

ORDINANCE NO. 1002 N.S.

**AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
EXTENDING INTERIM ORDINANCE NO. 1000 N.S. IMPOSING A MORATORIUM
ON THE ISSUANCE OR APPROVAL OF PERMITS FOR CONSTRUCTION OF NEW
WATER WELLS OR MODIFICATION/REHABILITATION OF EXISTING WELLS TO
INCREASE GROUNDWATER EXTRACTION**

WHEREAS, on February 4, 2014, pursuant to California Government Code section 65858, the City Council of the City of El Paso de Robles (“City Council”) adopted Ordinance No. 1000 N.S., an interim urgency ordinance, which temporarily prohibits the issuance or approval of permits for construction of new water wells or modification/rehabilitation of existing wells to increase groundwater extraction; and

WHEREAS, Government Code section 65858 provides that Ordinance No. 1000 N.S. will expire and be of no further force and effect 45 days from its date of adoption, which will be March 21, 2014; and

WHEREAS, Government Code sections 65858 and 36937 expressly authorize the City Council to adopt and extend an interim ordinance prohibiting any uses which may be in conflict with any contemplated general plan, specific plan or zoning proposal that the City Council is considering studying or intends to study within a reasonable period of time; and

WHEREAS, after notice pursuant to Government Code section 65090 and a public hearing, the City Council, by a four-fifths vote, may extend the term of Ordinance No. 1000 N.S. for up to 22 months and 15 days, pursuant to Government Code section 65858(b); and

WHEREAS, an extension of Ordinance No. 1000 N.S. is necessary to prepare the reports and studies required to consider an ordinance and/or general plan amendment addressing private wells within the City in order to avoid a threat to public health, safety or welfare and avoid further depletion of groundwater from the Paso Robles Groundwater Basin; and

WHEREAS, all of the findings cited in Ordinance No. 1000 N.S. concerning the existence of a current threat to the public safety, health and welfare continue to exist and be valid; and

WHEREAS, the notice and public hearing required by Government Code section 65858 for the extension of Ordinance No. 1000 N.S. have been provided in accordance with law; and

WHEREAS, a public hearing on the ordinance to extend Ordinance No. 1000 N.S. was held on March 4, 2014;

**THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA
DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Adoption of this (“Ordinance”) shall constitute an extension of Ordinance No. 1000 N.S. for a period of 22 months and 15 days, pursuant to Government Code section 65858(b), to February 5, 2016.

Section 2. During the time this Ordinance is in effect, the City of El Paso de Robles shall not (i) accept, process, approve or issue any permit application for the construction of a new well (as defined in section 14.06.020 of the Paso Robles Municipal Code) within the boundaries of the City; or (ii) accept, process, issue or approve any permit application for the modification, rehabilitation or reconstruction of an existing well that would increase the amount of groundwater capable of being extracted from the Paso Robles Groundwater Basin (“Basin”). This Ordinance shall not apply to any “city well” as defined in subsection G. of section 14.06.0020.

Section 3. The City Council hereby finds, determines and declares that this extension of Ordinance No. 1000 N.S. pursuant to Government Code section 65858 is necessary to address a current and immediate threat to the public health, safety and welfare of the City and its residents. The Basin is currently one of the main sources of water for the City’s water system, the others being an allocation from the Nacimiento Water Project and Salinas River underflow pursuant to a state permit. The Basin also serves as a primary source of water for communities and properties outside of the City. Due to a combination of factors, including extremely low rainfall in the last two years and increased demands on the Basin, there are indications that water levels in the Basin have been dropping. There is currently great debate throughout San Luis Obispo County regarding the condition of the Basin and ways in which demands upon the Basin can be managed. Litigation has been filed. While most of the City’s parcels are served by the City’s water system, there are approximately 1000 acres within the City that are irrigated with water from private wells that are not metered and permit applications for additional private wells are anticipated. Pursuant to Paso Robles Municipal Code section 14.06.040, no well can be constructed, repaired, modified or destroyed without a permit issued by the City Department of Public Works. The City Council therefore finds and declares that additional time is required to prepare the reports and studies required to consider an ordinance and/or general plan amendment addressing private wells within the City to avoid a threat to public health, safety or welfare and avoid further depletion of groundwater from the Basin.

Section 4. This Ordinance is exempt from the California Environmental Quality Act (“Public Resources Code section 21000 *et seq.*) (“CEQA”) because there is no possibility that it will have a significant impact upon the environment as it will protect the Basin from further depletion (14 Cal. Code Regs. § 15061(b)(3); contains restrictions on activities to assure the maintenance, restoration or enhancement of groundwater, a natural resource (14 Cal. Code Regs. § 15307); and contains restrictions to assure the maintenance, restoration or enhancement of the environment, including the water resources within the Basin and all of the people, species and environs that rely on that resource (14 Cal. Code Regs. § 15308).

Section 5. Ten (10) days prior to the expiration of Ordinance No. 1000 N.S., as extended by this Ordinance, the City Council shall issue a written report describing the measures which the City has taken to alleviate the conditions which led to the adoption of Ordinance No. 1000 N.S.

Section 6. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption if adopted by at least a four-fifths vote of the City Council.

Section 8. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California and cause the same to be published once within 15 days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

Introduced at a regular meeting of the City Council held on March 4, 2014 and passed and adopted by the City Council of the City of El Paso de Robles on the 18th day of March, 2014 by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Dennis Fansler, City Clerk