

**AN INTERIM URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF TEHAMA TO IMPLEMENT REQUIREMENTS FOR NEW
AGRICULTURAL WELLS IN AREAS OF CONCERN.**

The Board of Supervisors of Tehama County ordains as follows:

Section 1. Purpose and Authority

Pursuant to Article XI, section 7, of the California Constitution and Government Code section 25845, the County of Tehama (the "County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

It is the purpose and intent of this Ordinance to protect the public health and safety from the negative impacts of reduced access to water, poor groundwater quality, and subsidence from new sources of groundwater extraction in impacted areas of the County.

Further, it is the purpose and intent of this Ordinance to impose reasonable land use regulations to protect and to enforce rules and regulations consistent with state and federal law.

Section 2. Findings and Declarations

- A. Groundwater and surface water resources within Tehama County are vitally important resources for all beneficial users, and to maintain the economic viability, prosperity, and sustainability of the County.
- B. The Tehama County Flood Control and Water Conservation District (the "District") is the Groundwater Sustainability Agency (the "GSA") for the County.
- C. The District, as the GSA, has submitted Groundwater Sustainability Plans ("GSPs" or "GSP" in the singular) that define areas that have experienced rapidly declining groundwater levels as a Focus Area.
- D. Because of the continued decline of groundwater levels in the Focus Area without any action taken to relieve the issue, there is a greater than normal likelihood that groundwater extraction from a New Groundwater Well within a Focus Area will interfere with the production and functioning of nearby wells.
- E. There is also a greater than normal likelihood that groundwater extraction by a New Groundwater Well in a Focus Area will be inconsistent with sustainable groundwater management programs in GSPs adopted by the GSA.
- F. Additionally, there is a greater than normal likelihood that groundwater extraction by a New Groundwater Well in a Focus Area will decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan.
- G. In April of 2024, the GSA tasked the Tehama County Groundwater Commission (an advisory legislative body which shall hereinafter be known as the "Commission") with developing regulations to address the current rate of extraction of groundwater within the Focus Area.

- H. The Commission formed a committee specifically to develop a “demand management” program to address the rapidly declining groundwater in the Focus Area.
- I. Although the Commission has been discussing the development of a plan to manage groundwater demand within the Focus Area, to date it has not made any recommendations to the District of action which would address the declining groundwater levels within the Focus Area.
- J. Since the demand management committee was formed by and given direction from the Commission, the study of the Focus Area has revealed measurable subsidence to that area.
- K. This significant trend in subsidence in the County will result in significant loss of total storage capacity if no action is taken, which will be extremely difficult to alleviate and may in fact become a fiscal impossibility for the County.
- L. Bulletin 118 has identified a direct correlation between water quantity in the subbasins and water quality of the subbasins.
- M. By taking this action to slow the expansion of groundwater use within the Area of Concern, the County will be protecting the water quality of its aquifers within the County in an effort to secure adequate access to drinking water for residents.
- N. As an additional benefit, this action will increase the likelihood that future groundwater outcomes will be consistent with the GSPs and support the effort to ultimately achieve sustainability goals within the County.
- O. The County has consistently maintained a policy to support and encourage agrarian lifestyles and outdoor recreation in a manner that is properly integrated into the existing community such as through agricultural homestays and agritourism. The County is dedicated to continuing to adopt approaches that are consistent with this policy, and this ordinance is crafted with that intent.
- P. Moreover, to help maintain property owners to maintain the status quo as best as possible, the ordinance will allow for the replacement of an existing groundwater extraction facility, with a new facility on the same site and of substantially same capacity and for the same purpose because the District has indicated that this is likely to be consistent with GSA adopted Sustainability Plans.
- Q. Pursuant to Government Code section 25123, to protect against an immediate threat to public safety, health, and welfare, the County may adopt an urgency ordinance that takes effect immediately.
- R. It is essential that this Urgency Ordinance becomes immediately effective to mitigate the harm that could be caused to the public health and safety and to the water quality in the groundwater basins in the Focus Area from the unchecked expansion of groundwater extraction facilities in that Area of Concern.

Section 3. Definitions

For purposes of this Ordinance, the following definitions shall apply:

- A. “Agricultural Groundwater Extraction Facility” – The term “Agricultural Groundwater Extraction Facility” shall mean a groundwater well that is designated for nondomestic use.
- B. “Area of Concern” – The term “Area of Concern” shall be defined by the borders of

the Focus Area as identified by the Tehama County GSA within the County borders and shown in Exhibit A. The definition of Area of Concern may be updated by the Board with a resolution from time to time as long as the definition remains consistent with the most current version of the GSA's GSPs for the groundwater basins which are entirely or partially within the County borders.

- C. "Board" – The term "Board" shall mean the Tehama County Board of Supervisors.
- D. "County" – The term "County" shall be defined as the County of Tehama.
- E. "Director" – The term "Director" shall mean the County Director of Environmental Health, currently Tia Branton, her designee, successor, or successor's designee.
- F. "GSA" – The term "GSA" shall mean Groundwater Sustainability Agency and shall refer specifically to the Tehama County GSA which is the Tehama County Flood Control and Groundwater Conservation District.
- G. "GSP" – The term "GSP" shall mean Groundwater Sustainability Plan.
- H. "New Groundwater Well" – The term "New Groundwater Well" shall mean a new Agricultural Groundwater Extraction Facility.
- I. "In-Kind Replacement" – The term "In-Kind Replacement" shall mean a groundwater extraction facility that is located on the same Legal Parcel and will have substantially the same capacity and the same purpose as a facility on the same site that is or will be destroyed at or near the time of completion of the In-Kind Replacement. When applying for a permit based on the "In-Kind Replacement" the well driller shall provide a declaration under penalty of perjury that the intended well design shall be identical to the well use and well size reported to the GSA in the Well Registration Program approved by District Resolution 9-2022, and shall not exceed the typical annual volume reported to the District in that same program by more than 10 percent.
- J. "Legal Parcel" – The term "Legal Parcel" shall mean any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with section 66410 of Title 7 of the Government Code).

Section 4. Prohibition on Groundwater Facilities that Would Negatively Impact Groundwater Quality.

Except for In-Kind Replacements, no well permits shall be issued for a New Groundwater Well on any Legal Parcel entirely or partially within the Area of Concern unless it is accompanied by a complete study that contains confirmation that extraction from the proposed New Groundwater Well would not:

- A. be inconsistent with any sustainable groundwater management program established in any applicable GSP adopted by the GSA; or
- B. decrease the likelihood of achieving a sustainability goal for the basin covered by aforementioned GSP

The study shall only be accepted if it has been drafted in consultation with a California certified hydrogeologist and is stamped and certified by a Professional Engineer licensed in the State of California.

Before being submitted to the County for a permit, the study must be reviewed and approved by the GSA, and the applicant must pay all costs associated with process including the review of the study and any California Environmental Quality Act ("CEQA") review costs that may arise during the application or review process.

Section 5. Destruction of Wells Found to be not in Compliance with this Ordinance

A groundwater extraction facility created after the date this Ordinance is adopted and found to not be in compliance with this Ordinance need not be destroyed if the owner abates the nuisance in one of the two following manners:

- A. The design of the groundwater extraction facility shall be reviewed by a Professional Engineer licensed in the State of California and a certified and stamped study created in consultation with a California certified hydrogeologist that operation of the facility:
 - 1. is not inconsistent with any sustainable groundwater management program established in any applicable GSP adopted by the Tehama County Flood Control and Water Conservation District; or
 - 2. will not decrease the likelihood of achieving a sustainability goal for the basin covered by the aforementioned plan.

The facility may be altered, if necessary to achieve a study that meets these requirements, but the alteration will have to be permanent.

OR

- B. The groundwater extraction facility is properly idled which shall be verified by the Director.

If one of these two conditions is not met within 30 days of the Director identifying a groundwater extraction facility that is not in compliance with this Ordinance, the County may take whatever action is necessary to prevent the facility from extracting any groundwater up to and included use of Tehama County Code section 10.16 or by bringing the matter before a court of law. The Director has the authority to extend this 30-day time period up to 180 days if the owner has by declaration indicated that option A. will be sought and that the facility shall not be used until the study indicated in option A. is obtained and that if it is used before the study is obtained the facility be subject to immediate idling by the County.

Section 6. Declaration of Urgency

Based on the findings set forth in Section 2, this ordinance is declared to be an urgency ordinance that shall be effective immediately upon adoption by the Board

Section 7. Environmental Determination

This ordinance is exempt from environmental review under CEQA pursuant to CEQA Guidelines sections 15307 (actions taken by local ordinance as authorized by law to assure protection of natural resources) and 15308 (actions taken by local ordinance as authorized by law to assure protection of the environment). There are no unusual circumstances under CEQA Guideline 15300.2(c). Each exemption stands as a separate and independent basis for determining this ordinance is not subject to CEQA.

Section 8. Severability

If any provision, clause, sentence, or paragraph of this ordinance, or any application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid for any reason, such invalidity shall not affect the validity of the remainder of this ordinance which can be given effect without the invalid provision, clause, sentence, paragraph, or application. To this end, the provisions, clauses, sentences, and paragraphs of this ordinance are hereby declared to be severable. The Board of Supervisors hereby declare that they would have passed this ordinance, and each provision, clause, sentence, or paragraph thereof, irrespective of the fact that one or more provision, clause, sentence, or paragraph be declared invalid or unconstitutional.

Section 9. Effective Date and Term

This Ordinance shall take effect immediately upon its approval by at least four-fifths (4/5) vote of the Board of Supervisors pursuant to Government Code section 25123(d), and shall remain in effect until May 31, 2026, and as of that date is repealed, unless a later enacted ordinance, that is enacted before May 31, 2026, deletes or extends that date except that the Ordinance shall remain effective for enforcement matters related to this Ordinance that are ongoing on the date of the aforementioned sunset-date in which case the Ordinance shall remain effective until the completion of those enforcement matters.

Section 10. Publication

The Clerk of the Board of Supervisors is authorized and directed to publish this Ordinance in accordance with Government Code section 25124. A complete copy of this Ordinance is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying during regular business hours in the office of the Clerk of the Board of Supervisors, 633 Washington Street, Red Bluff, California and on the County's website at www.tehama.gov.

PASSED AND ADOPTED by the Board of Supervisors of the County of Tehama, State of California, on the _____ day of _____, 2025 by the following vote:

AYES:

NOES:

ABSENT or NOT VOTING:

Matt Hansen, Chair
Tehama County Board of Supervisors

I, SEAN HOUGHTBY, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California, hereby certify the above and forgoing to be a full, true and correct copy of an ordinance adopted by the Board of Supervisors on the _____ day of _____, 2025.

Dated: This _____ day of _____ 2025.

SEAN HOUGHTBY, County Clerk and
ex-officio Clerk of the Board of
Supervisors of the County of
Tehama, State of California.

By: _____
Deputy