

RESOLUTION NO. 2010-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONSIDERING AN ENVIRONMENTAL IMPACT REPORT (EIR) AND ADDENDUM, APPROVING MITIGATION MEASURES, MAKING FINDINGS, AND ORDERING THAT A NOTICE OF DETERMINATION BE FILED FOR THE NIPOMO COMMUNITY SERVICES DISTRICT WATER SUPPLY PROJECT (STATE CLEARINGHOUSE NUMBER 2005071114), INCLUDING WHOLESALE WATER SUPPLY AND CONSISTENCY REVIEW AGREEMENTS WITH THE DISTRICT

WHEREAS, the City of Santa Maria, in coordination with the Nipomo Community Services District, proposes to carry out a project in which its water system would tie in with the District's for the purpose of supplying water to the District according to the terms of a Wholesale Water Supply Agreement; and

WHEREAS, the provisions of the California Environmental Quality Act of 1970 (CEQA), Public Resources Code Sections 21000 et. seq., as amended, require the evaluation of environmental impacts of discretionary projects; and

WHEREAS, an Environmental Impact Report (EIR), was prepared for the Project, the required notices were published and the EIR was circulated for public review, sent to every responsible agency with jurisdiction over the Project and placed in a public location; and

WHEREAS, on April 22, 2009, the Nipomo Community Services District certified the final EIR for the Project, making findings as required by Section 15091 and 15093 of the Guidelines (California Code of Regulations Title 14, Sections 15000-15387) and adopting a Mitigation Monitoring Program (collectively Exhibit "A," attached hereto and incorporated); and

WHEREAS, the City of Santa Maria is a responsible agency for the Project, in that the City has jurisdiction to approve an agreement to supply supplemental water to the District and certain improvements to facilitate water delivery are proposed for construction within the City limits; and

WHEREAS, the City Council of the City of Santa Maria held regularly scheduled hearings on December 1 and 15, 2009, and January 5, 2010, for the purpose of considering the EIR prepared for the Project by the Nipomo Community Services District; and

WHEREAS, at the completion of the January 5, 2010, hearing, the City Council duly considered the final EIR, the addendum, and all evidence presented at the hearings;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Santa Maria, California, as follows:

SECTION 1. The above findings are true.

SECTION 2. That the City Council has considered the document entitled "Final EIR for the Nipomo Community Services District Waterline Intertie Project (State Clearinghouse number 2005071114)" and the environmental effects of the Project as shown in the Final EIR.

SECTION 3. That the City Council, in considering the Final EIR, has also considered the mitigation measures and the nine potential project alternatives set out in the EIR.

SECTION 4. That the City Council has further considered Exhibit "A" (attached hereto and hereby incorporated): the findings, statement of overriding considerations and mitigation monitoring program approved by the District.

SECTION 5. That the City Council has caused preparation of, and has considered, an Addendum to the EIR; that Addendum among other things provides expert analysis in response to concerns raised by San Luis Obispo Coastkeeper.

SECTION 6. Pursuant to Section 15091(a)(2) of the Guidelines (California Code of Regulations Title 14, Sections 15000-15387) and based on:

- 1) a 2004 Memorandum of Understanding between the District and the City;
- 2) Chapter V of the EIR; and
- 3) the mitigation monitoring program adopted by the District;

that the City Council has no jurisdiction or responsibility to implement mitigation measures for the Project; instead, legal responsibility and jurisdiction to monitor and implement mitigation measures belongs to other public agencies; further, that the District has made the changes, imposed the feasible mitigation, made the overriding findings, and applied the mitigation monitoring for all significant environmental effects of the Project.

SECTION 7 That based on the above and Exhibit "B," attached hereto and incorporated, the City Council makes the findings required by Section 15091 and 15093 of the Guidelines.

SECTION 8 That the City Council has reviewed and approves the Mitigation Monitoring Program adopted by the Nipomo Community Services District (the final 16 pages of Exhibit "A"), and will cooperate with the District in mitigation monitoring if requested by the District.

SECTION 9 The records of these proceedings are located in the Utilities Department of the City of Santa Maria.

SECTION 10 The City Clerk is directed to file the Notice of Determination.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Santa Maria held this 5th day of January, 2010.

ATTEST:

Chief Deputy City Clerk

Mayor

APPROVED AS TO FORM:

BY: Wendy Stokerson

Asst. CITY ATTORNEY

CONTENTS

BY: A. B. L.

DEPARTMENT HEAD

BY: T. L. V.
CITY MANAGER