

# Board of Directors San Simeon Community Services District



## SPECIAL MEETING BOARD PACKET

**Tuesday, February 9, 2021  
Regular Meeting 6:00 pm**

Virtual Board Meeting via Zoom  
Meeting Room: 927-053-7206  
Password: 114376

Prepared by:



**GRACE**  
ENVIRONMENTAL SERVICES

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**NOTICE AND CALL OF A SPECIAL MEETING:  
San Simeon Community Services**



I, Gwen Kellas, Chairperson of the San Simeon Community Services District Board of Directors, hereby call a Special Meeting of the Board of Directors, pursuant to California Government Code Section 54956. The Special Meeting will be held: February 9, 2021 at 6:00 pm.

**Internet Meeting Location**

Pursuant to Governor Gavin Newsom's Executive Order N-29-20 dated March 17, 2020 and the San Luis Obispo County Local Emergency Order and Regulation regarding COVID-19 dated March 18, 2020, this meeting shall occur as a virtual teleconference using the Zoom app.

**Join Zoom Meeting**

**<https://zoom.us/j/9270537206?pwd=RDNNcTErb2E1TmswRG51WGNEZVJLQT09>**

**Meeting ID:** 927 053 7206

**Password:** 114376

One tap mobile

+16699009128, 9270537206# US (San Jose)

+13462487799, 9270537206# US (Houston)

**NOTE:** On the day of the meeting, the virtual meeting room will be open beginning at 5:30 PM. If you are unable to access the meeting please contact the District office at (805) 927-4778 prior to the 6:00 PM meeting start time and staff can assist you in accessing the meeting. Should you have any questions related to the information on this agenda or if you wish to submit public comment in the written format you can email Cortney Murguia at [admin@sansimeoncsd.org](mailto:admin@sansimeoncsd.org). Members of the public can also contact the District office at (805) 927-4778 with any questions or concerns related to this agenda or accessing the meeting.

**The purpose of the Special Meeting is to discuss or transact the following business:**

**1. REGULAR SESSION: 6:00 PM**

**A. Roll Call**

**2. PUBLIC COMMENT**

This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #3. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

### **3. BUSINESS ITEMS**

- A. Adoption of Resolution 21-429 Adopting the San Luis Obispo County Multi-Jurisdictional Local Hazard Mitigation Plan.**
- B. Update on Efforts to Modify the Moratorium and Direction to Staff and Legal Counsel to obtain proposals to update the Master Plan (2018) for Water Service Reliability and related provisions included in the guidebook for preparing 2020 Urban Water Management Plans by the California State Department of Water Resources.**

### **4. ADJOURNMENT**

If requested, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for a disability-related modification or accommodation, or to be able to participate in this Special meeting, please email Cortney Murguia at [cmurguia@graceenviro.com](mailto:cmurguia@graceenviro.com) and the District will work with you on your accommodation.



## **BUSINESS ITEM STAFF REPORT**

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### **Item 3.A. Adoption of Resolution 21-429 Adopting the San Luis Obispo County Multi-Jurisdictional Local Hazard Mitigation Plan.**

#### **Summary**

An adopted Multi- Jurisdictional Hazard Mitigation Plan (MHJMP) is a required condition of future funding for mitigation projects under multiple Federal Emergency Management Agency (FEMA) pre and post disaster mitigation grant programs.

The District was a participating jurisdiction on the 2020 San Luis Obispo County plan, which was approved for the lead jurisdiction on June 22, 2020. The District must have a fully approved plan to apply for and receive these grants. This Resolution achieves this goal.

#### **Recommendation:**

Staff is asking for the Board to approve Resolution 21-429.

# Copy of Draft Resolution 21-429

**RESOLUTION NO. 21-429**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON  
COMMUNITY SERVICES DISTRICT ADOPTING THE SAN LUIS OBISPO COUNTY  
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE**

**WHEREAS**, the County of San Luis Obispo was the lead agency in the preparation of a Hazard Mitigation Plan involving multiple agencies and jurisdictions in accordance with State and Federal requirements; and

**WHEREAS**, the District recognizes the potential risk of harm to life and property to identify goals, objectives, and mitigation actions to reduce the potential harm these risks pose to life and property within the District and surrounding community; and

**WHEREAS**, Hazard Mitigation Grants and disaster relief funds administered by the Federal Emergency Management Agency ("FEMA") require local jurisdictions to have an adopted and FEMA- approved Local Hazard Mitigation Plan ("LHMP") or Multi-Jurisdictional Hazard Mitigation Plan ("MJHMP"), pursuant to the Federal Disaster Mitigation Act of 2000 as set forth in Title 44, Section 201.6 of the Code of Federal Regulations: and

**WHEREAS**, the District has provided input and was involved in the preparation of those sections of the Multi-Jurisdictional Hazard Mitigation Plan that pertain to the District; and

**WHEREAS**, on April 7, 2020 the County received notice from FEMA that the San Luis Obispo Multi-Jurisdictional Hazard Mitigation Plan had been reviewed and was determined to be approvable pending adoption by the local agencies; and

**WHEREAS**, adoption by the District and the other participating agencies will allow the Multi-Jurisdictional Hazard Mitigation Plan to receive final approval from FEMA.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN SIMEON  
COMMUNITY SERVICES DISTRICT, DOES HEREBY RESOLVE, DECLARE,  
DETERMINE AND ORDER AS FOLLOWS:**

1. The San Luis Obispo Multi-Jurisdictional Hazard Mitigation Plan dated April 16, 2020 is hereby adopted.
2. The San Luis Obispo Multi-Jurisdictional Hazard Mitigation Plan dated April 16, 2020 shall be updated every five (5) years in accordance with State and Federal requirements; and
3. The San Luis Obispo Multi-Jurisdictional Hazard Mitigation Plan dated April 16, 2020 will be used by the District Board of Directors to reduce identified hazards that are within the authority of the District.

**PASSED AND ADOPTED** by the Board of Directors of the San Simeon Community Services District on February 9, 2021 by the following roll call vote:

**AYES:**  
**ABSTAIN:**

**NOES:**  
**ABSENT:**

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Gwen Kellas, Chairperson  
Board of Directors

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Charles Grace  
Board Secretary/General Manager

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Jeffrey Minnery  
District Legal Counsel





## **BUSINESS ITEM STAFF REPORT**

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**Item 3.B. Update on Efforts to Modify the Moratorium and Direction to Staff and Legal Counsel to obtain proposals to update the Master Plan (2018) for Water Service Reliability and related provisions included in the guidebook for preparing 2020 Urban Water Management Plans by the California State Department of Water Resources.**

### **Recommendations:**

1. Receive an update on actions necessary to modify the District's water supply moratorium.
2. Direct staff to obtain proposals to update the Master Plan (2018) for Water Service Reliability, a Water Shortage Contingency Plan and related provisions included in the guidebook for preparing 2020 Urban Water Management Plans by the California State Department of Water Resources and Sections 10610-10656 and 10608 of the California Water Code.

### **Discussion:**

Attachment "A" is a flowchart of the steps and sequencing needed for the District to modify the existing moratorium on the issuance of water will-serve letters. The steps were previously included on your Board's agenda for the meeting on October 14, 2020. The sequencing organizes the steps to establish a process so that formal findings that must be adopted by your Board are accomplished in an orderly manner. The legal necessity of formal findings is especially important while (1) considering the applicability of the California Environmental Quality Act (CEQA) and (2) distinguishing the District's jurisdictional responsibilities from those of other agencies.

### **Water Supply Availability**

Overall, the sequencing focuses first on developing a formal finding for the Board to adopt on "water supply availability." The nature and extent of water conservation, water use efficiencies, implementation of water quality facilities and a water license obtained from the State Water Resources Control Board all provide significant and substantial evidence indicating that repealing, or more likely, modifying the moratorium should be considered and that objective evidence compels a conclusion that water is now available for new development. In addition, Water Code Section 355 provides that the

moratorium can only remain in effect “until the supply of water available for distribution ... has been replenished or augmented.”

Even though success with conservation and other measures provides compelling evidence that water is available for new development, the District’s existing analysis and adopted plans do not specify the quantity of water (i.e. “how much is”) available for new development. Incorporating the determination of water supply availability into the District’s Master Plan, with all the related technical details, is more appropriate than incorporating those details into the actual formal action modifying the moratorium.

Updating the District’s Master Plan to include certain provisions that are required by State law for Urban Water Management Plans (UWMP’s) is the model that the District should utilize for its determination of water supply availability. For reference, see [Urban Water Management Plans \(ca.gov\)](http://UrbanWaterManagementPlans.ca.gov). Since the District is a Small Water System and not an Urban Water Supplier, it is not required to prepare an UWMP. Nevertheless, the determinations that the District makes on water supply availability for purposes of modifying its moratorium should follow the requirements of UWMPs since those requirements are based on State law and provide the best approach to developing an objective evaluation. The following is a list of applicable chapters illustrated in the DWR guidebook for 2020 plans:

Chapter 4 – Water Use Characterization

Chapter 5 – SBX7-7 Baseline and Targets

Chapter 6 – Water Supply Characterization

Chapter 7 – Water Supply Reliability and Drought Risk Assessment

Chapter 8 – Water Shortage Contingency Plan

Chapter 9 – Demand Management Measures

The District’s 2018 Master Plan provides existing information for Chapters 4 & 5. The Groundwater Availability Study, Pico Creek Valley Groundwater Basin, 2014 Update provides information for Chapters 6 & 7. The District’s water conservation ordinance provides information for Chapters 8 & 9. As a result, preparing a water availability analysis that conforms to state law by utilizing the UWMP approach can be prepared substantially based on existing information.

### **Addressing CEQA**

Sequencing CEQA requirements after water availability determinations is important to understand whether actions based on those determinations are subject to CEQA. The following three-part test is anticipated:

- 1) What District actions are categorically exempt or otherwise clearly defined by statute?
- 2) What actions are discretionary vs. ministerial (*Objectivity vs. Judgement*)?

### 3) Will CEQA be specifically applicable to modifying the moratorium?

As previously reviewed by the Board on September 9, 2020, the ability for the District to take a ministerial action on modifying the moratorium requires the use of fixed standards or objective measurements in applying legal requirements. It should be understood, however, that even with clear and objective determinations, other tests will need to be addressed regarding applicability of CEQA. Certainly, strong evidence exists that issuance of will-serve letters is presumptively ministerial especially when the proposed use of water is consistent with established land use zoning.

The District should adopt its own CEQA guidelines. Doing so is not needed when the District seeks approval of a permit from the County or a state agency since those jurisdictions have their own CEQA guidelines, or follow special statutes, when considering permit applications. As the District considers modifying its moratorium, however, the District has no known and established permitting requirements. Adopting its own CEQA guidelines will be important to establish the findings that will be needed to demonstrate that the District is complying with State law while taking action to modify the moratorium.

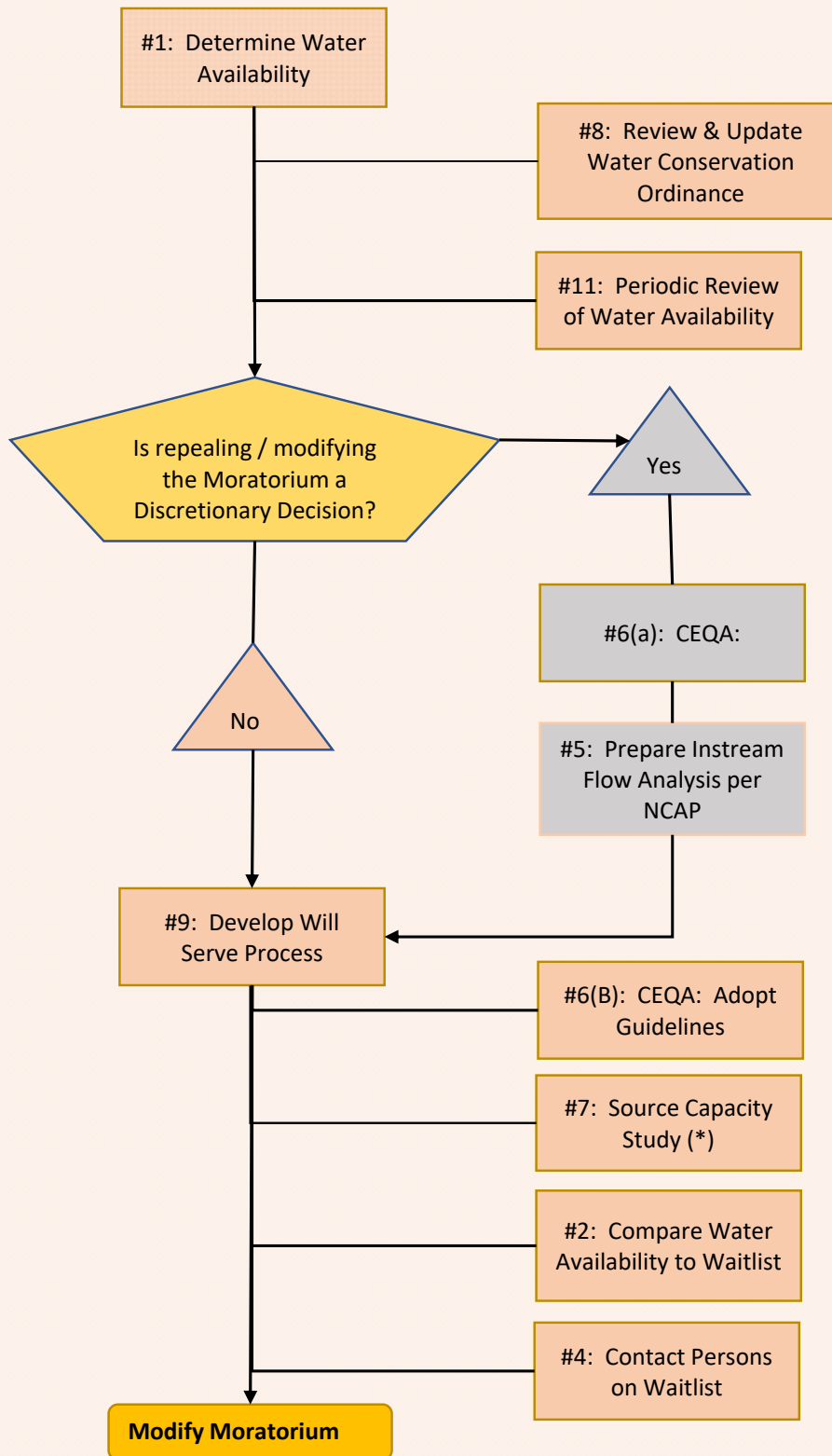
#### **Develop the Will-Serve Process**

Out of the three (3) major work efforts to modify the moratorium, developing the will-serve process is predominantly administrative and financial. The District's rules and regulations, applications for will-serve letters and related forms, and special provisions for continuing limitations of supply are among the many items that will need to be adopted by your Board. Application fees (paid at the time of application) and connection and capacity related fees (paid based on fees at time of development) will also need to be considered by your Board.

Attachment "A" illustrates the development of the will-serve process as the last step although many of the details can be addressed on a parallel path with the other work efforts.

# Repeal/Modify Moratorium Flow Chart

## #10: Repeal / Modify Moratorium



Notes - (\*) Some aspects may be included in the update to the Master Plan  
 Task #3 - Install Reverse Osmosis Facility is complete