

TO: James L. App, City Manager
FROM: Joseph M. Deakin, Public Works Director
SUBJECT: Water Well Exception Request (Pemberton)
DATE: May 20, 2003

NEEDS: For the City Council to consider a request by Mrs. Margaret Pemberton to retain a private well on property already served by City water.

FACTS: 1. On March 12, 2002, the Planning Commission reviewed Parcel Map PR 01-355 (Pemberton) and, under PC Resolution 02-016, issued the following condition to the Pemberton property:

"The applicant shall obtain all necessary permits and abandon the existing agricultural in accordance with Section 14.06.046 of the City's Municipal Code. If the applicant wishes to retain the use of the well for agricultural purposes, the applicant shall demonstrate the agricultural uses on the property for which the well is being used and make application to the City Council for approval to continue use of the well."

2. On May 1, 2003, the City received a letter signed by Margaret Pemberton requesting the City Council allow the well to remain in use for "agricultural purposes."

3. On September 5, 2000, the City Council considered the first request for the property to retain an agricultural irrigation well, while also served with City potable water. The City Council approved that request.

4. The City's current practice discourages continued reliance on private wells for properties served with City potable water. Recent requests for continued private well usage have been denied.

**ANALYSIS
AND**

CONCLUSION: The reason the Pemberton property was brought to the Planning Commission was to consider a request to split the lot. The existing lot is 12.3 acres, after the split, the residence will remain on a 2.7-acre parcel. Opportunities for continued agricultural use are still feasible, yet will be greatly reduced after the lot split is concluded. The letter submitted by Ms. Pemberton states that the well "...will be used for agricultural purposes."

The Municipal Code Section 14.06.136 "Permit Eligibility" limits use of property owner wells to agricultural uses, and further conditions (under subparagraph (b)) that the property must:

"Be a residential, commercial or industrial establishment with no access to city water supplies . . ."

Further, under Municipal Code Section 14.06.138 "Approval Conditions", the owner must (under subparagraph (b)):

"Connect said residential, commercial or industrial establishment to the City water system, when available . . ."

The City is obligated protect and preserve water supplies for all residents and businesses in the City for the long term. To this end, the Municipal Code protects health and safety by limiting well production on private lands, reducing the threat of cross contamination to the City's distribution system from an unchlorinated well. Perhaps even more crucial, the City manages groundwater usage (by centralized control of withdrawals) on behalf of all residents to assure long-term reliability for all urban users.

POLICY

REFERENCE: Municipal Code

**FISCAL
IMPACT:** No direct fiscal impact.

- OPTIONS:**
- a. Deny the request to maintain the private well within the City limits.
 - b. Approve the request to maintain the well, on the condition that it must be used for agricultural purposes only.
 - c. Amend, modify or reject the above option.

Attachments: (1)

1) Letter