

NIPOMO COMMUNITY SERVICES DISTRICT
Monday, April 14, 2008
9:00 A. M.
SPECIAL MEETING MINUTES

BOARD of DIRECTORS

MICHAEL WINN, **PRESIDENT**
JAMES HARRISON, **VICE PRESIDENT**
ED EBY, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
LARRY VIERHEILIG, **DIRECTOR**

SOUTH COUNTY ADVISORY COUNCIL

RICHARD WRIGHT, CHAIR pro tem
DAN GADDIS, VICE CHAIR pro tem
PHIL HENRY, IMMEDIATE PAST CHAIR
VINCE McCARTHY
ELAINE THOMAS
SEAN SCHUUR
DAN WOODSON
RICK DEAN
REGGIE DION
BILL WEBER
EL-JAY HANSSON
ISTAR HOLLIDAY
STEPHANIE FRANKS
JAMES HARRISON ex officio

MEETING LOCATION
NCSO OFFICE BOARD CHAMBERS
148 South Wilson Street
Nipomo, California

Public Comment will be received on Agenda Items Only

A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 9:00 a.m. and led the flag salute.

B. NCSO BOARD ROLL CALL AND INTRODUCTIONS

At Roll Call, the following NCSO directors were present.

Each Director introduced himself:

Directors Vierheilig, Trotter, Eby and Winn. Director Harrison was absent.

President Winn introduced Vice Chair of the South County Advisory Council, Dan Gaddis.

C. SCAC ROLL CALL AND INTRODUCTIONS

Vice Chair Dan Gaddis called the roll for the SCAC members. He stated that Chairman, Richard Wright is out of town. The following SCAC members were present:

Dan Gaddis, Vince McCarthy, Elaine Thomas, Dan Woodson, Reggie Dion, and Istar Holliday

Chuck Stevenson, Division Manager, San Luis Obispo County Planning, Long Range Planning Division, introduced the following:

Mike Wulkan - SLO County Planning Environmental Review, Supervising Planner

Dana Lilley – SLO County Housing and Economic Development, Supervising Planner

Dale Ramey – Public Works Department, Transportation, Traffic Engineer

Rick Swan, Battalion Chief with Cal Fire

K H Achadjian – SLO County 4th District Supervisor

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D. DISCUSSION OF OAKGLEN ISSUES (NO ACTION TO BE TAKEN)

1. PLAN OVERVIEW BY COUNTY PLANNING STAFF
2. DISCUSS WATER AVAILABILITY & TIMING FOR OAKGLEN PLAN IMPLEMENTATION
3. DISCUSS OAKGLEN LAND USE AND CIRCULATION OPTIONS AND ISSUES

Chuck Stevenson, Division Manager, San Luis Obispo County Planning, Long Range Planning Division, reviewed the plan overview SLO County is proposing for the area on South Oakglen Avenue in Nipomo. He described the plans for building a bridge across Highway 101 at the southern end of Nipomo with ingress/egress ramps being built in the future. He described the possibility of a General Plan Amendment and a Specific Plan.

Mike Wulkan, SLO County Planning Environmental Review – reviewed the primary objectives, which include a secondary access and opportunities for other improvements. The Planning Department would plan to receive property-owner input.

The slide titles included the following:

1. The Planning Study Area
2. Quick facts
3. Project Benefits
 - Safety, Health, Recreation
 - Secondary Access, sidewalks
 - Street drainage improvements
 - Economic Development
 - Housing
 - Resource Development
 - Improve neighborhood appearance
 - Gateways along Highway 101 at edges
4. Update – What's Happened in the Past Year?
 - Wilmar Ave. earthquake fault update
 - Southland St/Hwy 101 improvements
 - Water Supply
 - Level of Severity III certified
 - Groundwater storage, demand (SAIC)

Dale Ramey, Public Works Department, Transportation, discussed some of the project applications and environmental documents necessary

Mr. Wulkan continued with the slides. He stated that there would be no net increase in water use from the groundwater basin by doing transfer of development credits (TDCs) from the rural area of Nipomo to the Oakglen area.

5. Options – delay could mean the funds won't be available
 - Pursue circulation design environmental enhancement improvements only.
 - Creative Solutions
6. Transfer of Development Credits (TDC) Potential

All the slides are available for viewing in the District office.

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Mr. Stevenson stated that there are 438 potential lots to be used for transfer credits in the area designated for possible Transfer Development Credits (TDC). Some benefits would be:

- With water-neutral equivalencies factored in, more transferable development units could be possible for the Oakglen area.
- If 25% of Residential Rural property owners participate in TDC program, 300 development units could be available.

Jon Seitz, District Legal Counsel, explained that not all of the area within the Specific Plan is within the Nipomo Community Services District. That would involve LAFCo issues. There could possibly be a Sphere of Influence conflict. A supplemental water supply would be necessary to serve the area. The area to be developed would need to be sewerred, therefore, the NCS D sewer facility would impacted. NCS D does not know what the future will bring with the City of Santa Maria. The District is discussing only 3000 acre feet of water. Staff has discussed a possible Joint Powers Agreement to service the Oakglen plan.

Questions?

Answers

Mr. Gaddis – asked if the Spring water table levels have been taken?

Director Winn stated that the report should be available in May.

Mr. Gaddis asked if the County's goal is to get more workforce housing density.

Mr. Stevenson: stated that the County would look for workforce housing, affordable housing and a variety of housing types as well as commercial and tourist-commercial.

Vince McCarthy - asked if the County will be allowing the housing to be built before the infrastructure is in place.

Mr. Stevenson stated that the County couldn't do that.

Mr. McCarthy asked if the County is aware that Nipomo has a TDC program in place.

Mr. Stevenson stated that Nipomo has a community-based TDC program.

Istar Holliday – asked if the bridge will not be completed for 5 or 6 years, is it correct that the development will not occur until then.

Mr. Stevenson stated that some development will be able to occur before the bridge is built, however, it will have to be approved by Cal Trans, a funding mechanism in place, and plans approved that the bridge is going to be built.

Mrs. Holliday asked about the TDC program and how did the County get 1.5 acre feet of water usage. She also asked how that will have a negative impact on the water use.

Mr. Stevenson stated that the amount is an average and not site-specific.

Director Eby asked if the County was planning for access for those developments using the current zoning.

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Questions? (CONTINUED)

Mr. Stevenson stated current zoning.

Director Eby asked if some of the properties within the Southland Interchange area in question are outside the Nipomo Conservation area.

Director Trotter asked if the figure of 52% owner-occupied residences is a generic number or based on actual data.

Mr. Wulkan stated that it is based on census figures.

Director Trotter asked about applying TDCs being a jumble.

Mrs. Holliday, asked how multi-unit dwellings are counted.

Each unit is a dwelling, not each apartment building.

Mrs. Holliday asked about the owner-occupied property in the area of the bridge or the ramps.

Mr. Stevenson stated that it will be up to the property owner. There may be some property acquisition but not by eminent domain.

Director Winn – asked if the District could receive a copy of the Wilmar earthquake report.

Mr. Stevenson – Yes

Director Winn asked if the County had thought about a joint powers agreement.

Mr. Stevenson – answered that it had been mentioned and Mr. Ogren had discussed it.

Director Winn asked since S. Oakglen has been noted as a blighted area and had at one time been considered not a large enough area for Redevelopment, has that been reconsidered as a funding option or is it off the table.

Mr. Stevenson stated that the redevelopment agency was not a part of this Oakglen proposal.

Director Winn asked if the current community plan would be modified because the only TDC sending sites are in Blacklake Canyon. If it were going to be modified, what is the process to be used?

Mr. Stevenson stated that it would be part of the specific plan process.

Director Winn asked Mr. Seitz to explain Ordinance 3090.

Jon Seitz, District Legal Counsel, explained that in Ordinance 3090:

- There are General Plan Amendments (GPAs) that won't be considered unless supplemental water is available to support the increase in non-agricultural water use that would be attributed to the GPA.
- The current General Plan allows for subdivisions within the planning area. The County has yet to determine the supplemental water supply fee.

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Questions? (CONTINUED)

Mr. Stevenson stated that the options presented today (interim zoning until such time as water is available or TDC program is in place) will be considered and the language in Ordinance 3090 can be adjusted to fit the options.

Mr. Stevenson stated that invitations were sent to property owners for today's meeting.

Mr. Seitz explained that the word "blighted" is a legal term adopted by the California Legislature, given to determine if an area can have a redevelopment agency that is financed by the increase of property taxes as a result of the future development that is allowed.

The following member of the public spoke.

Kevin Beauchamp, Nipomo resident – asked where funding for the GPA and roads would be coming from.

Mr. Stevenson answered that there would be a financing study done that would determine the cost of infrastructure. Development would be paying its fair share. Area-wide traffic impact fees would be considered. Other creative options are being considered to address the Willow Rd. issue. It is possible that the same financing tools could be used on S. Oakglen.

Kevin Beauchamp also asked why the County thinks that Nipomo needs work-force housing when most of the jobs are in Santa Maria, Five Cities and the San Luis Obispo area.

Mr. Stevenson stated that the County is trying to achieve head of household jobs. The Southland area and the Crystal Oaks property are targeted as job-generating areas.

The Board took a break at 10:19 a.m. and returned at 10:30 a.m.

President Winn suggested a discussion period.

Supervisor Achadjian suggested that the District knock on LAFCO's door as soon as possible. Don't wait until it is a project.

- The TDC issue is a sensitive subject.
- The County will not increase density unless the existing zoning supports it.
- There will be more discussion about a joint powers agreement.
- There will be redevelopment in Nipomo only if Nipomo desires it.
- Desalination is expensive and the Coastal Commission staff is against it.
- Infrastructure discussion with Cal/Fire

SCAC members

Istar Holliday, Nipomo resident, SCAC member – stated that she has been involved with development issues in this area for 20 years. The County promises infrastructure if the development gets built, but then it doesn't happen. Nipomo is still waiting for the Willow Rd interchange promised when Woodlands was approved.

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DISCUSSION PERIOD (CONTINUED)

Istar Holliday (continued)

The amount of water rights sold in the TDC program will probably not be sufficient to offset the amount of water needed for development of the areas in question. She stated that she liked the option to pursue circulation, design, and environmental improvements only with no land use changes because the financing of the improvements is uncertain. She will not support it until the bridge is built. The fire department needs to have the infrastructure in place before people move into the houses.

Dan Woodson, Nipomo resident, SCAC member, stated he does not support the bridge-only option because it does not benefit all the community but mostly the S. Oakglen area. The ramps should be completed also.

Dale Ramey, Public Works Department, Transportation, stated that Cal Fire could reach Orchard Rd by going across the new bridge rather than the Tefft Street bridge. Some traffic for downtown would be relieved also.

Vince McCarthy, NCS D resident and SCAC member - stated that the intersection at Oakglen and Tefft should be put in first so there won't be a traffic jam like the other side of the freeway. He stated that the plan looks like a GPA update but can't tell.

Mr. Stevenson showed the area subject to the GPA on the map as the heavy dark line. The County wants to provide creek protection measures when planning a possible cross to the high school. The area around Southland is not amending the General Plan but implementing it with a Specific Plan.

Mr. McCarthy - The jobs are not in Nipomo. Why load up the town without the infrastructure?

Mr. Stevenson stated that the area has several different designations – some multi family, some single family residences. If there were places to work in Nipomo, people could choose to work in Nipomo rather than driving out of town.

Mr. McCarthy – stated that the plan is for subdividing down to 6000 sq ft lots but it seems the County changes that to a greater density.

Mr. Gaddis, SCAC member, stated that there needs to be infrastructure in place before the development. Traffic solutions need to be in place. Smart Growth is supposed to be close to shopping and employment so people can walk to employment and shopping but the closest is Santa Maria or San Luis Obispo.

Director Vierheilg stated that TDCs may result in no net gain in water use for the South Oakglen area. The development should reflect what Nipomo wants to see.

Director Trotter left the meeting at 11:04 a.m.

Director Eby stated that not all the area in the plan shown is within the NMMA. The Court says the supplemental water supply must be used within the NMMA. He said that increasing the density in addition was "mission creep." The original mission was to provide access to South Oakglen. He asked if the overpass is being installed to increase the density.

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DISCUSSION PERIOD (CONTINUED)

Director Eby (continued)

Santa Maria Water Project – 2000 acre feet per year by 2010, and that amount for the next ten years. Then the District would receive 3000 afy after 2020 and is going to existing users and not for growth. It is designed to let the District back off of pumping groundwater. Water resources need to be considered. He stated that he likes no land use changes.

Mr. Stevenson answered that the County plans to work closely with the District. Southland and Crystal Oaks are part of the Specific Plan. The County is looking at how this will affect South Oakglen. It will take a long time to go through Cal Trans. A subdivision will not be allowed until this happens.

Director Eby suggested that development pay its fair share and it needs to be identified what percentage that fair share is.

Director Winn stated that changing the community TDC plan for Nipomo seems to be problematic and frightens some people. If all TDCs could be used only in the Oakglen area, it might be appealing.

Mr. Stevenson stated that property owners would be compensated for giving up their right to develop a 20 or greater-acre parcel

The following members of the public spoke:

Kevin Beauchamp, Nipomo resident –stated that the catalyst for this project was to subdivide within the existing zoning; then ways of funding were considered to help pay for overpass. He stated that we can't build our way out of these situations. The community would have more faith in this project if the Willow Rd project would be completed first. He would support an overpass and ingress/egress ramps first before any building occurs.

Herb Kandel, NCSD resident - stated that the some of the resources affected by this area are:

- Nipomo Creek is on the Pacific Coast Flyway and 10,000 plants are going in on the southern portion near this area;
- Land Conservancy project on the Dana Adobe property;
- This area is being considered as a receiver of the Willow Rd. Extension, which would bring 3000-4000 oak trees and maritime chaparral;
- This would help prevent erosion and provide recreation/education.
- The Dana Adobe is seeking National Landmark status; plans for a living history park
- Threats to agricultural viability
- Cultural landscape that is needing to be protected
- Business liability of the Olde Towne
- There is a cultural feeling that is unique to Oakglen Road (Dorthea Lange photo) an opportunity for a landmark depicting the migrant worker experience.
- Planning side is crucial

Mr. Kandel stated that the tools being discussed need to serve a common vision. We need to start by looking at a cost-benefit ratio. The Land Conservancy agreed to work in cooperation with the TDC program and the SCAC.

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DISCUSSION PERIOD (CONTINUED)

Alex Mendoza, NCS D resident – stated that some of the property on South Oakglen can more accurately be described as slums and is something that needs to be addressed now. The roads need to be addressed. The speed limit is not enforced but should be 25 mph. The area has been neglected for years.

Dale Ramey, Public Works Department, Transportation - stated that the 85% enforcement standard applies. If 85% of the cars are going 45 mph, that is where the speed limit is set.

Supervisor Achadjian – stated that the existing state laws are not acceptable. The County needs support from the community to encourage the Highway Patrol to enforce

Carl Holloway, Nipomo resident – stated that a meeting was held in this room 1½ years ago in the evening. There were many more people and he feels that this one was held at 9:00 a.m. so fewer people would attend. Making this project a special assessment district will not happen. The finances of most of the residents on S. Oakglen cannot support the taxes needed for the project. The parking has not been addressed. There are cars that have been double parked for months and nothing has been done about it. It is a fire hazard issue. He would like to have an evening meeting so more people could attend.

Mr. Stevenson – stated that the process has not officially started yet. He stated that local property owners are typically involved. The reason today's meeting occurred was because of the earthquake update and working on an option for water.

Kevin Beauchamp, Nipomo resident – stated that the cost of TDC credits is approx. \$600,000.

Vince McCarthy, SCAC member – stated that the highest rate for TDC's is \$150,000. He also stated that parking needs to be considered.

Director Winn thanked the County staff for all the work put into the conceptual project. As a wrap up, he listed some of the basic ideas:

- Taking development up front and hoping to get the infrastructure done later has not worked well for us here.
- A more solid way is to have bridge built, curbs put in etc. and not in-lieu fees collected.
- Discomfort in changing a TDC program that has community support.
- District needs to obtain supplemental water for existing residences, and there is no supplemental water for new development

E. ADJOURNMENT

President Winn adjourned the meeting at 11:46 a.m.