

Valley of the Moon Water District Comments on the Proposed Sonoma Mountain Community Services District “LAFCO Application Plan for Service”

Definitions:

LAFCO or LAFCo: Sonoma Local Agency Formation Commission

SDC: the former Sonoma Developmental Center

VOMWD: Valley of the Moon Water District

SMCSD: Proposed Sonoma Mountain Community Services District

WSA: Water Supply Assessment

SOI: LAFCo established Sphere of Influence

ADU: Accessory Dwelling Unit

Comments:

Comment 1.	
SMCSD LAFCo Application Reference Page/s: 5-6	<p>Meanwhile, the Valley's already limited local services are being called upon to serve what will be a rapidly growing population - our rural roads required for mobility, our limited networks for water supply and sanitation services, and our evacuation routes that are vital in future wildfires. All are at risk of being overwhelmed as the demand on them increases exponentially, and as climate change radically alters the context in which everything that happens in our Valley is planned for, and implemented.</p> <p>Additionally we live in a society that typical separates resources into public and private realms. There are public and private agencies, public and private lands, public and private schools, etc. This dichotomy is important in respect to citizen rights, regulatory laws, and management responsibilities.</p> <p>However, our natural resources, like those on Sonoma Mountain and on the Valley floor, include water, land, and air, and much of our public and private infrastructure such as roads, sewer and water supply are irrevocably interconnected with each other. Our interdependence is most apparent when the resources become scarce due to a major accident or a natural disaster.</p> <p>Yet public and private resources share boundaries and limitations, and are vulnerable to threats, both predictable and unforeseen, that we can only face if we work locally and if we work together. Recent wildfire disasters have taught us that we, as a community, are better off when private and public entities cooperate to protect ourselves, our community, and our shared resources. That cooperation will be one of the cornerstones of the Sonoma Mountain Community Services District in the Sonoma Valley.</p>

<p>VOMWD Response</p>	<p>The above seems to infer that the VOMWD water supply is insufficient to meet current and projected future needs. This is incorrect and has been shown in a recent WSA done for the proposed development at the Hanna Property on Agua Caliente. It is also refuted by VOMWD’s “Global WSA Tracking Tool” developed specifically to track water demand and predict possible shortfalls based on development and related water demand. Furthermore, the District’s WSA done for the County of Sonoma’s SDC Specific Plan called out that the former SDC’s existing water supplies would be counted upon as part of VOMWD’s supply portfolio to support the buildout. This would further increase water supplies and water system reliability not only in the VOMWD service area, but regionally.</p>
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<p>Comment 2.</p>	
<p>SMCSD LAFCo Application Reference Page/s: 7</p>	<p><u>Overlapping of territory</u> where it would interfere with the jurisdiction and functions of other established agencies. The boundary of the District has been shaped to avoid potential overlaps with a future annexation of the Springs area to the City of Sonoma and, where territorial overlaps occur with agencies that provide services like water and sanitation, it will be made clear that the District will not have authority for, nor does it intend to provide, competing services in those areas.</p>
<p>VOMWD Response</p>	<p>It seems to VOMWD that the proposed SMCSD intends to exercise “authority for” water in and around the former SDC site not only by owning and operating the water system, but also by managing the watershed and riparian corridors as outlined further in the comments below.</p>

<p>Comment 3.</p>	
<p>SMCSD LAFCo Application Reference Page/s: 14</p>	<p>It is not the intention that the Sonoma Mountain Community Services District (SMCSD) become a conventional water district. The Sonoma Valley is served well by the Valley of the Moon Water District for the provision of traditional water related services to consumers within its boundaries.</p> <p>It is, however, the intention in forming the District, to work to better understand of the water ecosystem that exists on the western side of the Sonoma Valley- from the ridge line of Sonoma Mountain, down its eastern slopes to the valley floor, and ultimately to its contribution to sustainable yield of the Sonoma Valley Groundwater Subbasin.</p>
<p>VOMWD Response</p>	<p>As mentioned in “Comment 2” above, the SMCSD is expressing a wish to exercise authority over aspects of the water system (in addition to operating a water system on the SDC campus). Furthermore, some of the functions</p>

	outlined are under the purview of the CA Department of Fish and Wildlife and the Sonoma Valley GSA, so the efforts would be redundant.
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Comment 4.	
SMCSD LAFCo Application Reference Page/s: 14	This is a critical time for water in the Sonoma Valley, and there are several variables which will either ensure a future that meets both human and wildlife, riparian and environmental needs, or will jeopardize historic qualities and potentially bring irreparable harm. These variables include: the quantity and quality of water that falls in the watershed and it's capture for current and future use; the extraction of groundwater to meet residential and commercial needs - both current and future and including protection of the riparian corridors of Sonoma Creek and the Public Resource Trust associated with them; the projected population growth of the future as it is driven by new development; and access to, and management of, water resources on Sonoma Mountain as a whole and with the boundaries of former Sonoma Development Center (SDC);.
VOMWD Response	Again, the SMCSD has identified a job that is already being done, this time by the County of Sonoma. The proponents also seem to be seeking control of the water resources on Sonoma Mountain within the former SDC, which VOMWD would rely upon to serve any new developments on the site. This would create a possibly insurmountable hurdle to bringing the water system online at all, since VOMWD is not interested in taking on the liability of operating the water system at the site if it does not also have the water rights in more-or-less the same configuration that SDC did while in operation.

Comment 5.	
SMCSD LAFCo Application Reference Page/s: 14-15	<p>Current forecasts developed by the Valley of the Moon Water District (VOMWD) do not yet reflect developments already proposed and future developments to come as the demands caused by the local RHNA allocations and the effects of recent State housing legislation come to bear. An extrapolation of recent forecasts suggests that likely water demand, water supply and sub-basin depletion are not in equilibrium and that options to Increase groundwater pumping will only further deplete the subbasin - stretching further the gap between demand and sustainable yield.</p> <p>At the same time, a recent ruling by the Sonoma Superior Court is calling the County's management of surface and underground water a violation of both the Public Trust Doctrine and the California Environmental Quality Act, both of which safeguard fisheries and public resources. Stream-flow in the Sonoma Valley is vulnerable to periods of drought, and lack of stream-flow is the single largest factor holding back the recovery of the salmon and steelhead which, over thousands of years, have adapted to thrive in Sonoma Creek where summer stream-flows often dwindle.</p>

<p>VOMWD Response</p>	<p>This is not only untrue, but is also alarmist. VOMWD is aware of the major developments within its SOI and is well poised to supply water to likely minor developments (i.e. the addition of ADUs to residential properties). The fact that CA law now allows for increased infill and the addition of ADUs irrespective of zoning, does not mean that all property owners have the will or means to take advantage of such a situation. Furthermore, it is often the case that the physical building of an ADU displaces irrigated areas of landscaping resulting in a lower overall water demand on the property.</p> <p>Also, the implication in this paragraph is that VOMWD will be increasing groundwater production in order to meet increasing demands. This is partly true, as VOMWD does intend to increase access to groundwater, however the purpose is to increase supply reliability, not to increase total supply. There are two main aquifers in the Sonoma Valley Subbasin, the upper and the lower. The upper is a sustainable aquifer that recovers each year with rainfall, and the lower is declining each year because it is confined under a 200'+ thick clay layer. The lower aquifer is the reason the basin is classified as "high-priority" and the GSA needed to be formed. All of VOMWD's wells currently in operation are in the upper aquifer, meaning that they do not rely on the declining aquifer.</p> <p>The one well VOMWD owns in the lower aquifer is not in operation due to water quality issues, and is also being used as an Aquifer Storage and Recovery (ASR) pilot well. If the pilot is successful, the well could be used to inject water into the aquifer, providing a net benefit to its health rather than adding to the decline.</p>
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<p>Comment 6.</p>	
<p>SMCSD LAFCo Application Reference Page/s: 15</p>	<p>It is therefore envisaged that the District will work, in collaboration with the Sonoma Mountain Trust, to establish a coalition of organizations in the Sonoma Valley, including the Sonoma Valley GSA, VOMWD, Sonoma Water, Sonoma Valley Sanitation District, Sonoma Ecology Center, Sonoma Land Trust, and others. The objective will be to build a more holistic perspective on water in the Sonoma Valley that will embrace and resolve the apparent impending imbalance between the demand for, and the available supply of, water in the Sonoma Valley.</p> <p>The work of the coalition will provide a much broader and richer understanding of the impact of future development (both timing and magnitude) and valuable context for necessary investments in infrastructure. Its analysis and products will also inform the residents of the SMCSD, and of the Sonoma Valley at large, and it will provide a better understanding of the interdependencies that will govern their quality of life, safety, and confidence in the future.</p>

VOMWD Response	A district is not needed to do this. If a district were formed with this as one of its core intentions, it would exercise no authority to force such relationships or have a say in the capital planning of any of the above-mentioned agencies.
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Comment 7.	
SMCSD LAFCo Application Reference Page/s: 22-23	<p>The District and the SDC.</p> <p>One of the objectives in forming the Sonoma Mountain Community Services District is to provide the community in the Sonoma Valley with a local public agency that has the standing to play a proactive part in the future of the Sonoma Development Center property. Even, under the right circumstances, to take over the long term development and management of the site itself on behalf of the community.</p> <p>The fact that such a public agency is not presently in place has already proven to be a significant problem in negotiations between the community and the State and others. And, even with a District in formation, it is difficult to discuss terms of participation if it is not clear that the District will have the authority to operate under the categories of service that are necessary to fulfill the obligations the community would take under any agreement reached.</p> <p>The Plan for Services in this document has so far focused primarily on the services and benefits that the District will provide to its communities, independent of services to the SDC. However, should participation in the future of the SDC prove to be possible in the future, it will also be necessary to have LAFCO's clear agreement on:</p> <ul style="list-style-type: none"> a) the additional service category authorizations that the District would have available to serve and manage SDC if that becomes possible, and b) how the District could access those authorizations expeditiously, and without a lengthy process and vote, should the opportunity, arise. <p>The categories of service that are allowed under State law to Community Services Districts, and that will be needed if the opportunity for participation in the SDC is negotiated, include:</p> <ul style="list-style-type: none"> • Streets, roads, sidewalks and rights of way (facilities already in place at SDC), • Street lighting and landscaping (facilities already in place at SDC) • Power generation (including creation of a micro-grid) • Cemeteries (should the management of Jack London State Park elect not to take over management of the existing memorial and cemetery at SDC)

- Fire protection (unless agreement is reached with the Sonoma Valley Fire District to provide those services)

- Water supply (unless agreement is reached with Valley of the Moon Water District to provide those services)

If, as we believe may be the case, it will be difficult for LAFCO to provide a blanket authorization of all of those categories, we ask that those services be approved as "Provisional Categories of Service" to be approved in principle and authorized when requested for use with SDC. We are open to discussing any provisions or arrangements that need to be incorporated into this Plan for Services to facilitate a solution.

Categories of Service.

In summary, following are the categories of service under which the District will operate as an Independent Community Services District if this application is approved as presented. Categories are referenced by their designation in Government Code Section 61100:

Baseline categories:

(e) Recreation and Parks

(f) Community Recreation Programs

(p} Transportation

(s) Community facilities

(ae) Habitat mitigation and environmental protection

(af} Broadband (communications)

Provisional categories (for use at SDC):

(a) Water

(d) Fire protection

(g) Street lighting and landscaping

(l) Roads sidewalks & rights of way

(u) Power generation

(ab) Cemeteries

The relationships between categories of service and the types of activity described in this document are shown in the attached chart. A pilot program to allow the district to sponsor housing at SDC is listed, but is not a part of this application to LAFCO.

<p>VOMWD Response</p>	<p>It appears that the applicants wish to form the SMCSD in case it could someday play a role in decision making, land use, and utility infrastructure at SDC if the opportunity ever arises.</p> <p>VOMWD does not wish to speak on behalf of other utilities or government entities, however, it seems that the majority of the services listed are already under the purview of established organizations such as: Sonoma County, PG&E, State Parks, California Department of Fish and Wildlife, Sonoma Valley Fire District, and Valley of the Moon Water District. These organizations are in a better position to take on the roles outlined than a fledgling CSD and have funding, infrastructure, expertise and human resources already in place to do so. Certainly, VOMWD expects to operate the water facilities that will serve the redevelopment of the SDC property.</p>
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<p>Comment 8.</p>	
<p>SMCSD LAFCo Application Reference</p> <p>Page/s: 24</p>	<p>The relationships between categories of service and the types of activity described in this document are shown in the attached chart. A pilot program to allow the district to sponsor housing at SDC is listed, but is not a part of this application to LAFCO.</p> <p><i>(and accompanying chart)</i></p>
<p>VOMWD Response</p>	<p>Water is listed as a utility that the proposed SMCSD would provide to the SDC redevelopment. The SDC site is already within the SOI of VOMWD, and VOMWD does intend to be the water service provider to the redeveloped site. The applicants/SMCSD proponents have met with VOMWD staff and the SDC Subcommittee of the VOMWD Board of Directors and are aware of this fact. During that meeting, the SMCSD proponents ensured VOMWD that there was no intention to provide water services, and that category “(a)” was listed only because it was one of the services listed that a CSD could perform.</p>

<p>Comment 9.</p>	
<p>SMCSD LAFCo Application Reference</p> <p>Page/s: 24-31</p>	<p>Financing the District.</p>
<p>VOMWD Response</p>	<p>The financing section is a bit vague, does not indicate water sales as a source of revenue and seems to rely heavily on grants. Grants typically require a local percentage share – sometimes even a majority share in order</p>

	to qualify. They are also very specific about how and when the funds can be used, and are more typically available for “would be nice” projects as opposed to funding critical functions. Government grants also tend to favor disadvantaged communities, or areas where there are significant problems facing communities, neither of these situations is true in the relatively affluent and well managed areas of Glen Ellen and Sonoma Mountain.
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Comment 10.	
SMCSD LAFCo Application Reference Page/s: 31	Mapping the Boundary.
VOMWD Response	The proposed SMCSD boundary includes quite a bit of conflict with the VOMWD boundary. Obviously VOMWD’s main concern is SMCSD’s effort to actually furnish water to the former SDC site, however, there are several other potential issues with the overlapping boundary as well. These include the SMCSD becoming essentially an additional regulatory barrier to actions VOMWD may wish to take in the future for the benefit of its water customers, and the additional financial burden that would be placed on VOMWD’s customers who are also within the SMCSD service area.

Additional Comments:

It has been the prerogative of the California State Water Resources Control Board (Water Board) to encourage water system consolidation for the purposes of economies of scale, shared management operations expertise etcetera. Furthermore, when a new water system is seeking formation (as the SDC would be if brought back on-line under the management of a new district), the Water Board seeks established water systems within close proximity to own and operate the proposed system as part of their own. The SDC site is not only close to VOMWD’s service area, it is already within VOMWD’s Sphere of Influence, and sits between two pressure zones of VOMWD’s existing system. It is very likely therefore, that the Water Board will encourage or even require consolidation with VOMWD. More information can be found on water system consolidation here:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/waterpartnership.html

Below are a few additional items regarding the relationship between the former SDC and VOMWD:

- VOMWD has been working closely with the County of Sonoma, State of California and the State's chosen developer on transitioning the water system to VOMWD for several years. VOMWD therefore, is well positioned to begin the annexation process as soon as certain conditions are met and has begun laying the groundwork to do so.
- VOMWD actually had four of its operators learn to run the water treatment plant while it was still in operation in order to assist in a smooth transition.
- VOMWD is the assumed water purveyor at the site in all of the documents that have been prepared on the State's dispossession of the property, including the Condition Assessment, Water Supply Assessment, and Transition Plan.
- VOMWD has budgeted for, and is currently advertising an RFP to conduct an "SDC Assessment", to help identify the needed components and likely costs of bringing the water system on-line under VOMWD management.
- Time is of the essence for VOMWD. The former SDC water resources acted as a hedge against the loss of the Sonoma Water aqueduct for nearly two decades before the system was shut down. For more information, please see VOMWD's website here: <https://www.vomwd.org/emergency-water-supply>
- Bringing the SDC water resources to bear therefore, has been prioritized by the VOMWD Board and staff, and is part of the Strategic Plan of VOMWD.