

TO: James L. App, City Manager
FROM: Ron Whisenand, Director of Community Development
SUBJECT: Request for Water Well Use - 3001 Paso Robles Boulevard, Erskine
DATE: August 1, 2006

Needs: For the City Council to consider authorization for use of a private well for domestic water service to a private residence.

Facts:

1. Tom and Gwen Erskine have made a written request for Council consideration of use of a private well to service a new single family residence at 3001 Paso Robles Boulevard.
2. The subject property is zoned Agriculture and comprises approximately 300 acres.
3. City water is directly available from a 16-inch water line located in Paso Robles Boulevard and traverses the subject property.

**Analysis
and**

Conclusion: The applicant is seeking an exception to City policy that does not allow private wells to be used for domestic purposes.

The City Municipal Code prohibits construction of wells to serve private property except under permit and only for agricultural use. There is an existing well on the property that has been approved for agricultural use. The well's use is strictly limited to agricultural by agreement between the City and the Erskine's. Tom and Gwen Erskine have provided a letter requesting to drill a new well for agricultural purposes and also for the purpose of serving a new residence. They have submitted a map indicating that the location of the proposed residence is approximately one-half mile from Paso Robles Boulevard.

Water is directly available to the property from a 16-inch water main in Paso Robles Boulevard. On June 1, 2004, the City Council denied the use of a well to serve a new single family residence proposed by Russell Wilson at 3580 Airport Road. Although the location of Wilson's proposed residence was over 1,000 feet from the nearest water main, Wilson's property was directly adjacent to a water main in Airport Road. Further, other residential structures existed on Wilson's property and there was no agricultural use. The Council therefore directed Wilson to connect to the City water main.

In March, 2000, the City Council allowed the use of a well to serve a caretaker's residence on the Hogue property on Dry Creek Road, west of Airport Road. The resolution approving use was specified as "interim" and that connection to water was mandatory upon the relocation of Hogue's business to the property (which was considered eminent at the time).

Well policies are being drafted by staff and have been reviewed by the Council ad hoc committee. The ad hoc committee has supported the draft policies which indicate that domestic use of wells shall not be permitted where City water is available. Availability

has been defined as City water within 200 feet of the property boundary, consistent with the municipal code provisions regarding sewer availability.

Allowing the use of wells in the City is in conflict with the goals of the Paso Robles Imperiled Overlying Rights (PRIOR) agreement with the County Water Conservation District. The PRIOR agreement outlines procedures for declaring the basin to be in overdraft and calls for cooperation with regard to basin management activities. PRIOR also addresses landowner concerns about the City and others exercising superior rights to groundwater in the event of basin overdraft. Allowing use of a private well for domestic purposes is not consistent with a cooperative basin management effort and would constitute another threat to the City's water rights in the event of basin overdraft.

No water main extension is needed to serve the proposed Erskine residence. The cost of extension of a private water line (including the City connection fee) to the new residence, regardless of how remote the residence may be, would compare favorably with the cost of developing a new well.

Policy

Reference: City Municipal Code Sections 14.06.132 and 14.06.136

Fiscal

Impact: None.

Options:

- a. Adopt Resolution No. 06-xx denying the use of a private well by Tom and Gwen Erskine to serve a residence at 3001 Paso Robles Boulevard.
- b. Amend, modify, or reject the above option.

Attachments: (4)

1. Letter from Tom and Gwen Erskine
2. Vicinity Map/Site Map
3. Resolution to Deny

**Tom Erskine
Post Office Box 510
Paso Robles, CA 93447
Phone: 239-5111**

July 18, 2006

Honorable Councilman
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

RE: Erskine Ranch Well Request
APN: 025-431-040

Dear Honorable Councilman:

I own three separate parcels totaling just over three hundred acres known as Erskine Ranch. For the last two years, I have cleaned up the property, fenced it, and started a cattle and feed ranch. The goal is to raise local Paso Robles Grass Fed Black Angus Beef. This beef will not be subjected to antibiotics, steroids, or hormones. Last year, we farmed one hundred fifty acres and produced over two hundred tons of feed.

I am requesting that the council approve a septic tank and the right to drill a well. The well is needed for agricultural purposes and to service a home. I would like to add some additional watering troughs for the cows and I need a backup well for the permitted well that exists. The current water well is sixty feet deep and pumps approximately six gallons per minute. The well gets its water from the Huero Huero River and I am concerned that in a couple drought years the well would dry up. I would use the same well to provide water for a home I would like to build. The agricultural operation is requiring more and more of my family's time, so instead of driving to the ranch 2-3 times per day we have decided to move out there. I can't use City water for my ag operations because of the chemicals. The nearest City water is in Paso Robles Boulevard which is 2,500 +/- feet from the proposed home site. It is more practical and efficient to put a well near the home site and then tie the new well to the trough system. I would agree to sign a water well agreement and to hook the home up to City water when City water is within 200 feet of the home.

The new economic development strategy states as a goal to promote agriculture and industry. I think this cattle and feed operation is both so I hope you agree and vote "yes".

Sincerely,



Tom Erskine

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
TO DENY THE REQUEST FOR THE USE OF A PRIVATE WELL TO SERVE A
SINGLE FAMILY RESIDENCE (ERSKINE - 3001 PASO ROBLES BOULEVARD)

WHEREAS, Tom and Gwen Erskine have requested City Council authorization for use of a well to serve a single family residence at 3001 Paso Robles Boulevard; and

WHEREAS, allowing use of a well is not consistent with the Municipal Code goal of serving all residents with City water; and

WHEREAS, the development of wells within City limits constitutes a threat to the health and safety of residents of the City of Paso Robles; and

WHEREAS, the development of wells within City limits is contrary to policies set out in the Paso Robles Imperiled Overlying Rights (PRIOR) agreement with San Luis Obispo County Water Conservation District; and

WHEREAS, allowing use of a well is not consistent with the City's purveying interests and financial goals in terms of paying for needed infrastructure.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City of Paso Robles does hereby deny the use of a private well to serve a new residence on property owned by Tom and Gwen Erskine at 3001 Paso Robles Boulevard.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of August 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk