

Appendix A

Working Draft Ordinance

ORDINANCE NO. _____

An ordinance amending Title 11 – Health and Safety of the Los Angeles County Code, to establish a hauled water permit and regulate thereby the use of hauled water in the unincorporated territory of Los Angeles County.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Part 5 of Chapter 11.38 is hereby added to read as follows:

Part 5 **Hauled Water**

11.38.690 **Purpose**

11.38.700 **Definitions**

11.38.710 **Hauled Water – Generally Prohibited**

11.38.720 **Hauled Water Permit for Single-Family Residential**

Construction

11.38.725 **Hauled Water Permit – Application**

11.38.730 **Hauled Water Permit – Approval**

11.38.740 **Hauled Water Permit – Conditions**

11.38.750 **Requirements for Use of Hauled Water**

11.38.760 **Prohibition of Hauled Water Permit for Multiple-Unit**

Developments

11.38.770 **Use of Hauled Water to Protect Health and Safety**

11.38.780 **Water Hauler – Licensing Requirements**

11.38.790 **Notice**

11.38.800 **Review By Other County Departments**

DRAFT

11.38.690 Purpose

A. The purpose of this part is to allow the use of hauled water as the primary source of drinking water as expressly specified in this part.

B. The Board of Supervisors recognizes:

1. A significant number of properties zoned for single-family use in the unincorporated County are not located within the boundaries of a water purveyor and do not have sufficient on-site well water for potable use.

2. Owners of such properties are left with no reliable source of drinking water and are unable to utilize their properties for single-family residential purposes;

3. Hauled water services are available within the unincorporated areas of the County to supply sufficient drinking water to properties without other reliable sources of drinking water;

4. Allowing hauled water as the primary source of drinking water is in furtherance of the property interests of many owners who would otherwise develop a single-family residence, but for the lack of water; and

5. Oversight by the County health officer is needed to ensure that the use of hauled water as the primary source of drinking water is necessary for the development of the properties as single-family residences and is undertaken in a safe manner.

C. The Board of Supervisors further recognizes:

1. The use of hauled water as the primary source of drinking water is properly considered an option of last-resort for owners of residentially zoned properties;

DRAFT

2. Restrictions on the use of hauled water as set forth in this part are necessary to limit the use of hauled water to those situations where it is necessary for the development of the properties as single-family residences; and

3. The use of hauled water must be limited to those properties which are eligible for a hauled water permit as of the effective date of this part in order to ensure that hauled water usage does not expand beyond the areas considered in connection with the ordinance enacting this part.

11.38.700 Definitions

A. "Drinking water" means potable water for human consumption which meets the standards set forth in Part 12 (commencing with section 116270) of Division 104 of the California Health and Safety Code.

B. "Hauled water" means drinking water obtained from a water hauler.

C. "Water hauler" means a person or company that supplies drinking water to a single-family residence by vehicle, such as a tanker, and which meets the requirements of Section 11.38.780.

D. "Water purveyor" means a public utility, mutual water company, county water district, or municipality that delivers drinking water to customers.

E. [PLACEHOLDER FOR ADDITIONAL DEFINITIONS]

11.38.710 Hauled Water – Generally Prohibited

No person shall use hauled water as the primary source of drinking water except as provided in this part.

11.38.720 Hauled Water Permit for Single-Family Residential

Construction

DRAFT

A. The Director shall grant a permit to utilize hauled water as the primary source of drinking water for a new single-family residence where the applicant for such permit demonstrates, to the satisfaction of the County health officer, all of the following:

1. The parcel on which the single-family residence is proposed to be built has not previously been improved, including but not limited to improvements related to the construction or placement of habitable structures thereon and/or agricultural activity such as the planting of crops, but not including grazing;

2. The parcel on which the single-family residence is proposed to be built is not currently within the boundaries of a water purveyor, and was not within the boundaries of a water purveyor as of January 1, 2017;

3. The owner has demonstrated the unavailability of sufficient onsite drinking water by one of the following methods to the satisfaction of the Director:

a. The owner obtains a certified report from a hydrogeologist, geologist or other State-registered earth science professional indicating that the subject property does not have sufficient ground water available to provide drinking water for the proposed single-family residence;

b. For existing onsite water wells, the owner has obtained at least one well yield test permit from the Department of Public Health pursuant to Section 11.38.155; has performed a well yield test on-site pursuant to such permit; and such well yield test did not establish sufficient drinking water for a single-family residence; or

c. The owner provides other evidence to the satisfaction of the Director confirming that sufficient drinking water for the proposed single-family residence is not available from an onsite source;

DRAFT

4. The parcel on which the single-family residence is proposed to be built is not less than 2,000 square feet in total area and sufficient in size to accommodate all of the proposed improvements, including any water tank(s) to be utilized for the storing of water and any onsite wastewater treatment system;

5. The proposed single-family residence and all other proposed site improvements will not be located on a slope of 50 percent or greater;

6. The parcel is currently zoned for single-family residential use and designated for development within the Countywide General Plan, and was zoned for single-family residential use and designated for development under the Countywide General Plan as of January 1, 2017.

B. Notwithstanding subsection A above, a parcel which was not an existing legal lot or entitled to a certificate of compliance pursuant to the provisions of Chapter 21.60 of Title 21 as of January 1, 2017, or the boundaries of which have been altered on or after January 1, 2017, by means of a lot line adjustment, shall not be eligible for a hauled water permit.

11.38.725 Hauled Water Permit – Application

A person wishing to apply for a hauled water permit shall submit an application in a form prepared by the Department of Public Health and shall pay the applicable fee.

A. An application for a hauled water permit shall provide the following information:

1. The name of the owner;
2. A legal description of the property and location by street address, if any;

DRAFT

3. The Assessor's Identification Number as recorded on the property deed;
4. Evidence that the application satisfies the criteria of Section 112.38.720;
5. The size of the property in square feet or acres;
6. A site plan drawn to scale indicating the location of all proposed improvements, including but not limited to grading, and any slopes of 50 percent or greater;
7. Documentation that the parcel was legally established or is entitled to a certificate of compliance, consistent with subsection B of Section 11.38.720.
8. [PLACEHOLDER FOR ADDITIONAL APPLICATION INFORMATION.]

B. An application for a hauled water permit shall also include a valid site plan stamped as approved by the Department of Regional Planning. The site plan must demonstrate the single-family residence proposed to be constructed, and the location and dimensions of all facilities necessary to utilize hauled water, including but not limited to tanks, access roads, and driveways. No hauled water permit shall be issued prior to the approval of an appropriate site plan by the Department of Regional Planning, except to protect health and safety as set forth in Section 11.38.770.

11.38.730 Hauled Water Permit – Approval

A. The Director shall approve a hauled water permit if the applicant provides all of the information required by Section 11.38.725 and demonstrates the conditions set forth in Section 11.38.720 have been met.

DRAFT

B. Notwithstanding subsection A, above, the Director shall deny a hauled water permit where the Director finds the proposed use of hauled water is likely to cause harm, injury, or illness to the users of such water.

11.38.740 Hauled Water Permit – Conditions

A. The hauled water permit shall be issued to the owner(s) of the property. The owner must acknowledge in writing prior to permit issuance that proper operation and maintenance of a disinfection system is essential to ensuring the potability of the stored water.

B. The owner must acknowledge in writing that any future request for subdivision of the property shall be denied as long as hauled water is the only source of water to the property.

C. The owner agrees in writing to obtain hauled water from a water hauler properly licensed pursuant to Section 11.38.780;

D. The owner acknowledges in writing that hauled water may not be available or may become insufficient in the future;

E. The owner agrees in writing that he or she assumes all risks arising from or connected with the use of hauled water on the property and shall hold the County harmless for any claims for damages arising from or connected with the use of hauled water at this property;

F. The owner agrees in writing to comply with the requirements for use of hauled water specified in Section 11.38.750;

G. Prior to the issuance of the hauled water permit, the permittee shall record in the office of the County Registrar-Recorder/County Clerk. the terms and conditions of

DRAFT

the grant, including the agreements and acknowledgments in this Section 11.38.740, and the requirements for the use of hauled water set forth in Section 11.38.750.

H. [PLACEHOLDER FOR ADDITIONAL CONDITIONS, INCLUDING ANY CONDITIONS AND/OR MITIGATION MEASURES AS MAY BE REQUIRED OR INFORMED BY THE ENVIRONMENTAL REVIEW PROCESS, WHICH IS ONGOING]

11.38.750 Requirements for Use of Hauled Water

To ensure the safety and potability of drinking water delivered via hauled water, the property owner must comply with the following conditions:

- A. The property owner must contract with a water hauler appropriately licensed as required by Section 11.38.780.
- B. The property must be equipped with a storage tank, plumbing connections and method of disinfection which has been approved by the Director, the Building and Safety Division of the Department of Public Works, and the Fire Department.
- C. The property owner must acknowledge in writing receipt of the Director's recommended methods to minimize the risks associated with the use of hauled water, and the possible reduction in the future availability of hauled water due to water shortages or rising costs, and agrees to comply with the Director's requirement for operation and maintenance of the system; and
- D. Prior to the issuance of the hauled water permit, the property owner must record a covenant in the office of the County Registrar-Recorder/County Clerk, in a form acceptable to the Director, which gives notice to future owners, encumbrancers, their successors, heirs or assignees that hauled water is the primary source of drinking water

DRAFT

for the property, and that hauled water may not be available or may become insufficient in the future.

E. [PLACEHOLDER FOR ADDITIONAL REQUIREMENTS, INCLUDING ANY CONDITIONS AND/OR MITIGATION MEASURES AS MAY BE REQUIRED OR INFORMED BY THE ENVIRONMENTAL REVIEW PROCESS, WHICH IS ONGOING]

11.38.760 Prohibition of Hauled Water Permit for Multiple-Unit Developments

A hauled water permit issued hereunder shall be for the construction of one single-family residence only. No person shall utilize hauled water as the primary source of drinking water in connection with a subdivision proposed under Title 21 of this code, or any other development involving two-family, three-family, or multi-family units, condominiums, apartment buildings, or more than one dwelling unit on a lot. The Director shall deny an application for a hauled water permit if the Director determines that the proposed development is part of a multiple-unit development, including but not limited to two or more single-family residences, duplexes, triplexes, apartment buildings, two or more mobile home units, a subdivision, new condominiums, a condominium conversion, bed and breakfast, hotel, apartment building, or any other dwelling unit.

11.38.770 Use of Hauled Water to Protect Health and Safety

Notwithstanding any other provision of this part, the Director may authorize the temporary or permanent use of hauled water as a primary or supplemental source of drinking water for existing residential uses, where the Director determines that the use of hauled water is necessary to protect the health and safety of the occupants of such residential uses. This includes but is not limited to following an emergency when

DRAFT

municipal or private drinking water supplies have been interrupted, fires, earthquakes, other natural disasters, seasonal drought conditions, or changes in well water or groundwater availability. The temporary use of hauled water authorized pursuant to this part shall comply with the requirements of Section 11.38.750. The permanent use of hauled water authorized pursuant to this part shall comply with the requirements of this part, as applicable.

11.38.780 Water Hauler – Licensing Requirements

No water hauler shall deliver drinking water for the purposes of human consumption within the County unless the water hauler is appropriately licensed by the California Department of Public Health, Food and Drug Branch, pursuant to the California Health and Safety Code section 111120, subdivision (e).

11.38.790 Notice

The provisions of this part constitute constructive notice to all current and future property owners that the use of hauled water within the County is limited as set forth in this part.

11.38.800 Review By Other County Departments

Nothing herein is intended to limit the discretion or authority of any other County department to review, study, condition, modify, or deny the development of a single-family residence which has applied for or received a hauled water permit. A single-family residence developed or proposed to be developed using hauled water as the primary source of drinking water must comply with all applicable laws, codes, and requirements, including but not limited to the requirements of the County Departments of Regional Planning, Public Works, and Fire.