

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: April 1, 2003
Department Name: Planning & Development
Department No.: 053
Agenda Date: April 8, 2003
Placement: Departmental
Estimate Time: 1 hour 30 minutes
Continued Item: NO
If Yes, date from: G:\GROUP\Permitting\casefiles\APL\2000s\
02cases\02APL-00018\Boardlet8.doc

TO: Board of Supervisors

FROM: Steven L. DeCamp
Deputy Director, Development Review Division - North County

STAFF

CONTACT: **John Zorovich, Planner III, 934-6297**
Brian R. Baca, Engineering Geologist, 568-2004

SUBJECT: **Harp Springs - 98-DP-017, TM 14,478, 02APL-00000-00018**

Recommendation(s):

That the Board of Supervisors consider the appeal of Jeff Hopson, confirm the Planning Commission's approval of May 8, 2002 and take the following actions on the above referenced project:

1. Approve the Addendum, as revised by this April 1, 2003 Board Letter, to Environmental Impact Report 95-EIR-01, and find that together with 95-EIR-01 it is adequate to comply with the requirements for environmental review of the project;
2. Adopt the required findings, as revised by this April 1, 2003 Board letter, for the project specified in the Planning Commission action letter dated May 17, 2002;
3. Approve TM 14,478 and 98-DP-017 subject to the conditions included in the Planning Commission action letter dated May 17, 2002, as revised by the Board of Supervisors.
4. Adopt the mitigation monitoring and reporting plan contained within the conditions of approval.
5. Approve road naming, 98-RN-010, to name the public roadways Hollysprings Lane and Cosima Court.
6. Deny the appeal of Jeff Hopson.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or routine business necessity.

Executive Summary and Discussion:

This item was continued from the March 11, 2003 Board of Supervisors hearing. At that hearing, the Board took public testimony and continued the hearing to April 8, 2003. The Board directed staff to return with a recommendation on a long-term, firm, supplemental supply for the Harp Springs project. Staff has evaluated and found technically feasible the applicant's proposal to supply supplemental water

to development projects in the Orcutt area through a contract between the Southern California Water Company (Cal Cities) and the City of Santa Maria. A hearing has been set for April 8, 2003 for consideration of actions related to the "Monterey Amendments" litigation; therefore, no separate written memo is necessary as part of this hearing.

In addition to the water supply issue, your Board individually, but not collectively, expressed support at the December 10, 2002 Harp Springs hearing for the applicant's proposals to: 1) provide off-site affordable housing; 2) construct a regional retention basin on the Worsley property (APN # 103-200-067); and, 3) install a signal light at the Clark Avenue/Harp Road intersection. Board members also expressed support for the Fire Department's decision to waive the secondary emergency access requirement. The remainder of this report addresses other issues expressed during the public comment.

I. WATER

A. Proposed Supplemental Water Supply Solution

Since the February 11, 2003 hearing, Mr. Wells, along with Cal Cities have been in negotiations with the City of Santa Maria to obtain a portion of the City's SWP yield to serve future Orcutt development, including the Harp Springs project. On March 21, 2003, Cal Cities provided the County with a copy of the draft Supplemental Water Agreement (Attachment A) between the City of Santa Maria and the Southern California Water Company (Cal Cities). Under the terms of the agreement, Santa Maria will commit to the Orcutt area up to 400 acre-feet of Santa Maria yield of the SWP entitlement held by the City, or a portion of the historic groundwater rights to the Basin held by the City in accordance with the final judgement entered in Santa Maria Valley Water Conservation District v. City of Santa Maria, et al., Superior Court, County of Santa Clara, Case No CV 770214. In order to be consistent with OCP Policy WAT-O-2, the later source of water supply would become available only when the final judgement in the Basin adjudication is entered. According to the terms of the agreement, the City and Cal Cities would determine which of these sources would be dedicated to serve new development in the Orcutt Planning Area when both supplies are available.

B. City of Santa Maria's Water Supply and Demand

Supply:

The City of Santa Maria has two sources of water supply: pumpage from the Santa Maria Groundwater Basin and imported water obtained from the State Water Project (SWP). Each of these supply sources is described below. In addition, a discussion of the nature of return flows is also presented.

Groundwater:

Prior to the importation of SWP supplies, the City of Santa Maria pumped up to 12,388 AFY from the Santa Maria Groundwater Basin to serve the gross water demand of its customers. A substantial portion of this applied water, estimated to be 50-60 percent of demand, returned to the groundwater basin through recharge by the City's wastewater treatment system and infiltration to the basin as a result of inefficient landscape irrigation. Based on 50% return flows, the historic net pumpage (net consumptive use) of groundwater by the City of Santa Maria is estimated to be 6,194 AFY.

The historic level of City pumpage is claimed by the City of Santa Maria as a water right that should be recognized in the final judgment ultimately entered in the current basin adjudication litigation (Santa Maria Valley Water Conservation District v. City of Santa Maria, et al., Superior Court, County of Santa Clara, Case No CV 770214). Any water right acquired by the City of Santa Maria as part of the final judgment would be recognized by the County pursuant to Orcutt Community Plan policy WAT-O-2.

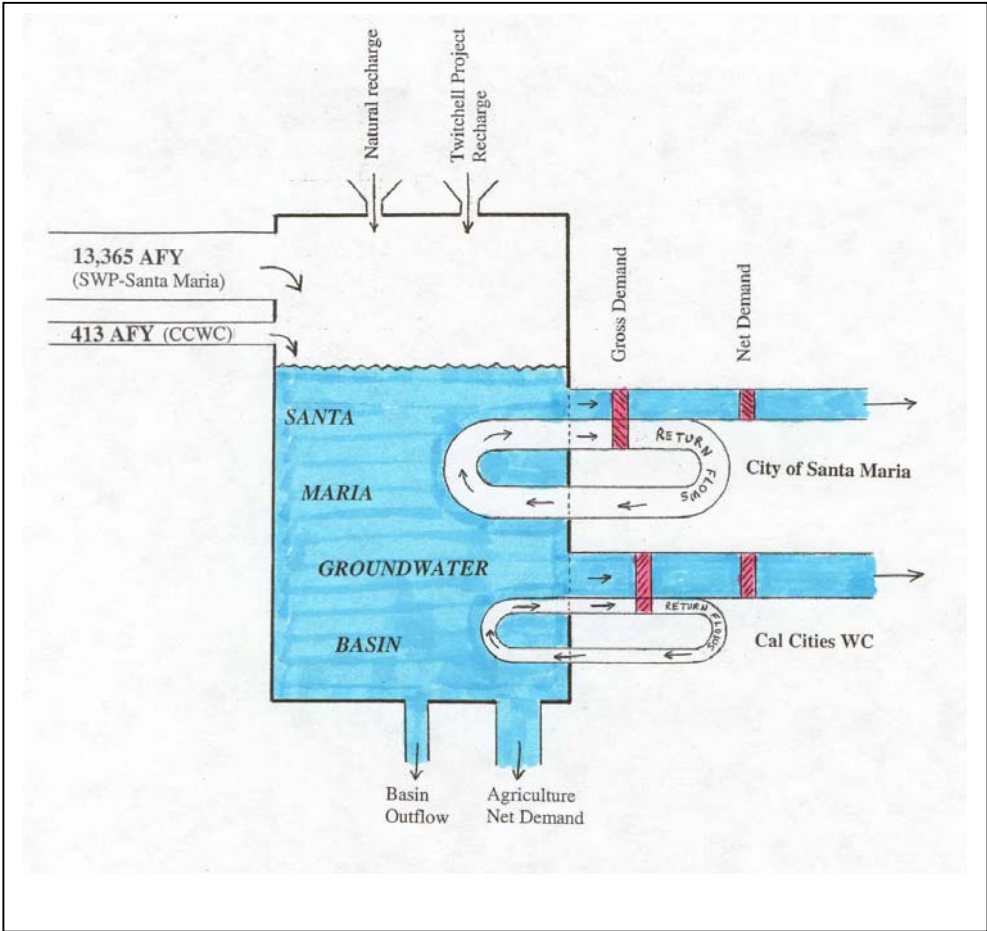
State Water Project:

The City of Santa Maria holds an entitlement to the State Water Project (SWP) of 17,820 AFY. The 17,820 AFY figure represents a proportional share of ownership in the SWP and the volume of water delivered to the City of Santa Maria in years when the SWP can achieve full deliveries. This figure is not, however, equivalent to the "yield" or long-term average annual water deliveries provided by the SWP system as it is currently configured. Based on the current California Department of Water Resources estimate of SWP reliability, the yield of the SWP is 75 percent of entitlement. Thus, the 17,820 AFY of entitlement held by the City of Santa Maria represents a yield or water supply of 13,365 AFY. The 13,365 AFY of water is the total addition (total mass) of water imported to the Santa Maria Groundwater Basin.

Return flows:

As discussed above, a substantial portion of the gross water demand (i.e. the volume of water that flows through customer meters), estimated to be 50-60 percent of demand, returns to the groundwater basin. These "return flows" result from artificial recharge accomplished at the City's wastewater treatment facilities, and infiltration to the basin due to inefficient landscape irrigation. These return flows (whether from SWP deliveries or groundwater pumpage) must be accounted for in the "supply" column in a supply/demand analysis when demand is reported in terms of the gross water demand. The return flow figure, however, does not represent a separate supply that can be assigned or committed to a new development project. The return flows by definition are associated with the ongoing demand of an existing customer or land use. The "return flow" portion of the volume of water delivered through a City meter is essentially continuously recycled through the existing land use and the groundwater basin to serve the ongoing portion of the gross water demand that is not lost to the basin. The basin model diagram provided below illustrates this situation.

Santa Maria Groundwater Basin Model



OCP Policy WAT-O-2 requires the use of supplemental water to support the “net water demand” of new development in the Orcutt Planning Area. Thus, for County planning purposes, return flows do not appear in supply/demand calculations.

Summary:

The net supply available to the City of Santa Maria includes the following:

State Water Project:	13,365 AFY
Groundwater:	<u>6,194 AFY</u>
Total:	19,559 AFY

Demand:

The City's Utility Plan Update, Water and Sewer Section (adopted in May 2002) projects a population of 118,400 in the year 2020. This projection assumes full build-out of the current general plan area for Santa Maria. Assuming that Santa Maria will continue to grow after 2020 at a rate of 1% per year, through year 2100, the total population of the City would be approximately 259,860. The annual net water demand for Santa Maria in the year 2100 would be approximately 17,026 acre-feet per year.

Long-term Supply/Demand Balance:

Based on the net water supply and demand estimates discussed above, and summarized in the table below, Santa Maria has over 2,500 acre-feet of supplies surplus to those needed to serve its anticipated long-term growth needs.

Santa Maria's Long-term Water Budget (net), Year 2100	
Long-term net Supply	19,559 acre-feet
Long-term net Demand	17,026 acre-feet
Surplus	2,533 acre-feet

C. Consistency with OCP Policy WAT-O-2

OCP Policy WAT-O-2 requires that the water demand associated with new development be offset by "long-term, firm supplemental water supplies that do not result in further overdraft" of the Basin. Since the adoption of the OCP, Cal Cities 550 AFY of SWP entitlement has been used to fulfill this requirement. The Supplemental Water Purchase Agreement (Agreement) extends this same approach to allow the Orcutt community to share the benefits of Santa Maria's SWP Entitlement. The Agreement does so by applying the same policy and conceptual approach to application of WAT-O-2 to Santa Maria's water supplies as has occurred with Cal Cities.

As discussed above, under the terms of the Agreement, Santa Maria would commit to the Orcutt area up to 400 acre-feet per year of Santa Maria SWP annual yield that are supplemental to Santa Maria's long-term needs. In practice, this means that the City of Santa Maria would not dedicate or assign that portion of its State Water Project yield to new development within the City service area. The City would use this water to serve existing development instead of utilizing groundwater. This would offset additional pumpage of the basin by the Cal Cities Water Company required to serve new development in the Orcutt area. With some minor modifications in contract language discussed below, staff recommends that with implementation of the Agreement, the Harps Springs project be found consistent with Policy WAT-O-2.

Review of Draft Supplemental Water Agreement:

Listed below are corrections and clarifications that staff recommends be included in the final contract document. In addition, an issue relevant to County land use permit processing is also discussed below.

Page 3, Section 4a: This section states that “the City shall determine whether it will make available Supplemental Water to Cal Cities for each Project based on the then current circumstances, on a case-by-case basis.” This clause essentially provides the City of Santa Maria with “veto” authority over development projects proposed within the Orcutt Planning Area. It is a policy determination by your Board as to whether this contract provision affects the adequacy of the Agreement to achieve consistency with OCP policy.

Page 3, Section 4c: The reference to “section 3(a)” appears incorrect and should be clarified in the final document.

Page 4, Section 4f: The reference to “section 3(a)” appears incorrect and should be clarified in the final document.

Page 6, Section 8d: The second sentence should read as follows: “This shall include the responsibility of the City, at its own expense, to import additional water supplies as required to ensure that ~~the Basin-wide~~ no further overdraft in the basin occurs...”

Page 9, Section 14: The reference in the first sentence to “section 2” appears incorrect and should be clarified in the final document. The third sentence is recommended to be modified for clarity as follows: “Furthermore, this agreement may be terminated, as it relates to water supplies not yet purchased, upon the occurrence of one of the ~~foregoing~~ following events.”

II. Traffic Signal at Harp Road and Clark Avenue

Considerable public testimony was provided at the hearings regarding traffic at the Harp Road/Clark Avenue intersection. At the December 10th hearing, the applicant agreed to pay for the installation of the signal light “above and beyond” his traffic impact mitigation fees. Subsequent to that hearing, the applicant has indicated to staff that what he meant by payment “above and beyond” his traffic mitigation fees is that the costs associated with signaling the Harp Road/Clark Avenue intersection would be credited toward his traffic impact mitigation fees. County staff, however, believes that at the December 10 hearing the applicant agreed to pay his traffic impact mitigation fees in addition to paying for the installation of the signal light. Public Works, Roads Division staff indicated at the September 10 and October 15, 2002 Board hearings that traffic generated by the project does not warrant signaling this intersection. Roads Division staff does not recommend signaling this intersection if the applicant is unwilling to pay for both the traffic impact mitigation fees and the signal light at the Harp Road/Clark Avenue intersection. Due to the controversial nature of this issue, staff believes it is important to receive explicit direction from your Board to ensure that the action taken is clear. Staff will have language available at the hearing to address different alternatives that the Board may choose to adopt.

III. CEQA REVIEW

Red Legged Frog and California Tiger Salamander

Public testimony provided during at the previous hearings for this project has suggested that the environmental document prepared for the project did not adequately address potential impacts to the

California Red Legged Frog and California Tiger Salamander on the Worsley property. Field Assessments for these two listed species were not conducted on the Worsley property because the location and design of the Basin was already approved by the County as part of the Jensen's Crossing/Cobblestone Creek project on March 1, 2000. The statute of limitations to challenge the adequacy of environmental document that was prepared for the Jensen's Crossing/Cobblestone Creek project has since expired.

Offsite Regional Retention Basin

Previous, public testimony has expressed that the regional retention basin is not an offsite improvement for the purposes of the Subdivision Map Act. Such an interpretation is incorrect. "Offsite" means off the property on which the project is located. The Harp Springs project, which is the subject of appeal, is located on Assessor Parcel Number 103-200-026. The Regional Retention Basin B is located on APN 103-200-067. Therefore, the Regional Retention Basin B is an offsite improvement.

Statement of Overriding Considerations

It has also been suggested that a new Statement of Overriding Considerations is necessary for approval of the Harp Springs project under the *Community for a Better Environment* case. That case invalidated CEQA Guidelines Section 15152 (f)(3)(c), which addresses program EIRs. The analysis for the Harp Springs project was site specific analysis. Therefore, the existing Statement of Overriding Considerations does not need to be readopted.

IV. OFFSITE PROPERTY ACQUISITION

Finally, Mr. Worsley and his attorney, Ms. Petrovich, raised several issues associated with the validity of condemnation proceedings against the Worsley property as a location for the Regional Retention Basin B. County Counsel will address this issue, in a separate memo to your Board.

V. REVISIONS TO PROJECT CONDITIONS OF APPROVAL, FINDING 2.3.4 AND THE ADDENDUM

In order to reflect Cal Cities proposal to serve the Harp Springs project with the surplus water supplies from the City of Santa Maria, staff proposes revisions to condition of approval #75, Final Development Plan Finding of Approval 2.3.4 and the Sections 1.0 and 5.16 of the Addendum entitled Introduction and Water Resources, respectively. Provided below are the suggested changes. Additions and deletions are depicted in underline and strikeout form, respectively.

A. Condition of Approval #75

Prior to map recordation, the applicant shall submit a Can & Will Serve Letter and final contract from the Southern California Water Company (Cal Cities) indicating compliance with OCP Policies WAT-O-2, WAT-O-5 and OCP Development Standards WAT-O-2.1 and WAT-O-2.3. Such compliance must demonstrate that this project in conjunction with other projects that have received final Can and Will Serve Letters from, or made contractual arrangements with, Cal Cities does not exceed the Cal Cities State Water safe yield purchased from the State Water Project and from the city of Santa Maria ~~entitlement~~ unless the County determines that the Santa Maria Groundwater Basin is not in an overdraft situation.

B. Final Development Plan Finding 2.3.4.

2.3.4 That there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project

Adequate public services exist, or will be available prior to recordation of the map. The Fire Department approves the design of the project subject to their conditions of approval included with Attachment B. ~~318-acre-feet of~~ supplemental water is available from the Cal Cities Water Company (CCWC) to serve the proposed project pursuant to a draft contract between CCWC and the City of Santa Maria, new development. A Can and Will Serve Letter and final contract indicating that the project will be served by either a long-term, firm, supplemental water supply or from the Santa Maria Groundwater Basin, if the Basin has been determined to be no longer in overdraft, or the use of the groundwater is consistent with the final water rights judgement in the Santa Maria Groundwater Basin adjudication from the water company is required prior to recordation of the map. Sewage disposal facilities (LCSD trunk line and capacity in LCSD treatment plant) are required to be in place prior to recordation of the map pursuant to the policies of the Orcutt Community Plan. A Letter of Intent to Serve has been received from the LCSD. Police protection has not been identified as a significant issue associated with the project.

C. Addendum Section 1.0 Introduction

Staff suggests the following amendments to Section 1.0 of the Addendum (page 1) to clarify that none of the circumstances described in Section 15162 of the State CEQA Guidelines have occurred.

This document has been prepared pursuant to Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15164 and is referred to as an Addendum to an EIR. ~~Although a Superior Court Case decision invalidated several sections of the CEQA Guidelines, this case has been appealed to the Court of Appeals. The out come is speculative at this time, therefore the Guidelines remain affective.~~ Where a community plan EIR has been certified and proposed development is consistent with the community plan, further environmental review is limited to effects upon the environment which are peculiar to the parcel or the project and which are not addressed as significant effects in the prior EIR. The OCP EIR evaluated consistency with locally adopted plans and policies (Section 3.0), and impacts associated with buildout under the Orcutt Community Plan, including detailed descriptions of the existing environmental setting (Section 4.0) and the analysis of cumulative impacts associated with buildout under the plan (Section 5.0). The OCP EIR identified significant cumulative impacts in the areas of biological resources, cultural resources, geology, agriculture, noise, aesthetics, polluting sources/risk of upset, water supply, traffic, air quality, public services, and recreation.

The applicant proposes development consistent with the land use and zoning adopted for the project site under the Orcutt Community Plan. This document is intended to identify minor changes to the project description analyze potentially significant impacts which may result from the project which were not analyzed at a parcel-specific level of detail and to identify mitigation measures developed as a part of the OCP EIR, as well as other measures, which are applicable to the project. This environmental document, together with the OCP EIR, will be used by the decision-makers in their consideration of the proposed project.

The purposes of an Initial Study, as stated in Section 15063 of the State Guidelines, ~~include identifying whether a Program EIR or tiering can be used for analysis of the project's~~

~~environmental effects~~, eliminating unnecessary EIRs, and determining whether a previously prepared EIR could be used with the project. The following Initial Study summarizes prior analysis of the project by 95-EIR-01 for the Orcutt Community Plan and Key Site 8. The Orcutt Community Plan EIR (95-EIR-01) is available for review at the Planning & Development Department, 624 West Foster Road, Suite C, Santa Maria, 93455. Section 15164 of the State CEQA Guidelines identifies the circumstances, which allow the preparation of an addendum to a previously certified EIR. As identified below none of the conditions described in Section 15162 of the State CEQA Guidelines have occurred. No new impacts were identified that were not previously analyzed in the site specific analysis, nor are there changed circumstances nor significant new information

D. Addendum, Section 5.16 Water Resources

Provided below are suggested revisions to pages 57-58, and page 60 of the Water Resources/Flooding section in the Addendum (Section 5.16) to reflect the current status of the Cal Cities SWP entitlement and the latest proposal by the applicant and Cal Cities to purchase additional supplemental water from the City of Santa Maria. Replacement pages to the entire Water Resources/Flooding section of the Addendum are included as Attachment B.

1. Water Resources Section of the Addendum, pages 57-58.

The only supplemental supply recognized by the County to date has been the State Water Project entitlement held by the California Cities Water Company (Cal Cities). This entitlement of 550 AFY is equivalent to 413 AFY of long-term average annual yield, according to the most recent analysis by the California Department of Water Resources. (Note: The Department of Water Resources announced last Fall that the SWP reliability factor has been adjusted from 79.4% to the 75%. This reduction equates to a reduction in the amount of SWP entitlement safe yield that Cal Cities has for Orcutt development from the previously noted 437 AFY to 413 AFY.)

The 413 AFY supplemental supply has been fully committed with none remaining to serve additional development in the Orcutt area or to serve approved development, which has not yet purchased water from Cal Cities and received land use clearance. Cal Cities, a private water company, has entered into contracts with owners of approved projects and other private parties that commit 426.3 AFY of the SWP supply (See Table below). Thus, additional supplemental water supplies are required to support new development (and certain developments that were granted discretionary approval) as long as the Santa Maria Basin is considered by the County to be in a state of overdraft.

STATE WATER PROJECT RECONCILIATION

<u>PROJECT NAME</u>	<u>COUNTY APPROVED (AFY)</u>	<u>CAL CITIES SWP DEDICATION (AFY)</u>	<u>REMAINING CAL CITIES STATE WATER AS DETERMINED BY CAL CITIES</u>	<u>REMAINING CAL CITIES STATE WATER AS DETERMINED BY THE COUNTY</u>
			<u>413.00 (AFY)¹</u>	<u>413.00 (AFY)</u>
<u>APPROVED PROJECTS</u>				
Oak Knolls South	<u>4.10</u>	<u>4.10</u>	<u>408.90</u>	<u>408.90</u>
Mesa Verde	<u>45.80</u>	<u>33.00</u>	<u>375.90</u>	<u>363.10</u>
Orthodox Church	<u>1.60</u>	<u>1.60</u>	<u>374.30</u>	<u>361.50</u>
Jensen's Crossing	<u>58.52</u>		<u>374.30</u>	<u>302.98</u>
Fundamental Baptist	<u>0.60</u>	<u>0.60</u>	<u>373.70</u>	<u>302.38</u>
Shared Sr. Housing	<u>4.52</u>		<u>373.70</u>	<u>297.86</u>
<u>Eskridge Tent. Parcel Map</u>	<u>0.98</u>		<u>373.70</u>	<u>296.88</u>
Subtotal	<u>116.12</u>	<u>39.30</u>	<u>373.70</u>	<u>296.88</u>
<u>PENDING</u>				
Harp Springs	<u>26.48</u>		<u>373.70</u>	<u>270.40</u>
Orcutt Marketplace	<u>37.00</u>	<u>37.00</u>	<u>336.70</u>	<u>233.40</u>
Rice Ranch	<u>350.00</u>	<u>350.00</u>	<u>-13.30</u>	<u>-116.60</u>
<u>Subtotal</u>	<u>529.60</u>	<u>426.30</u>	<u>-13.30</u>	<u>-116.60</u>
Orcutt Plaza	<u>19.74</u>			<u>-136.34</u>
Stonegate	<u>10.50</u>			<u>-146.84</u>
Old Mill	<u>30.08</u>			<u>-176.92</u>
<u>TOTAL</u>	<u>589.92</u>	<u>426.30</u>	<u>-13.30²</u>	<u>-176.92</u>

The applicant, Mr. Wells, along with Cal Cities have been in negotiations with the City of Santa Maria to obtain a portion of the City's SWP yield to serve future Orcutt development, including the Harp Springs project. On March 21, 2003, Cal Cities provided the County with a copy of the draft Supplemental Water Agreement between the City of Santa Maria and the Southern California Water Company (Cal Cities). Under the terms of the agreement, Santa Maria would commit to the Orcutt area up to 400 acre-feet of Santa Maria yield of the SWP entitlement held by the City, or a portion of the historic groundwater rights to the Basin held by the City in accordance with the final judgement entered in Santa Maria Valley Water Conservation District v. City of Santa Maria, et al., Superior Court, County of Santa Clara, Case No CV 770214. In order to be consistent with OCP Policy WAT-O-2, the later source of water supply would become available only when the final judgement in the Basin adjudication is entered. According to the terms of the agreement, the City and Cal Cities would determine which of these sources

¹ Cal Cities SWP yield was previously estimated to be 437 AFY.

² The 13.30 AFY deficit is the result of revised analysis by the California Department of Water Resources that reduced the estimated long-term average annual yield of Cal Cities SWP entitlement from 437 AFY to 413 AFY. The 13.30 AFY deficit is distributed over several projects and is considered to be within the range of error on the estimated water demand of these projects.

would be dedicated to serve new development in the Orcutt Planning Area when both supplies are available

~~Water service for the project would be provided by the California Cities Water Company (CCWC). The water company primarily obtains its water from 12 wells which draw in large part from the Orcutt storage unit. Maximum combined production capacity is 12,700 gallons per minute (gpm), with a current maximum daily demand of 11,275 gpm. The water company also holds a permanent entitlement to 500 AFY of State water, which represents a estimated long-term yield of 437 AFY. This 437 AFY is considered to partially offset the new demand associated with the proposed community plan. Development on the site would be served by planned extensions of existing water lines on Stillwell Road. Subsequent to the approval of the OCP, the following projects have been approved which lowers the remaining net amount of CCWC entitlement to State Water for new development to approximately 318 AFY:~~

Total Net Suppl. Water:	<u>437.00AFY</u>
Approved Projects:	
—Oak Knolls South/Albertson's	4.10AFY
—Mesa Verde	45.80
—Orthodox Church	1.60
—Jensens Crossing/Cobblestone Creek	58.52
—George Tract Map	3.22
—Fundamental Baptist Church	0.60
—Shared Senior Housing	4.52
Net Subtotal	<u>318.98 AFY</u>

2. Page 60, Project Impacts Analysis, Water Resources

~~The project has incorporated water-conserving measures into project landscaping and irrigation design guidelines and plans, which would reduce the estimated project water demand. Water service for the project would be provided from the California Cities Water Company. The site would be served by planned extensions of existing water lines on Harp Road. The project does not propose use of groundwater, but rather, Per the Orcutt Community Plan policy, the development is proposed to be served by a portion of the yield of the SWP entitlement held by the City, or a portion of the historic groundwater rights to the Basin held by the City in accordance with a final water rights judgment in the Santa Maria Groundwater Basin adjudication, a supplemental source of water from outside the groundwater basin. The source of water would be the 500 AFY permanent allocation of State Water Project water held by the California Cities Water Company (of which 318 AFY is now available for new development). The project has an Intent to Serve Letter from the Cal Cities Water Company.~~

Mandates and Service Levels:

The appeal was filed pursuant to Section 35-327.3 of Article III of Chapter 35 of the County Zoning Ordinances, which states that the decisions of the Planning Commission may be appealed to the Board of Supervisors within ten days after the Planning Commission's actions.

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least 10 days prior to the hearing.

Fiscal and Facilities Impacts:

Pursuant to Board of Supervisors Resolution No. 96-323, some of the costs associated with this appeal are offset by the \$435.00 appeal fee.

Special Instructions:

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, attn: Hearing Support, Cintia Mendoza.

Clerk of the Board shall file a Notice of Determination.

Planning and Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

Concurrence: County Counsel

ATTACHMENTS:

- A. Draft Supplemental Water Purchase Agreement, dated March 21, 2003
- B. Replacement pages to Addendum, Section 5.16 Water Resources/Flooding