

TO: James L. App, City Manager  
FROM: Doug Monn, Director of Public Works  
SUBJECT: Water Well Credit Towards Capacity Charges  
DATE: June 18, 2013

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Needs: That the City Council consider granting a credit against water capacity charges for abandoning use of a private well within the city.

Facts:

1. Capacity charges for connection to the City's water system were established by Resolution No. 09-032 on March 17, 2009.
2. There are approximately 35 residences within City limits still receiving their domestic water supply from a private well.
3. As a purveyor of water, the City has a responsibility to provide water meeting regulations administered by the California Department of Health Services.
4. Private wells can impair the ability of the City to maintain a domestic water system meeting the requirements established by various regulatory agencies.
5. Unregulated private residential wells increase the potential for cross-connection of the water supply as private wells are not regulated with regard to disinfection, backflow protection, distances to wastewater facilities, or other potential sources of pollution.

#### Analysis &

Conclusion: The City Council received a letter dated May 30, 2013, from Stephen and Jan Cassara, property owners at 2456 Creston Road. The Cassaras state they have lived at their Creston Road home since 1987 and have seen the City grow around them. They have taken their domestic water supply from their own private well since they purchased their home. The well has recently run dry. The Cassaras request that they be allowed to connect to the City water system, but that they not be required to pay the capacity charges as outlined in Resolution No. 09-032.

In accordance with Resolution No. 09-032, the cost for a typical single family residence to connect to City water is now \$20,620. The capacity charges outlined in Resolution No. 09-032 are necessary to recover the cost of purchase and treatment of Nacimiento water and the ongoing development of the infrastructure to deliver City water.

However, from a public health, safety and welfare standpoint, it is essential that residential properties within the City that still take their domestic water supply from private wells be encouraged to abandon those wells and hook up to the City water system. Resolution No. 09-032 does not account for the value of the pumping rights associated with existing private wells. However, in consideration for the credit of the connection fees, the City could require that the property owners assign all the water rights appurtenant to their property.

As a purveyor with the responsibility of providing water meeting regulations administered by the California Department of Health Services, the City may be proactive in eliminating more

residential domestic private wells by placing value on them in terms of credit towards capacity charges for connection to the City water system.

Policy

Reference: City Municipal Code Sections 14.06.132; 14.06.136; 14.06.138

Fiscal

Impact: It is estimated that there are roughly 35 private wells serving residences within City limits. Total credit could amount to \$721,700 in terms of 2013 rates. These credits would be expected to occur over time. Capacity charges set by Resolution No. 09-032 are established through 2014, at such time a new capacity charge study is needed. However, in exchange for the credits, the property owner would assign to the City all water rights appurtenant to their properties and comply with other conditions regarding the abandonment of the private well.

- Options:
- a. Adopt Resolution No. 13-xxx allowing credit of one Equivalent Meter Unit (\$20,620 for 2013) in connection fees for residential properties within the City to connect to City water system for domestic water use in exchange for the abandonment of a private well and the assignment/dedication of all water rights appurtenant to the real property to the City, such assignment to be recorded against the property in form and content approved by the City Attorney.
  - b. Amend, modify or reject the above option.

Attachments: (2)

- 1. Cassara Letter 5-30-13
- 2. Resolution

May 30, 2013

Dear City Council,

My wife, Jan, and I moved into our home on 2 ½ acres in 1987. We are located at 2456 Creston Rd., Paso Robles, CA..

We had 2 horses, 2 pigs, chickens, ducks, dogs and a cat. My wife used to ride her horse in the vacant field next door.

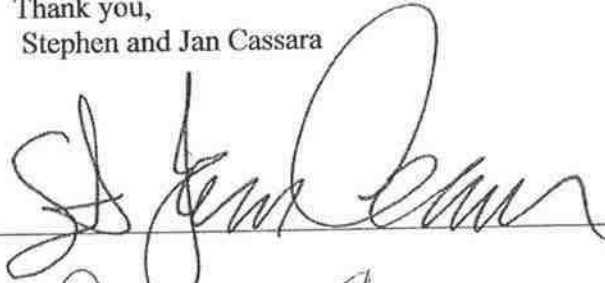

Now the city has built all around us. We did not choose to be incorporated into the city limits. We no longer have those animals, due to city rules,..only a little house dog ☹. That just isn't fair, but we have never complained to the city. We have always abided by the city rules, and have kept our 2 ½ acres clean and tractor our weeds as you have requested.

This is not the problem I am writing about today. The problem is that our well is going dry. We were told that the city will not allow us to have a drilling company drill another well on our property. We were told that we have to hook up to city water, with a cost of \$20,600, plus hire a contractor to do the work (another \$3-4,000!!!).

I am writing to appeal , and possibly wave the fee. This just is not fair, as we were here first and our rights have been taken away.

Please give us a break...\$20,600+ is A LOT of money, which we do not have.

Thank you,  
Stephen and Jan Cassara

X   
X 



RESOLUTION NO. 13-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
MODIFYING WATER CAPACITY CHARGES TO ALLOW CREDIT FOR  
ABANDONMENT OF A PRIVATE RESIDENTIAL WELL IN EXCHANGE FOR  
ASSIGNMENT OF WATER RIGHTS TO CITY

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WHEREAS, capacity charges for connection to the City's water system were established by Resolution No. 09-032 of the City Council on March 17, 2009; and

WHEREAS, there are approximately 35 residences within City limits that still take their domestic water supply from private water wells; and

WHEREAS, as a purveyor of water the City has a responsibility to provide water meeting regulations administered by the California Department of Health Services; and

WHEREAS, private residential wells are unregulated and can impair the ability of the City to maintain a domestic water system meeting the requirements established by various regulatory agencies; and

WHEREAS, the City Council finds and determines that is essential that residential properties within the City be encouraged to abandon their wells; and

WHEREAS, in order to preserve the City's water rights and the public health, safety and welfare, and in consideration for receiving a credit against connection fees in the amount of one (1) Equivalent Meter Unit for the abandonment of the private residential well, and in consideration for such credit, it would be appropriate that the property owner assign any and all appropriate or prescriptive water rights appurtenant to the property to the City; and

WHEREAS, in further consideration of receiving a credit against connection fees, the property owner should abandon the private well in accordance with conditions established by the City to protect the public health, safety and welfare.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. All of the recitals above are true and correct and hereby incorporated into this resolution.

SECTION 2. That the City Council of the City of El Paso de Robles finds and determines that a residential property owner who wishes to abandon the use of a private well within City limits in order to connect to the City water system may receive a credit in the amount of not more than one (1) Equivalent Meter Unit, as defined in the study conducted by HF&H, dated January 23, 2009 towards the water capacity charge for connection to the City's water system, subject to the following conditions: (i) the property owner shall expressly assign/dedicate to the City, in an agreement to be recorded against the property, any and all water rights of whatever nature, regardless of the basis of right or source of supply, including but not limited to an express severance of any overlying, riparian or other water rights appurtenant to the property; (ii) comply with other requirements of the City for

the abandonment of the well; and (iii) such other terms and conditions deemed necessary by the City to protect the public health, safety and welfare. The agreement shall be in a form and content approved by the City Attorney.

SECTION 3. The City Council of the City of El Paso de Robles does hereby approve and adopt this modification to the schedule of capacity charges as outlined in Resolution 09-032, to become effective immediately upon adoption of this resolution.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 18<sup>th</sup> day of June, 2013 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Duane Picanco, Mayor

ATTEST:

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Caryn Jackson, Deputy City Clerk