

Harold Snyder
P.O. Box 926
Nipomo, CA 93444
(805) 929-2455 H

May 12, 2008

Nipomo Community Services District
148 Wilson Street
P.O. Box 326
Nipomo, CA 93444

(805) 929-1133 Phone
(805) 929-1932 Fax

Dear Bruce Buel:

I am requesting a copy of the signed resolution that was approved by the board on February 28, 2007 under agenda item E-3 supporting the Certification of level of serverity III by the SLO county Board of Supervisors.

Attached is the draft resolution provided in the board packet.

I am requesting a copy of the one with the actual signatures.

Resolution # 2008 - 1070
Resolution # 2007 - 1007

Thank You



Harold Snyder

Received
Thanks


RECEIVED
MAY 12 2008
NIPOMO COMMUNITY
SERVICES DISTRICT

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 13813
DATE: FEBRUARY 23, 2007

**AGENDA ITEM
E-3
FEB. 28, 2007**

SUPPORT LOS III DESIGNATION FOR NIPOMO MESA WATER SUPPLY

ITEM

Support Level of Severity III designation for Nipomo Mesa Management Area by SLO County Board of Supervisors [ADOPT RESOLUTION].

BACKGROUND

The SLO County Board of Supervisors on January 23, 2007 directed Count Staff to schedule a Board Hearing to consider certifying that water supply for the Nipomo Mesa Management Area (NMMA) is at a Level of Severity III within 120 days with prior review by the WRAC and the Planning Commission. Attached is a draft Resolution that supports this certification.

RECOMMENDATION

Staff believes that certification of LOS III for the NMMA is the valid descriptor of actual conditions and that such a designation underscores the importance of developing supplemental supply. Staff recommends that your Honorable Board consider adopting the attached resolution with or without edits and ordering forwarding the final resolution to the WRAC, the Planning Commission, and the Board of Supervisors.

ATTACHMENTS –

- DRAFT RESOLUTION

T:\doc\board matters\board meetings\board letter 2007\RMS Recommendation

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2007-
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
SUPPORTING THE CERTIFICATION OF A LEVEL OF SEVERITY III DESIGNATION
FOR THE NIPOMO MESA MANAGEMENT AREA**

WHEREAS, District has reviewed and has on file at the District office a report titled "*Nipomo Mesa Groundwater Resource Capacity Study, San Luis Obispo, California*" prepared by S.S. Papadopoulos, Inc. for the San Luis Obispo County Board of Supervisors. That report included following opinions and findings:

1. That groundwater pumping in the Nipomo Mesa area is in excess of the dependable yield. Since current and projected pumping beneath Nipomo Mesa exceeds inflow (natural recharge plus subsurface inflow), the Nipomo Mesa portion of the Santa Maria Groundwater Basin is currently in overdraft and projections of future demand indicate increasing overdraft.
2. DWR's findings for groundwater beneath the Nipomo Mesa Area are consistent with the County's Resource Management System Water Supply Criterion, Level of Severity III—existing demand equals or exceeds the dependable supply.
3. Management response to these findings could include increased use of recycled water, increased importation of supplemental water, implementation of additional conservation measures, and appropriate limits on development; and

WHEREAS, the District has reviewed and has on file a report titled Resource Capacity Study Water Supply Nipomo Mesa Area August 2004, prepared by the San Luis Obispo County Department of Planning and Building. Said report confirms that current water demand presently equals or exceeds the dependable yield of the Groundwater Basin and further concludes that in order to address the projected deficits a combination of conservation and additional supply totaling four thousand two hundred forty-nine (4,249) afy should be in place by the year 2010; and

WHEREAS, the District has reviewed and has on file the County of San Luis Obispo Environmental Impact Report ("EIR") for the Summit Station Land Use Ordinance Amendment ("LUO") where the County concludes that the additional draw of one hundred eleven (111) afy per year from the Groundwater Basin creates a cumulative, significant, unmitigable, unavoidable adverse impact on water resources; and

WHEREAS, the Local Agency Formation Commission ("LAFCO") adopted Mitigation Measure W-2 from the Final Program EIR, regarding annexation within the District's Sphere of Influence as follows:

Mitigation W-2: *Prior to approval by LAFCO of any annexation, the District shall complete negotiations for a supplemental water source outside the Nipomo Hydrologic Sub-Area and provide documentation that an agreement is in place to deliver such water by January 1, 2009. Documentation shall be consistent with Section 5, Step Two, Documenting Supply, of the SB610 Guidebook dated October 8, 2003. A Registered Professional Engineer specializing in water planning shall review and certify such documentation; and*

WHEREAS, resource protection goals of the South County Area Plan, Inland Area, include:

RESOURCE PROTECTION GOALS

Environment

1. *Maintain and protect a living environment that is safe, healthful and pleasant for all residents by conserving non-renewable resources and replenishing renewable resources.*
2. *Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.*

Population

6. *Provide for a sustainable rate of orderly development within the planned capacities of resources and services and the county's and citizens' financial ability to provide them.*

Public Services and Facilities

15. *Provide additional public resources, services and facilities to serve existing communities in sufficient time to avoid overburdening existing resources, services and facilities.*
16. *Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service areas.*
17. *Finance the cost of additional services and facilities from those who benefit by providing for dedications, in-lieu fees or exactions, and*

WHEREAS, based on the above recitals, NCSD believes that a Level of Severity III designation accurately describes the status of water supplies for the Nipomo Mesa Management Area and that such a designation underscores the importance of developing supplemental water.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District, as follows:

1. The Nipomo Community Services District Board of Directors expresses its support for adoption by the County of San Luis Obispo of a certification that water supply for the Nipomo Mesa Management Area (NMMA) are at a Level of Severity III (LOS III).
2. The Nipomo Community Services District Board of Directors urges the SLO County Water Resources Advisory Committee and the SLO County Planning Commission to recommend that the Board of Supervisors certify the LOS III designation for water supply for the NMMA.
3. The Nipomo Community Services District Board of Directors urges the SLO County Board of Supervisors to certify that water supply for the NMMA is at a LOS III.

Upon motion by Director _____, seconded by Director _____ on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby passed and adopted this ____ day of February, 2007.

ATTEST:

MICHAEL WINN,
President of the Board of Directors
APPROVED:

DONNA K. JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel

NIPOMO COMMUNITY



SERVICES DISTRICT

BOARD MEMBERS

MICHAEL WINN, **PRESIDENT**
JAMES HARRISON, **VICE PRESIDENT**
CLIFFORD TROTTER, **DIRECTOR**
ED EBY, **DIRECTOR**
LARRY VIERHEILIG, **DIRECTOR**

STAFF

BRUCE BUEL, **GENERAL MANAGER**
LISA BOGNUDA, **ASSISTANT GENERAL MANAGER**
JON SEITZ, **GENERAL COUNSEL**

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: NCSD.CA.GOV

May 22, 2008

Mr. Harold Snyder
P. O. Box 926
Nipomo, CA 93444

SUBJECT: MARCH 12, 2008 PUBLIC RECORDS REQUEST RE RESOLUTIONS


Dear Mr. Snyder,

You have requested a copy of NCSD's Resolutions 2007-1007 and 2008-1070. Attached please find a copy of the requested materials.

If you have any questions, please don't hesitate to call me.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Bruce Buel
General Manager

CC: Public Records Request File
Chronological File

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**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2007-1007**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
SUPPORTING THE CERTIFICATION OF A LEVEL OF SEVERITY III DESIGNATION
FOR THE NIPOMO MESA MANAGEMENT AREA**

WHEREAS, the San Luis Obispo County Board of Supervisors, on January 23, 2007, designated Water Supply for the Nipomo Mesa as a Level of Severity III in the 2006 Annual Resources Summary Report; and

WHEREAS, the adopted 2006 Annual Resources Summary Report correctly observes that the County adopted Planning Area Standards for the Nipomo Mesa Area in May 2006 including water conservation standards that require new development to incorporate specific water conservation features and make provision of supplemental water a condition of general plan amendments; and

WHEREAS, the adopted 2006 Annual Resources Summary Report confirms that at this time the Board of Supervisors believes that a building moratorium is not an appropriate action for the Nipomo Mesa Area; and

WHEREAS, the District has reviewed and has on file a report titled Resource Capacity Study Water Supply Nipomo Mesa Area August 2004, prepared by the San Luis Obispo County Department of Planning and Building. Said report confirms that current water demand presently equals or exceeds the dependable yield of the Groundwater Basin and further concludes that in order to address the projected deficits a combination of conservation and additional supply totaling four thousand two hundred forty-nine (4,249) afy should be in place by the year 2010; and

WHEREAS, the District has reviewed and has on file the County of San Luis Obispo Environmental Impact Report ("EIR") for the Summit Station Land Use Ordinance Amendment ("LUO") where the County concludes that the additional draw of one hundred eleven (111) afy per year from the Groundwater Basin creates a cumulative, significant, unmitigable, unavoidable adverse impact on water resources; and

WHEREAS, the District has reviewed and has on file at the District office a report titled "*Nipomo Mesa Groundwater Resource Capacity Study, San Luis Obispo, California*" prepared by S.S. Papadopoulos, Inc. for the San Luis Obispo County Board of Supervisors. That report concluded that: (1) Groundwater pumping in the Nipomo Mesa area is in excess of the dependable yield, (2) DWR's findings for groundwater beneath the Nipomo Mesa Area are consistent with the County's Resource Management System Water Supply Criterion, Level of Severity III—existing demand equals or exceeds the dependable supply, and (3) Management response to these findings could include increased use of recycled water, increased importation of supplemental water, implementation of additional conservation measures, and appropriate limits on development; and

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2007-1007

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
SUPPORTING THE CERTIFICATION OF A LEVEL OF SEVERITY III DESIGNATION FOR
THE NIPOMO MESA MANAGEMENT AREA

WHEREAS, resource protection goals of the South County Area Plan, Inland Area, include:

RESOURCE PROTECTION GOALS

Environment

1. *Maintain and protect a living environment that is safe, healthful and pleasant for all residents by conserving non-renewable resources and replenishing renewable resources.*
2. *Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.*

Population

6. *Provide for a sustainable rate of orderly development within the planned capacities of resources and services and the county's and citizens' financial ability to provide them.*

Public Services and Facilities

15. *Provide additional public resources, services and facilities to serve existing communities in sufficient time to avoid overburdening existing resources, services and facilities.*
16. *Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service areas.*
17. *Finance the cost of additional services and facilities from those who benefit by providing for dedications, in-lieu fees or exactions, and*

WHEREAS, the District has reviewed and has on file a report titled "Groundwater in Storage Underneath the Nipomo Mesa Management as of April 2006" by SAIC, which opines that the volume of groundwater in storage underneath the Nipomo Mesa Management Area decreased by 3,000 acre feet in April 2000 to April 2006; and

WHEREAS, the Local Agency Formation Commission ("LAFCO") adopted Mitigation Measure W-2 from the certified Final Program EIR, regarding annexation within the District's Sphere of Influence as follows:

Mitigation W-2: *Prior to approval by LAFCO of any annexation, the District shall complete negotiations for a supplemental water source outside the Nipomo Hydrologic Sub-Area and provide documentation that an agreement is in place to deliver such water by January 1, 2009. Documentation shall be consistent with Section 5, Step Two, Documenting Supply, of the SB610 Guidebook dated October 8, 2003. A Registered Professional Engineer specializing in water planning shall review and certify such documentation; and*

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2007-1007

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
SUPPORTING THE CERTIFICATION OF A LEVEL OF SEVERITY III DESIGNATION FOR
THE NIPOMO MESA MANAGEMENT AREA

WHEREAS, based on the above recitals, NCSD believes that a Level of Severity III designation accurately describes the status of water supplies for the Nipomo Mesa Management Area and that such a designation underscores the importance of developing supplemental water.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District, as follows:

1. The Nipomo Community Services District Board of Directors expresses its support for adoption by the County of San Luis Obispo of a certification that water supply for the Nipomo Mesa Management Area (NMMA) is at a Level of Severity III (LOS III).
2. The Nipomo Community Services District Board of Directors urges the SLO County Water Resources Advisory Committee and the SLO County Planning Commission to recommend that the Board of Supervisors certify the LOS III designation for water supply for the NMMA.
3. The Nipomo Community Services District Board of Directors urges the SLO County Board of Supervisors to certify that water supply for the NMMA is at a LOS III.

Upon motion by Director Eby, seconded by Director Trotter on the following roll call vote, to wit:

AYES: Directors Eby, Trotter, Harrison, Vierheilig and Winn

NOES: None

ABSENT: None

ABSTAIN: None

the foregoing resolution is hereby passed and adopted this 14th day of March, 2007.



MICHAEL WINN,
President of the Board of Directors

ATTEST:



DONNA K. JOHNSON
Secretary to the Board

APPROVED:



JON S. SEITZ
District Legal Counsel

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**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2008-1070**

**AN RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
SUSPENDING APPLICATIONS FOR
INTENT-TO-SERVE LETTERS FOR WATER SERVICE**

WHEREAS, the Nipomo Community Services District's ("District") current water supply is groundwater extracted primarily from the Nipomo Mesa Management Area (NMMA), (also referred to as the Nipomo Water Conservation Area by the County of San Luis Obispo), of the Santa Maria Groundwater Basin. A small proportion of NCSD's water is pumped from groundwater in the Nipomo Valley; and

WHEREAS, the District is in receipt of Science Application International Corporation's ("SAIC") October 9, 2006 Draft Technical Memorandum that estimates that the volume of groundwater underlying the NMMA in storage above sea level was reduced by approximately three thousand (3,000) acre feet between April of 2000 and April of 2006 (approximately 500 acre feet per year); and

WHEREAS, the District is in receipt of SAIC's May 29, 2007 Draft Technical Memorandum that estimates that the volume of groundwater underlying the NMMA in storage above sea level was reduced by approximately twelve thousand acre feet (12,000 AF) between April, 2006 and April, 2007; and

WHEREAS, SAIC has been directed to calculate and report, to the District, the Spring 2008 volume of groundwater underlying the NMMA in storage above sea level (Spring SAIC Report); and

WHEREAS, the San Luis Obispo County Board of Supervisors ("County") in June 2007, certified the Nipomo Water Conservation Area as a Severity Level III, meaning that existing water demand equals or exceeds the dependable supply; and

WHEREAS, District Code §3.28.020 provides:

"all intent-to-serve letters shall be based on findings that sufficient excess water and sewer capacity exists to serve the project"; and

WHEREAS, the District Board of Directors, at a public meeting, on March 12, 2008, considered the Staff Report, and public testimony regarding the temporary suspension of Intent-to-Serve Letters; and

WHEREAS, the District Board of Directors finds that it is unable to make the findings required by District Code §3.28.020, "that sufficient excess water ----" exists to serve new projects, until such time as the District has received and evaluated the Spring SAIC Report; and

WHEREAS, based on the Staff Report, Staff presentation, and public comment, the District Board of Directors further finds this Resolution is adopted for the protection of the health, safety and welfare of District water customers who depend on the NMMA as its source of water supply.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the Board of Directors of the District as follows:

Section 1. Suspension of Intent-to-Serve Letters for Water Service

Applications for Intent-to-Serve letters for District water service, that increase the net demand on the groundwater basin are hereby suspended.

RESOLUTION NO. 2008-1070
AN RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
SUSPENDING APPLICATIONS FOR
INTENT-TO-SERVE LETTERS FOR WATER SERVICE

Section 2. Applications

Applications for Intent-to-Serve letters that increase the demand on the groundwater basin will be received and filed by District Staff. Application fees are suspended until further order of the Board of Directors.

Section 3. Reconsideration

The District Board shall reconsider the suspension of Intent-to-Serve letters after the receipt and evaluation of the Spring SAIC Report.

Section 4. Effective Date

This Resolution shall take effect immediately and, without further order of the Board of Directors, shall automatically terminate on July 1, 2008.

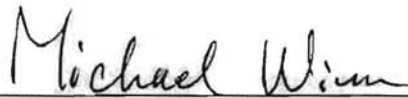
Section 5. Incorporation of Recitals

The Recitals are true and correct and incorporated herein by this reference. The Recitals and referenced reports and studies contained therein constitute and support the findings of the District in support of this Resolution.

Upon the motion of Director Eby, seconded by Director Trotter, and on the following roll call vote, to wit:

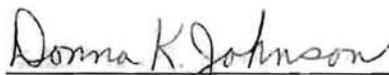
AYES: Directors Eby, Trotter, Vierheilg, and Winn
NOES: Director Harrison
ABSENT: None
CONFLICTS: None

the foregoing resolution is hereby adopted this 12th day of March, 2008.



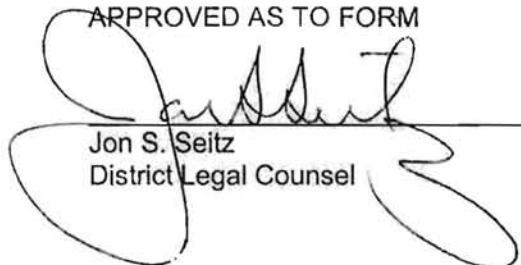
Michael Winn, President
Nipomo Community Services District
Board of Directors

ATTEST:



Donna K. Johnson
Secretary to the Board

APPROVED AS TO FORM



Jon S. Seitz
District Legal Counsel

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