



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Health
Department No.: 041
For Agenda Of: June 28, 2022
Placement: Departmental
Estimated Time: 30 Minutes
Continued Item: Yes
If Yes, date from: May 24, 2022
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Van Do-Reynoso, MPH, PhD, Director
Director(s) Public Health Department
Contact Info: Lars Seifert, Director
Environmental Health Services (805) 681-4934
SUBJECT: Water Well Permitting Fee Resolution Related to Drought Emergency and Governor's Executive Order

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

On June 28, 2022:

- a) Adopt a Resolution amending fees for Environmental Health Services relating to Water Wells and Private Water Systems (Attachment A); and
- b) Determine that approval of the Fee Resolution is exempt from CEQA pursuant to Public Resources Code sections 21080(b)(8)(A) and (B) and CEQA Guidelines sections 15061(b)(3) and 15273 because there is no possibility of significant effect on the environment and the fees will be used for operating expenses and for the purchase of supplies, equipment, and materials, and direct staff to file a Notice of Exemption on that basis (Attachment B).

Summary Text:

This item is on the agenda to amend the Water Well and Private Water System Fee Schedule to prescribe fees to pay the reasonable expenses of Environmental Health Services to implement temporary water well permitting ordinance provisions in accordance with the Governor's Drought Emergency Executive Order N-7-22 issued on March 28, 2022.

Background:

On March 28, 2022, due to extreme and expanding drought conditions in the State of California, the Governor issued Executive Order N-7-22 (Executive Order), which in part, seeks to:

- improve coordination between local agencies that approve permits for new groundwater wells or for the alteration of an existing well;
- enable groundwater sustainability agencies to achieve sustainable levels of groundwater in medium- and high-priority basins; and
- require local agencies to make certain findings prior to issuing a well permit for a new groundwater well for the alteration of an existing well.

The Executive Order became effective immediately on March 28, 2022. The Executive Order states that ongoing drought conditions have the potential for significant, immediate impacts on communities with vulnerable water supplies and farms that rely on irrigation to grow food and fiber.

On May 24, 2022, your Board amended Chapter 34A of the Santa Barbara County Code as an urgency item to add temporary water well permitting provisions to ensure the issuance of local water well permits were consistent with the Executive Order. This action was taken for the immediate protection of public health, safety, and the environment, and to ensure that Santa Barbara County residents and businesses who rely on vulnerable groundwater supplies and local farms that rely on irrigation wells to grow food and fiber are able to access this water resource, while also allowing EHS to reasonably consider the findings required by the Executive Order for the sustainability of groundwater basins in the county.

To provide sufficient time for public noticing, this Fee Resolution was continued for consideration from the May 24, 2022 Board hearing until June 28, 2022. Notice of this hearing was published in a newspaper of general circulation in Santa Barbara County 10 days prior to the hearing and again 5 days prior to the hearing in compliance with Government Code § 6062a per the attached Public Notice (Attachment C).

Resolution to Amend EHS Fee Schedule

Currently, Section 34A-5(b)(4) of Santa Barbara County Code allows EHS to recover labor costs in excess of hourly time limits established by the fee resolution for permit processing and related inspections. The permit fees established during the 2019 EHS Fee Study for water well construction, modification and destruction were based on the average time spent in the permitting of water wells at that time. The proposed fee resolution specifies an hourly time limit of two hours for permit review and processing. Any additional staff time needed for permit processing including, but not limited to consultation, technical report review, appeals, or public hearings that may be needed to implement the provisions of the urgency ordinance will be assessed at the existing water well hourly rate for EHS.

The proposed fee resolution also establishes a pass-through fee to recover the direct cost of CEQA processing and filing fees as established by the Clerk of the Board, where applicable. The Fee Schedule for Water Wells and Private Water Systems will not sunset with the rescission of the Local Drought Proclamation and Executive Order. The Resolution to amend the EHS Fee Schedule is included in Attachment B.

Time in excess of two hours that EHS takes to complete a technical review of a Groundwater Sustainability Agency's written verification of consistency with groundwater sustainability plans and its supporting documentation for high-priority groundwater basins, as directed by your Board, will be assessed to the applicant to recover the reasonable and necessary costs to implement the permit review actions to comply with the Governor's Executive Order N-7-22, or as may be superseded.

Fiscal Analysis:

There are no one-time costs or staffing requested as a result of the urgency ordinance that was adopted on May 24, 2022. Adopting an amended Environmental Health Services fee resolution to utilize the existing Board-approved hourly rate will fully recover regulatory costs. Increased staff time associated with permit reviews may be necessary; however, a decrease in water well permit applications during the drought emergency may also be realized by EHS. Staff workload will be adjusted as necessary to other funded program activities if a decrease in budgeted water well permit revenue occurs during the effective dates of the temporary water well permitting provisions.

Staffing Impacts:

There will be no increase or decrease in staff as a result of adopting the urgency ordinance or this proposed fee resolution.

Special Instructions:

1. Following Board approval, request the Clerk of the Board please post the Notice of Exemption and forward a stamped copy to the Environmental Health Services Director.
2. Request the Clerk of the Board to email one copy of the original adopted resolution and one Minute Order to the Public Health Department, Attention:
PHDGROUPEContractsUnit@sbcpd.org.

Attachments:

- A. Resolution Amending Fees for Environmental Health Services
- B. Notice of Exemption
- C. Notice of Public Hearing
- D. Presentation

Authored by:

Lars Seifert, Environmental Health Services Director