



Agenda Date: 7/10/2007
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Estimated Report Time: 10 minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Christine M. Secheli for Lederer, Steven - Director
Environmental Management
REPORT BY: Christine M. Secheli, Assistant Director, 253-4471
SUBJECT: Second Reading of an Ordinance Amending Groundwater Permitting Procedures and Adoption of a Resolution Establishing and Increasing Fees

RECOMMENDATION

Director of Environmental Management requests the following:

1. Second reading and adoption of an ordinance amending Chapter 13.15 (Groundwater Conservation) of the Napa County Code;
ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].
2. Adoption of a Resolution establishing and increasing fees for services provided by the Department of Environmental Management relating to groundwater permits.
ENVIRONMENTAL DETERMINATION: The proposed action is exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, section 15273(a)(1) (Rates, Tolls, Fares, and Charges).

EXECUTIVE SUMMARY

Ordinance: The second reading and adoption of the proposed ordinance is scheduled for today. This ordinance amends several key definitions, clarifies when a groundwater permit is required, modifies requirements for ministerial permits and establishes a process to modify or cancel an existing groundwater permit. Additionally, new language has been added to further discourage wasteful water use practices by potential groundwater permit applicants when establishing their existing water use levels.

Resolution: The proposed resolution establishes and increases fees for services provided by the Department of Environmental Management related to processing ministerial groundwater permits and modifications to and cancellation of existing groundwater permits.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Environmental Management
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	<u>Ordinance</u> : Allows a process whereby a property owner can change or cancel an existing permit. <u>Resolution</u> : If the proposed resolution is not adopted, the General Fund will subsidize services provided to applicants.
Is the general fund affected?	Yes
Future fiscal impact:	<u>Ordinance</u> : Minimal based on the small number of applications actually received. <u>Resolution</u> : The serviced allowed for in the ordinance will be subsidized by the General Fund if the resolution is not adopted.
Consequences if not approved:	<u>Ordinance</u> : Owners will not be able to amend or modify a permits and will have to apply for a whole new permit through the existing application process. <u>Resolution</u> : If the proposed resolution is not approved, no additional revenues would be received.
Additional Information:	

ENVIRONMENTAL IMPACTOrdinance:

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

Resolution:

ENVIRONMENTAL DETERMINATION: The proposed action is exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, section 15273(a)(1) (Rates, Tolls, Fares, and Charges).

BACKGROUND AND DISCUSSIONOrdinance:

On June 26, 2007, the Board opened the public hearing and introduced the ordinance, read the title, waived reading the balance of the ordinance and declared its intention to adopt the ordinance. The ordinance is now before the Board for formal adoption.

Staff recommends adoption of the ordinance.

Resolution:

Staff recommends adoption of a resolution establishing a fixed fee for ministerial permits and a new fee for minor modifications to an existing groundwater permit and for applications to cancel an existing groundwater permit. Since a fixed fee for the ministerial permit was not previously identified in the fee schedule, the Department has to date charged a fee based on hourly rate as required by Section 110.026 of the fee schedule. Data from processing previous applications indicates a fixed fee of \$184.00 (approximately 1.75 hours of staff time at the hourly rate of \$105.00) is the appropriate cost for such a permit which is the fee being proposed in this fee schedule. Applications for a minor modification of an existing groundwater permit will similarly be charged \$184.00 as processing time will be similar to that of a ministerial permit. The last fee of \$28.00 is being proposed for an application to cancel an existing groundwater permit which is the same fee currently charged for a groundwater determination on building permits. This fee represents the amount of time (approximately 1/4 hour at \$105/hour) required to process these applications and prepare the required correspondence acknowledging such cancelation.

In May of 2006 the Board considered and approved a program of phased fee increases for development applications based on the findings and recommendations of the Maximus report and recommendations of the County Executive Officer. The adopted resolution provided policy direction such that rates for the department's fee schedules be updated on an annual basis based upon changes to County costs. The fees proposed in the resolution reflect our actual costs and include the equivalent fee increases to be effective July 1, 2008 as directed by the adopted 2006 resolution.

SUPPORTING DOCUMENTS

- A . Ordinance
- B . Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi