

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 9/15/2015	(3) CONTACT/PHONE Mark Hutchinson, Deputy Director of Public Works (805) 781-5458	
(4) SUBJECT Submittal of a resolution authorizing the Director of Public Works to execute engineering reimbursement agreements associated with groundwater export permit processing. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the attached resolution authorizing the Director of Public Works to execute engineering reimbursement agreements associated with permit applications per Title 8.95, Exportation of Groundwater.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: 4/14/15, #20	
(17) ADMINISTRATIVE OFFICE REVIEW Davis E. Grim			
(18) SUPERVISOR DISTRICT(S) All Districts			

Reference: 15SEP15-C-11

County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works
Mark Hutchinson, Deputy Director of Public Works

VIA: Wade Horton, Director of Public Works

DATE: 9/15/2015

SUBJECT: Submittal of a resolution authorizing the Director of Public Works to execute engineering reimbursement agreements associated with groundwater export permit processing. All Districts.

RECOMMENDATION

It is recommended that the Board adopt the attached resolution authorizing the Director of Public Works to execute engineering reimbursement agreements associated with permit applications per Title 8.95, Exportation of Groundwater.

DISCUSSION

On April 14, 2015, the Board of Supervisors approved an amendment to the Health and Sanitation Ordinance, Title 8 of the San Luis Obispo County Code, by adopting Ordinance No. 3295. The ordinance (codified as Chapter 8.95) is applicable to all 22 Bulletin 188 groundwater basins within the County and requires a permit, issued by the Department of Public Works, to export water out of a groundwater basin or across County lines.

To date, staff is aware of one pending project that will require a groundwater export permit: the provision of emergency water from Atascadero (Paso Robles Groundwater Basin) to Santa Margarita via the emergency intertie now under construction. Approximately 40% of the Community of Santa Margarita ties outside of the Paso Robles Groundwater Basin.

Chapter 8.95 establishes the permitting procedures which include: application, engineering and environmental review, outside agency coordination, noticing, hearings, appeals, inspections, etc.; and requires that a permit application "...be accompanied by the deposit of fees for these purposes, as established by board resolution."

It is anticipated that the costs incurred by the County in processing a permit application may vary significantly depending on the nature of the request. Therefore, staff is recommending your Board authorize the Director to enter into agreements on the County's behalf to offset the costs of permitting

in the form of an “Engineering Reimbursement Agreement.” The agreement would provide the County the ability to recover all costs associated with the permitting procedures; and would limit applicant expenses to only those tasks necessary based on the complexity of their proposed project.

Processing a Groundwater Export Permit application will require extensive public noticing and outreach, potentially two public hearings for each application, and internal review for both environmental compliance and hydrologic impacts. The time required will be highly dependent on the complexities of the application, degree of potential impacts, and level of public interest.

This request is consistent with past Board’s actions. On December 10, 2013 the Board adopted a resolution authorizing the Director of Public Works to sign Engineering Reimbursement Agreements for wholesale water systems operated by San Luis Obispo County Flood Control and Water Conservation District. Similarity, on April 7, 2015, the Board adopted a resolution applicable to service connection requests associated with County Service Area water and wastewater facilities.

OTHER AGENCY INVOLVEMENT/IMPACT

The attached resolution has been approved as to legal form and effect by County Counsel. Approval of future Engineering Reimbursement Agreements associated with permit applications per Title 8.95 Exportation of Groundwater by the Director of Public Works will be subject to approval as to legal form and effect by County Counsel.

FINANCIAL CONSIDERATIONS

Agreements between the County and the party applying for a groundwater export permit will establish the obligation of the party to pay costs and ensure that the county taxpayers do not pay those costs requesting the permit.

RESULTS

Authorizing the Director of Public Works, or designee, to sign Engineering Reimbursement Agreements for Groundwater Export Permits will facilitate more efficient and legally effective processing of such applications contributing to the County’s goals of providing a well governed community.

ATTACHMENTS

1. Resolution authorizing the Director of Public Works to execute Engineering Reimbursement Agreements associated with Groundwater Export Permit processing.

File: CF 640.65.01 Groundwater Exportation

Reference: 15SEP15-C-11

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