

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2016-1413**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CERTIFYING THE NIPOMO
SUPPLEMENTAL WATER PROJECT MEETS THE COUNTY OF SAN LUIS OBISPO'S
ORDINANCE NO. 3307, AN AMENDMENT TO TITLE 19 BUILDING AND
CONSTRUCTION ORDINANCE, AS IT RELATES TO WATER CONSERVATION IN THE
NIPOMO MESA WATER CONSERVATION AREA**

WHEREAS, the Nipomo Community Services District ("District") is formed under the Community Services District Law (Govt. Code §61100 et seq.); and

WHEREAS, one of the powers of the District is to provide water service within the District's water service area pursuant to Govt. Code §61100(a) of the Community Services District Law; and

WHEREAS, the District is a party to groundwater adjudication, *Santa Maria's Valley Water Conservation District v. City of Santa Maria, et al., Case No. CV770219* ("Groundwater Litigation"); and

WHEREAS, the District's current water supply is groundwater extracted from the Nipomo Mesa Management Area (NMMA) as established by the court in the Santa Maria Groundwater Litigation (also referred to as the Nipomo Mesa Water Conservation Area (NMWCA) by the County of San Luis Obispo, pursuant to County Ordinance 3090), of the Santa Maria Groundwater Basin; and

WHEREAS, on May 20, 2015, pursuant to § VI D(1) of the 2005 Stipulation as incorporated into the January 25, 2008 Final Judgment in the Groundwater Litigation, the Nipomo Mesa Management Area Technical Group declared that Severe Water Shortage conditions exist within the Nipomo Mesa Management Area; and

WHEREAS, the San Luis Obispo County Department of Planning and Building's 2004 Resource Capacity Study for the Water Supply in the Nipomo Mesa Area recommended a Level of Severity III (existing demand equals or exceeds dependable supply) be certified for the Nipomo Mesa Area and that measures be implemented to lessen adverse impacts of future development (said Study and referenced documents are incorporated herein by reference); and

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

WHEREAS, the resource protection goals of the San Luis Obispo County South County Area Plan includes the following:

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
- 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 levels; and

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WHEREAS, the San Luis Obispo County Board of Supervisors passed Ordinance No. 3307 on October 27, 2015, amending Title 19 of the San Luis Obispo County Code, the Building and Construction Ordinance, by amending section 19.07.042 relating to water conservation in the Nipomo Mesa Water Conservation Area; and

WHEREAS, the water conservation provisions in 19.07.042 requirements apply to all installations and, where specifically required, to existing structures; and

WHEREAS, subsection (d) of Ordinance No. 3307 applies to all new development in the Nipomo Mesa Water Conservation Area, and further, subsection (3) requires that all new development must meet a 1:1 ratio water offset program; and

WHEREAS, 19.07.042(d)(3)(iii) of Ordinance 3307 provides, for areas serviced by Community Service Districts, that Community Service Districts may certify that equivalent water use has been offset through an approved program or project; and

WHEREAS, the District is constructing a supplemental water project to increase its available water supply and meet the District's share of the court ordered commitment to bring a minimum of 2,500 AFY of supplemental water to the Nipomo Mesa Management Area (NMMA); and

WHEREAS, the District's supplemental water project includes a 500 AFY capacity reservation for new development within the District's existing boundaries consistent with the court order requirements that all new urban water demand within the NMMA be met with new developed water; and

WHEREAS, the Board of Directors for the Nipomo Community Service District passed Resolution 2015-1371 adopting a Supplemental Water Accounting Policy; and

WHEREAS, the purpose of the Supplemental Water Accounting Policy is to account for water reserved for all new development within the District against the 500 AFY supplemental water project capacity to ensure that the District does not over reserve or under reserve water for future development; and

WHEREAS, the Supplemental Water Accounting Policy will allow the District to track when it is getting close to fully accounting for and reserving the 500 AFY of supplemental water so that the District can plan for acquiring additional supplies; and

WHEREAS, the policy shall apply to all new development applications initiated or renewed after January 25, 2008; and

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

1. The above recitation of facts and findings is true and correct and incorporated herein.
2. Certifies that equivalent water use has been offset for new development through the construction of Phase 1 of the Nipomo Supplemental Water Project.
3. The Supplemental Water Accounting Policy provides an accounting program that allocates and accounts for 500 acre feet of supplemental water capacity reservation dedicated to meet the needs of new development.

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

AYES: Directors Armstrong, Woodson, and Blair
NOES: None
ABSENT: Directors Gaddis and Eby
CONFLICTS: None


the foregoing resolution is hereby passed and adopted this 25th day of May, 2016.


CRAIG ARMSTRONG
President of the Board

ATTEST:


MARIO E. IGLESIAS
Secretary to the Board

APPROVED:


MICHAEL W. SEITZ
District Legal Counsel