

SAN DIEGO COUNTY

GROUNDWATER ORDINANCE



A Excerpt From the San Diego County Code Of Regulatory Ordinances

(Amendments effective 11-10-23)

SAN DIEGO COUNTY GROUNDWATER ORDINANCE

ORDINANCE NO. 7994 (N.S.)
ORDINANCE NO. 9644 (N.S.)
ORDINANCE NO. 9826 (N.S.)
ORDINANCE NO. 10167 (N.S.)
ORDINANCE NO. 10249 (N.S.)
ORDINANCE NO. 10866 (N.S.)

SAN DIEGO COUNTY CODE TITLE 6, DIVISION 7

CHAPTER 7 GROUNDWATER

Sec. 67.701 Short Title.

This chapter shall be known as the San Diego County Groundwater Ordinance.

Sec. 67.702 Purpose and Intent.

San Diego County overlies a complex groundwater resource that varies greatly throughout the entire County. This resource provides the only source of water for approximately 35,000 residents. Development has occurred and will continue to occur within this area, impacting the safe utilization of this valuable, finite and yet renewable resource. The purpose of this chapter is to establish regulations for the protection, preservation, and maintenance of this resource. It is not the purpose of this ordinance to limit or restrict agricultural activities, but to ensure that development will not occur in groundwater-dependent areas of the County unless adequate groundwater supplies are available to serve both the existing uses within the affected groundwater basin and the proposed uses. The economic, social, and environmental benefits of maintaining viable agriculture in San Diego County are expressly recognized in the adoption of this ordinance.

Sec. 67.703 Definitions.

The following words shall have the meaning provided in this section. These definitions are to be broadly interpreted and construed to promote maximum conservation and prudent management of the groundwater resources within San Diego County.

Director: The Director of Planning and Development Services.

Groundwater Investigation: A study that evaluates the geologic and hydrologic conditions and is prepared in accordance with standards approved by the Director. The study shall be prepared by a California State Registered Geologist or Registered Civil Engineer and be approved by the Director. The Director may require the study to demonstrate the adequacy of the groundwater basin to serve both the project and the

entire basin if developed to the maximum density and intensity permitted by the General Plan. For residential uses, the study shall assume an annual consumptive use of 0.5 acre-feet (163,000 gallons) of water per dwelling unit. ("Consumptive use" is the amount of groundwater lost due to human use, including evaporation and transpiration (plant use)).

Residual Drawdown: The difference between the initial (static) water level before a well test is conducted and the water level after recovery. Projected residual drawdown indicates an aquifer of limited extent and the long-term well yield may be lower than what is indicated in a well test.

Specific Capacity: An expression of the productivity of a well, obtained by dividing the rate of discharge of water (in gallons per minute) from the well by the drawdown (in feet) of the water level in the well.

Water Intensive Use: Any land use that requires a permit listed in Section 67.711 and is not exempt from this ordinance, and that will require more water than 20 acre-feet per year or more than 20,000 gallons per day.

Water Service Agency: Any city, mutual or municipal water district, or any other private or public agency which provides water at retail from either: (1) groundwater resources, to two or more users; or (2) imported water resources. Such water service agency must be in existence prior to the date of submittal of any project relying on service from that agency.

Well Test: The production procedure, reviewed and approved by the Director, by which water is produced from a water well and resulting water levels are monitored. If the results of the testing are inconclusive or improperly conducted, additional testing will be required. (All wells must have a valid San Diego County Health Department well permit prior to construction.)

1. Residential Well Test: A test of a well on property with zoning which permits residential use, or which is for a residential project, shall be conducted by or under the direct supervision of a California State Professional (or Registered) Geologist, who shall conduct all analysis. The Residential Well Test shall meet or exceed all of the following minimum requirements unless the Director has first approved an alternate procedure:
 - a. Well production during the Residential Well Test must be maintained at a rate of no less than three gallons per minute.
 - b. The Residential Well Test must be conducted over a period of at least 24 hours, unless after eight hours of pumping, the measured specific capacity is equal to or greater than 0.5 gallons per minute per foot of drawdown, at which time pumping can be terminated. In addition, all

Residential Well Tests must produce at least two full well bore volumes of water (a bore volume is that quantity of water which is stored within the saturated portion of the drilled annulus of the well).

- c. The analysis of the Residential Well Test must indicate that no residual drawdown is projected (taking into account minor inaccuracies inherent in collecting and analyzing well test data).
 - d. The analysis of the Residential Well Test must also indicate that the amount of drawdown predicted to occur in the well after five years of continual pumping at the rate of projected water demand, will not interfere with the continued production of sufficient water to meet the needs of the anticipated residential use(s).
2. Nonresidential Well Test: A test of a well for a nonresidential project (such as a golf course) shall be in accordance with procedures approved by the Director and may be more extensive than those applicable to a Residential Well Test.

Article 2.

General Regulations

Sec. 67.710 Director to Enforce.

The Director shall have the authority to enforce all the provisions of this Chapter. The Director may designate the County Groundwater Geologist as the employee responsible for implementing this Chapter, to:

1. Review and perform groundwater studies.
2. Conduct research on the groundwater resources of the County.
3. Review and make recommendations on all discretionary projects which fall under this ordinance.
4. Monitor and maintain files on the status of the resource.
5. Assist consultants, community groups, water service agencies and residents of the County in assessing groundwater concerns.
6. Identify groundwater impacted basins.
7. Prepare recommended revisions to the Groundwater Limitations Map

8. Monitor and maintain records regarding groundwater use reduction measures described in Section 67.720.

Sec. 67.711 Application.

Prior to approval of any of the following discretionary land development applications for a project which proposes to use groundwater (hereinafter referred to as "Projects"), the applicant shall comply with the provisions of Article 3 below:

General Plan and Specific Plan Adoptions and Amendments

Tentative Parcel Maps

Tentative Maps

Revised Tentative Parcel Maps and Revised Tentative Maps (review shall exclude areas unaffected by the revisions proposed by the Revised Map)

Zoning Reclassifications Amending Use Regulations Applicable to Particular Property

Major Use Permits

Major Use Permit Modifications (review shall exclude areas unaffected by the proposed modifications)

Certificates of Compliance filed pursuant to San Diego County Code Section 81.616.1 or 81.616.2 (excluding condominium conversions)

Lot Line Adjustments filed pursuant to San Diego County Code Section 81.901 et seq., on property zoned to permit residential use, if the Director determines that the Lot Line Adjustment will result in a lot which would potentially worsen existing or future groundwater conditions at the maximum density and intensity permitted by the General Plan and Zoning, taking into consideration long-term groundwater sustainability, groundwater overdraft, low well yield, and well interference. If the Director makes this determination, the Lot Line Adjustment shall comply with Section 67.722, but not Sections 67.720 or 67.721.

Article 3.

Development Criteria

Sec. 67.720 Borrego Valley.

The following provisions apply to Projects that would extract or use groundwater resources in the Borrego Springs Subbasin. This area is identified in *California's*

Groundwater (Bulletin 118) as basin No. 7-024.01 (California Department of Water Resources. 2020 update).

Water rights in the Borrego Springs Subbasin have been adjudicated. The adjudication of groundwater pumping rights in the Borrego Springs Subbasin was approved by the Superior Court of California on April 8, 2021: *Borrego Water District v. All Persons Who Claim a Right to Extract Groundwater in the Borrego Valley Groundwater Subbasin No. 7.024-01 Whether Based on Appropriation, Overlying Right, or Other Basis of Right, and/or Who Claim a Right to Use of Storage Space in the Subbasin; et al.* (Case No. 37-2020-00005776) [2021 Judgment].

All future water pumping will be subject to the 2021 Judgment and governed by the Borrego Springs Watermaster (Watermaster). The Watermaster, with oversight from the Superior Court of California, is the entity primarily responsible for managing groundwater resources in the Borrego Springs Subbasin and tasked with ensuring water is allocated according to established water rights. Water production in the Borrego Springs Subbasin is authorized and constrained in accordance with all terms and provisions contained in the 2021 Judgment and contained in Watermaster Rules and Regulations (adopted and amended from time to time in order to implement the terms of the 2021 Judgment). The 2021 Judgment assigns Baseline Pumping Allocations (BPAs) to specific landowners (except as to specific public agencies named in the 2021 Judgment) and attaches that BPA to parcels or wells in the basin. The BPA becomes the basis for annual pumping allowances to ensure sustainable groundwater management of the basin.

- A. A Project listed in Section 67.711 proposing to use groundwater shall obtain adequate BPA for all proposed water uses in accordance with the requirements of the 2021 Judgment. Prior to approval of a Project, the applicant shall demonstrate to the satisfaction of the Director the ability to obtain necessary BPA.

Sec. 67.721 Groundwater Impacted Basins.

- A. Identification and Mapping. Areas within the County which are characterized by one or more of the following groundwater problems shall be known as Groundwater Impacted Basins and shall be identified and mapped:
 1. Low yielding wells having an overall average yield of less than 3 gallons per minute.
 2. Basins with previously approved developments at a parcel size smaller than those stated in the table in paragraph A of Section 67.722 and in excess of available water resources.
 3. Declining groundwater levels and a measurable groundwater overdraft.

The Groundwater Impacted Basins shall be designated on a map known as the "Groundwater Limitations Map" which shall be adopted by the Board of Supervisors and

kept on file with the Clerk of the Board of Supervisors. Prior to adding any area to said map or making any deletions from or revisions to said map, the Board of Supervisors shall hold a public hearing. Notice of such hearing shall be mailed at least 30 days in advance, to the owner (as shown on the latest equalized assessment roll) of any property proposed to be added to or deleted from said map. The Director of Planning and Development Services shall annually review said map and may recommend such revisions as the Director finds appropriate.

- B. Regulations. Any application listed in Section 67.711 for a project within a Groundwater Impacted Basin shall be accompanied by a Groundwater Investigation. In addition, a Well Test shall be performed for each lot proposed to be created by or included within the project. The application shall not be approved unless the approving authority finds that based upon the Groundwater Investigation, groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan.

Sec. 67.722 All Other Projects.

Any application listed at Section 67.711 for a project not subject to Section 67.720 or Section 67.721, which proposes the use of groundwater not provided by a Water Service Agency, for all or any portion of the project, shall comply with the following regulations:

- A. Residential Density Controls.

Tentative Maps, Tentative Parcel Maps, and Certificates of Compliance proposing parcels for single-family dwellings must comply with the minimum parcel sizes set forth in the following table; Adjustment Plats on property zoned to permit residential use shall also comply with these minimum parcel sizes, except that an existing parcel smaller than the applicable minimum parcel size need not be made to conform to the minimum, so long as it is not further reduced in size by the Adjustment Plat:

Mean Annual Precipitation* (inches)	Minimum Parcel Size** (Gross Acres)
Less than 9	20
9 to 12	15
12 to 15	11
15 to 18	8
18 to 21	5
More than 21	4

*Mean annual precipitation is to be determined from the County of San Diego map entitled "Groundwater Limitations Map" on file with the Clerk of the Board of Supervisors as Document No. 195172.

**Compliance with the minimum parcel size does not guarantee project approval; site-specific characteristics may indicate that either larger parcel sizes are required or that the project should not be approved in individual cases.

- B. Groundwater Investigations. Any application listed in Section 67.711 and not subject to Sections 67.720, 67.721 or Paragraph A above, shall be accompanied by a Groundwater Investigation. The application shall not be approved unless the approving authority finds, based upon the Groundwater Investigation or other available information, either: (1) for a water intensive use, that groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan; or (2) for all other projects, that groundwater resources are adequate to meet the groundwater demands of the project.
- C. Well Tests. For any application for a Tentative Map, Specific Plan or Specific Plan Amendment, Tentative Parcel Map, Adjustment Plat or a Certificate of Compliance, well tests shall be performed for the number of lots shown in the following table. Tests shall be on lots which appear to have the least access to a viable groundwater supply as determined in advance of testing by the Director, who shall also specify nearby wells to be monitored while the testing is being conducted. If any well does not pass the requirements for Well Tests stated in Section 67.703 above, the Director may require additional well tests beyond what is required in the following table:

Number of Proposed Lots*	Number of Required Well Tests
1 through 10	1
11 through 20	2
21 through 30	3
31 through 40	4
Greater than 40	5

* Excluding remainder parcels and "not a part" areas

Sec. 67.750 Exemptions.

- (a) A proposed subdivision which pursuant to the terms of Government Code Section 66424 or 66426 is exempt from the requirement to file a Tentative Map

or Tentative Parcel Map is not subject to this Ordinance unless it also involves an application for a General Plan or Specific Plan adoption or amendment, a Zoning Reclassification, or a Major Use Permit or modification thereof.

(b) The following Major Use Permits or Major Use Permit modifications are exempt from this ordinance:

(1) Those involving the construction of agricultural and ranch support structures used in the production, storage, or processing of food, fiber, and flowers, including but not limited to roadside stands, barns, sheds, packing houses, and greenhouses, except that this exception does not apply to feed lots.

(2) Those involving new or expanded agricultural land uses, including but not limited to changes in commodities produced on the property, operations performed upon such commodities, and development of additional irrigated acreage on the property unless accompanied by subdivision.

This agricultural exemption does not supersede or limit the application of any law or regulation otherwise applicable to the above-listed categories of agricultural support activities including the California Environmental Quality Act. For purposes of this exemption, "agricultural and ranch support structures" do not include the commercial exportation of groundwater for purposes of resale outside the basin.

(c) Director may grant an exemption from the requirement for a Groundwater Investigation imposed by Section 67.721 or 67.722.B, the requirement for Well Tests imposed by Section 67.721 or 67.722.C, or the requirement for minimum parcel sizes imposed by Section 67.722.A, upon a finding that existing data clearly demonstrate that the finding required by Section 67.722.B. can be made without additional study. Such data may include a recent history (minimum of five years) of groundwater withdrawals or streamflow data and other geomorphic evidence which indicates that replenishment of groundwater resources is rapid and reliable, and is controlled primarily by infiltration of streamflow rather than on-site recharge.

(d) Projects within the Borrego Springs Subbasin are exempt from minimum parcel sizes imposed by Section 67.722.A.