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County of Santa Cruz

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE DEPT
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NOTICE OF EXEMPTION

To: Clerk of the Board
County of Santa Cruz
Government Center
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Project Name:	**Amend County Code Chapter 7.70 (Water Wells) and Chapter 7.73 (Individual Water Systems) to bring County provisions into conformance with State Policy and recent court decisions. Amendments include various measures for improved protection of groundwater and other resources and improved water supply reliability.**
Project Location:	Countywide
Assessor Parcel No.:	N/A
Project Applicant:	**County of Santa Cruz**

Purpose and Need for the Project

County Code Chapter 7.70 (Water Wells) includes various provisions regarding the siting and construction of wells to protect groundwater resources and ensure wells deliver good quality water. Chapter 7.73 (Individual Water Systems) establishes standard for yield and water quality of wells and other water sources to ensure that there is adequate and reliable quantity and quality of water for the intended use. Since 2009, when Chapter 7.70 was last updated, there have been a number of new state policies and court decisions that require that the County strengthen permitting procedures for wells and individual water systems to provide for increased consideration of: potential impacts on sustainability of groundwater basins and public trust resources, particularly waterways; potential environmental impacts of discretionary approvals; potential drought impacts on individual users; and, proper construction and destruction of soil borings to prevent contamination of underlying groundwater. The proposed amendments are intended to provide additional protection of the environment and individual well users, while mitigating impacts of well use and allowing continued reasonable beneficial use of groundwater resources.

Project Description:

Amend County Code Chapter 7.70 (Water Wells) and Chapter 7.73 (Individual Water Systems) and adopt Resource Protection Policy to bring County provisions into conformance with State Policy and recent court decisions. Amendments include various measures for improved protection of groundwater and other resources and improved water supply reliability, including requirements for: various measures to reduce impact of wells on groundwater resources, streams and associated public trust resources, karst areas, nearby wells, and designated groundwater extraction concern areas; different levels of review and protective measures for different types of wells, including discretionary review and potential for denial of Tier 4 wells; provisions for review and comment on well applications by affected water agencies and groundwater sustainability agencies; provisions for regulation of soil borings and stormwater infiltration devices; metering of all newly installed non domestic wells; penalties for code violations; promulgation of specific policies for implementation of code requirements; more extensive

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water quality testing for individual water systems and more stringent yield testing in known limited yield areas; recordation of a notice on the deed for wells with limited yield or quality; water quality testing and yield testing at the time of property transfer; and, various other wording changes and clarifications. Amendments to County Code Chapter 7.70 and 7.73 are Coastal Implementing and will require Coastal Commission certification after County Adoption.

Agency Approving Project: County of Santa Cruz

County Contact: Matt Johnston **Telephone No**. (831) 454-5357

County Contact: Sierra Ryan **Telephone No**. (831) 454-2022

Date Completed: **2/10/2025**

Exempt status: (*check one**)

☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060(c).
X☐ The proposed activity is exempt from CEQA as specified under CEQA Guidelines Section 15061(b)(3).
Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285):
Specify type: Pub. Res. Code § 21080(b)(4), CEQA Guidelines Section 15269(c)
X **Categorical Exemption:** Class 8, Action by Regulatory Agency to Protect the Environment

**An agency may combine several exemptions to find an entire project exempt. In appropriate circumstances, different exemptions may also be found to apply to separate or sequential approvals for a single project.*

Reasons why the project is exempt:

Staff finds that this project qualifies for the Class 8 categorical exemption because it "consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." (14 Cal. Code Regs. § 15308.) The ordinance amendment does not involve construction activities, and it tightens, rather than relaxes, standards to prevent environmental degradation. (See 14 Cal. Code Regs. § 15308.)

Chapter 7.70 of Santa Cruz County Code currently allows any proposed well to be constructed as long as it meets technical standards for water quality protection and water use efficiency. There are currently no provisions to reduce potential impacts on groundwater sustainability or streamflow or to allow denial of new wells that cannot meet standards for mitigation of impacts.

Because the project would not allow an increase in the number of wells that would be permitted over the baseline number of permits allowed pursuant to the prior well ordinance, and the project would not allow an increase in pumping over current baseline operations, the project is also exempt from CEQA review under the common-sense exemption. A project is not subject to CEQA when it can be seen with certainty that there is no possibility the activity may have a significant effect on the environment. 14 Cal. Code Regs. §15061(b)(3).

This project qualifies for the Class 8 and common-sense exemptions because it provides for additional requirements to protect the environment over the baseline protections provided in the current Santa Cruz County Code:

- Increased setbacks and deeper well seals for newly permitted wells to reduce the depletion of streamflow and reduce impacts on fish and other aquatic resources.
- Limits on the amount of additional stream depletion that could be caused by new non-domestic wells; limits take into account resource values of affected streams and cumulative impacts from current water uses.

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- Discretionary review of larger wells serving new uses and grounds for denial if impacts on resources and groundwater basin sustainability cannot be mitigated.
- Evaluation and mitigation of impacts from non-domestic wells penetrating karst formations.
- Metering and reporting of water use for all newly permitted non-domestic wells, which will help to discourage excessive water use.
- Authority to establish and implement policies to prevent impacts from soil borings and stormwater infiltration wells.
- More stringent yield and water quality testing to ensure suitability and sustainability of individual water supplies.
- Prohibition on use of streams as new water sources for individual water systems.
- Additional protective measures in specific mapped Groundwater Extraction Concern Areas.

The code amendments also provide for the adoption of a Resource Protection Policy by the Board of Supervisors, which will provide specific procedures and requirements for implementation of the new protective provisions of the code. This policy may be updated as needed by the Board, as new understandings and approaches evolve in methodologies for minimizing stream depletion caused by groundwater pumping.

Proposed code amendments and policy were developed in consultation with a Technical Advisory Committee, including well drillers, engineers, hydrogeologists, agriculture interests, water agency representatives, groundwater sustainability agency representatives, resource agency representatives, and other stakeholders interested in protection of streamflow and aquatic resources. Information on current and potential impacts of groundwater use was derived from numeric models for major groundwater basins in the county and analytical models used to analyze potential impacts of individual wells under various pumping and geologic scenarios.

The following findings indicate that this project qualifies for the Class 8 and common-sense exemptions because it will improve protection of the environment:

- Groundwater extraction by existing rural domestic wells in the county has potentially reduced streamflow in major groundwater basins by 1-14%, based on numeric groundwater models for the Santa Margarita and Santa Cruz Mid-County Groundwater Basins. The majority of stream depletion results from basin-wide lowering of groundwater levels from municipal and agricultural pumping. These impacts are being addressed through implementation of the groundwater sustainability plans in the three major basins.
- Individual domestic wells pump an average of less than 0.5 af/yr, with an estimated 45% of that water returned to the aquifer through onsite wastewater disposal and percolation.
- Development constraints and land use policies that minimize rural development limit the number of new domestic wells in the county. In the past 5 years there have been an average of 10 permit applications for new domestic wells per year. There has been an average of 1 permit application per year for new non-domestic wells. The groundwater sustainability plans have projected that there will be no significant increase in groundwater pumping over the next 40 years.
- There have been 31 applications per year for replacement/supplemental domestic wells and 10 applications for supplemental/replacement non-domestic wells.
- The proposed regulations will reduce the impacts of existing pumping by requiring greater stream setback and deeper seal depth for replacement and supplemental wells. Analytical models that estimate the relative impacts on steam depletion under different scenarios show that a 100 ft deep well seal can reduce the amount of stream depletion by 20-70%, depending on geologic conditions. A 100 ft setback from a stream can reduce the amount of stream depletion by 3-30%.
- Under the proposed tiered review of well applications, if a proposed well cannot meet the new requirements, or if a large (more than 50 af/yr) new or expanded well is proposed, that well will require a more detailed analysis and mitigation of impacts on streams and associated resources.

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More detailed discussion and analysis can be found in the following documents on the County's website: https://scceh.com/NewHome/Programs/WaterResources/WellOrdinanceUpdate.aspx:

- Annotated Resource Protection Policy
- Critical Streams Table and Notes
- Stream Depletion Analysis

Signature: DocuSigned by: Matt Johnston B0A04200B3E6413... Date: 4/29/2025 Title: Environmental Coordinator