

ORDINANCE NO. 89-56

AN ORDINANCE OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
CONTINUING THE POLICY  
PROHIBITING ANNEXATIONS TO THE DISTRICT  
PENDING RESOLUTION OF UNCERTAINTIES  
RELATED TO FUTURE DISTRICT WATER SUPPLIES

WHEREAS, on June 10, 1987 this Board of Directors introduced, and unanimously adopted urgency Ordinance No. 87-51 prohibiting annexations to the District pending resolution of uncertainties related to future District water supplies, and

WHEREAS, in conformance with the requirements of Ordinance No. 87-51, the Board's President established a two member standing subcommittee on the Board to regularly review the District's water supply situation, and

WHEREAS, since June 24, 1987 said subcommittee, acting as both a two member committee and as members of the full Board, has met at least monthly over the past two years to regularly review the District's water supply situation, and

WHEREAS, said subcommittee activities have been supplemented by continuous District staff participation with the San Luis Obispo County Water Advisory Committee and the joint San Luis Obispo County - Santa Barbara County State Water Project Technical Advisory Committee, and

WHEREAS, as a result, this Board of Directors has been continuously advised of, and has reviewed in detail, the status of the local water supplies available to Nipomo - including the ground water yield available from the Nipomo Mesa as shown Hydrologic Subarea, on Exhibit A, attached, and

WHEREAS, on April 19, 1989 this Board of Directors conducted a public information meeting to receive public input and accept comments from representatives of County Government concerning land use, water resources and Local Agency Formation Commission policies for the Nipomo area, and

WHEREAS, as previously stated in Ordinance No. 87-51, this District has operated for the past several years in reliance on previous State and County water studies which have indicated that the groundwater basin, and especially the Nipomo Mesa Hydrologic Subarea, will not be in a state of overdraft before the year 2000, (see studies 1, 2, 3, and 4 on Exhibit "B" attached hereto) and that the District could rely upon existing wells, and additional new wells in the hydrologic subarea, to provide adequate water supplies for services within the existing District boundaries, as well as service for new territories annexed to the District; and

WHEREAS, as previously stated in Ordinance No. 87-51, recent 1986 and 1987 County studies suddenly report that at least the Nipomo Mesa portion of the local coastal aquifers is in a current state of overdraft, (see studies 5, 6, and 7 on Exhibit "B" attached hereto) which will probably get worse each succeeding year; and

WHEREAS, the conclusion concerning ground water overdraft is now included in the proposed update of the South County General Plan; and

WHEREAS, as previously stated in Ordinance No. 87-51, groundwater law in California is unclear regarding the rights of a public District water agency to additional groundwater supplies (or even its right to the full capacity of its current wells) after the underlying basin enters an overdraft condition, and as a result, such legal issues may restrict the District's ability to provide water service to the full buildout authorized by the current South County General Plan or the proposed update of that plan, and

WHEREAS, this District currently is processing requests for water service to about 1,000 proposed dwellings within the District, and

WHEREAS, request for water service to new territory annexed to the District could only be served from the now uncertain water supply, and

WHEREAS, this Board finds and declares that its primary obligation is to provide water service first to the residents and property owners now within the District, and

WHEREAS, this Board finds and declares that it is reasonable and prudent to prohibit further annexations to the District until existing and future water entitlements are better assured for District purposes:

WHEREAS, this Board finds and declares that no meaningful public purpose would be served by the annexation of any additional territory to the District until existing and future water supplies and entitlements are better assured for District purposes.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Nipomo Community Services District as follows:

1. Notwithstanding any other District ordinances, policies or regulations to the contrary, the District will not accept or process any applications for annexations to the District, and will not approve any such annexations, unless and until the District is assured of adequate water supplies to first provide full water service to properties now within the District.
2. The President of the Board shall establish and appoint a two member standing subcommittee of the Board which shall meet periodically to review the District's water supply situation, and shall report to the Board concerning such situation.
3. This Ordinance shall expire and be of no further force or effect on and after July 1, 1991, unless further extended by subsequent Board action after a duly noticed public hearing. Of course, the Board reserves the power to amend or repeal this Ordinance at any time.

4. Until expiration of this Ordinance, the future determination that the District is assured of adequate water supplies shall only be made by this District's Board of Directors, acting in the majority, to modify, amend or rescind this Ordinance.

ORDINANCE ADOPTION


This Ordinance shall be in full force and effect thirty (30) days after its final adoption. Before the expiration of fifteen (15) days after the adoption of this Ordinance, it shall be published in full in a newspaper of general circulation in San Luis Obispo County widely distributed in Nipomo. The publication shall include the names of each of the Directors voting for and against said Ordinance.

INTRODUCED at an Adjourned Meeting of the Board of Directors held on May 10, 1989, on the motion of Director Manriquez, seconded by Director Small and on the following roll call vote, to wit:


AYES: Directors Manriquez, Small, Zigler, Haslam

NOES: None

ABSENT: None

  
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Barbara K. T. Haslam, President  
Nipomo Community Services District

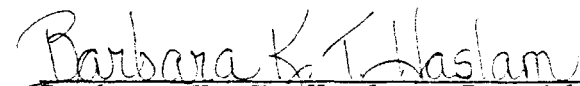
ATTEST:

  
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Joyce Chudoba


PASSED AND ADOPTED at an Adjourned Meeting of the Board of Directors held on May 24, 1989, and on the on the motion of Director Manriquez, seconded by Director Small, and on the following roll call vote, to wit:

AYES: Directors Manriquez, Small, Zigler, Haslam

NOES: None ABSENT: None

  
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Barbara K. T. Haslam, President  
Nipomo Community Services District

ATTEST:

  
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Joyce Chudoba  
Secretary