



MEMORANDUM
HEALTH AND HUMAN SERVICES
ENVIRONMENTAL HEALTH DIVISION
County of Placer

TO: Honorable Board of Supervisors **DATE:** September 13, 2022
FROM: Robert Oldham, Director of Health and Human Services
BY: Joey Wojtowicz, Staff Services Analyst II
SUBJECT: Lot Creation Water Supply Code Amendment

ACTION REQUESTED

Introduce and waive oral reading of an ordinance to amend Placer County Code Chapter 13, Article 13.08, Section 13.08.030, Chapter 16, Article 16.08, Section 16.08.040(E), and Chapter 16, Article 16.20, Section 16.20.180, relating to water treatment options for subdivisions.

BACKGROUND

Current Placer County Code allows for the formation of, or connection to a public water system to provide water adequate for domestic use or installation of individual domestic wells for lot creation. However, Placer County Code does not currently provide a prescriptive approval process for use of water treatment devices on individual domestic wells for the creation of lots to meet water quality standards. During the initial Environmental Review phase for projects utilizing domestic wells as the water supply source, wells are required to be installed along with water quality testing. If water quality testing results do not meet applicable state and county public health standards for a contaminant and the applicant is unable to resolve the water quality issue with the well, then the applicant is required to drill another well on the proposed lot and drill wells on all other proposed lots. Each of the wells require water quality testing to ensure the water meets water quality standards. If the applicant is unable to demonstrate there is adequate water supply on each of the proposed lots, then the project application would be deemed incomplete by the Environmental Review Committee and the project would be unable to move forward.

Last year, Placer County reviewed an application that encountered water quality test results that did not meet applicable state and county public health standards and the project was deemed incomplete due to a lack of evidence that well water adequate for domestic use was available at the site. This determination was appealed by the applicant to the Planning Commission on October 14, 2021 with the applicant contending that County Code allowed individual water treatment devices as an adequate treatment solution. The Planning Commission denied the appeal based on the determination that the application was incomplete and directed staff to bring forward a request for an assessment of the current County Code with regards to the use of individual water treatment devices for county approved projects.

On January 11, 2022, the applicant appealed the Planning Commission's determination to the

Board of Supervisors. The Board heard a summary of current County Code from county staff as well as the opinions from the applicant on the issue of adequate water supply. After deliberating on the merits of the appeal, the Board denied the appeal but directed staff to return to the Planning Commission to present alternatives to the existing County requirement prohibiting the use of individual water treatment devices for lot creation.

The Board gave direction to staff, through its discussion, to explore alternatives for use of individual water treatment devices for projects with water quality test results that exceed water quality standards while at the same time ensuring health is protected. Alternatives the Board directed staff to consider included: conditioning projects to ensure an adequate water supply; provisions for approving water treatment devices; methods to ensure installed water treatments devices are effective such as requiring water quality testing; and water treatment system inspections and methods to approve water supply for a project without the need for wells on each lot.

After careful consideration and reviewing the current process from the beginning of the application stage of the subdivision on through to the Final Map approval stage, considering the Boards direction, and research about other county requirements and the types of treatment devices available for use in the State, staff presented the following proposed changes to the County Code to the Planning Commission as an informational item on June 9, 2022.

OVERVIEW OF PROPOSED CHANGES

The proposed amendments are shown in ~~strikeout~~ and underline in the ordinance at Attachment B. A summary of proposed changes are listed below:

- In order to address the need to protect health, the proposed ordinance changes require deed restrictions for lots that do not meet water quality standards. The deed restrictions shall include the following:
 - Written notification to future property owners about the specific water quality contaminants and related health concerns.
 - Requirement for an individual point-of entry water treatment device to be installed, tested and approved by Environmental Health to address site specific contaminants prior to approval of a building permit.
 - Requirement for property owners to conduct ongoing operation and maintenance of the treatment device and recommendations for routine water quality testing.
 - The requirements of the deed restriction shall run with the land and be binding for all future property owners.
- Update Chapter 13 to allow Environmental Health, on a complaint basis, to enforce the installation and maintenance of a well and water treatment device consistent with the deed restriction.
- Require a well on 10% of proposed lots for Major Subdivision projects with 4.6-acre or greater average size lots prior to a tentative map approval creating new lots, to

determine adequate water supply. Previously, all proposed lots potentially required a well to be drilled with no guarantee of project approval if water quality results did not meet water quality standards.

- Adjust the requirement for well construction, beyond initial 10% if applicable, to take place along with other property improvements at the final map or improvement plan approval stage.
- Amend minor subdivision provisions to be consistent with major subdivision requirements.
- General language clean-up to add consistency and clarity. For example: lot size adjustments to be consistent with zoning code (square feet converted to acres), clarifying existing terms such as public health standards, and state or county regulated water system.

One written comment and one public comment was received, both from a representative of the applicant discussed in this report. The comments included a request that well installation take place during the building permit phase rather than during the final map or improvement plan phase of development. Staff is not supportive of delaying until the building permit phase because often subdivisions are sold to individual owners after final map, but prior to the issuance of building permits, which creates the possibility of unsuspecting buyers of a parcel with significant water limitations. Discussion on this issue took place at the Planning Commission, and the Commission did not recommend changes to staff's recommendation. The Planning Commission was largely supportive of staff's presentation and the proposed code amendments.

Staff recommends that your Board introduce and waive oral reading of the ordinance amending Placer County Code Chapter 13, Article 13.08, Section 13.08.030, Chapter 16, Article 16.08, Section 16.08.040, and Chapter 16, Article 16.20, Section 16.20.180. Staff would return at a subsequent Board meeting with a request for adoption of the ordinance.

FISCAL IMPACT

There is no fiscal impact as a result of this action.

ATTACHMENTS

Attachment A: Current Placer County Code Section 13.08.030, Section 16.08.040(E), and Section 16.20.180

Attachment B: Ordinance Amending Chapter 13, Article 13.08, Section 13.08.030, Chapter 16, Article 16.08, Section 16.08.040(E), and Chapter 16, Article 16.20, Section 16.20.180

13.08.030 General requirements and responsibilities.

A. Individual Wells Required. When individual water supplies are the proposed domestic water supply, each lot or parcel shall have its own individually drilled well located on the subject lot or parcel. This section shall not apply to lots or parcels served by a county-approved public water supply where wells are the water source.

B. Water Supply Required Before Construction.

1. As to any lot of less than one hundred thousand (100,000) square feet, no person shall commence construction of a single-family residential building thereon until water adequate for domestic use is provided on such lot from a well constructed in compliance to this article.

2. Water shall be adequate for domestic use if the water, the source, and any storage facility meet all applicable state and county public health standards and meets current requirements of Chapter 16 of this code. (See provisions of land development manual.)

3. The department of health and human services may waive the provisions of subsection (B)(1) of this section if it has sufficient evidence of such groundwater availability and adequacy.

C. Responsibilities.

1. It shall be the responsibility of the well driller to construct all wells in a manner consistent with the requirements of this article.

2. It shall be the responsibility of the property owner to maintain any well existing on his or her property in such a manner as to not create the risk of pollution or contamination of surface or subsurface waters or to create a safety hazard.

3. The owner shall be responsible for destruction of wells where required by this article except when required pursuant to Section [13.08.090\(D\)](#).

D. Filing fees may be set by the board from time to time by ordinance. Fees are set forth in Section [2.116.110](#). The enforcement agency shall notify local licensed well drillers prior to a fee ordinance submittal to the board of supervisors. (Ord. 5741-B § 18, 2014; prior code § 4.804)

16.08.040 Major subdivisions requirements.

* * *

E. Water Supply.

1. Capacity. The advisory agency may require that the subdivider connect to a water treatment and distribution system having adequate plant capacity to handle this subdivision; that the subdivider construct an adequate water treatment and distribution system if there is no district or water company having adequate capacity serving the proposed subdivision; or may require such other means of water treatment and distribution as shall provide adequate water to meet domestic and fire use. Fire use shall be as required by the local fire serving fire district or where no specification is given, as specified in the latest edition of the California Fire Code adopted for use by the county.

2. State and Code Construction Standards. In those areas within a subdivision served by a water furnishing district or water company under the jurisdiction of the county, all lines and facilities shall be constructed in accordance with the requirements established by state law and this code.

3. Lots Two and One-Half Acres or More. For subdivisions with lots of two and one-half or more acres average size:

a. Basic Requirements. The subdivider shall provide water for domestic use on each lot except where domestic water is to be provided by a separate well on each lot. Then:

i. As to all lots of less than two hundred thousand (200,000) square feet, the subdivider shall provide satisfactory evidence that well water adequate for domestic use is available on each lot unless the advisory agency waives this requirement.

ii. As to lots of two hundred thousand (200,000) square feet or more, the subdivider shall not be required to provide evidence that well water adequate for domestic use is available except when the advisory agency determines that (i) water yield by wells has been poor or is unknown in the area, or (ii) other wells drilled in the area or on the parcel show that one or more lots of two hundred thousand (200,000) square feet or more may not be able to provide well water adequate for domestic use.

b. What is Adequate for Domestic Use. Well water shall be deemed adequate for domestic use if the water, the well or wells, and any storage facility meets all applicable state and county public health standards and can deliver one thousand two hundred

(1,200) gallons in a four-hour period at least once every twenty-four (24) hours; provided, that the well produces at least one gallon per minute.

c. Evidence Required. When evidence is required to show that well water adequate for domestic use is available, such evidence shall be provided as follows:

i. The subdivider shall provide well water adequate for domestic use on not less than ten (10) percent of the lots which are subject to the evidence requirement.

ii. The health department shall determine the location of each well drilled to provide such evidence.

iii. The advisory agency may require the subdivider to provide additional wells as needed to provide satisfactory evidence that well water adequate for domestic use is available on each lot which is subject to the evidence requirement.

d. Fire Suppression. The water supply system shall meet the requirements for fire flow and flow duration as specified by the local fire protection entity. In the event that no fire flow or flow duration are specified, the minimum allowable standard shall be as specified in the latest edition of the California Fire Code adopted for use by the county.

4.a. Lots Under Two and One-Half Acres: For subdivisions with lots less than two and one-half acres average parcel size, domestic water shall be provided to all lots from a central facilities for domestic water shall have a minimum capacity of twelve (12) hour flow.

b. If the water system is not retained in private ownership, a district, county service area, or other public entity must be formed to provide for maintenance and operation of the system.

5. Priority of Serving Entities. The legal entity supplying the water shall be determined in accordance with the following priority listing, a lower priority listing being eligible only if the entity having a priority will not have the capability of supplying the development upon completion of the water supply system:

a. Placer County water agency;

b. An existing public district within which the development is located;

c. An existing public district which is willing to annex the development;

d. An existing public utility regulated by the public utilities commission;

e. A public utility to be formed which will be regulated by the public utilities commission.

Mutual water companies or corporations, and home owners association shall not be permitted to be the water supplier, nor will individual water treatment systems on the proposed individual lots be permitted.

6. Quality and Quantity: Domestic water shall meet all the local and state standards for quality and quantity. Any treatment plant, storage facilities and appurtenances used to render water safe for domestic use must be approved by the local and/or state health department.

7. District Approval Required: Approval of improvement plans by the utility district for water service supply and maintenance is required. The county water capacity form shall be completed and submitted to the county, stating that the district has the capacity to serve and meet the flows and volumes required for domestic use and fire protection for this development, over and above previously approved and existing users.

16.20.180 Water supply.

A. Basic Requirements—Wells. The subdivider shall provide water for domestic use on each lot except where domestic water is to be provided by a separate well on each lot. Then:

1. Under One Hundred Thousand Square Feet. As to any lot of less than one hundred thousand (100,000) square feet, no person shall commence construction of a single family residential building thereon until water adequate for domestic use is provide on such lots.

2. Under Two Hundred Thousand Square Feet. As to all lots of less than two hundred thousand (200,000) square feet, the subdivider shall provide satisfactory evidence that well water adequate for domestic use is available on each lot unless the Advisory Agency waives this requirement.

3. Over Two Hundred Thousand Square Feet. As to lots of two hundred thousand (200,000) square feet or more, the subdivider shall not be required to provide evidence that well water adequate for domestic use is available except when the advisory agency determines that: (i) water yield by wells has been poor or is unknown in the area, or (ii) other wells drilled in the area or on the parcel show that one or more lots of two hundred thousand (200,000) square feet or more may not be able to provide well water adequate for domestic use.

B. Adequacy—Evidence Required.

1. What is Adequate for Domestic Use. Well water shall be deemed adequate for domestic use if the water, the well or wells, and any storage facility meet all applicable

state and county public health standards and can deliver one thousand two hundred (1200) gallons in a four hour period at least once every twenty-four (24) hours; provided, that the well produces at least one gallon per minute.

2. Evidence Required. When evidence is required to show that well water adequate for domestic use is available, such evidence shall be provided as follows:

a. The subdivider shall provide well water adequate for domestic use on not less than ten percent of the lots which are subject to the evidence requirement.

b. The health department shall determine the location of each well drilled to provide such evidence.

c. The advisory agency may require the subdivider to provide additional wells as needed to provide satisfactory evidence that well water adequate for domestic use is available on each lot which is subject to the evidence requirement.

C. Treated or Untreated Distribution Systems. Treated or untreated distribution systems shall be considered to be adequate as sources of domestic water supply when the applicant submits a letter from the serving entity which agrees to supply water to the proposed parcels and states the following:

1. The source and location of the distribution facility (name of canal, ditch, pipeline, etc., and its distance from the proposed parcels) and whether the water to be delivered is treated or untreated;

2. Water will be available on a year-round basis to all proposed parcels;

3. Minimum quantity of water available to each proposed parcel;

4. Any restrictions, reservations, conditions, or controls set by the serving entities upon the delivery, sale, or use of the supplied water.

5. If the distribution system delivers untreated water, individual or community treatment facilities shall be in conformance with regulations of Placer County and public health standards.

6. Neither construction of said treatment facilities or construction of distribution facilities from the serving entity's source to the proposed parcels shall be made a condition of approval of a minor subdivision.

D. Rights-of-Way. Sufficient easements shall be furnished by the applicant to permit the construction of a water service line from the source of supply to each proposed parcel.

E. Subsection A of this section does not apply to properties that are acquired by Placer County or the PCA to be a part of a reserve system required by Article [19.10](#) (Placer County Conservation Program). (Ord. 6042-B § 1, 2020; prior code § 19.334)

Before the Board of Supervisors
County of Placer, State of California

In the matter of:
An Ordinance to amend Placer County Code,
Chapter 13, Article, 13.08, Chapter 16, Articles
16.08 and 16.20

Ordinance No.: _____

Introduced: _____

The following Ordinance was duly passed by the Board of Supervisors of the
County of Placer at a regular meeting held on _____, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS,

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF
PLACER ORDAINS AS FOLLOWS:

Section 1: Placer County Code, Chapter 13, Article 13.08, Section 13.08.030, Chapter
16, Article 16.08, Section 16.08.040 and Article 16.20, Section 16.20.180 are amended
as shown in Exhibit A.

Section 2: This ordinance shall take effect and be in full force thirty (30) days after the
date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof,
within fifteen (15) days in accordance with Government Code Section 25124.

EXHIBIT A

Article 13.08 - WATER WELLS

13.08.030 General requirements and responsibilities.

A. Individual Wells Required. When individual water supplies are the proposed domestic water supply, each lot or parcel shall have its own individually drilled well located on the subject lot or parcel. This section shall not apply to lots or parcels served by a county-approved public water supply where wells are the water source.

B. Water Supply Required Before Construction.

1. As to any lot of less than ~~one hundred thousand (100,000) square feet~~ **2.3 acres**, no person shall commence construction of a single-family residential building thereon until water adequate for domestic use is provided on such lot from a well constructed in compliance to this article.

2. Water shall be adequate for domestic use if the water, the source, and any storage facility meet all applicable state and county public health standards and meets current requirements of Chapter 16 of this code. (~~See provisions of land development manual.~~)

3. The department of health and human services may waive the provisions of subsection (B)(1) of this section if it has sufficient evidence of such groundwater availability and adequacy.

C. Responsibilities.

1. It shall be the responsibility of the well driller to construct all wells in a manner consistent with the requirements of this article.

2. It shall be the responsibility of the property owner to maintain any well, **water treatment plant and appurtenances**, existing on his or her property in such a manner **consistent with enforcement agency approval** and as to not create the risk of pollution or contamination of surface or subsurface waters or to create a safety hazard.

3. The owner shall be responsible for destruction of wells where required by this article except when required pursuant to Section 13.08.090(D).

D. Filing fees may be set by the board from time to time by ordinance. Fees are set forth in Section 2.116.110. The enforcement agency shall notify local licensed well drillers prior to a fee ordinance submittal to the board of supervisors. (~~Ord. 5741-B § 18, 2014; prior code § 4.804~~)

16.08.040 Major subdivisions requirements.

E. Water Supply.

1. Capacity. The advisory agency may require that the subdivider connect to a ~~water treatment and distribution system~~ **state or county regulated water system** having adequate plant capacity to handle this subdivision; that the subdivider construct an adequate ~~water treatment and distribution system~~ **state or county regulated water system** if there is no district or water company having adequate capacity serving the proposed subdivision; or may require such other means of **individual well** ~~water treatment and distribution~~ as shall provide adequate water **supply** to meet domestic and fire use. Fire use shall be as required by the local fire **department** serving fire district or where no specification is given, as specified in the latest edition of the California Fire Code adopted for use by the county.

2. State and Code Construction Standards. In those areas within a subdivision served by a water furnishing district or water company under the jurisdiction of the **state or** county, all lines and facilities shall be constructed in accordance with the requirements established by state law and this code.

3. Lots ~~2.3 Two and One-Half Acres or More~~. For subdivisions with lots a mean average size of 2.3 two and one-half or more acres average size:

a. Basic Requirements. The subdivider shall provide water for domestic use on each lot by a state or county regulated water system except where domestic water is to be provided by a separate well on each lot. Then:

i. As to all lots of less than ~~two hundred thousand (200,000) square feet~~ a mean average size of 4.6 acres, the subdivider shall provide satisfactory evidence that well water adequate for domestic use is available on each lot ~~unless the advisory agency waives this requirement~~.

ii. As to lots of ~~two hundred thousand (200,000) square feet~~ mean average size of 4.6 acres or more, the subdivider shall provide satisfactory evidence that well water adequate for domestic use is available on no less than ten (10) percent of the proposed lots. ~~not be required to provide evidence that well water adequate for domestic use is available except when the advisory agency determines that (i) water yield by wells has been poor or is unknown in the area, or (ii) other wells drilled in the area or on the parcel show that one or more lots of two hundred thousand (200,000) square feet or more may not be able to provide well water adequate for domestic use.~~

b. What is Adequate for Domestic Use. Well water shall be deemed adequate for domestic use if the water, the well or wells, and any storage facility meets all applicable state and county public health standards including California Code of Regulations Title 22, Division 4, Chapter 15 primary standards regarding domestic water quality and monitoring and can deliver one thousand two hundred (1,200) gallons in a four-hour period at least once every twenty-four (24) hours; provided, that the well produces at least one gallon per minute.

i. If water quality testing exceeds the maximum contaminant level (MCL), an additional well will be required on each of the proposed lots prior to final map or improvement plan approval whichever is proposed to be approved first.

ii. If any additional wells exceed the MCL, the applicant may propose installation of new wells, well modifications or installation of individual point-of-entry (POE) treatment devices to reduce contaminant levels in affected wells to below the MCL.

iii. If POE treatment devices are proposed, the proposed treatment devices shall be tested on each proposed well to verify they can effectively reduce contaminant levels below the MCL. The applicant shall complete all well installation and testing of proposed treatment systems prior to final map approval. All proposed treatment systems shall be approved by the state for treatment of identified contaminants and shall be POE devices. Additionally, each proposed lot requiring treatment shall have a deed restriction recorded outlining requirements for water treatment for future owners in a form approved by the county.

~~c. Evidence Required.~~ When evidence is required to show that well water adequate for domestic use is available, such evidence shall be provided as follows:

~~i. The subdivider shall provide well water adequate for domestic use on not less than ten (10) percent of the lots which are subject to the evidence requirement.~~

~~ii.i.~~ The health department shall ~~determine~~ approve the location of each well drilled to provide such evidence.

~~iii.~~ ~~The advisory agency may require t~~The subdivider may be required to provide additional wells as needed to provide satisfactory evidence that well water adequate for domestic use is available on each lot in addition to those required in 3(a)(ii) of this section, ~~which is subject to the evidence requirement.~~

d. Fire Suppression. The water supply system shall meet the requirements for fire flow and flow duration as specified by the local fire protection entity. In the event that no fire flow or flow

duration are specified, the minimum allowable standard shall be as specified in the latest edition of the California Fire Code adopted for use by the county.

4.a. Lots Under ~~2.3 Two and One-Half Acres~~: For subdivisions with lots less than ~~2.3 two and one-half acres~~ **mean** average parcel size, domestic water shall be provided to all lots **by a state or county regulated water system** ~~from a central facilities for domestic water shall have a minimum capacity of twelve (12) hour flow.~~

~~b. If the water system is not retained in private ownership, a district, county service area, or other public entity must be formed to provide for maintenance and operation of the system.~~

5. Priority of Serving Entities. The legal entity supplying the water shall be determined in accordance with the following priority listing, a lower priority listing being eligible only if the entity having a priority will not have the capability of supplying the development upon completion of the water supply system:

- a. Placer County water agency;
- b. An existing public district within which the development is located;
- c. An existing public district which is willing to annex the development;
- d. An existing public utility regulated by the public utilities commission;
- e. A public utility to be formed which will be regulated by the public utilities commission.

f. Mutual water companies or corporations, and home owners association shall not be permitted to be the water supplier. **For the serving entities identified in subsection (E)(5) of this section, nor will individual water treatment systems on the proposed individual lots will not be permitted.**

6. Quality and Quantity: Domestic water shall meet all the local and state standards for quality and quantity **after consideration of treatment of water from the source.** Any treatment plant, storage facilities and appurtenances used to render water safe for domestic use must be approved by the local and/or state health department.

7. District Approval Required: Approval of improvement plans by the utility district for water service supply and maintenance is required. The county water capacity form shall be completed and submitted to the county, stating that the district has the capacity to serve and meet the flows and volumes required for domestic use and fire protection for this development, over and above previously approved and existing users.

Article 16.20 - MINOR SUBDIVISIONS

16.20.180 Water supply.

A. **Capacity. The advisory agency may require that the subdivider connect to a state or county regulated water system having adequate plant capacity to handle this subdivision; that the subdivider construct an adequate state or county regulated water system if there is no district or water company having adequate capacity serving the proposed subdivision; or may require such other means of individual well water as shall provide adequate water supply to meet domestic and fire use. Fire use shall be as required by the fire department serving fire district or where no specification is given, as specified in the latest edition of the California Fire Code adopted for use by the county.**

B. **State and Code Construction Standards. In those areas within a subdivision served by a water furnishing district or water company under the jurisdiction of the state or county,**

all lines and facilities shall be constructed in accordance with the requirements established by state law and this code.

~~A.C. Basic Requirements—Wells. The subdivider shall provide water for domestic use on each lot **by a state or county regulated water system** except where domestic water is to be provided by a separate well on each lot. Then:~~

~~1. Under One Hundred Thousand Square Feet. As to any lot of less than one hundred thousand (100,000) square feet, no person shall commence construction of a single family residential building thereon until water adequate for domestic use is provide on such lots.~~

~~12. Under Two Hundred Thousand Square Feet. As to all lots of less than **a mean average size of 4.6 acres** two hundred thousand (200,000) square feet, the subdivider shall provide satisfactory evidence that well water adequate for domestic use is available on each lot ~~unless the Advisory Agency waives this requirement.~~~~

~~23. Over Two Hundred Thousand Square Feet. As to lots of two hundred thousand (200,000) square feet **a mean average size of 4.6 acres** or more, the subdivider shall **provide satisfactory evidence that well water adequate for domestic use is available on at least one proposed lot.** not be required to provide evidence that well water adequate for domestic use is available except when the advisory agency determines that: (i) water yield by wells has been poor or is unknown in the area, or (ii) other wells drilled in the area or on the parcel show that one or more lots of two hundred thousand (200,000) square feet or more may not be able to provide well water adequate for domestic use.~~

~~B. Adequacy—Evidence Required.~~

~~31. What is Adequate for Domestic Use. Well water shall be deemed adequate for domestic use if the water, the well or wells, and any storage facility meet all applicable state and county public health standards **including California Code of Regulations Title 22, Division 4, Chapter 15 primary standards regarding domestic water quality and monitoring** and can deliver one thousand two hundred (1,200) gallons in a four hour period at least once every twenty-four (24) hours; provided, that the well produces at least one gallon per minute.~~

~~a. **If water quality testing exceeds the maximum contaminant level (MCL), an additional well will be required on each of the proposed lots prior to final map or improvement plan approval whichever is proposed to be approved first.**~~

~~b. **If any additional wells exceed the MCL, the applicant may propose installation of new wells, well modifications or installation of individual point-of-entry (POE) treatment devices to reduce contaminant levels in affected wells to below the MCL.**~~

~~c. **If POE treatment devices are proposed, the proposed treatment devices shall be tested on each proposed well to verify they can effectively reduce contaminant levels below the MCL. The applicant shall complete all well installation and testing of proposed treatment systems prior to final map approval. All proposed treatment systems shall be approved by the state for treatment of identified contaminants and shall be POE devices. Additionally, each proposed lot requiring treatment shall have a deed restriction recorded outlining requirements for water treatment for future owners in a form approved by the county.**~~

~~42. Evidence Required. When evidence is required to show that well water adequate for domestic use is available, such evidence shall be provided as follows:~~

~~a. The subdivider shall provide well water adequate for domestic use on not less than ten percent of the lots which are subject to the evidence requirement.~~

~~ab. The health department shall determine **approve** the location of each well drilled to provide such evidence.~~

~~be. The advisory agency may require t**The subdivider may be required** to provide additional wells as needed to provide satisfactory evidence that well water adequate for domestic use is available on each lot **in addition to those required in C(2) of this section,** which is subject to the evidence requirement.~~

D. Priority of Serving Entities. The legal entity supplying the water shall be determined in accordance with the following priority listing, a lower priority listing being eligible only if the entity having a priority will not have the capability of supplying the development upon completion of the water supply system:

- 1. Placer County water agency;**
- 2. An existing public district within which the development is located;**
- 3. An existing public district which is willing to annex the development;**
- 4. An existing public utility regulated by the public utilities commission;**
- 5. A public utility to be formed which will be regulated by the public utilities commission.**

6. Mutual water companies or corporations, and home owners association shall not be permitted to be the water supplier. For the serving entities identified in subsection (D)(1-5) of this section, individual water treatment systems on the proposed individual lots will not be permitted.

E. Quality and Quantity: Domestic water shall meet all the local and state standards for quality and quantity after consideration of treatment of water from the source. Any treatment plant, storage facilities and appurtenances used to render water safe for domestic use must be approved by the local and/or state health department.

F. District Approval Required: Approval of improvement plans by the utility district for water service supply and maintenance is required. The county water capacity form shall be completed and submitted to the county, stating that the district has the capacity to serve and meet the flows and volumes required for domestic use and fire protection for this development, over and above previously approved and existing users.

~~C. Treated or Untreated Distribution Systems. Treated or untreated distribution systems shall be considered to be adequate as sources of domestic water supply when the applicant submits a letter from the serving entity which agrees to supply water to the proposed parcels and states the following:~~

- ~~— 1. The source and location of the distribution facility (name of canal, ditch, pipeline, etc., and its distance from the proposed parcels) and whether the water to be delivered is treated or untreated;~~
- ~~— 2. Water will be available on a year-round basis to all proposed parcels;~~
- ~~— 3. Minimum quantity of water available to each proposed parcel;~~
- ~~— 4. Any restrictions, reservations, conditions, or controls set by the serving entities upon the delivery, sale, or use of the supplied water.~~
- ~~— 5. If the distribution system delivers untreated water, individual or community treatment facilities shall be in conformance with regulations of Placer County and public health standards.~~
- ~~— 6. Neither construction of said treatment facilities or construction of distribution facilities from the serving entity's source to the proposed parcels shall be made a condition of approval of a minor subdivision.~~

~~— D. Rights of Way. Sufficient easements shall be furnished by the applicant to permit the construction of a water service line from the source of supply to each proposed parcel.~~

~~— E. Subsection A of this section does not apply to properties that are acquired by Placer County or the PCA to be a part of a reserve system required by Article 19.10 (Placer County Conservation Program). (Ord. 6042-B § 1, 2020; prior code § 19.334)~~

