



Mendocino County

Legislation Text

File #: 21-0829, Version: 1

To: Board of Supervisors

From: County Counsel and Planning and Building Services

Meeting Date: July 13, 2021

Department Contact: Christian Curtis

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Item Type: Regular Agenda

Time Allocated for Item: 15 Mins

Agenda Title:

Discussion and Possible Action Including Adoption of Urgency Ordinance for Allowing and Establishing Requirements for Temporary Installation and Use of Water Tanks during the 2021 Drought Emergency (Sponsors: County Counsel and Planning & Building Services)

Recommended Action/Motion:

Adopt Urgency Ordinance Allowing and Establishing Requirements for Temporary Installation and Use of Water Tanks during the 2021 Drought Emergency; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On April 12, 2021, the Board received a presentation about the current drought conditions. On April 20, 2021, the Board of Supervisors adopted Resolution No. 21-051 declaring a local emergency due to drought conditions, which was extended by the Board of Supervisors on June 8, 2021 with the adoption of Resolution No. 21-079. On June 22, 2021, the Board adopted Ordinance No. 4493 establishing water use requirements for discretionary cannabis and other permits during the 2021 Drought Emergency.

Summary of Request:

Mendocino County is in the midst of an historic drought with the water levels in our reservoirs and wells at extremely low levels. Subsequent to the Board's adoption of an initial declaration of a local emergency, Governor Gavin Newsom declared a state of emergency due to drought conditions in the Russian River watershed, and the State Water Resources Control Board has notified certain junior water rights holders of a need to limit water diversions in order to preserve drinking water availability.

Government Code section 25131 provides that ordinances shall become effective thirty (30) days from the date of final passage, except for certain ordinances which become effective immediately. An ordinance for the immediate preservation of the public peace, health, or safety, which contains a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the board of supervisors, shall take effect immediately. Government Code section 25131 specifies that an urgency ordinance may be passed immediately upon introduction.

At the direction of the Drought Ad Hoc, Staff is proposing an urgency ordinance that waives certain zoning requirements for all properties related to the installation of 5,000-gallon or smaller water tanks that have a

height to diameter or width ratio of no greater than 2:1. The proposed ordinance would exempt residents and businesses who pursue installation of a 5,000-gallon or smaller water tank from certain County Zoning Code provisions related to lot coverage, corridor preservation setbacks, yard setbacks (with some exceptions), and discretionary review. The ordinance provides that these water tank installations must still comply with certain health and safety related requirements, including the potential to comply with any requirements of a water district or company with jurisdiction over the property. The ordinance also establishes procedures for property owners who wish to maintain the water tanks after the expiration of the ordinance.

The ordinance provides that it is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the following: Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15269(c) as an action immediately necessary to mitigate or prevent an emergency because the Ordinance establishes temporary measures to enable additional water storage and because the anticipated time to conduct environmental review would pose a grave risk to public health, safety, and welfare, and because the action is immediately necessary to allow access to water to prevent an emergency that similarly poses a grave risk to public health and safety; CEQA Guidelines Section 15303 (Class 3) as an action authorizing the installation of limited numbers of temporary small accessory facilities, structures or equipment to accommodate additional water storage for existing uses; CEQA Guidelines Section 15304 (Class 4) as an action authorizing minor alterations in the condition of land, water and/or vegetation which do not involve the removal of healthy, mature trees; and CEQA Guidelines Section 15061(b)(3) (Common Sense) because it can be seen with certainty that there is no possibility that the action will have a significant effect because allowed reduced zoning requirements for installation of water tanks are temporary and minor in scale.

The ordinance must be adopted on at least a 4/5 vote of the Board. As required by Government Code section 25131, the ordinance contains recitals and findings substantiating the need to adopt this ordinance on an urgency basis.

Alternative Action/Motion:

Do not adopt the proposed ordinance; refer the matter to staff for additional research and alternatives.

How Does This Item Support the General Plan?

The 2009 General Plan was adopted at a time when California was in drought conditions, as noted in section 4 -2 of the General Plan. As a result, several General Plan policies recognize the importance of water conservation, mapping and understanding the water resources within the County, ensuring development does not infringe upon the ability for groundwater recharge, and ensuring that all development has adequate water to serve it. This ordinance supports General Plan Policy RM-11; which states in pertinent part that *“Work with local, state, and federal agencies and organizations to develop and protect water supplies in a manner that is consistent with adopted General Plan policies, recognizing sustainable yields and protections for the environment. The County will: • Promote and support the development of water storage facilities...”* The ordinance supports Policy RM-11 by reducing barriers to the development of water storage facilities during this time of drought emergency. This ordinance allows for residents and businesses to supplement existing water infrastructure at their site by increasing water storage during this time of drought.

Supervisory District: All

vote requirement: 4/5ths

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

budget clarification: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Steve Dunicliff, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk I

Date: July 15, 2021

Final Status: Adopted

Executed Item Type: Ordinance Number:
4494

