

ORDINANCE NO. 4.2

AN ORDINANCE TO PROHIBIT GROUNDWATER EXTRACTIONS IN THE EXPANSION AREA OF THE NORTH LAS POSAS BASIN.

The Board of Directors of the Fox Canyon Groundwater Management Agency, State of California, ordains as follows:

ARTICLE 1. General

Section 1. Title

This ordinance shall be known as the "North Las Posas Basin Groundwater Extraction Prohibition Ordinance" of the Fox Canyon Groundwater Management Agency.

Section 2. Purpose and Intent

The purpose and intent of this ordinance is to eliminate overdraft from the aquifer systems within the boundary of the North Las Posas Basin and bring the basin to a "safe yield" condition by the year 2010. This ordinance is only one means by which this goal will be met.

Secondary benefits of the ordinance will be the protection of the outcrop as a source of groundwater recharge and reducing the risk of groundwater quality degradation by way of the outcrop.

This ordinance cancels and supersedes Ordinance 4 and Ordinance 4.1

Section 3. Definitions

As used in this ordinance, the following terms shall have the meanings stated below:

- A. "**Agency**" means the Fox Canyon Groundwater Management Agency.
- B. "**Expansion area**" means the lower aquifer system (LAS) outcrop in the North and Northeasterly portion of the Agency plus the area "outside the outcrop". "Outside the outcrop" shall be defined as that area outside the Agency Boundary where the natural surface drainage allows surface water to flow into the Agency or where the groundwater gradient would allow groundwater to flow into the Agency. The width of this area, "outside the outcrop", shall not exceed a distance of 1.5 miles perpendicular to the Agency boundary. Map Number Two, entitled Fox Canyon Outcrop, Las Posas Basin, 1995 shows the expansion area and is available in the County Water Resources Division office.
- C. "**Extraction**" means the act of obtaining groundwater by pumping or other controlled means.
- D. "**Extraction facility**" means any device or method (e.g. water well) for extraction of groundwater within a groundwater basin or aquifer.

- E. **"Groundwater"** means water beneath the surface of the earth within a zone where the soil is saturated with water.
- F. **"LAS outcrop"** means the area of Lower Aquifer System surface exposure as defined by Map Number One, Fox Canyon Outcrop, Las Posas Basin, 1982. This map is available for inspection in the Ventura County Water Resources Division office.
- G. **"Non water bearing area"** means an area which, as of the effective date of Ordinance 4, does not contain groundwater of sufficient quantity or quality to permanently supply a proposed water use.
- H. **"Operator"** means a person who operates a groundwater extraction facility. In the event the Agency is unable to determine who operates a particular extraction facility, then "operator" shall mean the person to whom the extraction facility is assessed by the County Assessor, or, if not separately assessed, the person who owns the land upon which the extraction facility is located.
- I. **"Person"** includes any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any federal agency.

ARTICLE 2.

North Las Posas Basin Extraction Prohibition

Section 1. Extraction Prohibition

A. Except as permitted by paragraph C. below, increasing the quantity of all types of groundwater use in the expansion area from extraction facilities located in the North Las Posas Basin is prohibited after June 30, 1988.

B. To qualify for expansion of agricultural groundwater use, irrigation systems consistent with best management practices and typical for permanently established citrus and avocado orchards in the area must be installed and trees must be planted prior to July 1, 1988. To qualify for expansion of a municipal or industrial groundwater use, a water system conforming to California Health and Safety Code and Uniform Plumbing Code requirements must be installed prior to the effective date of Ordinance 4, or must be installed and used to continuously supply the project with an adequate quantity of groundwater prior to July 1, 1988.

C. Use of groundwater or water from any other source is permissible on the expansion area provided:

- (1) Any use of groundwater on the expansion area shall comply with this and other Agency ordinances.
- (2) Neither efficiency allocations nor baseline allocations are permitted for any area on the outcrop.
- (3) The groundwater from inside the Agency that is used on the outcrop must be part of an Agency approved historical or baseline allocation.
- (4) The use of all water in the expansion area shall be conditioned by the Agency to:

- (a) Insure that the outcrop is not exposed to potential contamination of any type.
- (b) Insure that the ability of the outcrop to provide recharge by percolation is not diminished.
- (5) Groundwater from inside the Agency shall not be used on that part of the expansion area that is outside the outcrop or any other area outside the Agency boundary.

As a minimum, these requirements preclude the following land uses:

- (1) Land uses on the outcrop that increase the net groundwater use of approved extraction facilities.
- (2) Land uses on the outcrop that require groundwater in excess of the historical allocation or the granting of baseline or efficiency allocations.
- (3) Land uses that reduce or lead to the reduction of the capability of the outcrop to provide recharge.

Section 2. Monitoring

The Agency will monitor the extraction prohibition by regular review of applications to the Resource Conservation District and Ventura County Public Works Agency Land Development Section required by the County Hillside Erosion Control Ordinance and applications to the Ventura County Division of Building and Safety. The Agency and/or any of the above entities will review applications prior to final processing to ensure that the proposed project is in compliance with the extraction prohibition.

In addition to the above reviews, the Agency may conduct land use surveys of the extraction prohibition area.

Section 3. Enforcement

If a proposed project would violate the extraction prohibition, the Agency shall notify the operator in writing that use of groundwater from that North Las Posas Basin extraction facility is prohibited.

If groundwater from extraction facilities in the North Las Posas Basin is used on land where the extraction prohibition applies, the operator and/or person responsible for such use shall be in violation of this ordinance and shall be notified in writing to immediately stop such prohibited use.

ARTICLE 3.

North Las Posas Basin Extraction Facility Prohibition

Section 1. New Extraction Facilities

New and replacement extraction facilities in the North Las Posas Basin to extract groundwater for use in the expansion area must be approved as provided by Section 2. below. Such facilities shall conform to the requirements of this and all other Agency ordinances.

Section 2. Permit Required

No operator or person shall construct a new extraction facility or a replacement extraction facility within the North Las Posas Basin after June 30, 1988 unless such work is done pursuant to an unexpired written permit for such work issued by the Agency.

Section 3. Permit Application

Application to construct an extraction facility shall be made to the Agency on the approved Ventura County Water Well Ordinance form available from the Ventura County Public Works Agency, and shall include all information required by the County Well Ordinance and the following:

- a. Location(s) of groundwater use including acreage accurately plotted on copy of the Ventura County Assessor's Parcel Map.
- b. The proposed crop type(s) or Municipal and Industrial use(s) at each location.
- c. A brief description of the type of irrigation or distribution system and metering equipment to be used.
- d. The estimated average annual quantity of water use proposed for each location of use.

Section 4. Monitoring

The Agency will monitor compliance with this Article by reviewing County well permit applications and reported groundwater extractions and by conducting necessary field surveys.

ARTICLE 4. Appeals

A property owner may appeal the provisions of this ordinance regarding the potential contamination that would result from the construction of a single family domestic septic system on the outcrop. At the Board's discretion, septic systems may be approved provided there is evidence sufficient to conclude that there would be no detriment to the quality of water in the basin as a result of the proposed septic system. The provisions of this article apply only to septic systems on, or outside the outcrop.

ARTICLE 5. Penalties

Any operator or person who intentionally violates any provision of this ordinance shall be guilty of an infraction and may be required to pay a fine to the Agency not to exceed five hundred dollars (\$500).

Any operator or person who negligently or intentionally violates any provision of this ordinance may also be liable civilly to the Agency for a sum not to exceed one thousand dollars

(\$1,000) per day for each day of such violation, in addition to any other penalties that may be prescribed by law.

Upon the failure of any operator or person to comply with any provision of this ordinance, the Agency may petition the Superior Court for a temporary restraining order, preliminary or permanent injunction, or such other equitable relief as may be appropriate. The right to petition for injunctive relief is an additional right to those which may be provided elsewhere in this ordinance or otherwise allowed by law.

The Agency may petition the Superior Court of the County to recover any sums due the Agency.

**ARTICLE 6.
Effective Date**

Section 1.

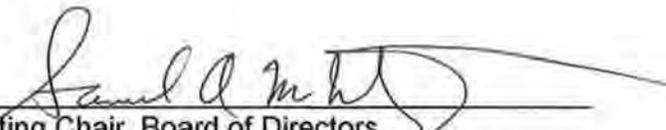
This ordinance shall become effective on the 31st day after adoption.

ADOPTED this 25th day of October, ¹⁹⁹⁵ by the following vote:
^

AYES: Sam McIntyre, Tom Buford, Mike Conroy and Daniel Naumann

NOES: None

ABSENT: Director Flynn and Director Maulhardt



Acting Chair, Board of Directors
Fox Canyon Groundwater Management Agency

By Karen Schoonover
Clerk