

# ORDINANCE NO. ()

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 25B OF THE SONOMA COUNTY CODE TO ADDRESS EVALUATION OF IMPACTS TO PUBLIC TRUST RESOURCES FOR PROPOSED NEW WATER SUPPLY WELLS, TO SPECIFY PUBLIC TRUST REVIEW AREA AND EXEMPTIONS, TO ADD, DELETE, OR MODIFY DEFINITIONS, TO ADD A WELL METERING REQUIREMENT, TO MAKE OTHER MISCELLANEOUS AND TECHNICAL CORRECTION, AND TO SET AN AT-COST FEE FOR DISCRETIONARY WELL PERMIT APPLICATIONS; AND DETERMINING EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Chapter 25B of the Sonoma County Code is amended to read as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Section II.

- A. The California Constitution, Government Code, Health and Safety Code and Sonoma County Code authorize the establishment of fees to recover the reasonable cost of providing services for land use planning, development applications and permits.
- B. To recover the reasonable cost of providing services through the Permit and Resource Management Department associated with the new category of discretionary well permit applications created by the present amendment to Chapter 25B, it is necessary amend the fee schedule for the Permit and Resource Management Department to add a new at-cost application fee for "Discretionary Well Permit Review" that will be charged on an actual cost basis. The minimum deposit required at the time the application for a discretionary well permit is submitted shall be \$5568, which is based on 32 hours of staff time of an Engineer or Professional Geologist, which is commensurate with similar work performed for groundwater impact analysis for discretionary use permits. After staff review of the application, a preliminary estimate of costs will be provided to the applicant if the costs are expected to exceed the minimum fee.
- C. Based on information presented to this Board, this Board finds that the proposed fees comply with all legal requirements, including Art. XIII C of the California Constitution
- D. Based on the forgoing and supporting evidence in the record, the current fee schedule for the Permit and Resource Management Department is thereby amended to add the following fee:

Description: Discretionary Well Permit Review

Fee amount: \$5568 (at cost\*, minimum deposit)

Section III. The Board of Supervisors finds and determines that this ordinance and fee adoption are categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to the categorical exemptions provided at State CEQA Guideline §§ 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment and public trust resources. The basis for this determination is that this ordinance does not in itself approve any construction activities, but instead imposes a requirement to consider and address impacts to public trust resources when permitting new water supply wells. The Board of Supervisors also finds and determines that this ordinance is exempt from CEQA pursuant to State CEQA Guideline § 15061(b)(3) because it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment; further CEQA does not apply to fee changes pursuant to this ordinance as such fees are for the purpose of meeting operating expenses (Public Resources Code §21080; 14 CCR §15273). The basis for this determination is further that this ordinance also makes miscellaneous technical, clarifying, or conforming changes to permit requirements and facilitates data collection related to public trust resources through metering and eliminates emergency well drilling without prior review and approval. The adoption of this ordinance will not result in any direct or indirect physical change to the environment, and will instead assure the maintenance, restoration, enhancement, and protection of natural and public trust resources and the environment by providing a framework for discretionary review of applications requiring a public trust analysis. Discretionary applications for new water supply wells under the amended ordinance must comply with CEQA, unless exempt. Ministerial applications would remain exempt from CEQA. The Director of the Permit and Resource Management Department is directed to file a notice of determination that this ordinance is exempt from CEQA and the State CEQA Guidelines.

Section IV. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section V. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 4th day of April, 2023, and finally passed and adopted this \_\_\_\_ day of \_\_\_\_\_ 2023, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Gorin:            Rabbitt:            Gore:            Hopkins:            Coursey:

Ayes:            Noes:            Absent:            Abstain:

**WHEREUPON**, the Chair declared the above and foregoing Ordinance duly adopted and

**SO ORDERED.**

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

ATTEST:

\_\_\_\_\_  
Christina Rivera,  
Clerk of the Board of Supervisors