



## Legislation Details (With Text)

---

**File #:** 22-844      **Version:** 1

**Type:** Agreement      **Status:** Agenda Ready

**File created:** 4/12/2022      **In control:** Board of Supervisors

**On agenda:** 5/3/2022      **Final action:** 12/31/2023

**Title:** Director of Planning, Building and Environmental Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 200181B with Luhdorff & Scalmanini Consulting Engineers to extend the terms of the agreement to June 30, 2023, with an automatic renewal for no more than two (2) additional years, to provide technical peer review services in support of Napa County proposed winery and vineyard projects.

**Sponsors:** Napa County Groundwater Sustainability Agency

**Indexes:**

**Code sections:**

**Attachments:** 1. Agreement

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**TO:** Board of Supervisors

**FROM:** David Morrison-Director, Planning, Building & Environmental Services

**REPORT BY:** Barbette Ruffino, Staff Services Manager

**SUBJECT:** Approval of Amendment No. 1 to Agreement No. 200181B with Luhdorff & Scalmanini Consulting Engineers

---

### RECOMMENDATION

Director of Planning, Building and Environmental Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 200181B with Luhdorff & Scalmanini Consulting Engineers to extend the terms of the agreement to June 30, 2023, with an automatic renewal for no more than two (2) additional years, to provide technical peer review services in support of Napa County proposed winery and vineyard projects.

### EXECUTIVE SUMMARY

In November 2019 the County entered into an agreement with Luhdorff & Scalmanini Consulting Engineers to provide technical peer review services in support of Napa County proposed winery and vineyard projects. This

agreement has a maximum annual compensation of \$100,000 per fiscal year and all costs are covered by the project applicant. The Director of Planning, Building and Environmental Services would like to extend the terms of the agreement with no increase in maximum compensation.

**FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	CEQA 17000-02
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Peer review services will address whether the methods and conclusions submitted to the County by others are in conformance with generally accepted professional standards and are legally defensible, and that they meet the legal standards of the California Environmental Quality Act.
Is the general fund affected?	No
Future fiscal impact:	Appropriations for these services will be budgeted each fiscal year for the duration of the agreement. No fiscal impact is anticipated to occur as a result of this agreement as all costs for peer review will be borne by the applicant.
Consequences if not approved:	Without these peer review support services the County may be unable to perform an adequate review of Water Availability Analysis' (WAAs), prepare an adequate CEQA document, or give a final recommendation to the proposed winery or vineyard application request.
County Strategic Plan pillar addressed:	Vibrant and Sustainable Environment

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

Napa County is required by the California Environmental Quality Act (CEQA) to conduct an environmental analysis of all discretionary permits submitted for approval. CEQA requires analysis of dozens of environmental aspects, including the potential substantial depletion of groundwater supplies or substantial interference with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. The Water Availability Analysis (WAA) provides guidance and a procedure to assist applicants, neighbors, county staff, decision makers, and other interested parties to gather the information necessary to adequately evaluate potential impacts to groundwater. In addition, the WAA is increasingly being used to evaluate the consistency of proposed wells with the adopted Groundwater Sustainability Plan (GSP), as administered by the Groundwater Sustainability Agency. This ensures that additional concerns such as subsidence, reduction in interconnected surface waters, and other issues are also taken in to consideration.

A WAA is required for any discretionary project that may utilize groundwater or will increase the intensity of groundwater use of any parcel through an existing, improved, or new water supply system (Napa County Groundwater Conservation Ordinance, Section 13.15.010). As such, it is most commonly used for discretionary development applications using groundwater such as wineries and commercial uses. While discretionary vineyard projects also require a submittal of a WAA as part of the application, they often require more exhaustive analysis as part of an Environmental Impact Report (EIR) due to their size and scope.

Agreement No. 200181B approved in November 2019 included the peer review of groundwater related analyses as determined by the Planning Director on an as-needed basis. The work tasks involved a preliminary review of existing documentation, identification of any data gaps, review of aquifer tests, recharge analysis, and water supply demands. The Director of Planning, Building and Environmental Services requests approval to extend the terms of the agreement. All other terms of the agreement remain unchanged.