the Northern Cities Management Area (NCMA) of the Santa Maria River Groundwater Basin (SMGB), unless otherwise required by law.

B. Private irrigation or agricultural wells. Private irrigation or agricultural wells (new or replacement) shall only be allowed if the applicant has demonstrated the following:

- a. The proposed well will not contaminate the City's water supply; and
- b. The proposed well will not significantly impact the City's water supply with regard to volume (ability of City to pump or extract water), quality (impacts to flow, risks of pollution or contamination), or distribution (ability to provide potable water to City residents and businesses).
- c. The proposed well will be used only as described in the Well Use Permit application.

C. Private domestic wells. Private domestic wells (new or replacement) shall only be allowed if the applicant has demonstrated the following:

- a. The proposed well will not contaminate the City's water supply.
- b. City water service cannot reasonably be provided to the project site because the applicant must obtain easements across private property to the City water mains, and the applicant has demonstrated a good faith attempt to seek such easements in the opinion of the Administrative Authority, and the private property owners have refused to grant easements to the applicant.
- c. The proposed well will not significantly impact the City's water supply with regard to volume (ability of City to pump or extract water), quality (impacts to flow, risks of pollution or contamination), or distribution (ability to provide potable water to City residents and businesses).
- d. The proposed well will be used only as described in the Well Use Permit application.

D. Conditions. If the Planning Commission approves the granting of a Well Use Permit, it may be issued subject to reasonable conditions designed in furtherance of the public's health and safety or to protect property. Such conditions may include, but are not limited to, quantity and quality testing methods, a performance bonding requirement, and other rational limitations or restrictions deemed in the public interest. Any abandoned wells on the property shall be destroyed as a condition of the issuance of a permit.

E. Notice and Appeals. The decision of the Planning Commission shall be mailed to all property owners of parcels within three hundred (300) feet of the property where the well has been proposed. The decision of the Planning Commission may be appealed to the City Council in accordance with the procedures provided in Section 16.12.150.

13.08.050 Inspection and Revocation

The applicant shall maintain a copy of the approved permit on the drilling site during all stages of construction or destruction. The City or its representative may conduct examinations and investigations to determine whether any provision of this

chapter is being violated. A City representative may require that each completion, modification, or destruction operation be inspected prior to any further work. If the City representative determines that a violation of this chapter has occurred, or the applicant has misrepresented any material fact in its application or supporting documents, the City may initiate the revocation procedures associated with Section 16.16.220 and order a temporary suspension of the permit during the pendency of those proceedings. No person whose permit has been suspended or revoked shall continue to perform the work for which the permit was granted unless such permit has been reinstated by the City.13.08.060 Public nuisances.

In the event a City representative determines that a well constitutes a public nuisance, he or she shall abate such nuisance in accordance with the provisions of Section 3494 of the Civil Code of the State and/or City ordinance. Specific actions that would be considered a public nuisance include contamination of water sources, improper well construction or abandonment, excessive pumping or depletion of groundwater, failure to comply with regulatory standards of any governmental agency, or physical hazards such as leaving wells exposed or unmarked. 13.08.070 Immediate abatement.

If a City representative finds that immediate action is necessary to prevent either the pollution, contamination, or depletion of the City water supply or another identifiable threat to the health or safety of the public, he or she may summarily abate such nuisance in any manner permissible under the law.

13.08.071 Destruction of Wells

- a) The City may condition wells for destruction as part of the discretionary review process.
- b) Wells conditioned by the City to be destroyed shall be properly destroyed under County of San Luis Obispo Environmental Health Services Division permit and inspection by the City's Administrative Authority. Failure to destroy a well that is conditioned for destruction will constitute a public nuisance, as defined, and the Administrative Authority will take appropriate measures to mitigate or abate the nuisance.
- c) A Certificate of Destruction issued by the San Luis Obispo County Environmental Health Services Division shall be submitted to the City within 30 days of issuance.