

ORDINANCE 2020-1
MENDOCINO CITY COMMUNITY SERVICES DISTRICT GROUNDWATER
EXTRACTION PERMIT REQUIREMENT FOR ALL REAL PROPERTY WITHIN ITS
BOUNDARY

WHEREAS, Mendocino City Community Services District (hereafter MCCSD or District) adopts the following Groundwater Extraction Permit Ordinance amending and replacing Groundwater Extraction Permit Ordinances No. 90-1 and No. 91-3, as amended; and

WHEREAS, all real property within the boundaries of MCCSD shall be subject to these regulations; and

WHEREAS, it is the intent of the MCCSD to protect the groundwater resources within its boundary for the common good of all present and potential users; and

WHEREAS, in 1987, the California Legislature passed California Water Code Section 10700 – 10717, as outlined in Assembly Bill No. 786, which provided the MCCSD with the authority to prepare and implement a Groundwater Management Plan and to establish programs for groundwater resources management within the District boundary; and

WHEREAS, in 1990, the MCCSD assumed responsibility for groundwater management, and adopted the Groundwater Extraction Permit (GWEP) Ordinance to permit all new development, changes of existing use, and expansion of existing use; and

WHEREAS, prior to the adoption of This Ordinance, the District held a public hearing on April 16, 2020 after publication of notice for the first hearing on April 2 & 9, 2020 pursuant to Section 6066 of the Government Code. The District adopted a resolution of intention to adopt and implement the groundwater management program on April 16, 2020. A copy of the program was published in a newspaper of general circulation on April 23, 2020. Notice of the second hearing was published on April 2 & 9, 2020. The Board of Directors scheduled the second hearing for April 27, 2020 to consider protests to the implementation of the program by eligible registered voters residing within the boundaries of the District. There was no majority protest by more than 50% of eligible registered voters in the District. The Board may accordingly adopt This Ordinance within 35 days of the second hearing.

The Board of Directors of the Mendocino City Community Services hereby **ORDAINS AS FOLLOWS:**

1. Groundwater Extraction Permit Requirement

To manage the groundwater resources within the MCCSD boundary during both normal rainfall years or during drought conditions and to protect the District's limited groundwater resources, all developed parcels within the MCCSD, whether their water supply is from groundwater extracted from privately owned well(s) or from mutual water company well(s), shall be required to have a valid Groundwater Extraction Permit and limit groundwater extraction to an approved GWEP allotment or Mutual Water Company Memorandum of Understanding allotment.

In addition, no person shall extract groundwater within the boundaries of the MCCSD for "new development", "change in use", or "expansion of existing use" unless the person possesses a valid and current Groundwater Extraction Permit, and no groundwater shall be extracted from a well that is constructed or modified following the adoption of this ordinance without an approved Groundwater Extraction Permit as set forth herein.

Groundwater Extraction Permit shall be obtained prior to:

1. issuance of a Mendocino County Use Permit or Coastal Development Permit;
2. issuance of a Mendocino County Building Permit for other than minor repair and maintenance; or
3. issuance of a Mendocino County Well Permit.

A Groundwater Extraction Permit shall not be necessary for minor repair and maintenance to existing structures and wells, or cleaning of an existing well, but a Groundwater Extraction Permit shall be required for any modifications in the structure or depth of the well.

A Groundwater Extraction Permit shall remain in effect in perpetuity or until a new Groundwater Extraction Permit is issued pursuant to the requirements of this ordinance.

The District Superintendent is authorized to advise appropriate agencies that no permit action is required with regard to cases exempt from MCCSD permit procedures established by this Ordinance.

2. Application Required for Groundwater Extraction Permit

Application for a Groundwater Extraction Permit shall be made in writing on forms provided by MCCSD. The Groundwater Extraction Permit application shall contain the assessor's parcel number, a description of the parcel, the address of the parcel, a description of the proposed change to the parcel, a description of the proposed new development, expansion of existing use, and/or the change in use, a list of all adjacent property owners and their addresses, the existing and proposed placement of wells and water storage facilities on the parcel, the location of existing wells on all adjacent properties, if known, and the maximum amount of water per day anticipated to be extracted by the applicant for the project. A scaled plot map showing all structures, wells, and the proposed development shall be attached to the Groundwater Extraction Permit application. A floor plan for all existing and proposed structures shall be included with the Groundwater Extraction Permit Application. A fee in an amount determined by the Board to cover the cost of administering this groundwater extraction permit process shall accompany the application. The application shall be deemed complete once it is reviewed by the District Superintendent and accepted as complete. The District Superintendent shall contact the applicant regarding the completeness of the application within thirty (30) days of submission and may require further information from the applicant.

3. Hydrological Study

Except as set forth below in Section 4 of this ordinance, all applicants shall be required to submit a hydrological study prior to the issuance of a Groundwater Extraction Permit. A qualified hydrologist (see definition, Appendix B) must perform the hydrological study. Once an application is deemed complete, the applicant shall be permitted to conduct an aquifer pump test from the proposed well(s), as set forth in the application, for the purpose of proving that the amount of water capable of being extracted from the well(s) will support the proposed project as described in the application, based on water use standards established by the Board. The aquifer pump test is also required in order to determine whether the proposed water extraction will have any adverse effect and adverse cumulative effect on hydrologically contiguous wells (see definitions, Appendix B).

The aquifer pump test (Appendix A) shall be conducted continuously over a seventy-two (72) hour period, followed by a monitored twenty-four (24) hour recovery period. The test shall be conducted during the Hydrological Testing Period (see definitions). The Board may modify

the time of year for the test upon determination that weather conditions make such modification appropriate. All aquifer pump tests in the District shall be scheduled by the District Superintendent to avoid conflict in the data obtained. Water pumped shall be conserved by storage or shall be routed to a recharge/discharge area beyond the influence of the pump test at the applicant's expense.

The hydrological study shall present data obtained and conclusions derived from the aquifer pump test (see Appendix A for hydrological study outline). The hydrological study should include consideration of local geology and hydrology, documentation of current groundwater development, estimation of water use by the development, a pump test, assessment of on-site availability of groundwater, analysis of potential impacts of the proposed groundwater development, and an analysis of cumulative effects to hydrologically contiguous wells. The hydrological study should be documented in a report summarizing the information and analyses, and it should include appendices containing supporting data. The following report outline is suggested:

- Introduction
- Estimated Water Allotment
- Hydrological Setting
- Performance of Pump Test
- Pump Test Data Analysis
- Mitigation of Adverse Effect and Adverse Cumulative Effects
- Conclusions
- Appendices

All conclusions expressed by the hydrologist in the hydrological study shall be supported by data and other facts, consistent with good hydrological practices. All assumptions and equations relied on by the hydrologist in conducting the aquifer test and forming his/her conclusions shall be included in the hydrological study report. The hydrological study shall consider: 1) the adequacy of the water supply to support the proposed new development, expansion of existing use, or change in use during the dry summer months and drought conditions, and 2) any adverse effects and adverse cumulative effects to hydrologically contiguous wells. Once a hydrological study has been completed it shall be delivered to the District Office for review.

4. Exceptions to Hydrological Study Requirement

a. No Increase in Water Demand

If it is clear, based on the Groundwater Extraction Permit Application, that the proposed water extraction will not increase the applicant's existing quantity of water extraction, the District Superintendent may administratively issue the requested Groundwater Extraction Permit without requiring an applicant to submit a hydrological study. If the proposed new use results in a decrease in water use, a new allotment shall be calculated, and shall be based on the new use.

b. Limited Increase in Water Demand

Based on the information contained in the Groundwater Extraction Permit application, the District Superintendent may administratively issue a Groundwater Extraction Permit without requiring an applicant to submit a hydrological study if the proposed change results in a limited increase in water demand. A limited increase is the quantity of water required for "new development", "change in use", or "expansion of existing use", as defined by the Water Use Standard adopted by the Board. A limited increase is determined by the increased water demand for the proposed project. As calculated from the Water Use Standard, a limited increase shall not exceed:

1. 30% of an existing water demand that is less than or equal to 320 gallon per day.
2. 10% of an existing water demand that is greater than 320 gallons per day.

As a condition of approval for an exception to the hydrological study requirement, the applicant agrees not to exceed the water use allotment for the existing use. A limited increase only applies to Section 4(b) of the ordinance. Following the issuance of a Groundwater Extraction Permit under Section 4(b) Exceptions to Hydrological Study Requirements, future "new development", "change in existing use", or "expansion of existing use", which result in a limited increase in water demand, may require approval of a Hydrological Study prior to issuance of a new Groundwater Extraction Permit to review the effect that incremental development may have on adjacent wells or the aquifer.

c. Modification in the Structure or Depth of an Existing Well or Drilling a New Well

No hydrological study shall be required for modification in the structure or depth of an existing well or to construct a new well located on developed residential or commercial property.

A property owner may apply to drill a test well on an undeveloped parcel. A test well permit is not a Groundwater Extraction Permit. The purpose of the test well is to determine if

groundwater is available for future development of the parcel. A hydrological study must be applied for and approved by the District Board of Directors prior to the issuance of a Groundwater Extraction Permit that authorizes extraction from the test well. Following completion of the aquifer pump test for the hydrological study, no groundwater shall be extracted from a test well without a valid Groundwater Extraction Permit.

d. Prior to Issuance of a Mendocino County Use Permit or a Coastal Development Permit

Approval of a Groundwater Extraction Permit application shall be required prior to the issuance of a Mendocino County Use Permit or a Coastal Development Permit. No hydrological study shall be required prior to issuance of a Mendocino County Use Permit unless the project is a “new development”, “change of use”, or “expansion of existing use” that establishes an initial water demand on an undeveloped parcel or increases the water demand on a developed parcel.

e. Prior to Issuance of a Mendocino County Building Permit

Approval of a Groundwater Extraction Permit application shall be required prior to the issuance of a Mendocino County Building Permit. A Groundwater Extraction Permit application shall not be necessary prior to issuance of a Mendocino County Building Permit for minor repair and maintenance, such as painting, minor repairs to structures, and repair and replacement of roofs. No hydrological study shall be required prior to issuance of a Mendocino County Building Permit unless project is a “new development”, “change of use”, or “expansion of existing use” that establishes an initial water demand on an undeveloped parcel or increases the water demand on a developed parcel.

f. Section 4 Groundwater Extraction Permit Approval Conditions

No person shall extract groundwater from a well within the boundaries of MCCSD unless the person possesses a valid and current Groundwater Extraction Permit. A Permittee who has received a permit pursuant to this Section 4 shall install a water meter, record monthly water meter readings, and submit readings to the District as required. The permit shall specify the quantity of groundwater that the permittee may extract. For those properties assigned water use allotments under provisions of this Ordinance, a penalty will be assessed for continued water use in excess of that allotment. If total use exceeds that allowed by the permit by 25% for three non-consecutive months in one calendar year, the Board may revoke the Groundwater Extraction

Permit. Following revocation of a Groundwater Extraction Permit, continued groundwater pumping is a violation of Section 15 of this Ordinance, and a penalty shall be incurred.

g. Litigation Fees and Costs

In the event legal proceedings are filed by the District or any other party concerning this Ordinance, the prevailing party in such litigation shall be entitled to recover reasonable attorney's fees and costs (including expert costs) incurred in such legal proceedings in addition to such other relief as may be granted by the court. This provision shall apply to any mediation, arbitration or litigation concerning this Ordinance. The District's successful defense of its groundwater extraction permit program in any legal proceeding shall entitle the District to recover its attorney's fees and costs in accordance with this Section.

5. Board Shall Adopt Water Use Standards and Require Conservation Devices

Water use standards have been established by the District designating the quantity of water necessary for a "new development", "expansion of existing use", or "change in use". These water use standards shall be periodically re-evaluated based on actual data collected by the District. The Board shall require water conservation devices including, but not limited to, low flush toilets, to be purchased and installed by permittees.

6. Hydrological Study Review

Following delivery of the hydrological study to the District Office, the District shall refer the hydrological study to an approved hydrologist for review. This review shall include, but not be limited to, consideration of adherence to testing conventions, completeness of data, adequacy of the groundwater supply for the proposed development or change in use, cumulative impact on the District's groundwater resources, and any reported adverse effects and adverse cumulative effects to hydrologically contiguous wells. The applicant shall pay a fee as determined by the Board to cover the cost of such review. The hydrological review and the initial study shall then be submitted to the Board for consideration.

7. Hydrological Study Approval

Within sixty (60) days of receipt of the hydrological study review, the Board shall consider both the hydrological study and the review at a regular meeting or a special meeting. Public comment on the proposed hydrological study shall be heard at the regular or special meeting called by the Board. If necessary, the Board may require the applicant, reviewing hydrologist, or author of the

hydrological study to submit supplemental information before deciding whether to approve or reject a hydrological study.

a. In making their decision, the Board shall consider the findings of the aquifer pump test and the hydrological study, all challenges to the aquifer pump test and the hydrological study that have been received by the District during or prior to the public hearing, all information provided by the reviewing hydrologist, and all public comment.

b. If, based on the considerations as set forth above, the Board finds that approval of the hydrological study and issuance of a proposed Groundwater Extraction Permit would more likely than not have an adverse effect on the groundwater supply, or the evidence shows that there is insufficient groundwater to support the proposed Groundwater Extraction Permit project, the Board shall reject the hydrological study.

c. The Board may consider mitigation measures that eliminate adverse effects and adverse cumulative effects to hydrologically contiguous wells as a condition for approval of the hydrological study.

d. The Board shall approve or reject a hydrological study or grant a continuance, within one hundred twenty (120) days of the time the applicant's hydrological study is filed. If good cause exists, the Board may allow additional time for the review.

e. If an applicant's hydrological study is denied, the applicant may request reconsideration. Said request shall be in writing stating the reason for the request and must be filed with the District Office within twenty (20) days of the Board's decision. The Board may require the applicant, reviewing hydrologist, or author of the hydrological study to submit supplemental information before deciding whether to approve or deny reconsideration of the hydrological study. The Board shall continue, approve or deny the reconsideration within forty-five (45) days of said request.

8. Groundwater Extraction Permit Approval

Within sixty (60) days after the filing of a Groundwater Extraction Permit application, the Board shall consider the permit at a regular meeting or a special meeting. Public comment on the proposed Groundwater Extraction Permit shall be heard at the regular or special meeting called by the Board.

a. In making their decision, the Board shall rely on the findings of the approved hydrological study and the hydrological study review.

b. If, based on the considerations set forth above, the Board finds that issuing of a Groundwater Extraction Permit for the project would not have an adverse effect on the groundwater supply, and the evidence from the hydrological study shows that there is sufficient groundwater to support the proposed Groundwater Water Extraction Permit project, the Board shall approve the permit.

c. The Board shall approve or deny a permit or grant a continuance, within one hundred twenty (120) days of the time the applicant's Groundwater Extraction Permit is filed.

d. The Board shall establish the maximum amount of groundwater an applicant is allowed to extract, and the permit for groundwater extraction shall be issued on condition of that limitation.

e. The applicant shall have two (2) years to complete the Groundwater Extraction Permit process if the groundwater source is not in use when the Groundwater Extraction Permit Approval is issued. If groundwater is currently extracted from an existing well, the applicant shall complete the Groundwater Extraction Permit process within the timeframe stated as a condition of the approval. The Groundwater Extraction Permit Application Approval shall automatically expire by its own terms if the applicant does not adhere to all permit conditions within the time frame stated in the approval.

f. The District shall have the right to inspect the water meter installation.

g. If an applicant is denied a Groundwater Extraction Permit, the applicant may request reconsideration. The request shall be in writing stating the reason for the request and must be filed with the District Office within twenty (20) days of the Board's decision. The Board shall continue, approve or deny the reconsideration within forty-five (45) days of the request and if they do not act within forty-five (45) days, the request is deemed approved.

9. Water Meter Requirements

Prior to the issuance of any Groundwater Extraction Permit, the applicant shall agree in writing to install an approved water meter prior to any groundwater extraction, at applicant's expense. The applicant agrees to install the water meter as a condition of the groundwater extraction permit approval within the date specified in the approval conditions. The applicant shall agree to submit regular monthly meter readings to the District on the first day of the month for the

previous month's groundwater extraction. All applicants and permittees shall give permission for the meter to be read by a District employee. Following the issuance of the Groundwater Extraction Permit, the District, its agents and assigns, may enter onto owner's real property at reasonable times to read the water meter if the property owner fails to submit monthly meter readings for two consecutive months. The water meter shall be accessible by the District during regular business hours. Applicants and Permittees shall provide permission for District employees to sample and test water and to take well depth readings as required for District records, at District expense. Applicant and Permittees may install water meter at property line to facilitate the reading of the meter by District personnel. As a condition of the Groundwater Extraction Permit approval, applicant shall agree to allow District personnel to inspect a water meter installation that is offset from the wellhead. Applicants and Permittees agrees to replace a defective, inaccurate, or inoperable water meter at applicant's expense. No waterline connections (taps) shall be permitted between the water meter and the wellhead.

For new water meter installations, a letter from the District will be sent requesting that the applicant provide the District with groundwater extraction readings beginning thirty (30) days after the issuance of the Final Groundwater Extraction Permit, and thereafter on the first day of each month for the previous month's extraction.

All developed parcels required to obtain a valid Groundwater Extraction Permit with an approved allotment are required to install an approved water meter, and submit monthly meter readings to the District. The applicant shall agree to submit regular monthly meter readings on the first day of the month for the previous month's groundwater extraction.

The District has the following Three-Step Meter Reading Policy to achieve water meter reading compliance from developed property owners subject to groundwater extraction water meter reading and reporting requirements:

a. If a developed property owner that is required to submit a monthly water meter reading to the District misses one month's reading, on the twentieth day after the reading is due, District will send the property owner a 1st Notice of Violation letter by regular mail. The letter to the property owner will discuss the importance of timely readings and reporting, and advise the property owner that District personnel will read the water meter if timely readings are not forthcoming. They will be informed of various options that are available for submitting the water meter readings other than by regular mail.

1. Through the website
2. E-mail
3. Fax
4. Telephone
5. Annual meter reading service by District personnel for an annual fee

If the developed property owner is served by a mutual water company, and that company is responsible for reading its customers' meters, the 1st Notice of Violation shall be sent to the mutual water company serving the developed property. However, the developed property owner shall remain ultimately responsible for the submission of the required water meter readings in a timely fashion, as well as any penalty for failure to submit timely water meter readings.

b. If a developed property owner subject to groundwater extraction water meter reading reporting fails to submit a reading by the twentieth day of the second month, a 2nd Notice of Violation letter will be sent by Certified Mail to the property owner to inform the property owner that a service charge will be added to their sewer bill for each month of water meter reading non-compliance. If a property owner subject to groundwater extraction water meter reading reporting persists in non-reporting, the District may take the readings on a date and time specified in a 3rd Notice of Violation letter sent by Certified Mail, and the property owner subject to groundwater extraction water meter reading reporting will be informed that they will be billed accordingly. A property owner subject to groundwater extraction water meter reading reporting will be asked in the third letter to be present when District personnel read the meter. The third letter will advise a property owner subject to groundwater extraction water meter reading reporting that a service fee will be added to their monthly sewer bill for this service to cover staff time and District expenses. Both the second and third letters will provide them with an alternative to sign up for the water meter reading service on an annual basis for an annual fee. The letters will also reiterate the importance of water meter reading.

c. If the property owner subject to groundwater extraction water meter reading reporting refuses to provide access to the property or refuses to pay the monthly service charge added to their sewer bill for each month of water meter reading non-compliance, the matter may be referred to legal counsel for further handling. One method of further handling such a problem would be to obtain an injunction against the property owner's interference with the District's groundwater management program.

d. The District offers a water meter reading service for all developed parcels within the District that have been required to install a water meter. The charge is based on a

determination of the reasonable cost of providing the service. Applications for the meter reading service may be obtained from the District Office. The annually fee for meter reading shall be paid in advance of the service.

10. Groundwater Extraction Permit Approval Extension

The applicant may request an administrative Groundwater Extraction Permit Approval Extension for a period of two (2) years. An extension of a Groundwater Extraction Permit Approval that was based on the findings of a Hydrological Study shall not be issued for more than ten (10) years from the date of the original Hydrological Study Approval without the applicant providing at applicant's expense a supplemental report showing the conclusions of the Hydrological Study are still valid. The report shall be prepared by a qualified hydrologist (see definition, Appendix B). The report shall include a discussion and supporting data that establish there are no adverse cumulative effects to adjacent wells from the applicant's approved extraction and any additional extraction within the radius of influence of the applicant's test well approved by other hydrological studies for "new development", "expansion of existing use", or "change of use". The Board shall approve or deny a supplemental report at a regular meeting or a special meeting.

There will be an administrative fee for a Groundwater Extraction Permit Extension.

11. Permitted Groundwater Extraction Allotment

The Groundwater Extraction Permit shall state the maximum amount of groundwater to be extracted. This limit shall constitute an allotment of groundwater to be extracted by the applicant, and the District shall not reduce this amount during normal rainfall conditions unless there is evidence of an error in the application or hydrological study discovered within twelve months, which the Board determines is sufficient to justify a quantity modification, which would lower or increase the groundwater use allotment. The allotment shall be based on the size and type of District approved development on the parcel. The amount of the allotment is determined from the MCCSD Water Use Standard (Appendix C).

All developed parcels with Groundwater Extraction Permits shall be required to limit groundwater extraction to the Groundwater Extraction Permit allotment, which shall be based on the size and type of development on the parcel. Allotments may be temporarily reduced during drought conditions to help extend the groundwater resource.

Up to two times the amount of a Permittee's approved allotment may be extracted and stored for dry season use during the months of January, February, and March if cumulative rainfall during October, November, and December exceeds 120% of normal average rainfall for that three month period. Permittees extracting additional groundwater during January, February or March shall immediately reduce extraction to the approved allotment if monthly rainfall measured by the District falls below 120% of average monthly cumulative precipitation during January, February, or March.

12. Final Groundwater Extraction Permit

Once a permittee has complied with the conditions of the Groundwater Extraction Permit Approval, which include issuance of an allotment to limit groundwater extraction and installation of a water meter at the wellhead of all production wells, the District shall administratively issue a Final Groundwater Extraction Permit. The Final Groundwater Extraction Permit shall be signed by the property owner. A Groundwater Extraction Permit issued for "new development", "change of use", and "expansion of existing use" shall remain in effect in perpetuity or until approval of a new Groundwater Extraction Permit for the property.

13. Prior Extraction Permit Approvals by Mendocino County

The District shall acknowledge any restrictions on water usage imposed by the County of Mendocino in groundwater extraction permits issued prior to June 1, 1990, and District shall enforce the restrictions under the provisions of the BOS 90-113 agreement. After June 1, 1990, any Permittee previously issued an allotment by Mendocino County under the provisions of BOS 90-113 that submits an application and is approved for a District Groundwater Extraction Permit for "new development", "change of use", or "expansion of existing use" shall be subject to the District's Groundwater Extraction Permit Ordinance regulations, requirements, and restrictions.

14. Action on County Referrals of Applications for Use Permits, Land Use Permits, Land Divisions, Local Coastal Plan Consistency Reviews and Coastal Development Permits

The provisions of this Ordinance shall be applied to all County referrals regarding use permits, land divisions, Local Coastal Plan consistency reviews and Coastal Development Permits.

15. Misdemeanor and Penalty

After the adoption and publication of this ordinance, it shall be a misdemeanor for any person to violate any provision, restriction or prohibition contained in this Ordinance or any condition of any valid Groundwater Extraction Permit issued pursuant to this Ordinance, until said Ordinance has been repealed.

Groundwater extraction without a valid Groundwater Extraction Permit is a violation of this Ordinance, and a penalty of \$100.00 per day shall be incurred for groundwater extraction without a valid Groundwater Extraction Permit, or for continued groundwater extraction following revocation of a Groundwater Extraction Permit. Each day of groundwater extraction without a valid Groundwater Extraction Permit shall be deemed a separate violation for purposes of assessment of penalties under this Ordinance. Non-compliance shall be determined commencing with the first day of water extraction activities without a valid Groundwater Extraction Permit.

For those properties assigned groundwater use allotments under provisions of this Ordinance, a penalty will be assessed for continued groundwater use in excess of the allotment. Penalty will be at a rate of two cents per gallon of excess use per month, up to 10% overage, five cents for each gallon in excess of 10%, after there has been excess use for two consecutive months, or for three months during any yearly period. If total use exceeds that allowed by the permit by 25% for three non-consecutive months in one calendar year, the Board may revoke the Groundwater Extraction Permit. For those properties assigned groundwater use allotments under provisions of this Ordinance that extract additional groundwater during the months of January, February, or March, a penalty will be assessed for groundwater use in excess of twice the permitted allotment. Penalty will be at a rate of two cents per gallon of excess use per month, up to 10% overage, five cents for each gallon in excess use per month.

The District is authorized to read meters to verify water usage. For all other permit violations, a penalty of \$100.00 shall be incurred for each violation. Each day of non-compliance with this ordinance or with the permit conditions shall be deemed a separate violation for purposes of assessment of penalties under this Ordinance. Non-compliance shall be determined commencing with the first day of groundwater extraction activities regulated by the program.

The Board may impose a penalty of \$100.00 per day if the property owner subject to the groundwater extraction water meter reading reporting requirements fails or refuses to:

1. submit the monthly meter reading for a period of three consecutive months;
2. provide access to District personnel to read the meter; or
3. pay the monthly service charge imposed for failure to submit water meter readings.

The Board may impose a penalty of \$100.00 per day if the property owner subject to the groundwater extraction water meter installation requirement fails or refuses to install an accurate operable water meter(s) to measure groundwater production from all wells used to extract groundwater on the owner's property.

Each day of non-compliance shall be deemed a separate violation for purposes of assessment of penalties under this Ordinance.

In the event legal proceedings are filed by the District or any other party concerning this Ordinance, the prevailing party in such litigation shall be entitled to recover reasonable attorney's fees and costs (including expert costs) incurred in such legal proceedings in addition to such other relief as may be granted by the court. This provision shall apply to any mediation, arbitration or litigation concerning this Ordinance. The District's successful defense of its groundwater extraction permit program in any legal proceeding shall entitle the District to recover its attorney's fees and costs in accordance with this Section.

16. California Environmental Quality Act

The Board of Directors finds that this Ordinance is not a "project" subject to the requirements of the California Environmental Quality Act (CEQA), and/or is exempt from CEQA requirements in accordance with the following reasons:

a. This Ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately.

b. On a separate and independent basis, the District finds this Ordinance is categorically exempt from CEQA under Sections 15307 of the CEQA Guidelines as a regulatory action taken by the District pursuant to its powers under California Water Code Section 10700 *et seq.* to assure maintenance and protection of a natural resource and the environment during the existence of the water shortage condition and potential emergency declared pursuant to this Ordinance.

c. On a separate and independent basis, the District finds this Ordinance is categorically exempt from CEQA under Sections 15308 of the CEQA Guidelines as a regulatory action taken by the District pursuant to its powers under California Water Code Section 10700 *et seq.* to assure maintenance and protection of a natural resource and the environment during the existence of the water shortage condition and potential emergency declared pursuant to this Ordinance.

d. On a separate and independent basis, the District finds this Ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment as the Ordinance is intended to help maintain current groundwater availability.

For the reasons set forth above it can be stated that there is no possibility that adoption and enforcement of this Ordinance will have a significant effect on the environment, consistent with applicable guidelines for CEQA assessment."

17. Severability

If any section, subsection, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance and such remaining portions of this Ordinance shall remain in full force and effect.

18. Board May Issue Emergency Permit

Nothing in this permit process shall be deemed to diminish the authority of the Board to act in any manner consistent with the existing laws. Nothing in this permit process shall prohibit the Board from issuing any permit for groundwater extraction or other water development without public notice in the event that the Board determines that an emergency situation requires the issuance of such permit.

19. Constitutionality

This Ordinance is not intended to authorize, and shall not be construed as authorizing, the MCCSD to exercise its power in a manner which will take or damage private property for public use. This ordinance is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States of America.

This ordinance shall be published once in the Mendocino Beacon, a newspaper of general circulation published within the District. This Ordinance was introduced at a meeting of the Board of Directors on May 11, 2020, and adopted by the Board of Directors on May 18, 2020, by the following vote:

AYES: Directors Hauck, Arnold, & Sullivan

NOES: Rice

ABSENT: None

_____, Board President

ATTEST:

Jeannee Christ, District Secretary

Appendix A

Hydrological Study Guidelines

General

No person shall extract groundwater within the boundaries of the MCCSD for “new development”, “change in use”, or “expansion of existing use” and no water shall be extracted from a well constructed or modified following the adoption of this ordinance within the boundaries of MCCSD unless the person possesses a valid and current Groundwater Extraction Permit. Except as noted in the ordinance, all applicants shall be required to submit a hydrological study prior to issuance of a Groundwater Extraction Permit.

Approved Hydrologists

MCCSD will maintain a list of approved hydrologists who are authorized to conduct hydrological studies and/or peer review hydrological studies conducted by other approved hydrologists.

Professional Qualifications of Hydrologist

A California Registered Geologist, who is a hydrologist , a Certified Engineering Geologist, and/or a California Certified Hydrogeologist /or a California licensed Civil Engineer, or Registered Geologist with a minimum of five (5) years of experience in groundwater hydrology are eligible to be approved hydrologists.

Elements of the Hydrological Study

The hydrological study should include consideration of local geology and hydrology, documentation of current groundwater development, estimation of water use by the development, a pump test, assessment of on-site availability of groundwater, analysis of potential impacts of the proposed groundwater development, and an analysis of cumulative effects to hydrologically contiguous wells. The hydrological study should be documented in a report summarizing the information and analyses, and should include appendices containing supporting data. The following report outline is suggested:

- **Introduction**

The introduction should include: 1) a description of the project, 2) a description of the location of the proposed development with respect to contiguous properties and wells, and 3) location and site maps. The well head location and elevation should be surveyed in using a benchmark and datum acceptable to MCCSD.

- **Estimated Water Allotment**

The water allotment for the proposed development shall be calculated from the Groundwater Extraction Permit Ordinance Water Use Standard. The allotment is based on the size and type of proposed development described in the Water Use Standard.

- **Hydrological Setting**

Include a summary of the local hydrological setting, site characteristics, and present groundwater use on the contiguous properties and current groundwater use on the proposed development parcel. Discuss the following:

- 1. Local Geology and Groundwater**

Describe the local geology and occurrence of groundwater. Locate all streams and springs on the project parcel and on contiguous parcels, and measure the spring and stream flows, or estimate their dry season flow from available reports by California Department of Water Resources, State Water Resources Control Board, and others.

- 2. Aquifer Description**

Identify the aquifer(s) to be developed. For terrace aquifers, note the extent of the aquifer, average thickness, and average storage capacity. For bedrock aquifers, and composite terrace/bedrock aquifers, provide information on weathering and fracturing, depth to hard bedrock, and other relevant information.

- 3. On-Site Hydrological Conditions**

Document on-site hydrological conditions, including geologic materials encountered during the drilling of the well, and static depth to water during the Hydrological Testing Period (see Appendix B Definitions). DWR Water Well Drillers Report(s) of the well(s) should be included.

4. Existing Wells

Identify all wells on the study parcel and on contiguous parcels. Show well locations and elevations on the assessors parcel map and on the well inventory and topographic map of the Mendocino Headlands available from MCCSD show measured distances to the pumping well. Describe each well, including depth, pump setting, well construction details, geological log if available, static water level in wells, use and estimated pumpage, and water level fluctuations. Observed well interference between hydrologically contiguous wells identified in previous hydrological studies that are within the radius of influence of the test well must be included in the Hydrological Study. Geologic cross-sections illustrating information from available well logs are recommended.

- **Performance of Pump Test**

The pump test is intended to document that an adequate groundwater supply is available on the site for the proposed project and to determine any adverse effect and adverse cumulative effects on local groundwater users and the aquifer(s) as a whole. Pump testing requirements for hydrological studies are as follows:

- 1. Notice Requirements for Aquifer Pump Test**

At least ten days before the beginning of the aquifer test, the District shall publish notice of the test in a local paper of general circulation in the town of Mendocino. The District shall also post notice of the aquifer test at the District Office, the Mendocino Fire House and the Mendocino Post Office ten days before the beginning of said test. At least ten days before the beginning of the aquifer pump test the District shall notify in writing all adjacent property owners along with any person who requests notice in writing. All notifications will be mailed certified-return receipt requested. The **Notice(s) of Aquifer Test** supplied by MCCSD shall be posted in conspicuous visible location(s) on the parcel where the test is to be conducted ten days prior to the test. Such notices shall inform such property owners of date, time, location and purpose of the pump test, and provide a contact name, phone number and address in the event that their wells are apparently affected by the test. The notices will emphasize the importance of response as soon as

any effects are observed. The notices shall also advise property owners that they can request that their wells be included in the monitoring process. Surrounding property owners who feel that their wells may be hydrologically contiguous may request that their wells be included in the monitoring process. Such request shall be made to the District at least 72 hours prior to beginning of the pump test. Any expense related to this monitoring of wells involved in the pump test shall be borne by the applicant. Any property owner that requests that their well be monitored must agree not to use the well during the aquifer pump test. The Superintendent shall schedule all aquifer tests that are to be conducted in the District.

2. Pump Testing Method

A hydrological study aquifer pump test shall be designed and conducted by or under the supervision of an approved Hydrologist. Pump testing shall be conducted generally in accordance with the procedures outlined in the Mendocino County Coastal Groundwater Development Guidelines (Questa, Engineering, 1989), which details the test procedures for the Constant Rate and Step Drawdown Tests.

Authorization to use any other than the constant rate pump test must be obtained from the District Superintendent before conducting the actual test, and shall be based on submission of items “a”, “b”, and “c” below.

- a) Provide peer reviewed, multiple literature documentation showing that the substitute test provides equal or greater accuracy for predicting aquifer and well characteristics in the study area setting, compared to the constant rate pump test.
- b) Supply industry recognized literature thoroughly documenting how the substitute pump test should be conducted, and the limitations of the test.
- c) Supply industry recognized literature showing how the substitute pump test is analyzed.

The minimum pump test duration will be for 72-hours, with a 24-hour monitoring of aquifer recovery. A minimum of 10 groundwater level measurements per log cycle shall be collected from the test well and monitoring well used to determine aquifer characteristics. Water level measurements are to be accurate within 0.1-foot (or 1-inch).

The pump discharge rate is to be monitored and maintained to within 10-percent of the selected pump test rate.

Any variation from these guidelines including total length of pumping time, gaps in pumping, and variation in pump discharge, will require a technical explanation by the professional under whom the tests were performed. It should be noted that these guidelines are not rigid requirements, with the understanding that the ultimate goal of the pump test is to allow a determination of ground water availability and potential effects on the aquifer and nearby wells.

3. Monitoring Well(s)

Pump testing for hydrological studies shall include water level observations in at least one monitoring well throughout the pumping period. It is recommended that at least one monitoring well be installed within the area of influence of the pumped well specifically for use in the pump test. If a monitoring well is installed specifically for the pump test, care should be taken to assure that the screened interval of the monitoring well intersects the aquifer from which the pumped well draws water. As an alternative, existing nearby water wells may be suitable as monitoring wells, provided: (a) they have a screened interval, which intersects the same aquifer as the well to be tested; (b) they are not pumped during the test. A 24-hour pre-test monitoring of water levels in the well to be pumped and in the monitoring wells is recommended. The pre-test monitoring is used to establish any background influences on groundwater levels, i.e., other pumping activities.

Throughout the full duration of the pump test and recovery period, water level measurements in the monitoring well(s) should be made at regular intervals, similar to readings taken for the pumped wells. Measurements are to be accurate within 0.1-foot.

- **Pump Test Data Analysis**

An analysis should be provided of the pump test results and other information in order to document proof of adequate water supply and to determine impacts on local water users and the regional aquifer.

- 1. Well and Aquifer Characteristics**

The following calculations and data should be provided from field measurements to characterize the pumped well and local aquifer.

- a) Drawdown and Recovery. Plot aquifer drawdown and recovery curves on log paper for both the pumped well and monitoring well(s). The curves should be presented for easy comparison. Tabulate all time, water level, and pump rate data in an appendix.
- b) Transmissivity and Storativity. Compute transmissivity and storativity for the local aquifer using the Theis equation, Cooper-Jacobs method (Todd, 1980) or other appropriate techniques. Document methodology, including equations and assumptions, and interpretations. If pump testing data analysis software is used, provide information on the software (program name and synopsis).
- c) Well Efficiency and Specific Capacity. Compute well efficiency and the specific capacity of the well, if appropriate (Todd, 1980).

2. Proof of Adequate Water Supply

The observed pump rate during the pump test should be a minimum of 2.5 times the estimated daily water use allotment to establish proof of an adequate water supply for the proposed development.

3. Aquifer Effects

The observed and computed drawdown at neighboring wells or installed monitoring wells will provide the basis for assessing the extent of adverse effects and adverse cumulative effects on the aquifer and wells on surrounding properties.

a) Evaluation Criteria for Adverse Effects and Adverse Cumulative Effects

Adverse Effect: An adverse effect on the water table or aquifer shall be considered to occur if the pump rate during the aquifer test results in an aquifer drawdown at the well of an adjacent property or at a well within the radius of influence which amounts to more than 10-percent of the available water column at such well.

Adverse Cumulative Effect: An adverse cumulative effect will be considered to occur when the sum of incremental drawdown(s) from the

current test well(s) and test well(s) from previously approved hydrological studies:

- 1) amounts to more than 10-percent of the maximum available water column at a hydrologically contiguous well.

The cumulative effect is based on the calculated drawdown using:

- 1) the aquifer parameters computed for each well when the well was tested,
- 2) the aquifer conditions for the current test,
- 3) the pump rate for the drawdown calculation for each test well that is equivalent to their approved allotment, and
- 4) a three day pumping period for the calculation.

This analysis assumes that adjacent wells or wells within the radius of influence operate under similar hydrogeologic conditions and physical characteristics as the pumped well, unless evidence to the contrary is available. If more than one well is proposed; it must be demonstrated by calculations, or by actual pump testing, that the cumulative drawdown effect from all wells will be less than 10-percent of the available water column at adjacent wells or wells within the radius of influence.

b) Pump Test Results. Aquifer drawdown at all wells within the radius of influence of the production well in the study area shall be reported or computed for conditions during pump testing. Various procedures for computing drawdown and the zone of influence of the pumping well are provided in Appendix A of the Mendocino County Coastal Groundwater Development Guidelines, 1989.

c) Projected Drawdown. The projected drawdown effect on the aquifer and the adjacent wells should also be estimated for the following conditions: 1) maximum day water use demand, 2) 90-day dry weather conditions, and 3) 180-day drought conditions.

4. Regional Aquifer Impact

To evaluate the regional impact on the aquifer, the expected annual pumpage of the well should be computed. If the well penetrates a terrace aquifer, compare the annual well pumpage amount to the storage capacity of the local

aquifer and annual recharge as estimated from water balance calculations. Refer to the Groundwater Modeling Study of the Mendocino Headlands (Questa Engineering and ETIC, June 2004) for additional background information. The Regional Aquifer Impact determination is for informational purposes and for use by MCCSD in further developing and implementing a groundwater management plan, and will not be the basis for issuing the groundwater extraction permit.

- **Mitigation of Adverse Effect And Adverse Cumulative Effect**

Mitigation measures that eliminate adverse effects and adverse cumulative effects on hydrologically contiguous wells shall be included in the hydrological study.

- **Conclusions**

Conclusions should include: 1) comparison of the estimated water allotment for the proposed development and the well capacity used to establish proof of an adequate water supply for the development; 2) summary of effects on hydrologically contiguous wells; and, 3) comparison of annual well pumpage and storage capacity of the aquifer to assess the impact of the well on available groundwater supply.

- **Appendices**

Appendices should include all relevant pump test data and well logs, as well as letters or other communications from nearby well owners, and written responses.

Peer Review of Hydrological Studies

The District shall refer the hydrological study to an approved hydrologist for review. This review shall include, but not be limited to, consideration of adherence to testing conventions, completeness of data, adequacy of the groundwater supply for the proposed development or change in use, cumulative impact on the District's groundwater resources, and any reported adverse effects and adverse cumulative effects to hydrologically contiguous wells. The applicant shall pay a fee as determined by the Board to cover the cost of such review. The hydrological review and the initial study shall then be submitted to the Board for consideration.

REFERENCES

1. Calif. Dept of Water Resources (DWR) Town of Mendocino Groundwater Study, June 1985, 53 pp
2. Driscoll, F. G., Groundwater and Wells, 1995.
3. Questa Engineering Corp., Mendocino County Coastal Groundwater Development Guidelines, 1989
4. Questa Engineering Corp. and ETIC, Inc. Groundwater Modeling Study of the Mendocino Headlands, Mendocino, Calif., Consultant Report prepared for MCCSD. June 2004
5. Todd, David Keith, Groundwater Hydrology, 1980 2nd edition, John Wiley & Sons, New York, 535p.

Appendix B

DEFINITIONS

ADEQUATE WATER SUPPLY: Sufficient quantities of water to support proposed uses and to maintain contiguous and surrounding uses. Adequate water supply is 2.5 times the daily water use allotment established by this Ordinance for the project involved.

ADJACENT: Any real property parcels that shares a common border with an applicant's parcel and all surrounding parcels that are separated by a road or easement.

ADVERSE CUMULATIVE EFFECT: An adverse cumulative effect will be considered to occur when the sum of incremental drawdown(s) from the current test well(s) and test well(s) from previously approved hydrological studies:

- 1) amounts to more than 10-percent of the maximum available water column at a hydrologically contiguous well.

The cumulative effect is based on the calculated drawdown using:

- 1) the aquifer parameters computed for each well when the well was tested,
- 2) the aquifer conditions for the current test,
- 3) the pump rate for the drawdown calculation for each test well that is equivalent to their approved allotment.
- 4) a three day pumping period for the calculation.

ADVERSE EFFECT: An adverse effect on the water table or aquifer shall be considered to occur if the pump rate during the aquifer test results in an aquifer drawdown at the well of an adjacent property or at a well within the radius of influence which amounts to more than 10-percent of the available water column at such well.

ALLOTMENT: The maximum amount of water an applicant is permitted to extract on a daily basis, as averaged over a thirty-day (30-day) period.

APPLICANT: Any person as defined herein who applies for a Groundwater Extraction Permit.

AQUIFER: A saturated bed, formation, or group of formations or strata, which yields water in sufficient quantity to be economically useful.

AQUIFER PUMP TEST: Physical testing for evaluation of an aquifer to determine the existence of an adequate water supply and to provide data for the hydrological study. Test to be conducted during Hydrological Testing Period.

BOARD: Mendocino City Community Services District Board of Directors.

CHANGE IN USE: Any change in use of the property to a different use category as defined in the Water Use Standard.

CHANGED CIRCUMSTANCE: A hydrological change that diminishes water availability within the boundaries of the Mendocino City Community Services District or any part therein.

CLEANING: Shall include removal of silt and other soft materials, but does not include removal of rock or rock materials.

CONE OF DEPRESSION: The depression, roughly conical in shape, produced in a water table by the extraction of water from a well at a given rate. The volume of the cone varies with the rate and duration of withdrawal of water.

CUMULATIVE EFFECTS: The sum of incremental drawdown effects by the test well(s) and by previous aquifer pumps tests performed for hydrological studies for granted Groundwater Extraction Permit Approval(s) on a hydrologically contiguous well.

DEplete: The lowering of groundwater levels in an aquifer to the point where there is no longer an adequate water supply for existing uses.

DISTRICT: Mendocino City Community Services District (MCCSD)

EMERGENCY: A sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

EXPANSION OF EXISTING USE: Any increase in water usage by action other than New Development or Change of Use.

GROUNDWATER: That part of the subsurface water which is the zone of saturation, including underground streams.

HYDROLOGY: The science that deals with continental water (both liquid and solid), its properties, circulation, and distribution, on and under the Earth's surface and in the atmosphere, from the moment of its precipitation until it is returned to the atmosphere through evapotranspiration or is discharged into the ocean.

HYDROLOGIST: A Registered Geologist, a Certified Engineering Geologist, a Registered Hydrologist, or a Registered Civil Engineer with a minimum of five (5) years of experience in groundwater hydrology and hydrological studies.

HYDROLOGICALLY CONTIGUOUS WELL: Any well serving a contiguous or surrounding property where such well is hydraulically connected to the pumping well where there is a reasonable expectation of well interference during the aquifer test or increase in water extraction.

HYDROLOGICAL STUDY: A study of the hydrology of a defined area.

HYDROLOGICAL TESTING PERIOD: The hydrological testing period will commence on August 20 of any given year and will terminate when 6 inches of rainfall has been recorded beginning August 1st of the same year, as measured on the Community Services District’s rain gauge. After December 31st, if 6 inches of rainfall has not been recorded, the testing period will be extended and will terminate when 7 inches of rain has fallen since August 1st of the prior year. After January 31st, if 7 inches has not been recorded, additional extension will allow hydrological testing until 8 inches has fallen as measured from August 1st of the prior year. After February 28th, termination of the testing period will occur when 9 inches of rain has fallen or March 31st, whichever comes first. During the defined testing period, no hydrological testing will be allowed for 5 consecutive days following a recorded rainfall of 1 inch or more. Testing may be resumed after the 5-day waiting period, provided that the total rainfall has not exceeded the above-defined limits of the hydrological test period. The hydrological test period as defined may be modified by Board action in case of unusual rainfall patterns.

LIMITED INCREASE: A limited increase is the quantity of water required for “new development”, “change in use”, or “expansion of existing use”, as defined by the Water Use Standard adopted by the Board. A limited increase is determined by the increased water demand for the proposed project. As calculated from the Water Use Standard, a limited increase shall not exceed:

1. 30% of an existing water demand that is less than or equal to 320 gallons per day.
2. 10% of an existing water demand that is greater than 320 gallons per day.

As a condition of approval for an exception to the hydrological study requirement, the applicant agrees not to exceed the water use allotment for the current existing use. A limited increase only applies to Section 4(b) of the ordinance. Following the issuance of a Groundwater Extraction Permit under Section 4(b) Exceptions to Hydrological Study Requirements, future “new development”, “change in use”, or “expansion of existing use”, which result in a limited increase in water demand, may require approval of a Hydrological Study prior to issuance of a new Groundwater Extraction Permit to review the effect that incremental development may have on adjacent wells or the aquifer.

MINOR REPAIR AND MAINTENANCE: Repair and maintenance to the existing well structure or equipment. Minor repair and maintenance does not include deepening the well or replacing the casing in the well. Minor repair and maintenance includes painting or minor repairs to structures, replacement of windows, floor coverings, and interior and exterior siding, and repair and replacement of roofs. Construction of a foundation under an existing structure is not considered minor repair and maintenance.

NEW DEVELOPMENT: Development of any new water source, division of an existing parcel, or any project, which requires a building or use permit according to Mendocino County regulations.

PERSON: Includes any state or local governmental agency, private corporation, partnership, individual, group of individuals, owner(s) or developer(s) of a property subdivision, or, to the extent authorized by law, any federal agency.

RADIUS OF INFLUENCE: Is the horizontal distance from the center of a pumping well to the limit of the cone of depression.

SAFE YIELD: The maximum quantity of water that is allotted in the Groundwater Extraction Permit Water Use Standard for the proposed development, which can be withdrawn from an aquifer without causing an undesirable effect.

SUSTAINED YIELD: Is the maximum pumping rate that a pump can remove water from a well without lowering the water level in the well below the pump intake. A sustained yield in a well exists when drawdown stabilizes and equilibrium conditions are achieved during the aquifer test.

WATER DEMAND: Is the quantity of water use calculated from the Water Use Standard for all uses on a parcel. Existing allotments may be greater than or less than the parcel water demand.

WATER METER: Any water-measuring device or any other reasonable method used to accurately measure groundwater extraction that is approved by the District.

Appendix C Water Use Standard

1-2 Bedroom Residential ESD = 200 gal/day

Category number	User Category	ESD/Unit	Gal/Unit	Unit Description
	Residential:			
1	Residence w/ 1-2 bedrooms	1.0	200	gal/d per 1-2 bdr. residence
	Each additional bedroom	0.3	60	gal/d per additional bedroom
2	Apartment	1.0	200	gal/d per 1-2 bdr. residence
3	Guest Cottage	0.5	100	gal/d per unit
	Commercial Visitor Accommodation:			
4	Sleeping Unit	0.6	120	gal/d per unit
5	Vac. Home or Single Unit Rental	1.0	200	gal/d per 1-2 bdr unit
	Each additional bedroom	0.3	60	gal/d per additional bedroom
	Inns, Hotels, B&B's, Motel			
6	Dwelling Unit, w/ kit.	0.8	160	gal/d per unit
7	Dwelling Unit, w/ kit., laundry	1.0	200	gal/d per unit
8	Sleeping Unit w/o kit.	0.6	120	gal/d per unit
9	Sleeping Unit w/o kit., laundry	0.8	160	gal/d per unit
	Commercial Business:			
	Cottage Ind./Home Occupation			
10	Residence	1.0	200	gal/d per residence
11	Business Portion of Residence	0.00075	0.15	gal/d/ft ²
12	Retail Store/Gallery/Office	0.00075	0.15	gal/ft ² work or display area
13	Library	1.0	200	gal/d per unit
	Food and Beverage Establishments			
14	Full Service w/ bar	0.017	3.4	gal/d/ft ² dining area
15	Full Service w/o bar	0.0145	2.9	gal/d/ft ² dining area
16	No Service, w/seats, no dish washing	0.0105	2.1	gal/d/ft ² dining area
17	No On-Premise Consumption	0.0105	2.1	gal/d/ft ² work area
	Bar			
18	Bar area, per linear foot	0.0335	6.7	gal/d/linear ft of bar
19	Patron area	0.007	1.4	gal/d/ft ² patron area
20	Laundromat	2	400	gal/d/machine
21	Service Station/Garage	5.0	1,000	gal/d/service station
22	Grocery Store	0.001	0.2	gal/d/ft ² display & work area

Appendix C Water Use Standard				
Category number	User Category	ESD/Unit	Gal/Unit	Unit Description
	Commercial Business:			
	Churches			
23	Church w/ kit.	0.025	5	gal/d/seat
24	Church w/o kit.	0.015	3	gal/d/seat
25	Hall/ Auditorium	0.015	3	gal/d/seat
26	Theater	0.025	5	gal/d/seat
	School:			
27	Rainbow School	0.075	15	gal/d/student
28	Government Office/ Building	0.00075	0.15	gal/d/ft ² office or work area
	Personal Services			
29	Hair Salons	0.005	1	gal/d/ft ² work area
30	Hot Tubs	0.0075	1.5	gal/d/ft ² work area
	Miscellaneous:			
31				
32	Ballpark	4	800	gal/d per unit
33	Mendo. Coast Park & Rec.	0.00075	0.15	gal/d/ft ²
34	Headlands State Park	10.00	2,000	gal/d
35	MFPD Station	1	200	gal/d per station
36	Veterinary Clinic	0.0039	0.77	gal/d/ft ²

Other uses not defined herein shall be determined by the Board of Directors.

Appendix D

Water Use Standard Definitions

Additional Residence shall mean occupancy, by non-transient residents, of a second dwelling unit on a parcel, attached to or detached from the primary residence or commercial business, with provisions for, sleeping, eating, cooking, and sanitation. Typical uses include an apartment or studio.

Bar shall mean an establishment or place of business primarily engaged in the sale of prepared food or beverages for on premises consumption.

Bed & Breakfast shall mean any building or portion thereof or group of buildings containing no more than four (4) dwelling units or sleeping units, which are designed or intended to be used, let, or hired out for occupancy by transient guests for compensation or profit, with the express permission of the owner, wherein breakfast may be provided for compensation or profit.

Cottage Industry shall mean a secondary use of a parcel containing a Single Family Residence, which is the primary residence of the owner or operator of the Cottage Industry. No Cottage Industry may occupy more than 640 square feet of area within any building or buildings on the same parcel and not more than 10 customers or clients shall come to the parcel for service or products during any one-day. Specific standards are:

1. Not more than one (1) outside person may be employed on the premises in addition to the members of the family residing on the premises;
2. The Cottage Industry shall be a secondary use of a parcel containing a Single Family Residence or Dwelling Unit as a principal residence of the owner or operator of the Cottage Industry.
3. No Cottage Industry permitted pursuant to the Ordinance may occupy more than 640 square feet of area within any building or buildings on the same parcel.
4. Not more than ten (10) customers or clients shall come to the residence for service or products during any one-day.

Detached Bedroom shall mean a separate incidental structure containing one (1) room only without a kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for family members to be used in conjunction with a main structure which includes kitchen and sanitation facilities. A detached bedroom shall be located no farther than one hundred fifty (150) feet from the main structure, and shall not exceed five hundred (500) square feet of floor area.

Dwelling Unit shall mean a living space, which provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation.

Equivalent Single-Family Dwelling (ESD) shall mean a 1-2 bedroom single-family residence in the District's with a water demand of 200 gallons per day or one ESD.

Food and Beverage Establishments shall mean:

- 1) Full Service w/ Bar: Eating and drinking establishments or places of business engaged in the sale of prepared food and beverages for on-premise consumption with a bar and full service.
- 2) Full Service w/o Bar: Eating and drinking establishments or places of business engaged in the sale of prepared food and beverages for on-premise consumption without a bar and with full service.
- 3) No Service: Eating and drinking establishments or places of business engaged in the sale of prepared food and beverages for on-premise consumption with seating and no dish washing and no service.
- 4) No On-Premise Consumption: Eating and drinking establishments or places of business engaged in the sale of prepared food and beverages, and which no consumption of the product occurs on the premises.

Gallery shall mean an establishment that engages in the retail sale of art or specialty items.

Guest Cottage shall mean a living space without provisions for cooking, with provisions for sleeping, and sanitation, and where the person or persons are guest(s) of the regular occupants of the primary residence. Living space shall be restricted to 640 sq. ft.

Home Occupation shall mean an accessory use within a Single Family Residence for gainful employment, which involves the manufacture, provision or sale of goods and /or services, where such uses are clearly incidental and secondary to the use of the Single Family Residence for residential purposes, and must not change the character thereof, or adversely affect the residential or rural nature of its surroundings. Specific Standards are:

1. No person other than members of the family residing on the premises shall be engaged in such occupation;
2. No additional water or sewer demands will be created by the use;
3. The Home Occupation shall be incidental and subordinate to its use for residential purposes and not more than 25 % of the floor area of the residence shall be used for such occupation. Use of any accessory building or garage for these purposes shall be prohibited.
4. No more than ten (10) customers or clients shall come to the residence for service or products in any one-day.

Hotel shall mean any building or portion thereof containing five (5) or more dwelling units or sleeping units each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit wherein meals may be provided for compensation or profit.

Inn shall mean any building or portion thereof or group of buildings containing five (5) or more dwelling units or sleeping units each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit, and where regular meals may be provided for compensation or profit.

Motel shall mean any building or portion thereof or group of buildings containing five (5) or more dwelling units or sleeping units where such units are directly accessible from an outdoor

parking area and where each is used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit.

Office shall mean private firms or organizations, which are primarily used for the provision of professional, executive, management, or administrative services.

Personal Services shall mean an establishment or place of business primarily engaged in the provision of services of a personal nature. Typical uses include: beauty salon, barbershop, massages studio, or dance studio.

Retail Store shall mean a business that is engaged in the sale or rental of commonly used goods and merchandise for personal or household use.

Single Family Residence shall mean the occupancy of the primary residential unit of a parcel on a non-transient basis, and the dwelling unit shall provide provisions for sleeping, eating, cooking, and sanitation.

Single Unit Rental shall mean the rental of an attached or detached structure (not the primary residence or business) on a parcel for Visitor Accommodations for transient guests for compensation or profit (30 days or less), and shall provide provisions for sleeping, sanitation, and with eating and cooking.

Sleeping Unit shall mean a living space, which provides living facilities for one or more persons, but does not include provisions for cooking and eating within the unit.

Vacation Home Rental shall mean the rental of Single Family Residence for 30 days or less where the only use on the property is for Visitor Accommodations, to be let or hired as an entire unit for occupancy by transient guests for compensation or profit, and limited to one unit per parcel.

Veterinary Clinic shall mean an establishment or place of business primarily engaged in the provision of medical, diagnostic, surgical, dental, and therapeutic services to pet, companion, domestic, exotic, wildlife, and livestock animals.

Visitor Accommodations shall mean establishments engaged in the provision of lodging services on a less than monthly basis, which may provide incidental food and drink intended for the convenience of the guests.