

December 19, 2024

Donald Olsen, President
Board of Directors
Pajaro/Sunny Mesa Community Services District

Re: December 19, 2024 agenda item 6. "Consider Request from Parks Legacy Project (PLP) and Provide Direction to Staff"

Dear President Olsen and Members of the Board,

LandWatch has reviewed the letter prepared by counsel for FANS regarding the proposed will serve letter. LandWatch shares the concerns raised in that letter. The District should not issue a will serve letter for the golf course project until these concerns are resolved. The proper method to resolve these concerns is through the County's procedure, as the land use jurisdiction and the CEQA lead agency, to require a hydrogeological report and a water supply assessment and to certify an EIR for the project. Unless and until the applicant has provided a hydrogeological report and the District has prepared a water supply assessment, and the County has accepted or replaced the District's findings while certifying an EIR, the District should not make any commitments to supply water for this project.

It is particularly concerning that the minutes of the August 2024 board meeting indicate that the developer understands that the District does not in fact have the capacity to serve the project. If the District proposes to enter into an agreement with the developer to accept a new well site in exchange for serving the project, then the District must undertake CEQA review before it makes such a commitment with its obvious potential to cause or contribute to significant environmental impacts. We are unaware of any CEQA review for such a commitment.

It is also concerning that the District may not have a clear idea of the project's water demands.

The developer claims it needs a will serve letter to complete its application to the County for land use entitlements. Not so. The developer has an alternative method to complete his application to the County that does not require a will serve letter. The County's application provides that the

developer can supply **either** a will serve letter **or** the foundational hydrological information to initiate a comprehensive analysis of hydrogeological conditions potentially impacted by the proposed project. This foundational information includes the following information, which would also be required in a water supply assessment under CEQA:

- a. Water quality analysis; and
- b. Authorized production capacity of a facility operating pursuant to a permit from a regulatory agency, production capability, and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity, including recovery rates; and
- c. Technical, managerial, and financial capability of the water purveyor or water system operator; and
- d. The source of the water supply and the nature of the right(s) to water from the source; and
- e. If applicable, a statement identifying all existing public water systems located within one mile and the feasibility of incorporating into the existing system or being owned, operated or managed by a satellite agency.

If the County then determines that this foundational information supplied by the developer in its application meets the County's threshold standards, the County would require preparation of a hydrogeological report by a California licensed professional geologist.

For a garden variety residential development project to be served with existing District capacity within the District's existing service area, a will serve letter might be appropriate. This is not such a project. Accordingly, the developer should provide the County with the foundational information to support the County's determination whether to proceed with a hydrogeological report. The District should not short circuit this process by making a premature, uninformed commitment to supply water to this project without an adequate hydrogeological assessment and CEQA review.

Sincerely,



Michael D. DeLapa
Executive Director