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Date: 3/8/22

Re: CDP 2020-0022, Irwin

Jessie,

Thanks for taking the time to share the documents and discuss the Proof of Water considerations associated with the above referenced Irwin project. After reflecting on our discussions I believe that I have identified an issue that might clear some things up. The issue is the use of the term "Proof of Water".

In your 2/17/22 letter to the Irwins you cite various Mendocino County Code sections that deal with water and property development. MCCE Policy 3.8-1 states in part "...availability of water...shall be considered". MCCE Policy 3.9-1 states in part "...adequate...,water,..exists..". MCC section 20.516.015(B)(1), which is actually for the development of new parcels (subdivision) or additional building sites (ADU's), states in part "Demonstration of the proof of water supply...". While to a lay person the terms "availability of water", "adequate water" and "proof of water supply" may be used interchangeably with the term "Proof of Water", it should be recognized that none of these code sections cited specifically uses the term "Proof of Water".

This is significant because the Mendocino County Coastal Groundwater Development Guidelines (MCCGWDG) does use the term "Proof of Water". In that document, water well testing for "Proof of Water" is defined, pages 4 through 7. This Proof of Water is a long term (17 hours +) pumping test of a well along with a measurement of the wells recovery to 80% of the total measured draw down. These tests can easily take 24 hours or more to conduct. To someone like myself (not a trained hydrogeologist but a practitioner conducting these tests in Mendocino County) the term "Proof of Water" is interpreted as this 17 hour pumping test as outlined in the MCCGWDG.

The point is that in this context, the terms "availability of water", "adequate water exists" and "proof of water supply" are not synonymous with "Proof of Water" as defined in the MCCGWDG.

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In your 2/17/22 letter, paragraph 3, which is discussing options for this project, point 1. the term "Proof of Water" is used. Given the discussion above I suggest a more accurate statement might have been "... an option for providing proof of an adequate water supply...". Similarly, in your 2/22/22 memo to the the Coastal Permit Administrator, last paragraph, Recommendations for Additional Conditions of Approval, the first sentence "...shall provide proof of water as required... could be changed to "...shall provide proof of adequate water as required...". This is significant because the DEH does recognize and has methods of determining adequate water supply that are not the MCCGWDG defined "Proof of Water".

As you acknowledge in your 2/17/22 letter Mendocino County Division of Environmental Health DEH does not have any requirements for a "Proof of Water" for the first residence on a parcel but the DEH does have methods other than a "Proof of Water" to demonstrate "adequate water supply" for other uses. There is a DEH method of measuring spring developments to demonstrate that they are an adequate water supply. The DEH has what is referred to as Second Residential Unit (SRU) Inland Water Test that is used to demonstrate adequate water supply for an inland second residential units (now ADU). This is a sustained pumping test but typically on the order of 4 to 5 hours versus the 17+ hours required for the MCCGWDG "Proof of Water" I also believe that a well drillers' log that includes a well test, made at the time of the wells' completion by a licensed well driller, has been used as an indication of adequate water supply.

I suggest that if the actual terminology used in the code sections cited is used consistently in all correspondence; "availability of water shall be considered", "adequate water exists", "proof of water supply" then other existing DEH recognized methods of determining an adequate water supply (as mentioned above) could be used to satisfy the code requirements. From our point of view once the term "Proof of Water" is used the specific MCCGWDG 17 hours pumping test becomes required.

This issue regarding "Proof of Water" for initial residences within the Coastal Zone has been problematic for us along with other planners, consultants, and DEH staff for quite some time. I hope that this discussion of the terminology sheds some light on the issue from our point of view and opens the way for further discussion. Feel free to contact me with any questions or need for clarification that you may have.

Sincerely,


Carl Rittiman, CPSS

c: W. Irwin, M. Bourbonais, MCDEH