

ORDINANCE NO. 767

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
ADOPTING A WATER CONSERVATION PROGRAM
AND FINDING THAT THE ACTIONS ARE EXEMPT FROM
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IN
COUNTY SERVICE AREA NO. 2 – SUGARLOAF WATER,
COUNTY SERVICE AREA NO. 3 – CASTELLA WATER,
COUNTY SERVICE AREA NO. 6 – JONES VALLEY WATER,
COUNTY SERVICE AREA NO. 8 – PALO CEDRO WATER,
COUNTY SERVICE AREA NO. 11 – FRENCH GULCH WATER,
COUNTY SERVICE AREA NO. 13 – ALPINE MEADOWS WATER, AND
COUNTY SERVICE AREA NO. 23 – CRAG VIEW WATER**

WHEREAS, Shasta County is a public supplier of water at retail for the benefit of persons within each of the following County Service Areas: No. 2-Sugarloaf Water, No. 3-Castella Water, No. 6-Jones Valley Water, No. 8-Palo Cedro Water, No. 11-French Gulch Water, No. 13-Alpine Meadows Water, and No. 23-Crag View Water (collectively referred to herein as the County Service Areas); and

WHEREAS, on May 9, 2016, Governor Brown signed Executive Order B-37-16 Making Water Conservation a California Way of Life; and

WHEREAS, the recurring drought conditions and our changing climate require Shasta County to move beyond temporary emergency drought measures and adopt permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety, and general public welfare; and

WHEREAS, article X, section 2 of the California Constitution, declares that waters of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare; and

WHEREAS, California Water Code sections 375, *et seq.*, empowers the County of Shasta as the supplier of retail water to County Service Areas to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area for the purpose of conserving the water supplies of the public entity after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code section 376; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, *et. seq.*) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources; consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 15301 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment); and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on July 11, 2023, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program for the County Service Areas.

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION 1. Immediate Effect

This ordinance is effective upon adoption.

SECTION 2. Publication

Pursuant to Water Code section 376, the County of Shasta shall publish this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that with respect to each of the County Services Areas identified herein, the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that it is necessary and appropriate for the Board of Supervisors to adopt, implement, and enforce this water conservation program to reduce the quantity of water used within County Service Areas to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Areas to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Areas and for their public health, safety, and welfare.

SECTION 4. Application

The California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare, it is necessary and appropriate for the Board of Supervisors to adopt, implement, and enforce this water conservation program to reduce the quantity of water used within County Service Areas to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Areas.

SECTION 5. Outdoor Water Conservation

- (A) No person shall use, or cause to be used, any County Service Area water for outdoor landscapes during and up to 48 hours after the day of a measurable rainfall.
- (B) No person shall use, or cause to be used, any County Service Area water for outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
- (C) No person shall use, or cause to be used, any County Service Area water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
- (D) No person shall use, or cause to be used, any County Service Area water to wash driveways and sidewalks.
- (E) No person shall use, or cause to be used, any County Service Area water for a fountain or other decorative water feature, except where the water is a part of a recirculating system.
- (F) References in this article to a measurable rainfall shall mean greater than 0.00 inches reported at the automated rain gauge at Shasta Dam operated by the United States Bureau of Reclamation.

SECTION 6. Access to Customer Premises; Compliance

With consent of the owner, and tenant, if any, County employees shall have unrestricted access at all reasonable hours to premises supplied with water services to determine compliance with applicable County rules and regulations.

SECTION 7. Fire and Other Emergencies

Nothing in this article shall be construed to apply to the use of County Service Area water for purposes of extinguishing fire or any other similar emergency.

SECTION 8. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, *et. seq.*) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also, it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 15301 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c). Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

SECTION 9. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 10. Adoption

This ordinance shall take effect and be in full force and effect immediately upon adoption pursuant to Water Code section 376. The clerk shall cause this ordinance to be published as required by Water Code section 376 and applicable law.

SECTION 11. Expiration


This ordinance shall remain in full force and effect until repealed by the Board of Supervisors.

SECTION 12. Supersedence

Upon going into effect, this Ordinance supersedes and repeals any previous water conservation ordinances, including Ordinance No. 757, adopted June 15, 2021.

DULY PASSED AND ADOPTED this 11th day of July, 2023, by the Board of Supervisors of the County of Shasta by the following vote:


AYES: Supervisors Rickert, Jones, Kelstrom, Crye, and Garman
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None



PATRICK JONES, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

DAVID J. RICKERT
Clerk of the Board of Supervisors

By: 

Deputy

THIS INSTRUMENT IS
A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE

ATTEST JUL 21 2023

CLERK OF THE BOARD
Supervisors of the County of Shasta, State of California
By: 