



Wyandotte Creek Groundwater Sustainability Agency Agenda Transmittal

Agenda Item: 8

Subject: Consideration of a Framework for Fee Review and Appeal Process Policy.

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Meeting Date: 7/27/2023

Regular Agenda

Department Summary:

The Wyandotte Creek Groundwater Sustainability Agency (Wyandotte Creek GSA) is establishing a long-term fee to fund the ongoing GSA administration, Groundwater Sustainability Plan (GSP) implementation activities, and Sustainable Groundwater Management Act (SGMA) compliance and reporting requirements. The Board approved implementation of an Irrigated/Non-Irrigated fee structure to allocate costs on a more equitable basis with the following user classes:

- 1) Non-Irrigated – low groundwater use for open space/vacant/natural habitat/dry land farming/rangeland parcels.
- 2) Irrigated-Surface Water – parcels that rely on surface water primarily with some groundwater use.
- 3) Irrigated-Groundwater – parcels that rely on groundwater primarily with no access to surface water.

The draft WCGSA Irrigated/Non-Irrigated Policy document is attached for your information and comments. The goal of the policy is to allow landowners to change their user classification (and associated fees) based on being categorized in the correct user class based on parcel level data. Landowners would be able to apply for changes in user classification and associated fees based on submittal of the Application specifying reasons and basis for reclassification.

The Application could be prepared and submitted to the GSA for review and approval through an electronic (online) or handwritten form to make it easy for applications to be submitted to the GSA. All Applications received would be stored in the GSA computer records.

There would be an appeals process included in the policy which would be available to a landowner who has applied for a parcel reclassification which was not approved based on review and consideration of available information and approved GSA policy. Appeals that cannot be resolved administratively by GSA staff would most likely be heard by the GSA Board.

Attached is the framework for the draft policy for comment and input. The intent is to have member agency staff, the Water Advisory Committee, and stakeholders review the policy and provide recommendations for developing a final policy for consideration at the October 2023 Board meeting. Staff would like to have a policy approved before initial fees are charged on the December 2023 property tax bill.

The Wyandotte Creek GSA Board will periodically review this policy and update as needed to ensure fair and equitable billing to landowners who are subject to the fees.

Attachments:

Exhibit A: Framework for Wyandotte Creek GSA Irrigated/Non-Irrigated Fee Policy (for review and discussion)

Fiscal Impact: None

Staff Recommendation: Review and discuss the Wyandotte Creek GSA Irrigated/Non-Irrigated Fee Policy framework and provide input and direction to staff.

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APPENDICES – TO BE ADDED

- Appendix A** – Adopted Irrigated/Non-Irrigated Fees
- Appendix B** – Service Area User Class Parcel Map
- Appendix C** – User Class Change Request Application
- Appendix D** – Interactive Parcel Map to Assist Landowners

SECTION 1 – INTRODUCTION AND PURPOSE

Introduction

The Wyandotte Creek Groundwater Sustainability Agency (Wyandotte Creek GSA) is updating its long-term fees in 2023 to fund GSA Administration, GSP Implementation and SGMA compliance costs for the FY23-24 through FY27-28 period. The Wyandotte Creek GSA is approving a new Irrigated/Non-Irrigated fee structure to achieve more equity for those subject to the fee. The Wyandotte Creek GSA needs to develop an associated fee policy to ensure equitable billing for services received.

Purpose

This is a policy document developed by the Wyandotte Creek GSA to implement the new Irrigated/Non-Irrigated fee structure approved in 2023. The purpose of this policy is to ensure that each parcel subject to the fee is properly classified into the correct user class and charged the correct fee amount on a per acre and annual basis based on the unique user class fees. The policy recognizes that the manner in which each parcel is charged under the new fees needs to be flexible to ensure billing equity for landowners and to accommodate changes in land use that necessitate reclassification of parcels into the correct user class for accurate fee assessment purposes.

Adopted Irrigated/Non-Irrigated Fees

The new 2023 Wyandotte Creek GSA fees are included in the resolution approving the fees indicating that there are three user classes subject to the fee. The three user classes are Non-Irrigated, Irrigated-Surface Water, and Irrigated-Groundwater each with a unique per acre per year fee amount. Appendix A includes the resolution approving the new Wyandotte Creek GSA 2023 fees.

SECTION 2 – USER CLASS DEFINITIONS

The Wyandotte Creek GSA is updating its long-term fees in 2023 to recover adequate revenues to achieve Sustainable Groundwater Management Act (SGMA) compliance for all landowners in the service area. The new fee has three (3) distinct user classes with definitions summarized below. Definitions may be updated or refined as needed for accurate fee assessment purposes.

Fee User Class Definitions

Non-Irrigated User Class: Includes parcels within the Wyandotte Creek GSA service area that are considered open space, natural habitat, vacant, dry land farmed or rangeland. Parcels included in this user class have very low groundwater use. This may include parcels located within surface water service area boundaries.

Irrigated-Surface Water User Class: Includes parcels within the Wyandotte Creek GSA service area that primarily use surface water, which may include parcels within a surface water provider service area, such as Thermalito Water and Sewer District (TWSD), South Feather Water and Power Agency (SFWPA), California Water Service (Cal Water) or have individual water rights or permits for surface water allocations directly from a creek, stream, or another source. Parcels that use surface water in combination with groundwater in a supplemental fashion will be classified as irrigated-surface water users. Also includes urban areas that use surface water primarily.

Irrigated-Groundwater User Class: Includes parcels within the Wyandotte Creek GSA service area that use groundwater and do not have access to or the right to use surface water supplies. These parcels will typically have a well(s) on the parcel serving as the primary source of water supply. Also includes urban or developed areas that use groundwater, such as a small community water system.

Other Definitions

County: Butte County located in northern California.

Wyandotte Creek GSA: The Wyandotte Creek Groundwater Sustainability Agency.

Landowner: The landowner of record for a parcel subject to the Wyandotte Creek GSA fee based on County assessor parcel data.

Parcel address: The address of the property subject to the Wyandotte Creek GSA fee based on County assessor parcel data.

Parcel Acreage: The total acreage of the parcel subject to the Wyandotte Creek GSA fee based on County assessor parcel data. If there is more than one acreage figure for a parcel the Wyandotte Creek GSA will generally base fees on the lower acreage figure or the acreage figure that most accurately represents the parcel acreage. Multiple sources of data will be referenced in order to verify use of accurate acreage data for assessing Wyandotte Creek GSA fees.

Parcel Acreage For Boundary Parcels: For parcels that overlay the Wyandotte Creek GSA service area boundary, the net acreage of the parcel subject to the Wyandotte Creek GSA fee located within the Wyandotte Creek GSA boundary will be used for fee assessment purposes based on County assessor data.

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SECTION 3 – CURRENT USER CLASSIFICATIONS

This section allows landowners subject to the fee to see how their parcel(s) was classified under the new Wyandotte Creek GSA Irrigated/Non-Irrigated 2023 fee structure with three (3) user classes. The Wyandotte Creek GSA will make parcel level fee data easily available to landowners subject to the fee.

Wyandotte Creek GSA Service Area Boundary

Appendix B includes the Wyandotte Creek GSA service area boundary. Parcels with a portion of their acreage within the Wyandotte Creek GSA boundary will only be assessed fees based on their acreage within the Wyandotte Creek GSA service area boundary.

Wyandotte Creek GSA Service Area Parcel User Class Delineations

Appendix B includes a Wyandotte Creek GSA service area parcel map indicating user class delineations based on the approved 2023 fees and associated definitions included in this draft policy document. Landowners can see how their parcel was classified from viewing this map which indicates how parcels were classified based on the three (3) user classes included in the approved fees for the fee assessment process.

The parcel map delineations will be updated periodically based on changes in user class definitions and/or changes in land use necessitating a change in user class for a given parcel for equitable fee assessment purposes.

SECTION 4 – USER CLASSIFICATION CHANGE REQUEST

Landowners will have the option of requesting a change in user classification (and associated fee assessment) based on implementation of the Wyandotte Creek GSA Irrigated/Non-Irrigated fee structure approved in 2023 (see Appendix A). The purpose of this policy is to ensure that each parcel subject to the fee is properly classified into the correct user class and charged the correct fee amount on a per acre and annual basis based on the unique user class fees.

The Wyandotte Creek GSA recognizes that under the new fee policy landowners need to be provided with the opportunity to change their user classification in the event they are classified in the incorrect user class, are being assessed fees based on incorrect acreages, and/or need to change their user classification based on changes in land use at the parcel level. The policy recognizes there needs to be flexibility for landowners subject to the 2023 fee structure to ensure fee assessment equity and to accommodate changes in land use that necessitate parcel reclassification into the correct user class for accurate fee assessment purposes.

Basis For User Classification Changes

Each parcel was classified into the appropriate user class based on available information at the time the fees were approved. The fees included separate fees for each of the three user classes subject to the fee. The three user classes are Non-Irrigated, Irrigated-Surface Water, and Irrigated-Groundwater each with a unique per acre per year fee basis. Appendix A includes the resolution approving the new 2023 fees.

Landowners can request reclassification of their parcel(s) under the new 2023 Wyandotte Creek GSA fees based on the following circumstances:

- (1) parcel is classified improperly (not in correct user class);
- (2) parcel fee assessment amount is incorrect (based on acreage inaccuracy or incorrect user classification); or
- (3) parcel land use has changed requiring the parcel to be reclassified into a different user class.
- (4) TO BE ADDED – OTHER?**

To facilitate a landowner User Classification Change request the Wyandotte Creek GSA is providing an application for landowners to complete to process these requests.

User Classification Change Application

The Wyandotte Creek GSA can process changes in fee user classifications by accepting an Application from landowners requesting a specific change. The Wyandotte Creek GSA has the option of providing both electronic and manual form entry versions to accommodate those completing applications. A sample of the manual and electronic application forms are included in Appendix C.

The Wyandotte Creek GSA will review and process Applications received within **XX** business days of receiving the Application. All Applications received will be stored electronically for Wyandotte Creek GSA records.

Current and proposed user class information will be verified by Wyandotte Creek GSA staff before a final determination is rendered. Approved Applications will be signed and dated by authorized staff and kept in Wyandotte Creek GSA records. If Applications are not approved, staff will indicate the reason denying the reclassification request. There will be no Application fee levied by the Wyandotte Creek GSA in processing these Applications.

TO BE ADDED – TIMING AND UPDATED TO THE ASSESSOR’S TAX ROLL.

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SECTION 5 – USER CLASSIFICATION APPEALS PROCESS

Landowners who request a parcel user class reclassification under Section 4 of this policy who are denied the request, may appeal the decision.

Appeals Process

TO BE ADDED

- Form
- Assigned staff and timelines for review of and response to appeal
- Identify when appeals go to Board for decision

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