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**Dixon Ranch comments, water**

1 message

**Ellen Van Dyke** <vandyke.5@sbcglobal.net>

Thu, Mar 17, 2016 at 4:47 PM

To: Shiva Frentzen &lt;bostwo@edcgov.us&gt;, Brian Veerkamp &lt;bostthree@edcgov.us&gt;, Michael Ranalli &lt;bosfour@edcgov.us&gt;, Sue Novasel &lt;bosfive@edcgov.us&gt;

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Dear Supervisors-

Please consider the attached public comments [Dixon Ranch\_Van Dyke public comment\_water\_3/17/16] and include them in the record for the Dixon Ranch project (Legistar file 14-1617).

I've also attached Cheryl Langley's comments submitted for the 3/8/16 BOS hearing on the project because I referred to them and wanted them easily accessible for you (they should already be part of the record)

thank you! –Ellen Van Dyke

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**2 attachments****Cheryls Dixon Ranch comments\_March 8, 2016 .pdf**

1200K

**Dixon Ranch\_Van Dyke public comment\_water\_3.17.16 .pdf**

792K

**Public Comment**

Board of Supervisors

March 8, 2016

Agenda Item # 34;

File No. 14-1617

Board Members:

Thank you for the opportunity to comment on the proposed **Dixon Ranch** residential project. I have the following concerns about water supply and water quality.

**Water Supply**

**El Dorado Irrigation District's (EID) water supply is inadequate to serve this development.** It has been made clear in the draft Environmental Impact Report (EIR) by EID that "...water supplies would not be sufficient to meet EID's existing water demands and the buildout water demands of the proposed project..."

**Impact UTL-1: A degree of uncertainty is inherent in EID's ability to meet long-term cumulative water supplies, which could result in the need to construct new or expand existing water facilities, the construction of which could cause significant environmental effects, and/or could require new or expanded entitlements for water supplies (S).**

As noted, EID's existing water supplies are reasonably certain to be available to serve EID's existing water demands (i.e., current customers and uses) and the water demands of the proposed project. However, as described in the WSA, EID's existing water supplies would not be sufficient to meet EID's existing water demands and the buildout water demands of the proposed project when combined with all other past, present and reasonably probable future uses.

Source: Dixon Ranch draft Environmental Impact Report, page 307.

**The safe yield shortfall is estimated to be about 69,000 to 74,000 acre-feet per year (AFY) at buildout of the 2004 General Plan.**

- Under long term safe yield planning assumptions, new supplies are needed for all West Slope purveyors at buildout of the 2004 General Plan, with approximately 69,000 AFY of additional water supply needed for the entire West Slope.
- The climate change hydrologic regime scenario confirms safe yield is the appropriate metric for assessing long term water supply need.

Source: El Dorado County Water Agency. 2014. 2014 West Slope Update Water Resources Development and Management Plan, (December, 2007); November 2014, page 123.

**Table 7-2 West Slope Additional Surface Water Supply Need with State Mandated Conservation - Considering Safe Yield Supply (acre-feet)**

	Existing Safe Yield Supply	Urban			Agricultural			Total Demand			Additional Water Supply Need	
		2012	2030	Build-Out	2012	2030	Build-Out	2012	2030	Build-Out	2030	Build-Out
El Dorado Irrigation District	59,955	40,237	51,403	79,316	7,977	9,515	19,218	48,214	60,919	98,534	964	38,579
Georgetown Divide PUD	10,541	3,001	4,120	9,581	7,121	7,621	10,349	10,122	11,741	19,930	1,200	9,389
Grizzly Flat CSD Total	165	153	187	313	—	—	—	153	187	313	22	148
Other County Areas	—	—	—	12,336	—	—	17,476	—	—	29,812	—	20,560
<b>Western Slope Total</b>	—	—	—	<b>101,546</b>	—	—	<b>47,043</b>	—	—	<b>148,590</b>	<b>2,187</b>	<b>68,677</b>

Reference Chapter 4 and 6 for detailed demand and supply projections by purveyor/area.

Source: El Dorado County Water Agency. 2014. *2014 West Slope Update Water Resources Development and Management Plan*, (December, 2007); November 2014, page 120.

**Table 7-4 West Slope Additional Surface Water Supply Need Considering Safe Yield and Potential Climate Change Impacts (AFY)**

	Existing Safe Yield Supply	Urban			Agricultural			Total Demand			Additional Water Supply Need	
		2012	2030	Build-Out	2012	2030	Build-Out	2012	2030	Build-Out	2030	Build-Out
El Dorado Irrigation District	56,216	40,237	52,688	81,299	7,977	9,991	20,179	48,214	62,680	101,478	6,464	45,262
Georgetown Divide PUD	9,487	3,001	4,223	9,821	7,121	8,002	10,866	10,122	12,225	20,687	2,738	11,200
Grizzly Flat CSD Total	149	153	187	313	—	—	—	153	187	313	39	164
Other County Areas	—	—	—	12,336	—	—	17,476	—	—	29,812	—	20,560
<b>Western Slope Total</b>	—	—	—	<b>103,777</b>	—	—	<b>48,522</b>	—	—	<b>152,298</b>	<b>9,246</b>	<b>74,103</b>

Reference Chapter 4 and 6 for detailed demand and supply projections by purveyor/area.

Note: 1) 25% of Other County Area urban demands and 100% of agricultural demands are included in the "Additional Water Supply Need." 2) 2012 agricultural demands do not include demand supplied from ground water or riparian sources.

Source: El Dorado County Water Agency. 2014. *2014 West Slope Update Water Resources Development and Management Plan*, (December, 2007); November 2014, page 122.

**But there is another issue that impacts this documented shortfall:** The Dixon Ranch project is not the only project on the planning horizon. The Senate Bill (SB) 610 report <sup>1</sup> (Water Supply Assessment, or WSA) lists the following proposed projects which—including Dixon Ranch—**total approximately 5,600 residences:**

### **3.2 OTHER CURRENTLY PROPOSED PROJECTS**

As mentioned in the previous section, El Dorado County is the Lead CEQA Agency for four additional proposed development projects and has requested EID to prepare WSA's for each development concurrent with this Proposed Project WSA. EID is currently drafting three of these four WSAs.<sup>18</sup> The estimate of water demand for each WSA follows the same methods used in Section 2 of this WSA, with specific unit demand factors applied to each unique land use element. The other projects are:

- ◆ Central El Dorado Hills – located along El Dorado Hills Blvd north of Hwy 50, this projects is a planned infill mixed development with primarily residential units and some commercial space.
- ◆ Lime Rock Valley Specific Plan – located adjacent to the Village of Marble Valley, this development is a planned residential community with a variety of lot sizes and housing types.
- ◆ The Village of Marble Valley Specific Plan – located southeast of the Propose Project, this development features many additional complex water use elements such as vineyards, schools, parks, a large lake, and a diverse range of housing types and lot sizes.

**Source:** *SB 610 Water Supply Assessment for the Dixon Ranch Residential Project*, page 3-2.

**Importantly, the list of proposed projects in the SB 610 report is far from complete.** The following projects—**to name a few**—are on the planning horizon as well. (Source of proposed project information: El Dorado County Web site: “Pending Projects,” “Planned Developments,” by District, available at: <http://edcapps.edcgov.us/Planning/ProjectInquiry.asp>.)

- San Stino’s Mill Creek, 632 units
- Piedmont Oak Estates, 81 units
- McCann Subdivision, 72 units
- Stonehenge Springs, 331 units
- Diamond Dorado Subdivision, 109 units
- Durock Road Condos, 10 four story units that include 210 residential units
- Montano Master Plan, unspecified number of units
- Habitat for Humanity Condos, unspecified number of residential units

These projects add **over 1,400 additional (mostly residential) units;** this total is in addition to the approximate **16,000 residential-zoned parcels currently developable under ministerial rights in the County.** And this figure likely does not include that portion of 10,000 homes south of Highway 50 in Folsom that EID is planning to supply water to, as well as other commitments to supply water out-of-county that may be established as a result of that precedent-setting commitment. **Now we’re talking about approximately 23,000 planned residences, minus the portion of the Folsom homes that EID has committed to serve.**

<sup>1</sup> Tully & Young. 2013. *SB 610 Water Supply Assessment for the Dixon Ranch Residential Project*. August, 2013

Furthermore, the Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) EIR acknowledges EID based its water usage estimate on “2004 General Plan land use assumptions...”

Future demand is based on the 2004 General Plan land use assumptions, using EID’s own assumptions for the future rate of growth. The County’s most recent study indicates that the growth rate under the General Plan is just over 1%. (BAE Urban Economics 2013) EID uses slightly higher growth rates than does the County for its El Dorado Hills, Western, and Eastern Regions, for three time periods, with those rates increasing in the future. EID has projected supply and demand to the year 2035, based on securing the Fazio water and the EDWPA supplemental water rights project supply (El Dorado Irrigation District 2013b).

Source: ICF International. 2015. *El Dorado County TGPA/ZOU Final Program EIR*, December, 2015, page 3.10-20.

But the TGPA/ZOU “intensifies” land use zoning and land uses—and associated water demand—over 2004 General Plan demand levels. Thus, the EID baseline used for the Dixon Ranch project SB 610 water usage assumptions is flawed—it underestimates demand.

**Minus even this additional demand on water supply, the SB 610 for Dixon Ranch, and the Dixon Ranch Environmental Impact Report (EIR) reveal the water simply isn’t there to support Dixon Ranch when combined with past, present, and reasonably probable future uses.** Where is the water to support this development going to come from? Residents are rationing water now.

### **Sources of Water Supply**

While EID is hoping to acquire water rights to cover shortfall with the acquisition of multiple “planned water assets,” **there is no promise that EID will be able to acquire these assets. And, even if some or all of the water rights sought are acquired, it is uncertain if total acquisitions will be adequate to support Dixon Ranch when combined with “past, present, and reasonably probable future uses.”**

The SB 610 consultant could only say EID “**should**” have sufficient water available to meet the needs projected under the Dixon SB 610 through 2035 **if**:

The conclusion that EID should have sufficient water available to meet the needs of the Proposed Project, in addition to the other demands in its service area through 2035, rests on the following set of assumptions:

- EID, EDCWA, and EDWPA successfully execute the contracts and obtain the water right permit approvals for currently unsecured water supplies discussed in Section 4. Absent these steps, the water supplies currently held by EID and recognized to be diverted under existing contracts and agreements would be insufficient in 2035 to meet the Proposed Project demands along with all other existing and planned future uses.
- EID will commit to implement Facility Capacity Charges in an amount sufficient to assure the financing is available as appropriate to construct the necessary infrastructure as detailed in the March 2013 EID *Integrated Water Resources Master Plan*.
- Demand in single-dry years includes an additional 5 percent of demand over the normal year demand during the same time period. This conservative assumption accounts for the likelihood that EID customers will irrigate earlier in the season to account for dry spring conditions. This hypothetical demand augmentation may or may not manifest in dry years, but this conservative assumption further tests the sufficiency of water supplies during dry conditions.
- The estimated demands include 13 percent to account for non-revenue water losses (e.g. distribution system losses).

Source: *SB 610 Water Supply Assessment for Dixon Ranch Residential Project*, page 5-5.

**Section 4** descriptions (mentioned in the preceding excerpt) of these unsecured water rights include pre-1914 water rights. However, pre-1914 appropriative rights—while relatively common—are also difficult to establish, and require evidence of *original use* prior to 1914 and *continued use* thereafter.<sup>2</sup> The appropriative right is lost by non-use; continuity of use is as important as the origin of the right.

And, regarding other “planned water assets,” what is the likelihood EID will be successful in its bid to acquire additional water rights in the face of competing interests within the State? Is EID likely to win its bid to support rooftops over other needs/interests? There is keen interest—statewide—in EDC’s water supply:

Finally, while not a purpose of this 2014 Update, Chapter 6 notes that there may be value in a specific climate change vulnerability assessment – of both supplies and demands – for the American River Basin supported by all water users reliant on such supplies. This includes all downstream water users (including environmental uses). It is clear that there is statewide interest in water supplies generated within the American River watershed. As noted in the 2007 report on climate change vulnerability by the California Urban Water Agencies, the combined effects of decreasing water supplies and increasing water demands are serious challenges for the future.

**Source:** El Dorado County Water Agency. 2014. 2014 West Slope Update Water Resources Development and Management Plan, (December, 2007); November 2014, page 123.

It is highly likely that EID **will not** be able to acquire water rights to support additional growth in the County because of need elsewhere in the State (especially in light of over-allocation and persistent drought).

A recent article in the Sacramento Bee describes this over-allocation issue:

*“The state of California has handed out five times more water rights than nature can deliver... California’s total freshwater runoff in an average year is about 70 million acre-feet...but the state has handed out junior water rights totaling 370 million acre-feet.”<sup>3</sup>*

In the face of water shortage, numerous California jurisdictions have denied development projects based on a lack of reliable water supply:

*Water authorities and other government agencies scattered throughout the state...have begun denying, delaying or challenging authorization for dozens of housing tracts and other developments under a state law that requires a 20-year water supply as a condition for building. **The water in our state is not sufficient to add more demand, said Lester Snow, the director of the California Department of Water Resources. And that now means that some large development can’t go forward.**<sup>4</sup>*

**Likewise, because El Dorado County does not have the necessary water resources to support this high-density project, it should not go forward.**

<sup>2</sup> Sawyers, G.W. Undated. *A Primer on California Water Rights*. Available at: [http://aic.ucdavis.edu/events/outlook05/Sawyer\\_primer.pdf](http://aic.ucdavis.edu/events/outlook05/Sawyer_primer.pdf)

<sup>3</sup> Weiser, M. 2014. *Water is Way Below Allotments*. Sacramento Bee, August 20, 2014, pages B1 & B3.

<sup>4</sup> Steinhauer, J. 2008. *Water Starved California Slows Development*. New York Times, June 7, 2008.

## **Violation of General Plan Objective and Policies**

**A General Plan objective—and multiple policies—are violated when discretionary projects are granted approval in the absence of an adequate water supply.** These include:

- **Objective 5.2.1:** County-Wide Water Resources Program. “Establish a County-wide water resources development and management program to include the activities necessary to **ensure adequate future water supplies consistent with the General Plan.**”
- **Policy 5.2.1.1:** “The El Dorado County Water Agency shall support a County-wide **water resources development and management program** which is coordinated with water purveyors and is **consistent with the demands generated by the General Plan land use map.**”
- **Policy 5.2.1.2:** “**An adequate quantity and quality of water** for all uses, including fire protection, **shall be provided for with discretionary development.**”
- **Policy 5.2.1.4:** “**Rezoning and subdivision approvals** in Community Regions or other areas dependent on public water supply **shall be subject to the availability of a permanent and reliable water supply.**”
- **Policy 5.2.1.9:** “In order to approve the tentative map or building permit for which the [Water Supply Assessment] was prepared the County must find...**the water supply from existing water supply facilities will be adequate to meet the highest projected demand associated with the approval on the lands in question.**” This water supply will only be deemed adequate if “...the total **entitled** water supplies available during normal, single, dry, and multiple dry years within a **20-year projection will meet the highest projected demand associated with the approval, in addition to existing and 20-year projected future uses within the area served by the water supplier...**”
- **Policy 5.1.2.2:** “Provision of public services to new discretionary development **shall not result in a reduction of service below minimum established standards to current users...**”

Approval of the Dixon Ranch project will violate these General Plan policies and the objective; therefore, the project must be denied.

## **Implementation of SB 610 and SB 221**

**The applicant’s SB 610 report is inadequate.** According to the *Guidebook for the Implementation of Senate Bill 610 & Senate Bill 221 of 2001*,<sup>5</sup> SB 221 also applies to the Dixon Ranch residential project, and yet the requirements of SB 221 have not been met. Under SB 221, **approval of residential**

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<sup>5</sup> California Department of Water Resources.2003. *Guidebook for the Implementation of Senate Bill 610 & Senate Bill 221 of 2001 to Assist Water Suppliers, Cities, and Counties in Integrating Water and Land Use Planning*. October 8, 2003. Available at: [http://www.water.ca.gov/pubs/use/sb\\_610\\_sb\\_221\\_guidebook/guidebook.pdf](http://www.water.ca.gov/pubs/use/sb_610_sb_221_guidebook/guidebook.pdf)

**subdivisions requires an affirmative written verification of sufficient water supply.**<sup>6</sup> SB 221 applies to “subdivisions,” as defined below:

**Government Code section 66473.7**

*(a) For the purposes of this Section, the following definitions apply:*

*(1) “Subdivision” means a proposed residential development of more than 500 dwelling units, except that for a public water system that has fewer than 5,000 service connections, “subdivision” means any proposed residential development that would account for an increase of 10 percent or more in the number of the public water system’s existing service connections.*

**Source:** Government Code section 66473.7(a)(1).

And, Dixon Ranch *is not* exempt from the requirements of SB 221. An exemption applies only in the following instance:

**Government Code section 66473.7.**

*(i) This Section shall not apply to any residential project proposed for a site that is within an urbanized area and has been previously developed for urban uses, or where the immediate contiguous properties surrounding the residential project site are, or previously have been, developed for urban uses, or housing projects that are exclusively for very low and low-income households.*

**Source:** Government Code section 66473.7(i).

The Dixon Ranch project **is not** in an urbanized area, as defined under Public Resources Code section 21071, which defines “urbanized” as:

~~(A) Completely surrounded by one or more incorporated cities, and both of the following criteria are met:<sup>¶</sup>~~

**Source:** Public Resources Code section 21071(b)(1)(A).

Nor is it—despite its recent inclusion in a Community Region boundary line—located in a region that **“allows urban uses on one side of the boundary and prohibits urban uses on the other side.”**

~~(B) Located within an urban growth boundary and has an existing residential population of at least 5,000 persons per square mile. For purposes of this subparagraph, an “urban growth boundary” means a provision of a locally adopted general plan that allows urban uses on one side of the boundary and prohibits urban uses on the other side.<sup>¶</sup>~~

**Source:** Public Resources Code section 21071(b)(1)(B).

Thus, the requirements of SB 221 apply. But there is no documentation in support of compliance with SB 221 in either the Dixon Ranch EIR or SB 610 report. SB 221 is *mentioned* in the draft EIR for Dixon Ranch, but the project applicant does nothing to satisfy SB 221 requirements:

<sup>6</sup> Department of Water Resources. 2003. *Guidebook for the Implementation of Senate Bill 610 and Senate Bill of 2001; to Assist Water Suppliers, Cities and Counties in Integrating Water and Land Use Planning*; October 8, 2003, page iii.



*Senate Bill 610 and SB 221.* In 2003, Senate Bill (SB) 610 and SB 221 were signed into law by Governor Gray Davis. SB 610 requires public water systems that supply water to proposed projects determine whether the projected water demand (associated with the proposed project) could be met when existing and planned future uses are considered. For the purposes of SB 610, Water Code Section 10912 (a)(2) requires all projects with a water demand equivalent to 500 or more dwelling units, or which include over 250,000 square feet of commercial office building, to obtain a Water Supply Assessment (WSA). In addition, SB 610 requires a quantification of water received by the water provider in prior years from water rights, water supply entitlements, and water service contracts. Under SB 221, approval by a city or county of certain residential subdivisions requires an affirmative written verification of sufficient water supply.

Source: Dixon Ranch draft Environmental Impact Report, page 294.

Because of this omission, determination of sufficient water supply—as required under SB 221—is not adequate. According to the SB 610 and SB 221 Guide, an agency “***...shall not approve any final map prepared for the subdivision until the agency governing body has received a written verification that satisfies the condition regarding a sufficient water supply...***”

Under SB 221, the definition of “sufficient water supply” is as follows:

### Step One: Documenting supply

#### Government Code section 66473.7

- (a) (2) *“Sufficient water supply” means the total water supplies available during normal, single-dry and multiple-dry years within a 20- year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses, including, but not limited to, agricultural and industrial uses. In determining “sufficient water supply,” all of the following factors shall be considered:*
- (A) The availability of water supplies over a historical record of at least 20 years.*
  - (B) The applicability of an urban water shortage contingency analysis prepared pursuant to Section 10632 of the Water Code that includes actions to be undertaken by the public water system in response to water supply shortages.*
  - (C) The reduction in water supply allocated to a specific water use sector pursuant to a resolution or ordinance adopted, or a contract entered into, by the public water system, as long as that resolution, ordinance, or contract does not conflict with Section 354 of the Water Code.*
  - (D) The amount of water that the water supplier can reasonably rely on receiving from other water supply projects, such as conjunctive use, reclaimed water, water conservation, and water transfer, including programs identified under federal, state, and local water initiatives such as CALFED and Colorado River tentative agreements, to the extent that these water supplies meet the criteria of subdivision (d).*

Source: Department of Water Resources. 2003. *Guidebook for the Implementation of Senate Bill 610 and Senate Bill of 2001; to Assist Water Suppliers, Cities and Counties in Integrating Water and Land Use Planning*; October 8, 2003, page 50.

When, as is the case with Dixon Ranch, it is determined the water supply would not be sufficient to meet existing water demands (past, present demands) and “*reasonably probable future uses*” (this term equals “*planned future uses*” in the definition above), the sufficiency analysis must follow the steps outlined below.

#### Water Code section 10911

*(a) If, as a result of its assessment, the public water system concludes that its water supplies are, or will be, insufficient, the public water system shall provide to the city or county its plans for acquiring additional water supplies, setting forth the measures that are being undertaken to acquire and develop those water supplies. If the city or county, if either is required to comply with this part pursuant to subdivision (b), concludes as a result of its assessment, that water supplies are, or will be, insufficient, the city or county shall include in its water assessment its plans for acquiring additional water supplies, setting forth the measures that are being undertaken to acquire and develop those water supplies. Those plans may include, but are not limited to, information concerning all of the following:*

- (1) The estimated total costs, and the proposed method of financing the costs, associated with acquiring the additional water supplies.*
- (2) All federal, state, and local permits, approvals, or entitlements that are anticipated to be required in order to acquire and develop the additional water supplies.*
- (3) Based on the considerations set forth in paragraphs (1) and (2), the estimated timeframes within which the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), expects to be able to acquire additional water supplies.*

**Source:** Department of Water Resources. 2003. *Guidebook for the Implementation of Senate Bill 610 and Senate Bill of 2001; to Assist Water Suppliers, Cities and Counties in Integrating Water and Land Use Planning*; October 8, 2003, page 34.

And, when a project is subject to SB 221, the written verification must meet the requirements of Government Code section 66473.7(d):

*(d) When the written verification pursuant to subdivision (b) relies on projected water supplies that are not currently available to the public water system, to provide a sufficient water supply to the subdivision, the written verification as to those projected water supplies shall be based on all of the following elements, to the extent each is applicable:*

- (1) Written contracts or other proof of valid rights to the identified water supply that identify the terms and conditions under which the water will be available to serve the proposed subdivision.*
- (2) Copies of a capital outlay program for financing the delivery of a sufficient water supply that has been adopted by the applicable governing body.*
- (3) Securing of applicable federal, state, and local permits for construction of necessary infrastructure associated with supplying a sufficient water supply.*
- (4) Any necessary regulatory approvals that are required in order to be able to convey or deliver a sufficient water supply to the subdivision.*

**Source:** Department of Water Resources. 2003. *Guidebook for the Implementation of Senate Bill 610 and Senate Bill of 2001; to Assist Water Suppliers, Cities and Counties in Integrating Water and Land Use Planning*; October 8, 2003, page 50.

But there is an “out” here. Even if the water supply is deemed insufficient, a “local agency” *may make a finding* that additional water supplies not accounted for *will be available*; but **this finding must be made on the record, supported by substantial evidence**. The following excerpt identifies the relevant Government Code section requirements:

## Section 15 - Code citations

## If the projected supply is determined to be insufficient

### Government Code section 66473.7

(b) (3) If the written verification provided by the applicable public water system indicates that the public water system is unable to provide a sufficient water supply that will meet the projected demand associated with the proposed subdivision, then the local agency may make a finding, after consideration of the written verification by the applicable public water system, that additional water supplies not accounted for by the public water system are, or will be, available prior to completion of the subdivision that will satisfy the requirements of this section. This finding shall be made on the record and supported by substantial evidence.

(d) When the written verification pursuant to subdivision (b) relies on projected water supplies that are not currently available to the public water system, to provide a sufficient water supply to the subdivision, the written verification as to these projected water supplies shall be based on all of the following elements, to the extent each is applicable:

- (1) Written contracts or other proof of valid rights to the identified water supply that identify the terms and conditions under which the water will be available to serve the proposed subdivision.
- (2) Copies of a capital outlay program for financing the delivery of a sufficient water supply that has been adopted by the applicable governing body.
- (3) Securing of applicable federal, state, and local permits for construction of necessary infrastructure associated with supplying a sufficient water supply.
- (4) Any necessary regulatory approvals that are required in order to be able to convey or deliver a sufficient water supply to the subdivision.

**Source:** Department of Water Resources. 2003. *Guidebook for the Implementation of Senate Bill 610 and Senate Bill of 2001; to Assist Water Suppliers, Cities and Counties in Integrating Water and Land Use Planning*; October 8, 2003, page 76.

The following excerpt identifies the relevant “agency action”:

## Section 15 If the projected supply is determined to be insufficient

### Agency Action

If the written verification provided by the water supplier, or by the agency, indicates that the water supply is insufficient to meet the projected demand associated with the proposed subdivision, then the agency may make a finding, after consideration of the written verification, that additional water supplies not accounted for in the verification are, or will be, available prior to completion of the subdivision that will meet the demands of the subdivision. This finding must be made on the record and supported by substantial evidence. Generally, if an agency identifies a supply that was not accounted for in the verification it will be a supply that is not currently available or not currently being used. In this situation, the substantial evidence supporting the finding should comply with Government Code 66473.7(d).

This means that the agency would have to provide information relating to:

- (1) Written contracts or other proof of valid rights to the identified water supply which identify the terms and conditions under which the water will be available to serve the proposed subdivision.
- (2) Copies of a capital outlay program for financing the delivery of a sufficient water supply that has been adopted by the applicable governing body.
- (3) Securing of applicable federal, state, and local permits for construction of necessary infrastructure associated with supplying a sufficient water supply.
- (4) Any necessary regulatory approvals that are required in order to be able to convey or deliver a sufficient water supply to the subdivision.

**Source:** Department of Water Resources. 2003. *Guidebook for the Implementation of Senate Bill 610 and Senate Bill of 2001; to Assist Water Suppliers, Cities and Counties in Integrating Water and Land Use Planning*; October 8, 2003, page 77.

**Such findings have not been made in the case of the Dixon Ranch residential project. EID has not provided the necessary documentation to support “substantial evidence in the record” that additional water supplies not accounted for will be available.**

For instance, it has been stated in the Dixon Ranch SB 610 that contracts are yet to be negotiated and executed, regulatory approvals and permits are pending, environmental compliance efforts are unsettled, and—in some instances—judicial action will be required. **There is simply not an adequate water supply to support this project; no “substantial evidence” exists.**

**Water Quality**

**Failure to Comply with NPDES Requirements**

**The requirement that the project comply with State Water Resources Control Board (SWRCB) Order No. 2013-0001-DWQ has been wrongly eliminated.**

*NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR WASTE DISCHARGE REQUIREMENTS (WDRs) FOR STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)  ORDER NO. 2013-0001-DWQ NPDES NO. CAS000004	
This Order was adopted by the State Water Resources Control Board on:	February 5, 2013
This Order shall become effective on:	July 1, 2013
This Order shall expire on:	June 30, 2018

Source: SWRCB NPDES General Permit for Waste Discharge Requirements; Order No. 2013-0001-DWQ; February 5, 2013; page1.

Following is a description of the reasoning behind the dismissal of this legal obligation.

During incorporation of public review comments on the draft EIR, revisions were proposed to Mitigation Measure HYD-1 that would require the project to comply with the State Water Resources Control Board Order No. 2013-0001 DWQ effective July 1, 2013 ("Order"). However, under Section E.12.c of the Order (Regulated Projects) "Discretionary projects that have been deemed complete prior to the second year of the effective date of this Order are not subject to the Post-Construction Standards herein."

The Dixon Ranch project was deemed complete on April 23, 2013, prior to the effective date of the Order. As such, staff recommends that the proposed revisions in the Mitigation Monitoring and Reporting Program and final EIR be revised again to reflect the language that was originally circulated with the Draft EIR. The language in the Draft EIR is sufficient to mitigate the project impacts under CEQA, and would require that the project comply with the El Dorado County West Slope Storm Water Management Plan (SWMP), which was the controlling regulatory document in place at the time the project application was deemed complete. The proposed revisions consistent with the Draft EIR are indicated by ~~strikeout~~/underline text, as follows:

**"Impact HYD-1: The construction period and operation period of the project could result in degradation of water quality in Green Spring Creek and downstream receiving waters by reducing the quality of stormwater runoff and increasing erosion/sedimentation.**

Source: Staff Memo 4B; December 14, 2015, page 1.

But the actual language in Order No. 2013-0001-DWQ is as follows:

Effective Date for Applicability of Low Impact Development Runoff Standards to Regulated Projects: By the second year of the effective date of the permit, the Permittee shall require these Post-Construction Standards be applied on applicable new and redevelopment Regulated Projects, both private development requiring municipal permits and public projects, to the extent allowable by applicable law. These include discretionary permit projects that have not been deemed complete for processing and discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals. Discretionary projects that have been deemed complete prior to the second year of the effective date of this Order are not subject to the Post-Construction Standards herein. For the Permittee's Regulated Projects, the effective date shall be the date their governing body or designee approves initiation of the project design.

Source: SWRCB NPDES General Permit for Waste Discharge Requirements; Order No. 2013-0001-DWQ; February 5, 2013; page 51.

The Dixon Ranch project is not "complete," nor has the "project design" been approved. **SWRCB Order No. 2013-0001-DWQ does apply, and must be implemented.** And at one point in the process, the applicant agreed they must comply with the Order (in a response to comments from the Central Valley Regional Water Quality Control Board [CVRWQCB]):

Response A4-2: The project is located entirely within El Dorado County and therefore would be subject to the requirements of the Waste Discharge Requirements (WDRs) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems General Permit No. CAS000004 (Order No. 2013-0001-DWQ) (Small MS4 Permit) adopted by the State Water Board on February 5, 2013. Section E.12 of the Small MS4 Permit is the "Post-Construction Stormwater Management Program." The proposed project qualifies as a "Regulated Project" as defined in Section E.12.c of the Order and therefore will be required to comply with the standards provided in the Order. Before approving any tentative map, the County (as permittee) will be responsible for ensuring the proposed project site design includes measures required under Sections E.12.a (Site Design Measures), E.12.d (Source Control Measures), E.12.e (LID Design Standards), and E.12.f (Hydromodification Measures). Other sections of E.12 address the County's responsibilities for documenting compliance with the MS4 Permit.

Source: Dixon Ranch Residential Project Response to Comments Document, page 73 (page 77 of 444).

Has the CVRWQCB been consulted about this change? It does not appear as though Staff Memo 4B was sent to the CVRWQCB contact (Treavor Cleak, Environmental Scientist) for confirmation regarding the validity of the interpretation that the project applicant was not required to implement the Order.

Changes to mitigation measures HYD-1a and HYD-1b back to the language in the draft EIR—in part based on this interpretation of the non-applicability of the SWRCB Order—prompted County Staff to conclude changes to the mitigation measures do not result in “...*any new significant environmental impacts...*”, **but this is false.**

The revisions to the Final EIR, and specifically Mitigation Measure HYD-1a and HYD-1b, described in this memorandum are being made by the County to amplify and clarify material in the Final EIR subsequent to its publication and circulation. None of the changes or clarifications described in this memorandum constitutes significant new information added to the Final EIR, and the changes or clarifications presented do not result in any new significant environmental impacts, any substantial increase in the severity of previously identified environmental impacts, or the efficacy and feasibility of Mitigation Measures HYD-1a and HYD-1b to reduce significant impacts to a less-than-significant level.

Source: Staff Memo 4B; December 14, 2015, page 3.

Changes to mitigation measures HYD-1a and HYD-1b **do constitute a significant environmental impact. If the project applicant is allowed to evade compliance with SWRCB Order 2013-0001-DWQ, the EIR must be recirculated to establish effective mitigation.** (It also appears other important mitigation elements may have been deleted during this process of reverting to the draft EIR versions of HYD-1a and HYD-1b.)

### **Inadequacy of Wastewater Facilities**

As described under impact UTIL-3,<sup>7</sup> “*There is currently inadequate wastewater infrastructure to serve the proposed project.*” In this instance, the following General Plan policy applies:

- **Goal 5.3: Wastewater Collection and Treatment.** An adequate and safe system of wastewater collection, treatment, and disposal to serve current and future County residents.
- **Objective 5.3.1: Wastewater Capacity.** Ensure the availability of wastewater collection and treatment facilities of adequate capacity to meet the needs of multifamily, high-, and medium-density residential areas, and commercial and industrial areas.

Source: Dixon Ranch draft Environmental Impact Report, page 297.

And the alternatives have not been established; their viability is unknown.

**b. Sewer Service.** On-site sewer improvements are shown in a conceptual improvements plan included as Figure III-11. For sewer service, on-site sewer improvements would include a proposed lift station to be located within the proposed EID lot (Lot Z) at the north end of Lot 2, adjacent to Green Valley Road.

...  
Three potential off-site sewer-improvement alternatives have been identified, and are briefly described below. EID considers these alternatives as conceptual alternatives at this time. EID was involved in the preliminary evaluation of these alternatives, but additional evaluation will be required before a final facility design is selected. The selected alternative will need to be fully developed in the future Facility Plan Report and Improvement Plans.

Source: Dixon Ranch Residential Project Response to Comments Document, page 419 (page 423 of 444).

<sup>7</sup> LSA Associates. 2014. *Public Review Draft, Dixon Ranch Residential Project Environmental Impact Report*, November, 2014, page 31.

This lack of adequate wastewater facilities is designated as “significant” impact. While the project applicant has proposed three alternatives to rectify this inadequacy, no clear solution has been established. Because this matter remains unresolved, it requires project denial.

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### Conclusions

- **EID’s water supply is inadequate to serve this development.** EID must acquire “planned water assets” that are not yet secured to support the project into the future when combined with past, present, and reasonably probable future uses. **There is no promise EID will be able to acquire these assets.**
- The applicant’s SB 610 report is inadequate; the requirements of SB 221 must be met as well. EID has not provided the necessary documentation to support “substantial evidence in the record” that additional water supplies will be available.
- Multiple General Plan water supply policies that require adequate water supply will be violated if this project is approved.
- The requirement that the project comply with State Water Resources Control Board (SWRCB) Order No. 2013-0001-DWQ has been wrongly eliminated.
- Changes to mitigation measures HYD-1a and HYD-1b constitute “significant environmental Impact,” and thus require a recirculation of the project EIR to reestablish effective mitigation.
- Project wastewater infrastructure is inadequate; the viability of proposed alternatives has not been established.

Based on these project inadequacies, I ask you to deny this project.

**Dixon Ranch water supply - Public Comment - 3/17/2016**

*Please submit these comments into the public record for the project (file no. 14-1617).*

Dear Supervisors:

Water supply is a complex issue. After reading the comments from Cheryl Langley submitted March 8, 2016, I hope you will ask staff for a layman's explanation of how the Board can approve the project *knowing* there are insufficient water supplies.

While the Dixon Ranch EIR and appendices include hundreds of pages on the subject attempting to justify staff's recommendation for approval, the bottom line is that *EID's water supply is over-allocated and inadequate to serve the proposed development.* In brief:

1. EID's ability to meet the needs of the project is dependent upon a first-come-first-served allocation process because the projected water usage exceeds the available supply. The Final EIR fails to clarify that *the Water Supply Assessment (WSA) claims of sufficiency are dependent upon securing additional water rights.*
2. This means *the project does not comply with General Plan policy 5.2.1.9*, which requires that water supplies for new development be proven adequate for a 20-year projected need. (Other General Plan policies also being violated regarding water supply include 5.1.2.2, 5.2.1.1, 5.2.1.2, 5.2.1.4) The Final EIR does not address this.
3. The *project is not compliant with SB610 and SB622.* The WSA required by SB610 says there 'should' be sufficient water but *only if additional water supply assets can be secured.* The required 'alternative supply' options included have either *not* been shown to be feasible, or have not been analyzed for impacts. One is building a dam, and the other is expansion of recycled water. The project as proposed is exempt from recycled water requirements because it was considered infeasible to expand the service area.
4. *The Dixon Ranch WSA cumulative assessment omitted projects* such as Diamond Dorado, Stonehenge Springs, the Folsom Specific Plan, & more, that should have been included in the cumulative analysis required by CEQA.
5. The CEQA Findings posted ignore the court ruling (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova (2007) 40 Cal 4th 412*) that found *it is not sufficient to address issues relating to future water supplies by simply stating that the "future development will not go forward in the absence of a sufficient water supply"*. The Final EIR falsely claims consistency with this ruling.

**This water 'shortfall' must be taken seriously: our water supply is inadequate for this project, it does not meet state or Gen Plan requirements, and the courts have already ruled against granting entitlements to development with a known water supply deficiency.**

Please re-evaluate the project density for a *significant* reduction in units, and reconsider the requirement for recycled water and its infrastructure that have been waived for the project.

Ellen Van Dyke  
Rescue

cc. Districts 2-5 Supervisors, the Clerk of the Board, and Planner Lillian MacLeod



**Table 4-1 – Water Rights, Entitlements, and Supply Availability**

Water Right or Entitlement	Maximum Water Assets Available (Ac-ft)	Normal Year Planned Supply Availability (Ac-ft)	Dry-Year Planned Supply Availability (Ac-ft)
License 2184 and pre-1914 ditch rights including Warren Act Contract 06-WC-20-3315	4,560	4,560	3,000
Licenses 11835 and 11836	33,400	23,000	20920 <sup>[A]</sup>
CVP Contract 14-06-200-1375A-LTR1	7,550	7,550	5,660
Pre-1914 American River diversion and storage rights	15,080	15,080	15,080
Permit 21112	17,000	17,000	17,000
<b>Subtotal Existing</b>	<b>77,590</b>	<b>67,190</b>	<b>61,660</b>
Central Valley Project Fazio water entitlement (PL 101-514 (1990) Fazio) <sup>[B]</sup>	7,500	7,500	5,625
Applications 5645X12, 5644X02 and partial assignment of Applications 5645, 5644 with El Dorado-SMUD Cooperation Agreement <sup>[C]</sup>	40,000 <sup>[D]</sup>	30,000	5,000 <sup>[E]</sup>
<b>Subtotal Planned</b>	<b>47,500</b>	<b>37,500</b>	<b>10,625</b>
Recycled Water	5,600	5,600	5,600
<b>Total</b>	<b>130,690</b>	<b>110,290</b>	<b>77,885</b>

<sup>[A]</sup> This is the modeled safe-yield of this water right during a single dry-year. For planning purposes, the second and third dry years of a three-year dry period are assumed to be 17,000 acre-feet, and 15,500 acre-feet, respectively

<sup>[B]</sup> Section 5.1.1 of the El-Dorado SMUD Cooperation Agreement indicates that 40,000 acre-feet of SMUD water will be available after 2025. For conservative Normal Year planning purposes, the District uses 30,000 acre-feet of available supply.

<sup>[C]</sup> Available supply is 15,000 acre-feet in a single dry year but in preparing for multiple dry years EID anticipates using only 5,000 acre-feet per year for a three year period.

<sup>[D]</sup> Available starting in 2015

<sup>[E]</sup> Available starting in 2025

### 3.6 TOTAL ESTIMATED DEMAND

The other existing and planned future water demands described in this section represent the total demands anticipated *in addition to* the water demands of the Proposed Project. Combining the estimated Proposed Project water demands of 482 acre-feet annually (see Table 2-3) with the estimated Existing and Planned Future water demands of nearly 67,000 acre-feet annually (see Table 3-1), a total estimated demand for EID water supplies by 2035 is determined. Estimated existing and planned future water demands, inclusive of non-revenue water needs, for each 5-year increment to 2035 are presented in Table 3-2. The estimated demand for EID Water supplies is 67,295 acre-feet annually.

**Table 3-2 – Total Estimated Water Demands**

Category	Estimated Demand (af/yr)					
	Current	2015	2020	2025	2030	2035
Proposed Project	0	152	518	517	500	482
Existing and Planned Future Uses	38,984	39,348	42,419	49,043	57,375	66,813
<b>Total Water Demand</b>	<b>38,984</b>	<b>39,500</b>	<b>42,937</b>	<b>49,560</b>	<b>57,875</b>	<b>67,295</b>

**Response B25-98:** This comment is not directed to any specific analysis within the Draft EIR or its conclusions. The provision of water meters would not result in any impacts on the physical environment that requires analysis under CEQA. Furthermore, as described in the WSA prepared for the project, after accounting for water demand projections for the next 20 years, EID should have sufficient water to meet the demands of the proposed project and other service area demands for at least the next 20 years. The WSA was approved by the El Dorado Irrigation District Board of Directors on August 26, 2013, and is included in Appendix F of the Draft EIR. Please also see Master Response 5.

The current process for all discretionary projects that require public water service is that a Facility Improvement Letter (FIL) prepared by the water provider be submitted at the time of application, indicating the amount of existing water available and the amount required to serve the project. The FIL is not a commitment to serve, but an indication that there is enough at the time of application to move forward with the project.

In 1992, the Board of Supervisors established the requirement under Resolution 118-92 that prior to tentative subdivision or parcel map approval, the subdivider must present to the County a Water Meter Award Letter or similar assurance from the water purveyor guaranteeing water service upon demand to each of the parcels created by the subdivision, and establishing to the satisfaction of the County that an adequate water supply is available to meet the demand created by the subdivision. The Draft EIR identified a mitigation measure (Mitigation Measure UTL-1) consistent with this requirement (prior to approval of any final subdivision map for the proposed project, the applicant shall secure a "will serve" letter or equivalent written verification from EID demonstrating the availability of sufficient water supply for the project).

Water meters are issued by EID on a "first come first served" basis. Development of this project, or any project for that matter, is and has always been contingent on availability of water to serve the project prior to final map approval. EID will determine at that time if there is enough water resources available to allow the sale of water meters to serve the project. The applicant will then purchase the water meters and receive the necessary Meter Award Letter required by the County prior to Board approval of the final map. If meters cannot be awarded, then the project cannot develop until future water availability is secured. As to impacts on existing wells in the area, refer to

Water supply is inadequate if a 20-yr projection cannot be met, per Gen Plan policy 5.2.1.9:

**Policy 5.2.1.9** In an area served by a public water purveyor or an approved private water system, the applicant for a tentative map or for a building permit on a parcel that has not previously complied with this requirement must provide a Water Supply Assessment that contains the information that would be required if a water supply assessment were prepared pursuant to Water Code section 10910. In order to approve the tentative map or building permit for which the assessment was prepared the County must (a) find that by the time the first grading or building permit is issued in connection with the approval, the water supply from existing water supply facilities will be adequate to meet the highest projected demand associated with the approval on the lands in question; and (b) require that before the first grading permit or building permit is issued in connection with the approval, the applicant will have received a sufficient water meters or a comparable supply guarantee to provide adequate water supply to meet the projected demand associated with the entire approval. A water supply is adequate if the total entitled water supplies available during normal, single, dry, and multiple dry years within a 20-year projection will meet

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the highest projected demand associated with the approval, in addition to existing and 20-year projected future uses within the area served by the water supplier, including but not limited to, fire protection, agricultural, and industrial uses, 95% of the time, with cutbacks calculated not to exceed 20% in the remaining 5% of the time.

Current water users should not suffer the impacts of new development, per Gen Plan policy 5.1.2.2:

**Policy 5.1.2.2** Provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users, pursuant to Table 5-1.

*The Vineyard court ruling (Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova (2007) 40 Cal 4th 412), found that it is not sufficient to address issues relating to future water supplies by simply stating that the "future development will not go forward in the absence of a sufficient water supply".*

*From DEIR page 308 (pdf pg 316/394)*

LSA ASSOCIATES, INC.  
NOVEMBER 2014

DIXON RANCH RESIDENTIAL PROJECT EIR  
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L. UTILITIES

and analyzed in an EIR must be reasonably likely to prove available. Speculative water sources and unrealistic water allocations do not provide an adequate basis for a public agency's decision-making. The Supreme Court said that when a full analysis of future water supplies for a project leaves some uncertainty regarding the availability of the identified future supplies, the EIR must discuss possible replacement or alternative supply sources. In addition, the EIR must discuss the potential environmental effects of resorting to those alternative supply sources. The court held that it is not sufficient to address issues relating to future water supplies by simply stating that future development will not go forward in the absence of a sufficient water supply.

*From the DEIR p316 (pdf p324/394), mitigation measure UTL-1 counts on the project not going forward if supply is not available, contrary to the above referenced 'Vineyard' court decision.*

**Conclusion.** EID's existing secured supplies are adequate to supply EID's existing (current customers and uses) water demands plus the 482 annual acre feet of water required to serve the proposed project at build-out. However, in the cumulative condition (existing, plus planned future uses, plus project), a potential water shortfall in very dry years absent planned water supplies is identified beginning in the year 2030 (WSA Table 5-1). Although it is anticipated that the proposed project would be fully constructed before the shortfall associated with the existing and planned future development occurs, due to the uncertainties associated with the County's Oak Woodland policies (see Chapter IV, section G, Impact BIO-2), and uncertainties with the market, in general, there is a possibility that the project would not be built out by this time and would need to secure a reliable water supply in the face of a future cumulative shortage. Sources for this alternative water supply include the three water supply options discussed above. In order to ensure that an adequate water supply is available to meet the project's demands, Mitigation Measure UTL-1 is required:

**Mitigation Measure UTL-1:** Prior to approval of any final subdivision map for the proposed project, the applicant shall secure a "will serve" letter or equivalent written verification from EID demonstrating the availability of sufficient water supply for the project. (LTS)

With implementation of Mitigation Measure UTL-1, the project will not go forward unless EID has adequate secured supplies to meet the project's water demands. If secured water supplies are not available to meet the project's water demands, a permanent curtailment of development within the project could occur. Impacts associated with curtailment of development within the project could include (1) impacts associated with infrastructure construction and the provisions of services; (2) impacts associated with the pattern of development (e.g., land use patterns that are discontinuous and the effects such patterns may have on land use compatibility and other resources; and (3) economic impacts. Regarding infrastructure impacts, project buildout would not outpace the development of its infrastructure and therefore no impacts would be expected to occur. Development of only part of the project would not likely result in significant impacts associated with discontinuous land-use patterns.

The project 'Findings', page 20 of attachment 5L (pdf pg 24/50) repeat the inconsistency with the Vineyard ruling-

**Findings for UTL-1:** Mitigation Measure UTL-1 requires that prior to the approval of any final subdivision map for the proposed project, the applicant shall secure a "will serve" letter (or equivalent written verification) from EID demonstrating the availability of sufficient water supply for the project. Confirmation that adequate water supplies are available to serve the project would be required, and the project will not go forward unless confirmation is provided. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the County finds that Mitigation Measure UTL-1 will be incorporated into the project via conditions of approval, and will reduce Impact UTL-1 to a less-than-significant level.

*Alternative options for water supply include building a dam, per the WSA report in the Draft EIR Appendices, pdf pg321/676. This is both speculative and unrealistic within the project's timeframe:*

## ***Water supply Options***

To enable comparison to the sufficient water supplies identified by the WSA, and summarized in Draft EIR Section IV.L, Utilities, this analysis identifies water supply options that have been developed to meet the 3,400 ac-ft shortfall and are assessed in this section:

- Option 1 – Construct Alder Reservoir
- Option 2 – Construct recycled water seasonal storage and implement additional conservation
- Option 3 – Participate in regional groundwater banking and exchange programs

*From the Draft EIR p316 (pdf pg324/394), there is a shortfall in supply when accounting for existing and planned (already approved) future uses. Note the 'cumulative condition' does not include reasonably foreseeable but not yet approved projects, as required under CEQA.*

**Conclusion.** EID's existing secured supplies are adequate to supply EID's existing (current customers and uses) water demands plus the 482 annual acre feet of water required to serve the proposed project at build-out. However, in the cumulative condition (existing, plus planned future uses, plus project), a potential water shortfall in very dry years absent planned water supplies is identified beginning in the year 2030 (WSA Table 5-1). Although it is anticipated that the proposed project would be fully constructed before the shortfall associated with the existing and planned future development occurs, due to the uncertainties associated with the County's Oak Woodland policies (see Chapter IV, section G, Impact BIO-2), and uncertainties with the market, in general, there is a possibility that the project would not be built out by this time and would need to secure a reliable water supply in the face of a future cumulative shortage. Sources for this alternative water supply include the three water supply options discussed above. In order to ensure that an adequate water supply is available to meet the project's demands, Mitigation Measure UTL-1 is required: