

## **NCSD rejects water service moratorium**

By Mike Hodgson/Associate Editor

A moratorium on intent-to-serve letters that would effectively halt development was rejected on a 3-2 vote Wednesday by the Nipomo Community Services District board of directors.

Director Ed Eby asked the board to consider developing an ordinance that would halt the issuance of intent-to-serve letters at least until an agreement is in place to buy supplemental water from Santa Maria and the land and rights of way are acquired for the necessary pipeline.

He said the district could be out of water in 12 years, and could experience sea-water intrusion into the groundwater basin before that.

Eby said it isn't fair for NCSD to ask its customers to conserve water and to fund the costs of supplemental water without the district showing an effort to cut water use by restricting new customers.

"I think it's irresponsible of us to continue commitments to new customers when we don't know when we will run out of water for our existing customers," Eby said.

Intent-to-serve letters are agreements by NCSD to serve new homes and businesses with water if certain conditions are met by the developer. They are different from will-serve letters, which are issued later as a commitment to serve a property.

The moratorium was generally supported by the few audience members who spoke, although one developer worried about what a moratorium would do to an already struggling construction industry.

"You have a responsibility to see that people here are taken care of as far as water goes," said El-Jay Hansson of rural Arroyo Grande, who noted she and her neighbors would experience sea-water intrusion before NCSD customers.

Istar Holliday agreed: "Rationally, this is what you need to do to protect customers."

Gordon Gracia of Nipomo said the district should not handicap a small area and instead should get the rest of the county and other jurisdictions to go along with a moratorium.

But Nipomo resident and builder Greg Nester said when the district talks about a moratorium, it's talking about affecting people like himself, noting he employs 31 subcontractors.

"Don't take a healthy business and run it into the ground," he said.

He suggested a conditional intent-to-serve letter that would allow builders to proceed through the two-to three-year process of approval at the county level up to a certain threshold.

But Eby was concerned a conditional intent-to-serve letter would "give false hope" to developers and prompt unwise investments.

Only Director Cliff Trotter supported the moratorium.

“I think the time has come to back off from commitments” to provide water, he said.

But Director James Harrison said a moratorium would be “short-sighted” and “premature.” He said the emergency water conservation ordinance now being considered is where the issue should be addressed.

That ordinance would bring a halt to issuing intent-to-serve letters when the amount of water in the aquifer triggers a Level 2 shortage, which the district may already be experiencing.

General manager Bruce Buel noted that to enact a moratorium, the board would have to find that current demands could not be met without depleting the water supply, leaving an insufficient amount for drinking, sanitation and fire protection.

“There is firm evidence the water table is in trouble,” said board President Mike Winn. “The question is not should we have a moratorium but how to get there without exposing ourselves to litigation.... I don't think we have the authority to do that today.”

But he said the emergency water shortage regulations would do that.

“I think that gets us to a moratorium in a way that is very legally defensible,” he said.

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