



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 11/19/2019	(3) CONTACT/PHONE Angela Ruberto Ford, Water Resources Engineer (805) 781-5139	
(4) SUBJECT Hearing to consider adoption of a resolution: 1) modifying the service area boundaries of the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency to align with the revised State Department of Water Resources basin boundary; 2) modifying the service area boundaries of the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency to align with the revised Shandon-San Juan Water District boundary as identified in San Luis Obispo Local Agency Formation Commission Resolution 2019-05 and subject to satisfaction of conditions contained therein; 3) authorizing the Director of Public Works to take actions to effectuate said modifications; and 4) find the project exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Districts 1 and 5.			
(5) RECOMMENDED ACTION It is recommended that the Board, acting as the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency (GSA), consider adoption of the attached Resolution: 1. Modifying the service area boundary of the Paso Basin – County of San Luis Obispo GSA to align with revised State Department of Water Resources (DWR) basin boundary; and 2. Modifying the service area boundary of the Paso Basin – County of San Luis Obispo GSA to align with revised Shandon-San Juan Water District (SSJWD) boundary as identified in San Luis Obispo Local Agency Formation Commission (LAFCO) Resolution 2019-05, subject to satisfaction of conditions contained therein; and 3. Authorizing the Director of Public Works to take actions to effectuate said modifications; and 4. Find the project exempt from Section 21000 et seq. of the California Public Resources Code (CEQA).			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT ☐ Consent ☐ Presentation ☒ Hearing (Time Est. <u>15 min.</u>) ☐ Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS ☒ Resolutions ☐ Contracts ☐ Ordinances ☐ N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A ☐ 4/5th's Vote Required ☒ N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY ☐ N/A Date 10/22/19, #24	
(17) ADMINISTRATIVE OFFICE REVIEW Kristin Eriksson			
(18) SUPERVISOR DISTRICT(S) District 1 District 5			

Reference: 19.161



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Angela Ruberto Ford, Water Resources Engineer
Mladen Bandov, Senior Water Resources Engineer

VIA: Courtney Howard, Water Resources Division Manager
Kate Ballantyne, Deputy Director of Public Works

DATE: 11/19/2019

SUBJECT: Hearing to consider adoption of a resolution: 1) modifying the service area boundaries of the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency to align with the revised State Department of Water Resources basin boundary; 2) modifying the service area boundaries of the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency to align with the revised Shandon-San Juan Water District boundary as identified in San Luis Obispo Local Agency Formation Commission Resolution 2019-05 and subject to satisfaction of conditions contained therein; 3) authorizing the Director of Public Works to take actions to effectuate said modifications; and 4) find the project exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Districts 1 and 5.

RECOMMENDATION

It is recommended that the Board, acting as the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency (GSA), consider adoption of the attached Resolution:

1. Modifying the service area boundary of the Paso Basin – County of San Luis Obispo GSA to align with revised State Department of Water Resources (DWR) basin boundary; and
2. Modifying the service area boundary of the Paso Basin – County of San Luis Obispo GSA to align with revised Shandon-San Juan Water District (SSJWD) boundary as identified in San Luis Obispo Local Agency Formation Commission (LAFCO) Resolution 2019-05, subject to satisfaction of conditions contained therein; and
3. Authorizing the Director of Public Works to take actions to effectuate said modifications; and
4. Find the project exempt from Section 21000 et seq. of the California Public Resources Code (CEQA).

DISCUSSION

On May 16, 2017, the County formed the Paso Basin – County of San Luis Obispo GSA for the Salinas Valley – Paso Robles Area Subbasin (Paso Basin) to provide sustainable groundwater management for the basin and meet the requirements of the Sustainable Groundwater Management Act (SGMA). At that time, the County's GSA boundary matched the County's portion of the groundwater basin boundary as identified in DWR's Bulletin 118.

Since then DWR released groundwater basin boundary updates, which included modifications to the Paso Basin boundary. These modifications involved removing a small portion of the basin area extending toward Lake Nacimiento and aligning the basin boundary with the County's northern border. As a result, the Paso Basin – County of San Luis Obispo GSA boundary should be modified to coincide with the current groundwater basin boundary (see Exhibit "A" in the attached resolution).

Additionally, SSJWD previously formed a GSA within the Paso Basin for all areas within its boundary at the time of GSA formation. On September 19, 2019, LAFCO conditionally approved a detachment of certain real properties from SSJWD. Upon further action by the applicant(s) and SSJWD to complete the detachment and by SSJWD to withdraw as the GSA for such property, such property will no longer be included in SSJWD's GSA boundary.

Adoption of the proposed Resolution will include these properties within the Paso Basin – County of San Luis Obispo GSA service area boundary which is necessary to effectuate the policy and stated intent contained within the County's SGMA Strategy and Resolution 2017-134; for the County to serve as the GSA for all otherwise uncovered areas within the Paso Basin. The hearing on this proposed action was noticed in accordance with Government Code Section 6066 on November 5, 2019 and on November 12, 2019. Adoption of the Resolution would also provide staff with the requisite authority to coordinate with SSJWD and DWR as necessary to incorporate the properties into the County GSA.

OTHER AGENCY INVOLVEMENT/IMPACT

SSJWD formed in the Paso Basin, in part, for the purpose of serving as a GSA within its service area. LAFCO's conditional approval of the detachment on September 19, 2019 will become effective and SSJWD's boundary will change upon satisfaction of the conditions of approval. A corresponding SSJWD GSA service area boundary change will become effective after the SSJWD submits a withdrawal to DWR.

Implementation of SGMA involves GSAs, local public agencies and water companies, and basin users/landowners concerned with the management of groundwater.

In addition to local efforts, DWR acts as the agency in charge of developing regulations for groundwater basin boundary and GSA boundary modifications, providing technical assistance and coordination to GSAs. The State Water Resources Control Board acts as the agency in charge of enforcement in situations of non-compliance specified in SGMA.

County Counsel has reviewed and approved the attached resolution as to legal effect and form.

FINANCIAL CONSIDERATIONS

The costs associated with planning and implementation related to SGMA are included in the County Public Works (FC 201) FY 2019-20 Budget. Staff time associated with these efforts is largely included in the Flood Control District FY 2019-20 Budget.

RESULTS

Approval of the resolution will allow for modification of the Paso Basin – County of San Luis Obispo GSA boundaries to align with DWR’s updated basin boundaries and ensure compliance with SGMA requirements, thereby contributes to a well-governed community.

ATTACHMENTS

- 1 Resolution Modifying the Service Area Boundaries of the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency to Align with the Revised State Department of Water Resources Basin Boundary and the Revised Shandon-San Juan Water District
- 2 Notice of Exemption
- 3 PowerPoint Presentation

File: CF 900.100.01 SGMA

Reference: 19.161

L:\Water Resources\2019\November\BOS\Paso Basin Boundary Update\Boundary Update brd ltr.docx.ARF.mt

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

Tuesday November 19, 2019

PRESENT: Supervisors John Peschong, Bruce S. Gibson, Adam Hill, Lynn Compton and
Chairperson Debbie Arnold

ABSENT: None

RESOLUTION NO. 2019-320

**RESOLUTION MODIFYING THE SERVICE AREA BOUNDARIES OF THE
PASO BASIN – COUNTY OF SAN LUIS OBISPO GROUNDWATER SUSTAINABILITY AGENCY
TO ALIGN WITH THE REVISED STATE DEPARTMENT OF WATER RESOURCES BASIN BOUNDARY
AND THE REVISED SHANDON-SAN JUAN WATER DISTRICT BOUNDARY AS IDENTIFIED IN
SAN LUIS OBISPO LOCAL AGENCY FORMATION COMMISSION RESOLUTION 2019-05
AND SUBJECT TO SATISFACTION OF CONDITIONS CONTAINED THEREIN;
AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO TAKE ACTIONS TO EFFECTUATE
SAID MODIFICATIONS; AND FINDING THAT THE PROJECT IS EXEMPT FROM
SECTION 21000 *ET SEQ.* OF THE CALIFORNIA PUBLIC RESOURCES CODE (CEQA)**

The following Resolution is hereby offered and read:

WHEREAS, on May 16, 2017, the County of San Luis Obispo (County) Board of Supervisors held a public hearing and adopted Resolution 2017-134 (Formation Resolution) wherein it decided to become the groundwater sustainability agency (GSA) (known as the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency (Paso Basin – County GSA)) for the portions of the Paso Robles Groundwater Basin (Paso Basin) within the County, with the exception of areas anticipated to be covered by other GSAs prior to the formation deadline under the Sustainable Groundwater Management Act (Water Code Section 10720 *et seq.*) (SGMA); and

WHEREAS, consistent with the definition of a “basin” in SGMA (Water Code Section 10721(b)), the Formation Resolution described the service area boundaries of the Paso Basin – County GSA by reference to the basin as identified in the California Department of Water Resources (DWR) Bulletin No. 118 (Bulletin 118), and the map attached to the Formation Resolution as Exhibit “A” depicted the boundaries based on the then-current (2003) version of the Bulletin 118 boundary; and

WHEREAS, pursuant to the authorization contained within Section 3 of the Formation Resolution and the requirements of Water Code Section 10723.8, County staff submitted a notification (Notice) to DWR of the County Board of Supervisors’ decision to become the GSA which included, among other things, a copy of the Formation Resolution and a statement that the County intended to include within its service area all areas of the Paso Basin within the County that are otherwise unrepresented by another qualifying agency; and

WHEREAS, also pursuant to the requirements of Water Code Section 10723.8, DWR posted the Notice on its internet website; and

WHEREAS, on February 11, 2019, DWR released its Final Basin Boundary Modifications, which removed certain areas (Removed Property) from the Paso Basin around Lake Nacimiento and the County's northern border that had been included in the 2003 version of Bulletin 118, and thus that also had been included in Exhibit "A" to the Formation Resolution; and

WHEREAS, on September 19, 2019, and subject to certain limited conditions (LAFCO Conditions of Approval), the San Luis Obispo Local Agency Formation Commission (LAFCO) adopted Resolution 2019-05 (Detachment Resolution) approving the detachment of certain real property (Detached Property) from the boundaries of the Shandon-San Juan Water District (District), a California Water District formed under Water Code Section 34000 *et seq.* and that serves as the GSA for those areas of the Paso Basin identified in Bulletin 118 within its boundaries, as originally established by LAFCO; and

WHEREAS, also on September 19, 2019, LAFCO approved a Notice of Exemption (NOE) finding that the detachment is exempt from CEQA under CEQA Guidelines Section 15061(b)(3) for the reasons set forth in the NOE; and

WHEREAS, based on LAFCO's adoption of the Detachment Resolution, it is anticipated that the District will take action to withdraw from serving as the GSA for the Detached Property, thereby permitting the Paso Basin – County GSA to become the GSA for the Detached Property in accordance with the procedures set forth in Water Code Section 10723.8; and

WHEREAS, both removal of the Removed Property from, and inclusion of the Detached Property within, the service area of the Paso Basin – County GSA is consistent with the general description of said service area within the Formation Resolution and the posted Notice, and are also consistent with the Detachment Resolution and NOE as well as the County's SGMA Strategy; and

WHEREAS, in order to preserve its status as an exclusive GSA within the Paso Basin, the County likely needs to determine that the actions contemplated herein do not constitute a material change to the information contained within the posted Notice; and

WHEREAS, the County published a notice of public hearing as set forth in Government Code Section 6066, and the County Board of Supervisors conducted such as public hearing on November 19, 2019.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, that:

Section 1: The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2: The Board of Supervisors hereby decides to modify the service area boundary of the Paso Basin – County GSA as originally depicted in Exhibit “A” to the Formation Resolution to exclude the Removed Property, and “withdraw” as the GSA for the Removed Property provided that such modification/withdrawal is necessary/possible given that the Removed Area is no longer located with a “basin” as defined in SGMA.

Section 3: The Board of Supervisors hereby decides to modify the service area boundary of the Paso Basin – County GSA as originally depicted in Exhibit “A” to the Formation Resolution to include the Detached Property, thereby deciding to become the GSA for the Detached Property.

Section 4: A map depicting the modifications described in Sections 2 and 3 of this Resolution is attached hereto as Exhibit “A,” and incorporated herein by this reference.

Section 5: The Director of Public Works, or designee, is hereby authorized and directed to submit notification to DWR of the actions taken herein and of the Board of Supervisors’ determination that said actions do not constitute a material change to the information contained within the posted Notice for the reasons set forth in the recitals to this Resolution, in addition to all other information required by SGMA and to take any other actions necessary to effectuate the modifications described herein, including coordination with the District. Said authorization includes authorization to submit separate and/or multiple notifications if necessary, based on the timing of the District action in response to LAFCO’s adoption of the Detachment Resolution.

Section 6: The Board of Supervisors finds that the adoption of this Resolution is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Upon motion of Supervisor Gibson, seconded by Supervisor Compton, and on the following roll call vote, to wit:

AYES: Supervisors Gibson, Compton, Peschong, Hill and Chairperson Arnold

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted on the 19th day of November, 2019.

Debbie Arnold
Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By: T'Ana Christiansen
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/ Erica Stuckey
Deputy County Counsel

Dated: October 25, 2019

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **WADE HORTON**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

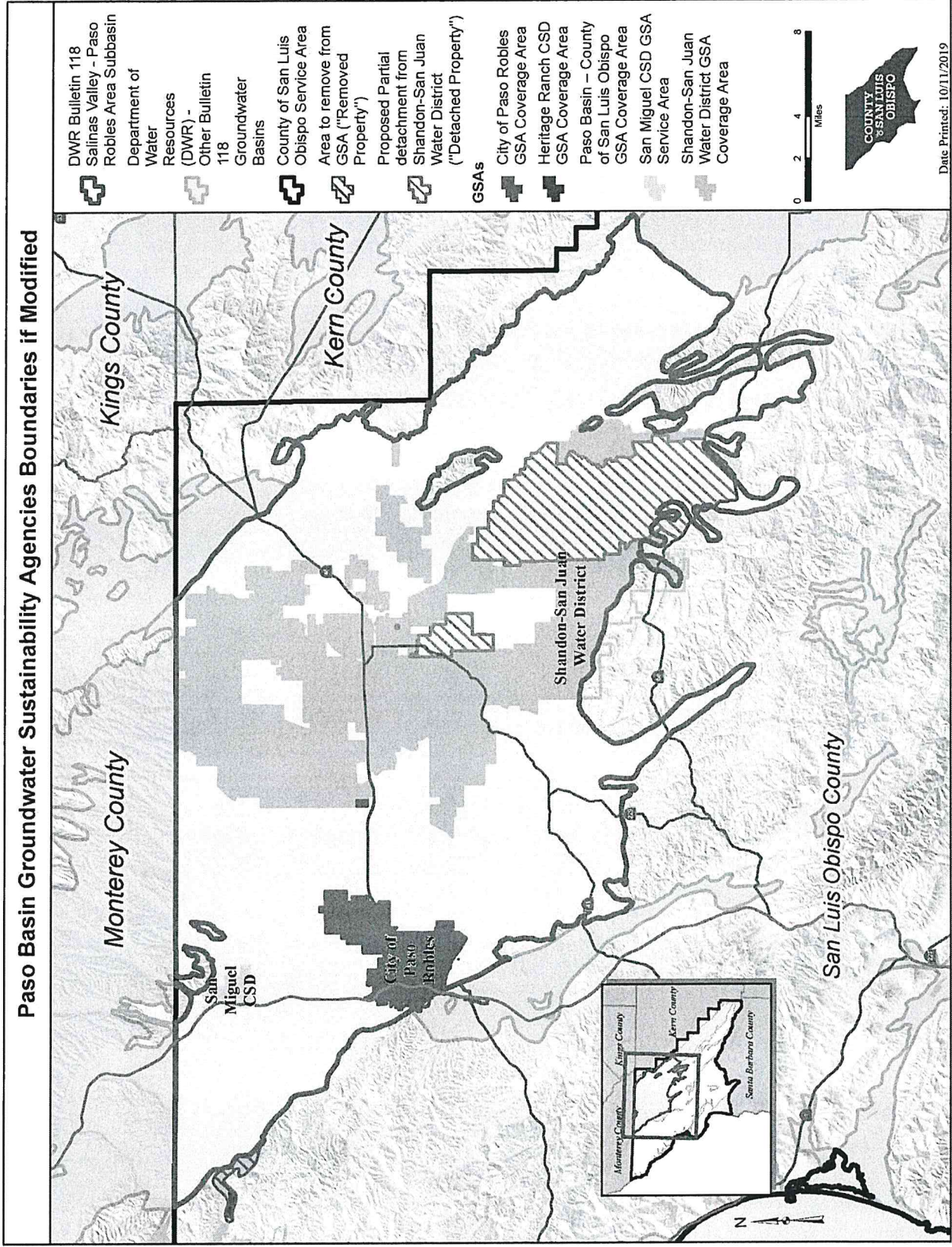
Witness, my hand and seal of said Board of Supervisors on December 2, 2019.

WADE HORTON,
Ex-Officio Clerk of the Board of Supervisors

By: *T'Ana N. Christiansen*

Deputy Clerk

EXHIBIT A



Paso Basin Groundwater Sustainability Agencies Boundaries

