

# NIPOMO COMMUNITY SERVICES DISTRICT

## AGENDA

June 7, 2000

REGULAR SESSION 11:00 A.M.  
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### BOARD MEMBERS

ROBERT BLAIR, PRESIDENT  
AL SIMON, VICE PRESIDENT  
RICHARD MOBRAATEN, DIRECTOR  
ALEX MENDOZA, DIRECTOR  
MICHAEL WINN, DIRECTOR

### STAFF

DOUGLAS JONES, GENERAL MANAGER  
DONNA JOHNSON, SECRETARY TO THE BOARD  
JON SEITZ, GENERAL COUNSEL

**NOTE:** All comments concerning any item on the agenda are to be directed to the Board Chairperson.

- A. CALL TO ORDER AND FLAG SALUTE
- B. ROLL CALL
- C. PUBLIC COMMENTS PERIOD  
PUBLIC COMMENTS

Any member of the public may address and ask questions of the Board relating to any matter within the Board jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

- D. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)  
ITEMS D-1, D-2 AND D-4 ARE PUBLIC HEARINGS

- D-1) CEQA ENVIRONMENTAL DETERMINATION OF OSAGE/TEFFT WATERLINE (RECOMMEND APPROVAL)  
Approval of environmental negative declaration of Osage/Tefft water line project
- D-2) CONSIDER STREET LIGHTING CHARGES FOR BLACK LAKE FOR FY 2000-01  
Recommend the rate remain the same as last year @ \$34.00 /parcel/year (RECOMMEND APPROVAL)
- D-3) NIPOMO DRAINAGE MAINTENANCE District 76-2 FUNDS (RECOMMEND APPROVAL)  
Establishing reserves on allocating excess revenues
- D-4) ADOPTION OF THE 2000-01 FISCAL YEAR DISTRICT BUDGET (RECOMMEND APPROVAL)  
Budget approval, Expenditure Limitation
- D-5) REVIEW EXISTING ANNEXATION POLICY  
Consideration to establish a retrofit in-lieu fee for annexations
- D-6) REQUEST FOR SERVICES - TRACT 2386 (NEWDOLL)  
Request for water and sewer service for an additional 8 units in Tract 1712 at Hazel Lane & Tefft St.
- D-7) REQUEST FOR SERVICES - TRACT 2182 (KLEINSASSER)  
Request to renew an Intent-to-Serve for an 8-lot development on Camino Caballo at Quail Oaks Lane

### E. OTHER BUSINESS

- E-1) BOARD MEETING TIME  
Consideration to revise the Board meeting time - presently 11:00 a.m.

- F. CONSENT AGENDA *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

- F-1) WARRANTS (RECOMMEND APPROVAL)
- F-2) BOARD MEETING MINUTES (RECOMMEND APPROVAL)  
Approval of Minutes of May 17, 2000 Regular Board meeting  
Approval of Minutes of May 24, 2000 Special Meeting
- F-3) FILE NOTICE OF COMPLETION (RECOMMEND APPROVAL)  
Southland Wastewater Treatment Facility Expansion

### G) MANAGER'S REPORT

- G-1) PUBLIC LAW ADVISOR FROM RICHARD, WATSON & GERSHON
- G-2) GOVERNING ARTICLE ON GROWTH

### H. DIRECTORS COMMENTS

Other Services - Street lighting, Solid Water

### CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL GC\$54956.9

- a. SMWCD vs NCSA Santa Clara County Case No. CV 770214 and all consolidated cases.
- b. NCSA vs. State Dept of Health Services CV 990706, GC\$54956.9
- c. Public employee annual evaluation, General Manager GC\$ 54957

### ADJOURN

*Snyder*  
130  
20  
2600  
150  
2750  
w/c budg-1  
5600  
17200  
2750  
11300  
16550

**AGENDA ITEM**  
**JUN 07 2000**



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *DJ*  
DATE: JUNE 7, 2000

CEQA ENVIRONMENTAL DETERMINATION OF OSAGE/TEFFT WATERLINE

**ITEM**

Public Hearing on the environmental determination of the waterline between Osage & Tefft Streets.

**BACKGROUND**

The District is planning to install a waterline between Osage and Tefft Streets to increase the reliability and enhance the water distribution of the District. Part of this process is that the governing body is to make an environmental determination of the project. Garing, Taylor & Associates have prepared the initial study and checklist with respect to the environmental determination of this project. They have concluded that the project will not have a significant effect on the environment and therefore a negative declaration would be in order.

At the Board meeting of May 17, 2000, your Honorable Board approved the draft CEQA document for the Osage/Tefft Streets Waterline and set a Public Hearing for June 7, 2000 on the environmental review of the project. Enclosed is the environmental report for the Board's review. Now is the time to hold a Public Hearing to receive any input with respect this project.

**RECOMMENDATION**

After reviewing public comments and if no impact on the environment is determined, staff recommends approving Resolution 00-Neg-Dec adopting the Environmental Declaration for the Osage/Tefft street waterline and authorize staff to file the appropriate notices.

Board 2000\CEQA OSAGE-TEFFT

RESOLUTION NO. 00-Neg Dec

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AN ENVIRONMENTAL NEGATIVE DECLARATION AND AUTHORIZING THE  
GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION  
FOR THE OSAGE/TEFFT STREET WATER LINE PROJECT**

**WHEREAS**, the Nipomo Community Services District (District) is in the process of developing water system improvements for the District (Project), and

**WHEREAS**, this hearing has been appropriately noticed under the Brown Act and the California Environmental Quality Act, and

**WHEREAS**, the California Environmental Quality Act (CEQA) requires the District to assess the impact of such development on the environment, circulate such assessment to interested agencies and the public at large and hold a public hearing on the findings thereof, and

**WHEREAS**, on Wednesday, June 7, 2000, the District held a Public Hearing on the proposed Environmental Declaration for the Project and there were no comments or comments that could not be mitigated.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT** does hereby adopt the Negative Declaration for the Osage/Tefft Street Water Line and authorize the General Manager to file a Notice of Determination in compliance with Section 21152 of the Public Resource Code.

On the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_ and on the following roll call vote, to wit:

AYES: Directors \_\_\_\_\_

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby adopted this 7<sup>th</sup> day June 2000.

\_\_\_\_\_  
Robert L. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
General Counsel

## Notice of Determination

**TO:** County Clerk  
San Luis Obispo County  
Government Center Room 385  
San Luis Obispo, CA 93408

**FROM:** Nipomo Community  
Services District  
P O Box 326  
Nipomo, CA 93444-0326

**SUBJECT:** Filing of Notice of Determination in compliance with  
Section 15072 and 15094 of the Public Resources Code

**PROJECT TITLE:** Osage-Tefft Water Line and Storage Project

**CONTACT PERSON:** Doug Jones      **TELEPHONE:** (805) 929-1133

**PROJECT LOCATION:** Nipomo

**PROJECT DESCRIPTION:** Construct water line between Osage Street and Tefft Street

This is to advise that the **NIPOMO COMMUNITY SERVICES DISTRICT** has approved the above described project and has made the following determinations regarding the above described project on June 7, 2000.

1. The Project will not have a significant effect on the environment.
2. An Environmental Impact Report (EIR) was prepared for this project pursuant to the provisions of CEQA.

The Negative Declaration and record of project approval may be examined at:

Nipomo Community Services District Office  
148 S. Wilson Street  
Nipomo, CA 93444

3. A statement of Overriding Considerations was not adopted for this project.

Date Rec'd for Filing: \_\_\_\_\_ Signature: \_\_\_\_\_  
General Manager

WATERLINE/OSAGE-TEFFT/DETERMIN NOTICE

**CALIFORNIA DEPARTMENT OF FISH AND GAME**  
**CERTIFICATE OF FEE EXEMPTION**

**De Minimis Impact Finding**

**Project Title/Location**

Nipomo Community Services District  
Osage/Tefft Water Line Project  
Post Office Box 326  
Nipomo, California 93444-0326

**Project Description:** Construct a waterline between Osage & Tefft Streets

**Findings of Exemption:**

Based upon the evidence in the initial environmental study, which has been completed on the proposed improvement, the Board of Directors of the Nipomo Community Services District have found no evidence that this project will have an adverse effect on wildlife resources or the habitat upon which wildlife depends.

**Certification:**

I hereby certify that the lead agency has made the above findings of fact and that based upon the initial study and hearing record the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

\_\_\_\_\_  
Doug Jones, General Manager  
Nipomo Community Services District

Date \_\_\_\_\_

## Initial Study and Checklist

for

### Water Transmission Main Between Osage Street and Tefft Street, Within The County Regional Park, Nipomo, California Nipomo Community Services District Nipomo, CA

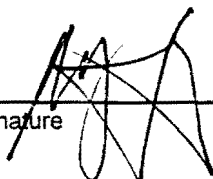
May 17, 2000

**Agency:** Nipomo Community Services District  
P.O. Box 326  
Nipomo, CA 93444

**Agency Contact:** Doug Jones, General Manager  
(805) 929-1133

On the basis of this initial evaluation I find that the proposed project **could not** have a significant effect on the environment and a **negative declaration** will be prepared.

Signature



Date

17 May 00

Print Name

R. James Baring

## **Environmental Checklist Form**

**Project Location:** Nipomo, County of San Luis Obispo, CA,

**Project Address:** 20 ft. Easement along the southerly line of lots 10, 19, 35, & 44 of Division B of Calimex Plantations, Nipomo Tract, per 1MB23. From Osage Street to Tefft Street, Nipomo, CA.

**Description of Project:** Construct approx. 3,000 l.f. of new water transmission main for NCSD.

Provision of additional facilities is necessary to improve the transmission and circulation of the Nipomo Community Services District's water system.

### **Environmental Impacts**

Explanations of all answers to the Initial Study are on attached sheets.

### **Discussion of environmental evaluation**

The purpose of this project is to improve the transmission and circulation of the District's water system. The project is within the scope, and is consistent with, the South County Area Plan and its updates, which are summarized in the context of this project as follows:

The adopted South County Area Plan consists of text and maps describing and delineating land use categories and density. It also contains a detailed land use category map for the Nipomo Community Services District depicting land use categories within the District ranging from open-space through residential single-family, residential multiple-family and office and commercial. As such, the South County Area Plan sets forth and predicts future population density, land use, water use and wastewater generation throughout the entire District.

CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

The Plan indicates existing population within Nipomo at approximately 7,000 persons, estimated by the Planning Department as of February 21, 1989. The buildout population for Nipomo, according to the Plan is shown to be 18,438 persons, which is an increase in population over existing population of 11,438 persons. While the Plan indicates that buildout population is substantially greater than existing population, the Plan mitigates the ultimate buildout population for Nipomo by reducing the total by 6,881 persons. Absent this Plan update, the buildout population for Nipomo would have been 25,319 persons.

The FEIR for the South County Area Plan Update also analyzes water balance calculations for low density single-family, medium density single-family, high density multi-family, and typical industrial development on the mesa. Summarizing the impacts of this development on the mesa, the report indicates "The impact scenario developed indicate that medium-to-low density residential development can be accommodated on the mesa with essentially no significant impact on water resources. High density multi-family and most industrial developments will have a beneficial impact on water resources due to the elimination of use by existing natural vegetation and the very low consumption of water by these land uses."

With regard to providing water service, the FEIR for the South County Area Plan Update indicates that "Continued buildout under the proposed plan may require expansion of facilities of the NCSD.... to provide service in the Nipomo Urban Area... ."

The construction of this water transmission main will not lead to an increased population of the area and is consistent with current demands of the District and the population densities established by the South County Area Plan.

Provision of additional facilities is necessary to improve the transmission and circulation of the Nipomo Community Services District's water system.

**Conclusions:**

The South County Area Plan Update establishes land use and future growth within the Nipomo Community Services District and the Final Environmental Impact Report for the South County Area Plan Update analyzes the water resource impact of that growth and concludes that the impacts of accommodating that growth are mitigable. Growth, which is framed by the South County Area Plan Update, requires Nipomo Community Services District to expand facilities. Other mitigations (mandating ultra-low flow fixtures in new development and mandating draught resistant landscaping in all new development) have been implemented. In addition, the Nipomo Community Services District has its own water use reducing measures which have been implemented. Considering all of the above, I believe that environmental impact of a water transmission main for the Nipomo Community Services District is not significant.

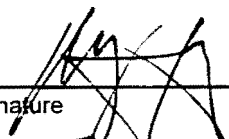
This project is within the scope and is consistent with the latest adopted South County Area Plan - Inland Area and the project is hereby found to be de minimis in its effect on fish and wildlife.

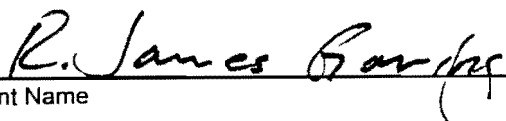
There will be no negative cumulative effects due to the construction or operation of the project.

Both the South County Area Plan - Inland Area and the Final Environmental Impact Report for that Plan (certified by the Board of Supervisors on March 15, 1994) are hereby incorporated by reference and are on file and available for public review at the District offices.

**Determination:**

On the basis of this initial evaluation I find that the proposed project **could not** have a significant effect on the environment and that a **negative declaration** will be prepared.

  
\_\_\_\_\_  
Signature  
  
17 May 00  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Print Name



## **Explanation of Responses to CEQA Initial Study Checklist**

### **I. Aesthetics. No impact.**

- a. The waterline will be constructed underground.
- b. There are no scenic resources or state scenic highway near the project site.
- c. The waterline will be constructed underground and surface will be restored.
- d. No new lighting will be installed or glare created.

### **II. Agriculture Resources. No impact.**

a., b. The project site is currently within a regional park and a school. The project would not preclude future use of the property as farmland. Land not under Williamson Act Contract.

c. The project is based upon the needs of the existing and future population of the District based on the General Plan. The project will not be growth inducing.

### **III. Air Quality. Less than significant impact.**

a. During construction and operation the project will be in compliance with all air quality plans.

b. To alleviate air quality impacts during construction, the District will require all contractors to maintain the equipment used on the project to satisfy all emission requirements. When in operation, the project will not violate any air quality standard or contribute to an existing or projected air quality violation. The contractor is required to meet regulations for dust control and watering during construction

c. Once in operation there will be no increase of any criteria pollutant for which the project region is non-attainment under air quality standards.

d. There are no sensitive receptors near the project site.

The contractor is required to meet regulations for dust control and watering during construction.

e. The project will not produce objectionable odors.

### **IV. Biological Resources. No impact.**

a. There are no known candidate, sensitive or special status species on or near the site.

b. There are no creeks, streams, or other bodies of water on or near the site.

c. There are no wetlands on or near the site.

d. Project will not interfere with the movement of wildlife.

- e. Project will not conflict with any local policies or ordinances protecting biological resources.
- f. Not applicable.

**V. Cultural Resources. No Impact.**

a., b. The properties adjacent to the site are currently developed as residential housing, Dana School and a County Regional Park. See report entitled "Phase I Archaeological Survey" on file at the District office.

If historical or cultural remains are found during construction, work will stop and the conclusions of the archaeological report will be followed.

- c. There are no unique paleontological resources or unique geologic features on the site.
- d. It is unlikely human remains would be encountered. However, if such remains are found all work will stop until compliance with all laws has taken place.

**VI. Geology and Soils. Less than significant impact.**

a. The project will not result in or expose people to potential impacts involving rupture of a known earthquake fault, seismicity or landslides. No existing structures will be affected.

b. The District will minimize the area of construction disturbance and install erosion and sediment control measures during construction, if construction takes place during the rainy season. The waterline is being constructed within an easement. The area of disturbance within the easement at the waterline site is approximately 1.4 acres.

- c. Not applicable.
- d. Not applicable.
- e. Not applicable.

**VII. Hazards and Hazardous Materials - No impact.**

- a. No hazardous materials will be stored or generated by the project.
- b. No hazardous materials will be stored or generated by the project.
- c. No hazardous materials will be stored or generated by the project.
- d. Not applicable.
- e. Not applicable.
- f. Not applicable.
- g. The project will not interfere with an emergency response or evacuation plan.

- h. There will be no increase in fire hazards in the area of the project site.

**VIII. Hydrology and Water Quality. Less than significant impact.**

- a. No.
- b. No.
- c., d. There are no streams or rivers on or near the site. The existing drainage patterns and generated runoff will not be changed.
- e. The amount and direction of the runoff from the site will not be affected.
- f. No pollutants will be generated by this project. There will be no impact on water quality.
- g. Not applicable.
- h. Not applicable.
- i. Not applicable.
- j. Not applicable.

**IX. Land Use and Planning. No impact.**

a., b. Project is based on needs of existing population and future population of the District based on the General Plan. The service area or capacity of the District is not being expanded or increased.

- c. Not applicable.

**X. Mineral Resources - No impact**

- a. Not applicable.
- b. Not applicable.

**XI. Noise - Less than significant impact.**

- a., b., c. There will be no noise generated by the project once construction is complete.
- d. During construction, the noise level from the Contractor's operations, between the hours of 7:00 am and 5:00 p.m. shall not exceed 86 db(A) at a distance of fifty feet. In addition, the Contractor must comply with local ordinances regulating noise control.

The contractor will be restricted to construction during the hours of 7:00 am to 5:00 p.m., unless permission is granted by the District.

- e., f. Not applicable.

**XII. Population and Housing. No impact.**

a. The service area of the District is not being expanded. The waterline is being constructed to provide the necessary water service to the existing population and the population provided for in the General Plan.

b. The project is being constructed within an unoccupied easement.

c. The project is being constructed within an unoccupied easement.

**XIII. Public Services. No impact.**

a. - e. The service area of the District is not being expanded. There will be no impact on public services. The project is being constructed to serve the needs of the existing population and the population provided for in the General Plan.

**XIV. Recreation. No impact.**

a., b. The service area of the District is not being expanded. No new recreational facilities will be required and existing facilities will not be affected.

**XV. Transportation/Circulation. Less than significant impact.**

a. Traffic to the project sites will increase during the period the waterline is under construction. After construction no increase in vehicle trips or traffic congestion will be generated as a part of the project.

b. There will be no alteration or addition of streets as a part of this project. The project will not increase or induce the growth of population within the area served by the project.

c. Not applicable.

d. Not applicable.

e. No.

f. Not applicable.

g. Not applicable.

**XVI. Utilities and Service Systems. No impact.**

a. - g. There will be no increase in population or extension of utility systems as a result of this project. The project is necessary in order to serve the existing population of the District and future population based on the General Plan.

**XVII. Mandatory Findings of Significance. Less than significant impact.**

a. No wildlife habitats or populations, plant or animal communities, rare or endangered plants or animals, or cultural resources will be affected by the project. The service area of the District is not being expanded.

b. The population of the District was established through the environmental studies prepared for the County General Plan. The project is being constructed in response to that population figure as well as the needs of the existing population. The service area of the District is not being expanded. The District currently has the production capacity to provide water for its customers at buildout. This project is within both the short and long-term environmental goals of the County.

c. The project will not cause direct or indirect substantial adverse effects on human beings.

**Note:** *This checklist was based on information found in the General Plan for San Luis Obispo County; information provided by NCSD; "Engineering Considerations of Groundwater Yields and Rights on the Nipomo Mesa Sub-Area, San Luis Obispo County, CA (October 1993); "Water and Sewer System Master Plan (November 1995); Final EIR prepared for South County Area Plan - Inland Portion (May 1991); and Attachment A to a memo from Environmental Division to Board of Supervisors re: Submittal of CEQA Required Findings and Statement of Overriding Considerations for South County Area Plan Update (March 1994), and a memo to the District from Jim Garing, District Engineer, re: South County Area Plan Update, FEIR*

G.T.A.

MAY 15 2000

REC'D

# CRMS

CULTURAL RESOURCE MANAGEMENT SERVICES



May 12, 2000

Doug Jones, General Manager  
Nipomo Community Services District  
P.O. BOX 326  
Nipomo, California 93444

Subject: Phase I Archaeological Survey for Water Transmission Main, Nipomo  
Regional Park, Nipomo, San Luis Obispo County, California

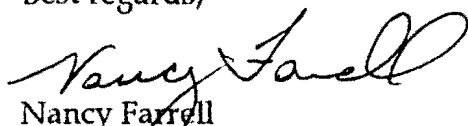
Dear Mr. Jones:

Cultural Resource Management Services has completed a Phase I Archaeological Survey for the proposed Nipomo Regional Park main water transmission line. The entire length of the proposed pipeline was examined. Vegetation groundcover was intermittent, allowing approximately 50% visibility of the surface. Our investigations revealed the presence of one small archaeological site atop a small knoll north-east of the end of La Serena Way (see attached map). The site is comprised of a moderate density deposit of weathered marine shell fragments, primarily clam and turban shell, and two chert flakes which are indicative of stone tool maintenance activities. Based on surface indications, the site measures 8-12 m (N-S) by 16 m (E-W).

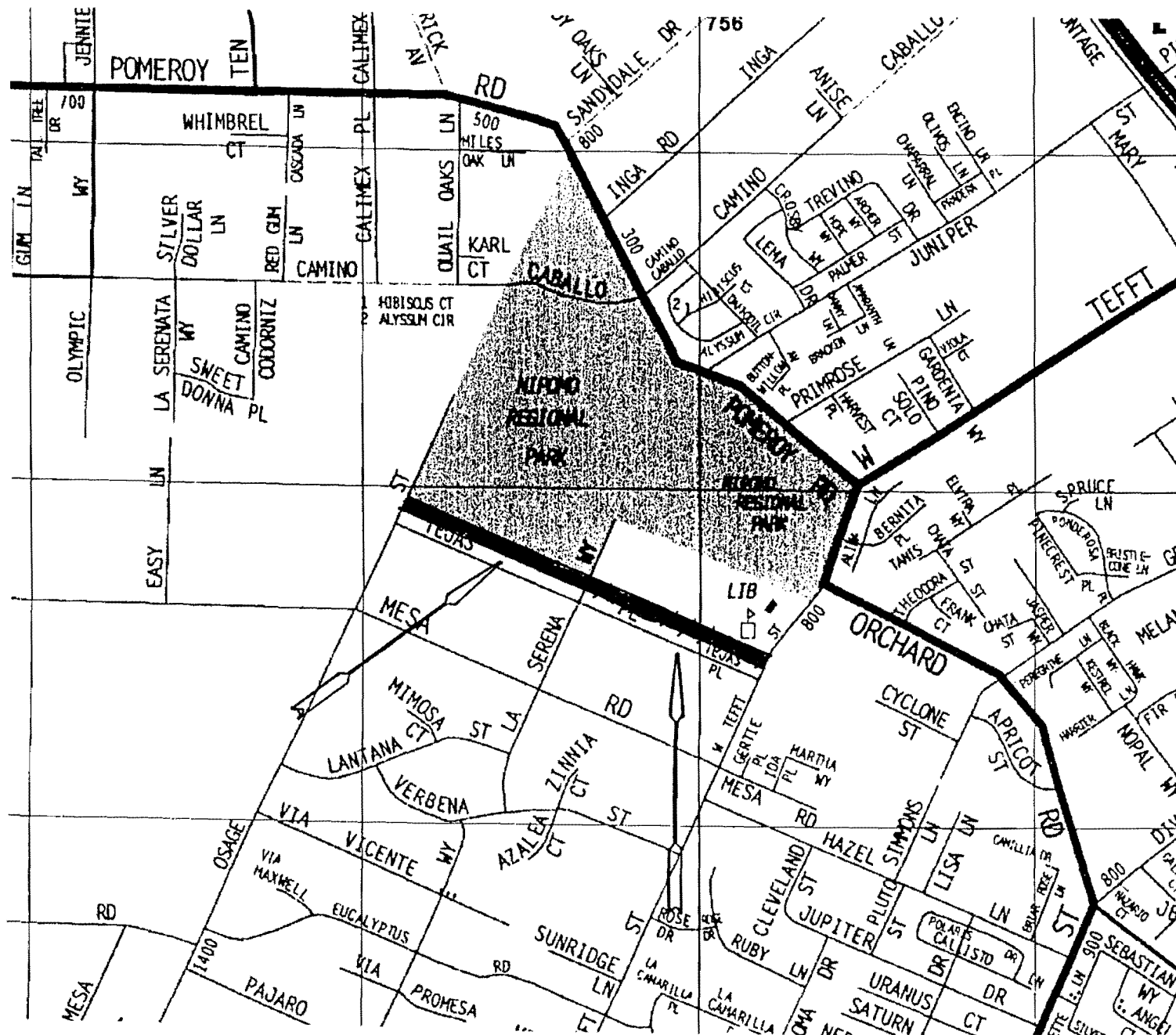
It is recommended that a limited subsurface testing program (Phase II) be undertaken in order to 1) determine the extent of the site, 2) determine the depth and integrity of substantial subsurface deposits, if present, and 3) assess site significance. The information obtained during this testing program will be used to formulate recommendations for any mitigation measures that might be required. This letter report is forwarded to facilitate your planning efforts. A technical report will be submitted to you within ten days.

At your direction, we will be pleased to prepare a cost proposal for the Phase II investigations. Thank you for the opportunity to work with you on this project. If you have any questions or comments, please call me or Ron Rose at (805) 237-3838.

Best regards,

  
Nancy Farrell  
President

cc: Randy Burgess, Garing Taylor & Associates



Vicinity Map

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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I. AESTHETICS – Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:



a) Conflict with or obstruct implementation of the applicable air quality plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS – Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

VII. HAZARDS AND HAZARDOUS MATERIALS --

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>IX. LAND USE AND PLANNING - Would the project:</b>   |                          |                          |                          |                                     |
| a) Physically divide an established community?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XI. NOISE --

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIV. RECREATION -

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XV. TRANSPORTATION/TRAFFIC - Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Result in inadequate parking capacity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

XVI. UTILITIES AND SERVICE SYSTEMS --

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

XVII. MANDATORY FINDINGS OF SIGNIFICANCE –

Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
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a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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# COUNTY OF SAN LUIS OBISPO Department of General Services

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5200  
DUANE P. LEIB, DIRECTOR

May 31, 2000

Douglas Jones  
Nipomo Community Se.  
148 South Wilson Street  
Nipomo, CA 93444

*Jim Garing  
will be addressing  
this at the  
June 7 meeting*

Post-it* Fax Note	7871	Date	05/31/00	# of pages	1
To	Doug Jones	From	Jan Di Leo		
Co./Dept		Co.	PARKS		
Phone #		Phone #	781 4089		
Fax #	929-1932	Fax #			

**RE: Recommended Negative Declaration for Osage-Tefft Water Line**

The County Parks Division has received a notice for a public hearing regarding the Osage-Tefft Water Line Project. According to the notice, an easement for a water line would be provided on County property along the southern perimeter of Lots 19 and 35. The County Parks Division raises the following concerns:

1. The County has not agreed to provide an easement to the Nipomo Community Services District. Recently County Parks has received numerous requests to locate private and quasi-public facilities (such as water and sewer lines) on existing park land. The purpose of park land is to provide recreation and open space amenities. Allowing non-park related facilities may adversely affect the County's ability to provide park and recreation amenities in the future. As a result, the County is developing a policy which will establish whether or when easements (not related to park activities) may be granted. It seems premature to prepare a negative declaration when this issue has not been resolved.
2. If the County determines private and quasi-public facilities (such as water and sewer lines) may cross County parkland, a finding of public benefit will be necessary. This public benefit will need to result in additional parkland, a payment of a fee (established from an appraisal or other means), or the provision of park amenities. If the County determines an easement is feasible, the District will need to work with the County to establish a public benefit. Fees associated with granting an easement will be the responsibility of the Nipomo Community Services District.
3. If the Nipomo Community Services District decides to issue the project's negative declaration, the negative declaration must include a biological and archaeological report consistent with County standards.

Parks staff would recommend a hearing on the project's negative declaration be postponed until the County determines they are willing to grant an easement. If you decide to go forward with the public hearing on the negative declaration, please send a copy to: Jan Di Leo, General Services Department, 1087 Santa Rosa Street, San Luis Obispo, CA 93408. If you have questions or concerns regarding this letter please give me a call at 781-4089.

FAX 781-1102

*Jeanette Di Leo*  
JEANETTE DI LEO,  
Parks Planner

cc: Caryn Maddalena, Property Management  
Perry Judd, Lucia Mar Unified School District, 602 Orchard Street, Arroyo Grande, CA 93420

TO: BOARD OF DIRECTORS  
 FROM: DOUG JONES  
 DATE: JUNE 7, 2000

**BLACK LAKE STREET LIGHTING CHARGES**

**ITEM**

Hold a public hearing for the establishment of charges to maintain Black Lake Street Lighting

**BACKGROUND**

NCSD provides street lighting to the Black Lake Golf Course Development. In order to maintain the street lighting, an annual charge is assessed on each parcel for the service rendered. The existing Black Lake street lighting assessment is exempt from the compliance requirements of Prop. 218. Any future increases in the assessment would need voter approval of the property owners. The proposed annual charge of \$34.00 will remain the same as last year. It should be noted that the County of SLO adds \$2.00 per parcel handling fee, making the total annual fee billed to each parcel \$36.00. Below is a history of the charge per parcel:

<u>Year</u>	<u>Charge</u>	<u>County Fee</u>	<u>Total</u>
1992-93	\$48.00	\$2.00	\$50.00
1993-94	\$50.00	\$2.00	\$52.00
1994-95	\$48.00	\$2.00	\$50.00
1995-96	\$40.00	\$2.00	\$42.00
1996-97	\$34.00	\$2.00	\$36.00
1997-98	\$34.00	\$2.00	\$36.00
1998-99	\$34.00	\$2.00	\$36.00
1999-00	\$34.00	\$2.00	\$36.00
2000-01	\$34.00	\$2.00	\$36.00

The budget the Street Lighting Fund for 2000-01 is as follows:

<u>Revenues</u>		
Street lighting charges		\$18,258
<u>EXENDITURES</u>		
Insurance	\$ 500	
Public & Legal Notice	100	
Electricity	19,000	
Wages-Office	500	
Total expenditures		(20,100)
Difference		( 1,842)
Interest earnings		2,800
Net sources from operations		<u>\$ 958</u>
Estimated cash balance 7/1/00		\$53,000
Net sources from operations		958
Estimated cash balance 6/30/01		<u>\$53,958</u>

Attached is a listing of Assessor Parcel Numbers with the proposed 2000-01 street lighting charges.

Now is the time and place for the public hearing for the Board to confirm the report for collection of the charges on the 2000-01 tax roll and to give opportunity for filing objections and for the presentation of testimony or other evidence concerning said report. The attached Resolution is presented for the Board's review, approval and adoption.

**RECOMMENDATION**

Approval of Resolution No. \_\_\_\_\_ establishing Black Lake Street Lighting Charges

**RESOLUTION NO. 00-BL STREETLIGHT**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON  
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND  
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE  
BLACK LAKE DEVELOPMENT (GOLF COURSE AREA)**

**WHEREAS**, on October 15, 1992 LAFCO approved Resolution No. 92-19 "A RESOLUTION MAKING DETERMINATION APPROVING THE REORGANIZATION INVOLVING DETACHMENT OF TERRITORY FROM COUNTY SERVICE AREA NO. 1-G AND ANNEXATION NO. 7 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (BLACK LAKE GOLF AND COUNTRY CLUB), and

**WHEREAS**, Condition 3A provides that the NCS D will provide all three services currently provided by CSA No. 1-G; water, sewer, and street-lighting, and

**WHEREAS**, Condition 3F provides that NCS D succeed to all rights, duties and obligations of CSA No. 1-G with respect to the enforcement of performance or payment of any outstanding contracts and obligations of CSA No. 1-G; and

**WHEREAS**, Condition 3H authorizes the NCS D to continue to levy, fix and collect any special, extraordinary or additional taxes, assessments, service charges and rates which were levied, fixed and/or collected by CSA No. 1-G, and

**WHEREAS**, public notice has been given in accordance with Section 6066 of the Government Code as specified under CSA No. 1-G Assessment procedures of this public hearing concerning collection of service charges on the 2000-01 property tax bills; and

**WHEREAS**, written reports specifying each parcel (attached as Exhibit "A") receiving extended service and the amount of the charge for that service have been prepared and filed with the staff report; and

**WHEREAS**, based on the Staff Report and public testimony, the Board finds:

- A. That the proposed charges do not exceed the reasonable costs of providing the services.
- B. That the assessment district was formed pursuant to a petition signed by the owners of the Black Lake Specific Plan.
- C. The written report does not recommend an increase in the current assessment.

**WHEREAS**, based on the above findings, the assessments for fiscal year 2000-01 are unaffected by Proposition 218; and

**WHEREAS**, this is the time and place for the public hearing for the Board to confirm the reports for collection of service charges on the 2000-01 tax bills as specified in the staff reports and to give opportunity for filing objections and for presentation of testimony or other evidence concerning said report; and

**WHEREAS**, it is in the public interest that the owners of property in said Black Lake Development pay the cost of said service therein.

**RESOLUTION 00-BL STREETLIGHT  
PAGE TWO**

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Directors of the Nipomo Community Services District as follows:

- Section 1. That the recitals set forth are true, correct and valid.
- Section 2. The Board of Directors of NCSD fixes the street lighting charge at \$34.00 and a SLO County Administrative charge of \$2.00 for a total charge of \$36.00 per year.
- Section 3. That said service charges are directly proportionate to the benefit to each parcel from the services rendered.
- Section 4. That the charges as confirmed shall appear as separate items on the tax bill of each parcel of real property listed in said staff report, and such charges shall be collected at the same time and in the same manner as ordinary ad valorem taxes are collected, and are subject to the same penalties and the same procedures and sale in case of delinquency as provided for such taxes.
- Section 5. The Tax Collector of the San Luis Obispo County is hereby authorized to collect the street lighting charges on the property tax bill.
- Section 6. This resolution is adopted by a majority of all members of the Board of Directors of the District.

On the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_ and on the following roll call vote, to wit:

AYES: Directors  
NOES: None  
ABSENT: None  
ABSTAIN: None

the foregoing resolution is hereby adopted this 7th day of June, 2000.

\_\_\_\_\_  
President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary of the Board

\_\_\_\_\_  
Jon S. Seitz  
General Counsel

C:\W:\RES\00-bl streetlight.doc

## BLACK LAKE STREETLIGHTING CHARGES TAX YEAR 2000-01

A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
091243001	\$34.00	091244006	\$34.00	091410023	\$34.00	091412012	\$34.00
091243002	\$34.00	091244007	\$34.00	091410024	\$34.00	091412013	\$34.00
091243003	\$34.00	091244008	\$34.00	091410025	\$34.00	091412014	\$34.00
091243004	\$34.00	091244009	\$34.00	091410026	\$34.00	091412015	\$34.00
091243005	\$34.00	091244010	\$34.00	091410027	\$34.00	091412016	\$34.00
091243006	\$34.00	091244011	\$34.00	091410028	\$34.00	091412017	\$34.00
091243007	\$34.00	091244012	\$34.00	091410029	\$34.00	091412018	\$34.00
091243008	\$34.00	091244013	\$34.00	091410030	\$34.00	091412019	\$34.00
091243009	\$34.00	091244014	\$34.00	091410031	\$34.00	091412020	\$34.00
091243010	\$34.00	091244015	\$34.00	091410032	\$34.00	091412021	\$34.00
091243013	\$34.00	091244016	\$34.00	091410033	\$34.00	091413001	\$34.00
091243014	\$34.00	091244017	\$34.00	091410034	\$34.00	091413002	\$34.00
091243015	\$34.00	091244018	\$34.00	091410035	\$34.00	091413003	\$34.00
091243016	\$34.00	091244019	\$34.00	091410036	\$34.00	091413004	\$34.00
091243017	\$34.00	091244022	\$34.00	091410037	\$34.00	091413005	\$34.00
091243018	\$34.00	091244023	\$34.00	091410038	\$34.00	091413006	\$34.00
091243019	\$34.00	091244024	\$34.00	091410039	\$34.00	091413007	\$34.00
091243020	\$34.00	091244025	\$34.00	091410040	\$34.00	091413008	\$34.00
091243021	\$34.00	091244026	\$34.00	091410041	\$34.00	091413009	\$34.00
091243022	\$34.00	091244027	\$34.00	091410042	\$34.00	091413010	\$34.00
091243023	\$34.00	091244028	\$34.00	091410043	\$34.00	091413011	\$34.00
091243024	\$34.00	091244029	\$34.00	091410044	\$34.00	091413012	\$34.00
091243025	\$34.00	091244030	\$34.00	091410045	\$34.00	091413013	\$34.00
091243026	\$34.00	091244031	\$34.00	091410046	\$34.00	091413014	\$34.00
091243027	\$34.00	091410001	\$34.00	091410047	\$34.00	091413015	\$34.00
091243028	\$34.00	091410002	\$34.00	091410048	\$34.00	091413016	\$34.00
091243029	\$34.00	091410003	\$34.00	091410049	\$34.00	091413017	\$34.00
091243030	\$34.00	091410004	\$34.00	091410050	\$34.00	091413018	\$34.00
091243031	\$34.00	091410005	\$34.00	091410051	\$34.00	091413019	\$34.00
091243032	\$34.00	091410006	\$34.00	091410052	\$34.00	091413020	\$34.00
091243033	\$34.00	091410007	\$34.00	091410053	\$34.00	091413021	\$34.00
091243034	\$34.00	091410008	\$34.00	091410054	\$34.00	091413022	\$34.00
091243035	\$34.00	091410009	\$34.00	091410055	\$34.00	091413023	\$34.00
091243036	\$34.00	091410010	\$34.00	091410058	\$34.00	091413024	\$34.00
091243037	\$34.00	091410011	\$34.00	091411006	\$34.00	091413025	\$34.00
091243038	\$34.00	091410012	\$34.00	091412001	\$34.00	091413026	\$34.00
091243039	\$34.00	091410013	\$34.00	091412002	\$34.00	091413027	\$34.00
091243040	\$34.00	091410014	\$34.00	091412003	\$34.00	091413028	\$34.00
091243041	\$34.00	091410015	\$34.00	091412004	\$34.00	091413029	\$34.00
091243042	\$34.00	091410016	\$34.00	091412005	\$34.00	091413030	\$34.00
091243043	\$34.00	091410017	\$34.00	091412006	\$34.00	091413031	\$34.00
091244001	\$34.00	091410018	\$34.00	091412007	\$34.00	091413032	\$34.00
091244002	\$34.00	091410019	\$34.00	091412008	\$34.00	091413033	\$34.00
091244003	\$34.00	091410020	\$34.00	091412009	\$34.00	091413034	\$34.00
091244004	\$34.00	091410021	\$34.00	091412010	\$34.00	091413035	\$34.00
091244005	\$34.00	091410022	\$34.00	091412011	\$34.00	091413036	\$34.00


## BLACK LAKE STREETLIGHTING CHARGES TAX YEAR 2000-01

P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
091413037	\$34.00	091415008	\$34.00	091416021	\$34.00	091419035	\$34.00
091413038	\$34.00	091415009	\$34.00	091416022	\$34.00	091419036	\$34.00
091413039	\$34.00	091415010	\$34.00	091416023	\$34.00	091419037	\$34.00
091413040	\$34.00	091415011	\$34.00	091416024	\$34.00	091419038	\$34.00
091413041	\$34.00	091415012	\$34.00	091416025	\$34.00	091419039	\$34.00
091413042	\$34.00	091415013	\$34.00	091416026	\$34.00	091419040	\$34.00
091413043	\$34.00	091415014	\$34.00	091416027	\$34.00	091419041	\$34.00
091413044	\$34.00	091415015	\$34.00	091416028	\$34.00	091419042	\$34.00
091413045	\$34.00	091415016	\$34.00	091416029	\$34.00	091419043	\$34.00
091413046	\$34.00	091415017	\$34.00	091416030	\$34.00	091419055	\$34.00
091414001	\$34.00	091415018	\$34.00	091416031	\$34.00	091419056	\$34.00
091414002	\$34.00	091415019	\$34.00	091416032	\$34.00	091419057	\$34.00
091414003	\$34.00	091415020	\$34.00	091416033	\$34.00	091419058	\$34.00
091414004	\$34.00	091415021	\$34.00	091416034	\$34.00	091440001	\$34.00
091414005	\$34.00	091415022	\$34.00	091416035	\$34.00	091440002	\$34.00
091414006	\$34.00	091415023	\$34.00	091416036	\$34.00	091440003	\$34.00
091414007	\$34.00	091415024	\$34.00	091419001	\$34.00	091440004	\$34.00
091414008	\$34.00	091415025	\$34.00	091419002	\$34.00	091440005	\$34.00
091414009	\$34.00	091415026	\$34.00	091419003	\$34.00	091440006	\$34.00
091414010	\$34.00	091415027	\$34.00	091419004	\$34.00	091440007	\$34.00
091414011	\$34.00	091415028	\$34.00	091419005	\$34.00	091440008	\$34.00
091414012	\$34.00	091415029	\$34.00	091419006	\$34.00	091440009	\$34.00
091414013	\$34.00	091415030	\$34.00	091419007	\$34.00	091440010	\$34.00
091414014	\$34.00	091415031	\$34.00	091419008	\$34.00	091440011	\$34.00
091414015	\$34.00	091415032	\$34.00	091419009	\$34.00	091440012	\$34.00
091414016	\$34.00	091415033	\$34.00	091419010	\$34.00	091440013	\$34.00
091414017	\$34.00	091416001	\$34.00	091419011	\$34.00	091440014	\$34.00
091414018	\$34.00	091416002	\$34.00	091419012	\$34.00	091441001	\$34.00
091414019	\$34.00	091416003	\$34.00	091419013	\$34.00	091441002	\$34.00
091414020	\$34.00	091416004	\$34.00	091419014	\$34.00	091441003	\$34.00
091414021	\$34.00	091416005	\$34.00	091419015	\$34.00	091441004	\$34.00
091414022	\$34.00	091416006	\$34.00	091419016	\$34.00	091441005	\$34.00
091414023	\$34.00	091416007	\$34.00	091419017	\$34.00	091441006	\$34.00
091414024	\$34.00	091416008	\$34.00	091419018	\$34.00	091441007	\$34.00
091414025	\$34.00	091416009	\$34.00	091419019	\$34.00	091441008	\$34.00
091414026	\$34.00	091416010	\$34.00	091419020	\$34.00	091441009	\$34.00
091414027	\$34.00	091416011	\$34.00	091419021	\$34.00	091441010	\$34.00
091414028	\$34.00	091416012	\$34.00	091419022	\$34.00	091441011	\$34.00
091414029	\$34.00	091416013	\$34.00	091419023	\$34.00	091441014	\$34.00
091414030	\$34.00	091416014	\$34.00	091419028	\$34.00	091441015	\$34.00
091415002	\$34.00	091416015	\$34.00	091419029	\$34.00	091441016	\$34.00
091415003	\$34.00	091416016	\$34.00	091419030	\$34.00	091441017	\$34.00
091415004	\$34.00	091416017	\$34.00	091419031	\$34.00	091441018	\$34.00
091415005	\$34.00	091416018	\$34.00	091419032	\$34.00	091441019	\$34.00
091415006	\$34.00	091416019	\$34.00	091419033	\$34.00	091441020	\$34.00
091415007	\$34.00	091416020	\$34.00	091419034	\$34.00	091441022	\$34.00

## BLACK LAKE STREETLIGHTING CHARGES TAX YEAR 2000-01

A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
091441023	\$34.00	091443016	\$34.00	091444048	\$34.00	091445028	\$34.00
91441024	\$34.00	091444001	\$34.00	091444049	\$34.00	091445029	\$34.00
091441028	\$34.00	091444002	\$34.00	091444050	\$34.00	091445030	\$34.00
091441029	\$34.00	091444003	\$34.00	091444051	\$34.00	091445031	\$34.00
091442001	\$34.00	091444004	\$34.00	091444052	\$34.00	091446001	\$34.00
091442002	\$34.00	091444005	\$34.00	091444053	\$34.00	091446002	\$34.00
091442003	\$34.00	091444006	\$34.00	091444054	\$34.00	091446003	\$34.00
091442004	\$34.00	091444007	\$34.00	091444055	\$34.00	091446004	\$34.00
091442005	\$34.00	091444008	\$34.00	091444056	\$34.00	091446005	\$34.00
091442006	\$34.00	091444009	\$34.00	091444057	\$34.00	091446006	\$34.00
091442007	\$34.00	091444011	\$34.00	091444058	\$34.00	091446007	\$34.00
091442008	\$34.00	091444012	\$34.00	091444059	\$34.00	091446008	\$34.00
091442009	\$34.00	091444013	\$34.00	091444060	\$34.00	091446009	\$34.00
091442010	\$34.00	091444014	\$34.00	091444061	\$34.00	091446010	\$34.00
091442011	\$34.00	091444015	\$34.00	091444062	\$34.00	091446011	\$34.00
091442012	\$34.00	091444016	\$34.00	091444063	\$34.00	091446012	\$34.00
091442013	\$34.00	091444017	\$34.00	091444064	\$34.00	091446013	\$34.00
091442014	\$34.00	091444018	\$34.00	091444067	\$34.00	091446014	\$34.00
091442015	\$34.00	091444019	\$34.00	091444068	\$34.00	091446015	\$34.00
091442016	\$34.00	091444020	\$34.00	091445001	\$34.00	091446016	\$34.00
091442017	\$34.00	091444021	\$34.00	091445002	\$34.00	091446017	\$34.00
091442018	\$34.00	091444022	\$34.00	091445003	\$34.00	091446018	\$34.00
91442019	\$34.00	091444023	\$34.00	091445004	\$34.00	091446019	\$34.00
091442020	\$34.00	091444024	\$34.00	091445005	\$34.00	091446020	\$34.00
091442021	\$34.00	091444025	\$34.00	091445006	\$34.00	091446021	\$34.00
091442022	\$34.00	091444026	\$34.00	091445007	\$34.00	091446022	\$34.00
091442023	\$34.00	091444027	\$34.00	091445008	\$34.00	091446023	\$34.00
091442024	\$34.00	091444028	\$34.00	091445009	\$34.00	091446024	\$34.00
091442025	\$34.00	091444029	\$34.00	091445010	\$34.00	091446025	\$34.00
091442026	\$34.00	091444030	\$34.00	091445011	\$34.00	091446026	\$34.00
091442027	\$34.00	091444031	\$34.00	091445012	\$34.00	092441027	\$34.00
091443001	\$34.00	091444033	\$34.00	091445013	\$34.00		
091443002	\$34.00	091444034	\$34.00	091445014	\$34.00		
091443003	\$34.00	091444035	\$34.00	091445015	\$34.00	537	\$18,258.00
091443004	\$34.00	091444036	\$34.00	091445016	\$34.00		
091443005	\$34.00	091444037	\$34.00	091445017	\$34.00		
091443006	\$34.00	091444038	\$34.00	091445018	\$34.00		
091443007	\$34.00	091444039	\$34.00	091445019	\$34.00		
091443008	\$34.00	091444040	\$34.00	091445020	\$34.00		
091443009	\$34.00	091444041	\$34.00	091445021	\$34.00		
091443010	\$34.00	091444042	\$34.00	091445022	\$34.00		
091443011	\$34.00	091444043	\$34.00	091445023	\$34.00		
091443012	\$34.00	091444044	\$34.00	091445024	\$34.00		
11443013	\$34.00	091444045	\$34.00	091445025	\$34.00		
091443014	\$34.00	091444046	\$34.00	091445026	\$34.00		
091443015	\$34.00	091444047	\$34.00	091445027	\$34.00		



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: JUNE 7, 2000

## NIPOMO DRAINAGE MAINTENANCE DISTRICT 76-2 FUNDS

### ITEM

Establishing a reserve for the Nipomo Drainage Maintenance District 76-2 funds and allocating excess reserves.

### BACKGROUND

The Nipomo Drainage Maintenance District 76-2 was established in 1976 to handle the storm drainage for Folkerts Oaks Mobile Home subdivision and the Swap Meet area. The Nipomo Drainage Maintenance District 76-2 consists of a depression in the ground that takes storm run-off. The area is fenced and has one drop-inlet and piping to the storm pond.

When the Nipomo Drainage Maintenance District 76-2 was formed, it had a separate tax rate established prior to Prop. 13 being enacted. After Prop 13 was enacted, tax revenues from the Nipomo Drainage Maintenance District 76-2 and Folkerts Oaks Sewer Maintenance District were divided in half and distributed equally between the two districts. Over time, the Nipomo Drainage Maintenance District 76-2 has built up a sufficient reserve which has accumulated excess reserves to maintain the District. It is estimated that the reserves of \$5,000 would be adequate to maintain the fenced area, the culvert and drop inlet to the Nipomo Drainage Maintenance District 76-2.

Staff has prepared the attached resolution which outlines the amount of funds (\$5,000) to be an adequate reserve for the Nipomo Drainage Maintenance District 76-2 and any excess of funds may be allocated by your Honorable Board doing the general budgeting process. By adopting this resolution, your Honorable Board will set a reserve for the Nipomo Drainage Maintenance District 76-2 and additional funds may be allocated as the Board sees fit for maintaining the District's overall operations.

### RECOMMENDATION

Staff recommends that your Honorable Board adopt the attached Resolution 00-NDMD establishing a reserve of \$5,000.00 for the Nipomo Drainage Maintenance District 76-2 and allocating funds in excess of the established reserve amount to be transferred to the Property Tax Fund as part of the District's general budgeting process.

Board 2000\NDMD



**RESOLUTION NO. 00- NDMD**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT ALLOCATING EXCESS  
NDMD 76-2 TAXES REVENUES FOR DISTRICT PURPOSES  
AS PART OF THE DISTRICT'S ANNUAL BUDGETING PROCESS**

**WHEREAS**, pursuant to Chapter 26, Part 3, Division 7, commencing with Section 5820 of the Streets and Highway Code, on November 10, 1976 the Nipomo Community Services District (herein "District") adopted Resolution 97 establishing the Nipomo Drainage Maintenance District 76-2 (herein "NDMD 76-2"); and

**WHEREAS**, said Resolution forming NDMD 76-2 determined that the property owners holding at least 60% in area of land to be benefited by NDMD, approved a maximum property tax rate of \$1.20 per One Hundred Dollars of assessed valuation pursuant to Section 2263.2 of the Revenue and Taxation Code of the State of California to fund said Maintenance District; and

**WHEREAS**, with the passage of Proposition 13 in 1978 (Article XIII A of the California Constitution), said NDMD 76-2 property taxes were abolished and a 1% ad valorem property tax rate was established for all real property; and

**WHEREAS**, as a result of the passage of Proposition 4 (Article XIII B of the California Constitution), limitations on collecting property taxes were established. Said limitations include all property taxes collected from parcels within NDMD 76-2; and

**WHEREAS**, the County has administratively allocated a portion of the 1% ad valorem tax to meet NDMD 76-2 expenses and costs; and

**WHEREAS**, based on the staff report and public comment the District Board of Directors finds that the amount of \$5000.00 is an adequate reserve for the purposes of meeting the requirements of NDMD 76-2; and

**WHEREAS**, the District desires to allocate funds in excess of the established reserve amount as part of the District's general budgeting process,

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT** as follows:

1. The above recitals are true and correct.
2. That a reserve amount of \$5000.00 is hereby established for NDMD 76-2;

RESOLUTION NO. 00- NDMD

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT ALLOCATING EXCESS  
NDMD 76-2 TAXES REVENUES FOR DISTRICT PURPOSES  
AS PART OF THE DISTRICT'S ANNUAL BUDGETING PROCESS  
Page Two

3. The tax revenues that exceed the established reserves may be transferred to the Property Tax Fund as part of the District's budget process on a fiscal year basis.

4. That nothing contained herein shall be construed to relieve the Nipomo Community Services District from its operation and maintenance obligations for the facilities associated with NDMD 76-2.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this \_\_\_\_ day of \_\_\_\_\_, 2000, on the following roll call vote:

AYES: Directors \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Robert L. Blair, President  
Board of Directors  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
District Legal Counsel

Res. 00-NDMD

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *D*  
DATE: JUNE 7, 2000

2000-2001 FISCAL YEAR BUDGET

**ITEM**

Public Hearing and adoption of 2000-2001 Fiscal Year Budget

**OVERVIEW OF OPERATING BUDGET**

Attached is the final 2000-2001 Fiscal Year Budget which the Board reviewed at a Study Session on May 24, 2000. Below is a brief overview of the four main operating funds, Town Division Water and Sewer and Black Lake Water and Sewer.

Budgeted Operating Revenues-all funds combined	\$2,259,908
Budgeted Operating Expenditures-all funds combined	<u>(2,188,170)</u>
Budgeted Operating Surplus-all funds combined	<u>\$ 71,738</u>

**TOWN DIVISION WATER FUND**

Budgeted Operating Revenues	\$1,092,350
Budgeted Transfer In from Property Tax Fund	260,000
Budgeted Operating Expenditures	<u>(1,349,292)</u>
Budgeted Operating Surplus	<u>\$ 3,058</u>

- The budgeted operating expenditures include \$176,000 for continued legal/engineering services for the groundwater litigation.
- The District is currently testing an automatic meter reading system from Datamatic. The system will transmit the meter read to a hand held computer which will then be downloaded into the utility billing software. It is proposed that a transfer from the Property Tax Fund be used to fund this project.
- The budgeted funded replacement has been increased from \$103,100 in prior years to \$154,000. Upon the completion of the rate study, the budgeted funded replacement may need to be adjusted.
- The Replacement Study recommends that the water storage tanks be painted and the dry barrel fire hydrants be replaced. These projects will be paid for from funds set aside in the Funded Replacement Fund.

**TOWN DIVISION SEWER FUND**

Budgeted Operating Revenues	\$483,500
Budgeted Operating Expenditures	<u>(352,800)</u>
Budgeted Operating Surplus	<u>\$130,700</u>

- The budgeted funded replacement has been increased from \$93,750 in prior years to \$100,000. Upon the completion of the rate study, the budgeted funded replacement may need to be adjusted.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 7, 2000  
PAGE TWO

2000-2001 FISCAL YEAR BUDGET

**BLACK LAKE DIVISION WATER FUND**

Budgeted Operating Revenues	\$207,000
Transfer in from Cash Reserves	52,000
Budgeted Operating Expenditures	<u>(257,920)</u>
Budgeted Operating Surplus	<u>\$ 1,080</u>

- During the fiscal year 1999-2000, Black Lake almost reached build out. Tract 2264 was completed and all meters were set. Approximately 10 meters are left to be set in Tract 2151. There also remains a 20 acre parcel for development.
- The budgeted operating expenditures include \$44,000 for continued legal/engineering services for the groundwater litigation.
- The District is currently testing an automatic meter reading system from Datamatic. The system will transmit the meter read to a hand held computer which will then be downloaded into the utility billing software. It is proposed that a transfer from the cash reserves be used to fund this project.
- The budgeted funded replacement has been increased from \$10,000 in prior years to \$27,000. Upon the completion of the rate study, the budgeted funded replacement may need to be adjusted.
- The Replacement Study recommends that the water storage tank and related facilities be painted. This project will be paid for from funds set aside in the Funded Replacement Fund.

**BLACK LAKE DIVISION SEWER FUND**

Budgeted Operating Revenues	\$132,000
Budgeted Operating Expenditures	<u>(118,808)</u>
Budgeted Operating Surplus	<u>\$ 13,192</u>

- Due to the build out at Black Lake and the rate increase imposed last July, the Black Lake Sewer Division has started to accumulate reserves and is no longer operating in a deficit position.
- The budgeted funded replacement has been increased from \$6,510 in prior years to \$9,000. Upon the completion of the rate study, the budgeted funded replacement may need to be adjusted.

**RECOMMENDATION**

It is recommended that your Honorable Board adopt the attached Resolutions approving the 2000-2001 Fiscal Year Budget and Appropriations Limitation.

**RESOLUTION 00-BUDGET**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE 2000-01 FISCAL YEAR BUDGET**

**WHEREAS**, pursuant to Government Code Section 53901, the District is required to file with the County Auditor a copy of its annual budget or a listing of its anticipated revenues, together with its expenditures and expenses for the fiscal year, and

**WHEREAS**, the District desires to make known its planned activities and associated costs for the 2000-01 Fiscal Year.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by the Board of Directors of the Nipomo Community Services District, San Luis Obispo County, California, as follows:

1. The proposed budget entitled, "2000-01 Budget, Nipomo Community Services District," be adopted.
2. That the final budget be administered as established by past policies and practices.

Upon motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_ and on the following roll call vote, to wit:

AYES: Directors  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing Resolution is hereby adopted this 7<sup>th</sup> day of June 2000.

\_\_\_\_\_  
Robert L. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
District Legal Counsel

**RESOLUTION NO. 00-APPROP**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
DETERMINING THE APPROPRIATION LIMITATION  
FOR THE 2000-01 FISCAL YEAR**

**WHEREAS**, Article XIII B of the California Constitution specifies that appropriations made by governmental entities may increase annually by the change in population and the California per-capita income, and

**WHEREAS**, it has been determined by the State Department of finance that the California per-capita income increase shall be used; and

**WHEREAS**, the percent change in the California per-capita income is 4.91% and the percent change in the population of the unincorporated area of San Luis Obispo County is 2.76%.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Directors of the Nipomo Community Services District, San Luis Obispo County, California, as follows:

1. That the ratio of change is and is determined as follows:

$$1.0491\% \times 1.0276\% = 1.078\%$$

2. That the 2000-01 appropriation limit is and is determined as follows:

1999-00 Limitation	\$1,543,080
2000-01 Ratio of Change	x <u>1.078</u>

2000-01 Appropriation Limitation	\$1,663,440
2000-01 Appropriation Subject to Limitation	( <u>202,460</u> )

2000-01 Appropriations Under Limit	<u>\$1,460,980</u>
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**RESOLUTION 00-APPROP  
PAGE TWO**

3. No further adjustment to the 2000-01 appropriation limitation has been made for mandated costs. However, any new mandated costs or increases in costs would increase the limitation amount by "Proceeds of Taxes" used to finance mandates in Fiscal Year 2000-01.

On the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_ and on the following roll call vote, to wit:

AYES: Directors  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing resolution is hereby adopted this 7th day of June 2000.

\_\_\_\_\_  
Robert L. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
General Counsel

C:\W:\RES\00-approp

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 7, 2000

REVIEW EXISTING RETROFIT ANNEXATION POLICY

**ITEM**

- Consideration to establish a retrofit in-lieu fee for annexations.

**BACKGROUND**

**IN-LIEU RETROFIT FEE**

The District, in May of 1996, adopted Resolution 96-576 amending the existing annexation policy whereas a water supply would have to be brought with the annexation to the District. The water supply could consist of the following:

1. Well with a 5-year pumping record
2. Reduce the water usage by retrofitting
3. A supplemental water supply.

Since the Board has adopted this policy, two annexations have occurred in which the applicants have requested to retrofit units to establish a water supply for their developments. Also, during this period, the Lucia Mar Unified School District has requested an outside user agreement to supply water to the new high school with possibilities of retrofitting to provide a water supply for their new school. Since the NCSD has a limited number of retrofits available, it has been suggested that an in-lieu fee, instead of actually retrofitting homes, be established which would fund a supplemental water account. Retrofitting a home normally includes replacing showerheads with low flow devices, installing sink aerators and installing 1.6 gallons per flush toilets into the home. In about one-third of the homes, a pressure regulating device is installed to reduce pressure to 40-60 psi range. Assuming the normal home would have two-baths, a kitchen and one out of three would have installed a pressure regulator, it is estimated the cost of retrofitting would be approx. \$400 per retrofit. Since the District requires eight (8) homes to be retrofit to build one new home. An in-lieu retrofit fee would be \$3,200 (\$8x\$400).

**RECOMMENDATION**

Staff is requesting direction if your Honorable Board may wish to establish in-lieu fees for retrofits and a similar program for increased land use densities within the District boundary.

Board 2000\ANNEX POLICY



5/1/74

**RESOLUTION NO. 96 - 576**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE EXISTING ANNEXATION POLICY**

**WHEREAS**, the Nipomo Community Services District receives most of its water from the Groundwater basin underlying the Nipomo Mesa, and

**WHEREAS**, District acknowledges a number of reliable engineering reports indicating that the Nipomo Mesa ground water area is in state of overdraft, and

**WHEREAS**, the District wishes to maintain a water supply for its existing users and potential use within its boundaries, and

**WHEREAS**, the District wishes to modify its annexation ordinance recognizing the potential limited water supply from the Nipomo Mesa groundwater basin.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by the Board of Directors of the Nipomo Community Services District: as follows:

Sections IV (B) and V (B) of its present annexation policy is repealed in its entirety and replaced with the following:

B. In order to be considered for annexation:

- (1) the lands must be located within those portions of the sphere of influence zone as approved by both the Local Agency Formation Commission and this District; and
- (2) the lands must be immediately adjacent to Nipomo Community Services District facilities or the land owners must be willing to extend adequate facilities at no cost to Nipomo Community Services District; and
- (3) the proponents of such annexations must pay all applicable fees.

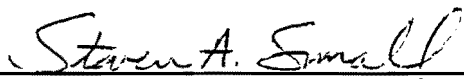
RESOLUTION NO. 96-576  
PAGE TWO

C. The District will not consider the annexation of land that is not capable of providing a water supply and related facilities, approved by the District, to meet the estimated demand for service to the proposed annexation. The District will consider the following in approving a water supply:

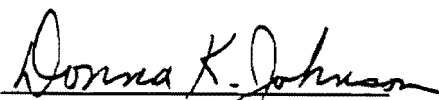
- (1) A well (s) with a historical 5 year pumping record; or
- (2) A reduction of District water usage by retrofitting on a 2:1 basis; or
- (3) A supplemental water supply.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this 1st day of May, 1996, on the following roll call vote:

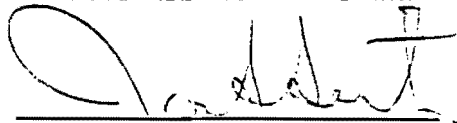
AYES: Directors Mendoza, Simon, Blair, Fairbanks and Small  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
\_\_\_\_\_  
Steven Small  
President of the Board  
Nipomo Community Services District

ATTEST:

  
\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jerr Seitz  
District Legal Counsel

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 7, 2000

AGENDA ITEM  
JUN 07 2000



REQUEST FOR SERVICE  
TRACT 2386  
NEWDOLL

**ITEM**

A request for water and sewer service for an additional 8 units in Tract 1712 at Hazel Lane & Tefft Street which is now a 16-lot development now known as Tract 2386.

**BACKGROUND**

Tract 1712, now Tract 2386, was originally part of the Annexation 15 (Hazel Lane). Each of these land owners entered into an annexation agreement with the District whereas they would supply their own water for their development, via retrofits. Tract 1712, originally an 8-lot subdivision, has proceeded with the improvements being installed and the retrofits completed as required by the annexation agreement. The developer of this tract is now requesting for water and sewer service for an additional 8 lots which is now Tract 2386. Your Honorable Board may wish to issue an Intent-to-Serve letter for Tract 2386 with the following conditions to be met before the issuance of a final Will-Serve:

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans, showing appropriate looping, prepared in accordance with the District Standards and Specifications for review and approval.  
Most improvements have been installed except for the new lots which would have to be approved.
3. Comply with the annexation agreement which indicates that they will supply sufficient water for the proposed tract.
4. Pay all appropriate District water, sewer and other fees associated with this development.
5. Construct the improvements required and submit the following:
  - a. Reproducible "As Builts" - A paper copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
  - b. Offer of Dedication
  - c. Engineer's Certification
  - d. A summary of all water and sewer improvement costs
6. This Intent-to-Serve Letter will expire two years from date of issuance.

**RECOMMENDATION**

Staff recommends that your Honorable Board approve the Intent-to-Serve letter for Tract 2386 with the above conditions. If the Board decides to adopt a retrofit in-lieu fee, the developer may wish to modify the annexation agreement to include this option.



## R.H. Newdoll Construction, Inc.

P.O. Box 364  
Grover Beach, CA 93483  
License #289870

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Telephone/Fax (805) 489-4457

May 11, 2000

Nipomo Community Services District  
P.O. Box 326  
Nipomo, CA 93444

Attention: Doug Jones  
Fax 929-1932

Dear Doug:

This letter is in regard to Tract #2386 in Nipomo, CA. (Formerly known as Tract #1712).

Please allow this letter to serve as a formal request for a willing to serve letter for the County of San Luis Obispo.

Thank you for your attention in this matter.

Sincerely,

Lori Newdoll

LN:lln

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:  
NIPOMO COMMUNITY SERVICES DISTRICT  
PO BOX 326  
NIPOMO, CA 93444

APPROVED  
10-16-96

Doc No: 1998-003428

Rpt No: 00004532

Official Records  
San Luis Obispo Co.  
Julie L. Rodewald  
Recorder  
Jan 22, 1998  
Time: 15:03

NF -1 0.00

[ 6 ]

TOTAL 0.00

**ANNEXATION AGREEMENT  
BETWEEN THE NIPOMO COMMUNITY SERVICES DISTRICT  
AND  
R.H. NEWDOLL CONSTRUCTION INC.**

THIS AGREEMENT is made this 28<sup>th</sup> day of May, 1997, by and between the Nipomo Community Services District, hereinafter referred to as "District", and R.H. Newdoll Construction Inc., hereinafter referred to as "Applicant" in reference to the following recitals.

**RECITALS:**

A. Applicant is proposing to annex into the District Assessor's Parcel Number 092-123-031, more particularly described as follows:

PARCEL D PARCEL MAP CO-83-027, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED FEBRUARY 18, 1985 IN BOOK 36, PAGE 77 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

B. On October 16, 1996, District approved Resolution No. 96-600 which states in relevant part:

1. The Applicant has received all required approvals and clearances from the LAFCO Commission and the County of San Luis Obispo, including but not limited to compliance with the California Environmental Quality Act and the Cortese Knox Local Government Reorganization Act.

2. The issue of the property tax exchange has been resolved between the District and the County of San Luis Obispo.

3. The Applicant enters into an agreement with the District to:

(a) Supply infrastructure to and within the proposed area of annexation at no cost to the District.

(b) Pay all District fees and costs associated with the annexation, including the District annexation fees.

(c) Provide retrofitting at the rate of 2:1 to meet the proposed development and District's water requirement needs.

4. The Applicant complies with all additional conditions that may be imposed by the District through the date of annexation.

**NOW, THEREFORE**, the parties hereto mutually agree as follows:

1. Payment of Annexation Fees.

Prior to approval of this Agreement, Applicant shall deliver to District \$1, 250.00 as annexation fees.

2. Retrofit Plan.

In compliance with § C(2) of Resolution No. 96-576 the parties agree as follows:

A. Prior to District issuing a Will-Serve Letter for future development, Applicant will provide District, to District's satisfaction, a detailed Retrofit Plan, including addresses within the District to be retrofitted and the consent of individual residents/owners.

B. The Retrofit Plan shall comply with District calculations and projections. The standard water use per 1991 single family resident is approximately 10,700 gallons/month. This is equivalent to retrofitting single family residences. The 2:1 factor means 8 single family residents (or equivalent) is required to be retrofitted to build one single family residence.

C. The Retrofit Plan shall be implemented and completed by a licensed plumbing contractor whose license shall be lodged with the District prior to the issuing of a Will-Serve Letter.

D. Prior to connecting any unit to the District's water and/or sewer system, Applicant will provide District with a plumbing contractor's Certification that the Applicant has complied with and completed the Retrofit Plan described in paragraph 2.A, above.

E. Applicant agrees to defend, indemnify and hold District and its officers, agents and employees harmless against any and all claims, causes of action, judgments, damages, liability, losses, costs or expenses, including reasonable attorneys' fees, brought against the District or suffered or incurred by it, arising out of Applicant's, or Applicant's employees or contractors, performance of the Retrofit Plan.

3. District Plan Check and Inspection Agreement.

Prior to the District issuing a Will-Serve Letter for future development of the annexed area, Applicant will enter into District's Standard Plan Check and Inspection Agreement.

4. Water and Sewer Infrastructure.

Applicant agrees to construct and provide water and sewer service to the area of annexation and the development contained therein, at no cost to the District.

5. District Fees.

Applicant agrees to pay all District fees and charges for water and sewer service associated with the development in the area of annexation.

6. Incorporation.

The terms and conditions of Resolution No. 96-600 are incorporated herein and made a part of this Agreement by reference.

7. Assignment.

The provisions of this Agreement shall apply to and bind the successors, grantees, and assigns of the respective parties, but no assignment or transfer of this Agreement, or any part hereof, or interest herein by the Applicant shall be valid until and unless approved by the District in writing.

8. Waiver of Rights.

Any waiver at any time by either party hereto of its rights with respect to a breach or default, or any other matter arising in connection with this Agreement, shall not be deemed to be a waiver with respect to any other breach, default or matter.

9. Agreement.

This Agreement is in addition to, and does not supersede, any other agreement or agreements entered into by and between the parties hereto.

10. Severability.

If any provision or condition of this Agreement is held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect unimpaired by the court ruling.

11. Indemnity.

Applicant agrees to save, indemnify and hold harmless, the Nipomo Community Services District, its officers, employees and agents, from all liabilities, judgments, costs and expenses, due to any and all activities related to the implementation of the rights and privileges granted in this Agreement.

12. Notices.

All notices, statements, reports, approvals, requests, bills or other communications that are required either expressly or by implication to be given by either party to the other under this Agreement shall be in writing and signed for each party by such officers as each may, from time to time, be authorized in writing to so act. All such notices shall be deemed to have been received on the date of delivery if delivered personally or three (3) days after mailing if enclosed in a properly addressed and stamped envelope and deposited in a United States Post Office for delivery. Unless and until formally notified otherwise, all notices shall be addressed to the parties at their addresses as shown below:



**District**  
Nipomo Community Services District  
P O Box 326  
261 Dana Street, Suite 101  
Nipomo, CA 93444

**Applicant**  
R.H. Newdoll Construction Inc.  
P O Box 364  
Grover Beach, CA 93483

13. Headings.

The paragraph headings used in this Agreement are for reference only, and shall not in any way limit or amplify the terms and provisions hereof, nor shall they enter into the interpretation of this Agreement.

14. Cooperation.

Each party to this Agreement agrees to do all things that may be necessary, including, without limitation, the execution of all documents which may be required hereunder, in order to implement and effectuate this Agreement.

15. Interpretation of this Agreement.

The parties acknowledge that each party and its attorney have reviewed, negotiated and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any document executed and delivered by any party in connection with the transactions contemplated by this Agreement.

16. Venue

This Agreement has been executed and delivered in the State of California and the validity, enforceability and interpretation of any of the clauses of this Agreement shall be determined and governed by the laws of the State of California. The duties and obligations of the parties created hereunder are performable in San Luis Obispo County and such County shall be the venue for any action or proceeding that may be brought or arise out of, in connection with or by reason of this Agreement.

17. Agreement to be recorded.

Applicant and District intend and consent to the recordation of this agreement in the office of the County Recorder of the County of San Luis Obispo, and such recordation shall serve as constructive notice to all future owners within the annexed area of the obligations Applicant herein.

18. Recitals.

The recitals A and B of this Agreement are incorporated herein by this reference and made a part hereof.

19. Authority to Execute Agreement.

The parties hereby represent that the parties executing this agreement are expressly authorized to do so for and on behalf of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

AGREED:

Date: 5-28, 1997

RH HEWDELL CONST INC  
Richard Hewdell  
Applicant  
(Applicant's signature to be notarized.)

\_\_\_\_\_  
Applicant  
(Applicant's signature to be notarized.)

\_\_\_\_\_  
Applicant  
(Applicant's signature to be notarized.)

APPROVED AND ACCEPTED BY THE NIPOMO COMMUNITY SERVICES DISTRICT BY RESOLUTION ADOPTED ON AUGUST 20, 1997, AND CONSENTS TO THE RECORDATION THEREOF BY ITS DULY AUTHORIZED OFFICER:

Dated: 8/20, 1997

Michelle D. Franks  
President, Board of Directors  
Nipomo Community Services District

ATTESTED:

Donna K. Johnson  
DONNA K. JOHNSON  
Secretary to the Board

APPROVED AS TO FORM:

Jon S. Seitz  
JON S. SEITZ  
General Counsel



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *DJ*  
DATE: JUNE 7, 2000

REQUEST FOR SERVICE  
TRACT 2182 (KLEINSASSER)

**ITEM**

Request for renewal of Intent-to-Serve letter for water service for Tract 2182 an eight lot subdivision.

**BACKGROUND**

Mr. Jack Kleinsasser, the owner of Tract 2182 is requesting a renewal of the Intent-to-Serve letter issued in 1995 for an 8-lot subdivision on Camino Caballo and Quail Oaks Lane. Your Honorable Board may wish to issue an Intent-to-Serve letter for Tract 2182 with the following conditions to be met before the issuance of a final Will-Serve:

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans prepared in accordance with the District Standards and Specifications for review and approval.
3. Pay all appropriate District water and other fees associated with this development.
4. Construct the improvements required and submit the following:
  - a. Reproducible "As Builts" - A paper copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
  - b. Offer of Dedication
  - c. Engineer's Certification
  - d. A summary of all water and sewer improvement costs
5. This Intent-to-Serve Letter will expire two years from date of issuance.

**RECOMMENDATION**

Staff recommends that your Honorable Board approve the renewal of the Intent-to-Serve letter with the above conditions.

Board 2000\TR 2182 intent



To: Mr. Doug Jones, General Manager  
Nipomo Community Services District  
Fax: (805) 929-1932

Date: 5/30/00

From: Mr. Jack Kleinsasser, Owner Tract No. 2182 Nipomo  
38654 Beloit Street  
Fremont, CA 94536  
Phone: (510) 792-2799

Subject: Will Serve Letter (tract 2182)

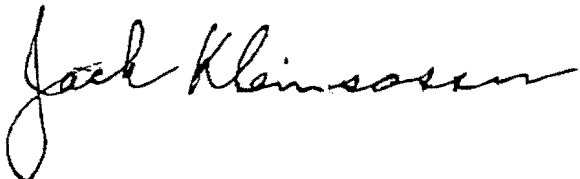
Dear Mr. Jones,

As per our conversation this morning, I am sending you copies of Intent-To-Serve letters for tract 2182 Nipomo, that I have in my file. As you suggested with this letter I am requesting an up-dated Intent-To-Serve letter that it may lead to a Will Serve letter, so I can continue with the San Luis Obispo County New Subdivision process.

I am near the end of what seems to have been a very long procedure. My goal at this time is to acquire a Will Serve letter for tract 2182 and the amount of required fees if applicable at this time.

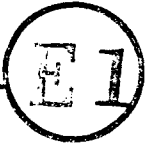
Thank you for your attention in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jack Kleinsasser". The signature is written in black ink and is positioned above the printed name.

Jack Kleinsasser

AGENDA ITEM  
JUN 07 2000



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *D*  
DATE: JUNE 7, 2000

CHANGE IN BOARD MEETING TIME

**ITEM**

Consideration to change meeting time on the first and third Wednesdays of the month.

**BACKGROUND**

By ordinance, the Board of Directors has established the Board meetings as the first and third Wednesday of the month. The time of the meeting is established by resolution adopted by the Board. Since the Board has recently been re-organized, the Board may wish to meet earlier or later than the present 11:00 a.m. time.

**RECOMMENDATION**

Attached is a resolution for the Board's consideration, if you wish to adjust the meeting time.

Board 2000\Time change.DOC



**AGENDA ITEM**  
**JUN 07 2000**



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 7, 2000

**CONSENT AGENDA**

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.

- F-1) WARRANTS (RECOMMEND APPROVAL)
  
- F-2) BOARD MEETING MINUTES (RECOMMEND APPROVAL)  
Approval of Minutes of the May 3, 2000 Regular Board meeting  
Approval of Minutes of the May 10, 2000 Regular Board meeting
  
- F-3) FILE NOTICE OF COMPLETION (RECOMMEND APPROVAL)  
Southland Wastewater Treatment Facility Expansion

C:\W:Bd2000\Consent June.DOC





WARRANTS JUNE 7, 2000

HAND WRITTEN CHECKS

18294	05/18/00	R. MOBRAATEN	50.00
18295	05/18/00	A. MENDOZA	50.00
18296	05/24/00	SLO SYMPHONY	50.00
18297	05/24/00	I. DURNIM	85.85

VOID 11751, 11788, 11789

COMPUTER GENERATED CHECKS

11752	05/24/00	TURFMASTERS INC	\$458.00
11753	05/24/00	FRED ASMUSSEN	\$1,200.00
11754	05/24/00	ROBERT BLAIR	\$100.00
11755	05/24/00	CALIFORNIA APPLIED TECHNOLOGIES	\$777.38
11756	05/24/00	CLANIN & ASSOCIATES, INC.	\$4,836.75
11757	05/24/00	CREEK ENVIRONMENTAL LABORATORIES, IN	\$85.00
11758	05/24/00	DANA PROPERTIES	\$205.90
11759	05/24/00	DATAMATIC.COM,LTD	\$2,701.86
11760	05/24/00	EASTER RENTS	\$168.67
11761	05/24/00	FGL ENVIRONMENTAL ANALYTICAL CHEMIST	\$385.60
11762	05/24/00	FIRST AMERICAN REAL ESTATE SOLUTIONS	\$231.30
11763	05/24/00	GARING, TAYLOR & ASSOCIATES, INC.	\$7,973.37
11764	05/24/00	GTE WIRELESS	\$35.71
11765	05/24/00	GROENIGER & COMPANY	\$2,474.47
11766	05/24/00	HARCO CPS WATERWORKS	\$1,440.00
11767	05/24/00	IKON OFFICE SOLUTIONS	\$117.61
11768	05/24/00	MCI TELECOMMUNICATIONS	\$49.94
11769	05/24/00	McKESSON WATER PRODUCTS	\$8.05
11770	05/24/00	MAINLINE	\$675.00
11771	05/24/00	ALEX MENDOZA	\$100.00
11772	05/24/00	MOBRAATEN, RICHARD	\$100.00
11773	05/24/00	PACIFIC BELL	\$162.02
11774	05/24/00	POSTMASTER	\$500.00
11775	05/24/00	PRESSURE VESSEL SERVICE INC	\$804.04
11776	05/24/00	RELIABLE OFFICE SUPPLY	\$73.46
11777	05/24/00	SAN LUIS OBISPO COUNTY HEALTH DEPART	\$1,206.00
11778	05/24/00	SANTA MARIA TIRE, INC.	\$379.60
11779	05/24/00	SCIENCE APPLICATIONS INTERNATIONAL C	\$4,483.25
11780	05/24/00	ALBERT SIMON	\$100.00
11781	05/24/00	SJS ENGINEERING	\$1,184.10
11782	05/24/00	STAPLES CREDIT PLAN	\$1,239.10
11783	05/24/00	TERMINIX INTERNATIONAL	\$42.00
11784	05/24/00	TOAL'S FENCING	\$1,791.00
11785	05/24/00	USA BLUE BOOK	\$1,520.73
11786	05/24/00	WESTBURNE/AIR COLD INC.	\$40.80
11787	05/24/00	WINN, MICHAEL	\$100.00
11790	06/07/00	ADVANTAGE ANSWERING PLUS	\$135.15
11791	06/07/00	ROBERT BLAIR	\$100.00
11792	06/07/00	CAL-MARIA ENGINES	\$528.48
11793	06/07/00	CREEK ENVIRONMENTAL LABORATORIES, IN	\$120.00
11794	06/07/00	KENNETH KERRI, OFFICE OF WATER PROGR	\$30.00
11795	06/07/00	FGL ENVIRONMENTAL ANALYTICAL CHEMIST	\$404.80
11796	06/07/00	FED EX	\$18.86
11797	06/07/00	GLM	\$217.00
11798	06/07/00	GTE CALIFORNIA	\$28.10
11799	06/07/00	GREAT WESTERN ALARM AND COMMUNICATIO	\$25.00
11800	06/07/00	IKON OFFICE SOLUTIONS	\$111.13
11801	06/07/00	ALEX MENDOZA	\$100.00
11802	06/07/00	MID STATE BANK-MASTERCARD	\$19.95
11803	06/07/00	MOBRAATEN, RICHARD	\$100.00

WARRANTS/2000/W051700.doc

11804	NIPOMO REXALL DRUG	\$3.97
11805	NIPOMO SHELL	\$904.93
11806	P G & E	\$23,144.82
11807	CALPERS HEALTH BENEFIT DIVISION	\$3,212.23
11808	PUBLIC EMPLOYEES RETIREMENT SYSTEM	\$1,846.23
11809	PRECISION JANITORIAL SERVICE	\$135.00
11810	QUILL CORPORATION	\$133.11
11811	RICHARDS, WATSON & GERSHON	\$26,516.33
11812	SAN LUIS OBISPO COUNTY HEALTH DEPART	\$486.00
11813	SCIENCE APPLICATIONS INTERNATIONAL C	\$69.97
11814	SHIPSEY & SEITZ, INC.	\$3,332.00
11815	ALBERT SIMON	\$100.00
11816	SOUTHERN CALIF GAS COMPANY	\$45.46
11817	TIMES PRESS RECORDER	\$74.00
11818	WINN, MICHAEL	\$100.00

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

May 17, 2000

REGULAR SESSION 11:00 A.M.  
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### BOARD MEMBERS

ROBERT BLAIR, PRESIDENT  
AL SIMON, VICE PRESIDENT  
RICHARD MOBRAATEN, DIRECTOR  
ALEX MENDOZA, DIRECTOR  
MICHAEL WINN, DIRECTOR

### STAFF

DOUGLAS JONES, GENERAL MANAGER  
DONNA JOHNSON, SECRETARY TO THE BOARD  
JON SEITZ, GENERAL COUNSEL

#### A. CALL TO ORDER AND FLAG SALUTE

Acting President Simon called the meeting to order at 11:00 a.m. and led the flag salute.

#### B. ROLL CALL

At Roll call the following Board members were present:  
Directors Winn, Mendoza, Mobraaten, Simon and Blair.

#### B-2 ELECTION OF BOARD OFFICERS ELECTION OF PRESIDENT

Acting President Simon nominated Director Blair to be President of the Board. Director Mendoza seconded the nomination. The nominations were closed. Vote 5-0. The position of Vice President still stands with Director Simon. Director Blair took the President's seat.

#### C. PUBLIC COMMENTS PERIOD

##### PUBLIC COMMENTS

There were no public comments.

#### D. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)

##### D-1) DRAFT CEQA REVIEW OF OSAGE/TEFFT WATER LINE

Review Draft Environmental Negative Declaration of Osage/Tefft water line project and set a Public Hearing to review Draft on June 7, 2000

Jim Garing, District Engineer, reported to the Board concerning the process involved for the Environmental Determination for the proposed waterline between Osage and Tefft Streets. There will be a Public Hearing on June 7, 2000 for this project. There were not other public comments. Upon motion of Director Mendoza and seconded by Director Simon, the Board approved Resolution 00-731. Vote 5-0

##### RESOLUTION 00-731

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
APPROVING THE DRAFT ENVIRONMENTAL NEGATIVE DECLARATION FOR  
THE OSAGE-TEFFT WATER TRANSMISSION PIPELINE

##### D-2) TANK SITE EASEMENT AGREEMENT MODIFICATION

Approve Easement Agreement modification for wireless phone operations

Legal Counsel, Jon Seitz, explained the agreement between the Nipomo Oaks Partnership and NCS D for an Easement Agreement modification to use the standpipe tank site for a wireless phone antenna site. There were no public comments. Upon motion by Director Mobraaten and seconded by Director Simon, the Board approved the agreement as noted. Vote 5-0

**E. OTHER BUSINESS**

- E-1) **NOTICE TO COUNTY CLERK - ELECTIVE OFFICES TO BE FILLED**  
 Notice that three Board of Directors seats to be elected on Nov. 7, 2000  
 A notice was received from the San Luis Obispo County Election Office of the Calendar of Events for the November Election. Upon motion of Director Winn and seconded by Director Mobraaten, the Board authorized staff to file the Notice of Elective Board Members to be filled along with the boundary map of the District with the County Clerk-Recorder's Office. Vote 5-0  
 There were no public comments. The seats to be filled are as follows:  
 Directors Winn and Blair - 4 year terms and Director Mendoza - 2 year term.  
 Directors Mobraaten and Simon have 2 years remaining on their terms.
- E-2) **UTILITY BILLING FORMAT**  
 Evaluation of billing format from post card bill to envelope bill and cost difference  
 The Board was given an envelope bill sample and shown the differences in usage costs compared to the present post card method of billing. Upon motion of Director Mendoza and seconded by Director Simon, the Board authorized to try the new envelope format of billing for one year. Vote 5-0 There were no public comments.

**F. CONSENT AGENDA**

- F-1) **WARRANTS (RECOMMEND APPROVAL)**  
 F-2) **BOARD MEETING MINUTES (RECOMMEND APPROVAL)**  
 Approval of Minutes of May 3, 2000 Regular Board meeting  
 Approval of Minutes of May 10, 2000 Special Board meeting

Upon motion of Director Mobraaten and seconded by Director Mendoza, the Board approved the items on the Consent Agenda. Vote 5-0 There were no public comments.

**G) MANAGER'S REPORT**

Manager, Doug Jones presented information on the following:

- G-1) **CSDA LEGAL UPDATE ON ERAF**  
 G-2) **CSDA LEGISLATIVE ALERT**  
 G-3) **AMR TESTING STATUS**  
 G-4) **U S WATER NEWS ARTICLE - Gleissberg Cycle**

**H. DIRECTORS COMMENTS**

Committee assignments

With the vacated Board seat, some committee positions needed members. The following are the assignments for the year 2000. \*\* New assignments.

Committees for 2000	Member	Alternate
Nipomo Community Advisory Council	Mike Winn **	Al Simon
Water Resources Advisory Committee	Doug Jones	Bob Blair
Chamber of Commerce	Dick Mobraaten	Al Simon **
NCAC Water Committee (New)	Bob Blair **	Dick Mobraaten **

These committees require two (2) members.

Committees for 2000	Members	
Finance Committee	Mike Winn **	Al Simon
Water Committee	Al Simon	Bob Blair
High School Committee	Alex Mendoza	Dick Mobraaten

**Water Committee Report**

Directors Blair and Simon reported on the Water Committee meeting of May 11, 2000.  
 Director Blair reported on the Air Pollution Control District meeting held May 17, 2000.

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session concerning the matter below.

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL GC§54956.9  
a. NCSO vs. DANA ESTATES CASE No. CV 990547

The Board came back into Open Session and announced that during Closed Session it authorized the attorney to settle the case above.

**ADJOURN**

President Blair adjourned the meeting at 12:20 p.m.

**NIPOMO COMMUNITY SERVICES DISTRICT**

MINUTES

**SPECIAL MEETING**



MAY 24, 2000 9:00 A. M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ROBERT BLAIR, **PRESIDENT**  
AL SIMON, **VICE PRESIDENT**  
RICHARD MOBRAATEN, **DIRECTOR**  
ALEX MENDOZA, **DIRECTOR**  
MIKE WINN, **DIRECTOR**

STAFF

DOUGLAS JONES, **GENERAL MANAGER**  
DONNA JOHNSON, **SECRETARY TO THE BOARD**  
JON SEITZ, **GENERAL COUNSEL**

**CALL TO ORDER AND FLAG SALUTE**

President Blair called the meeting to order at 9:05 a.m. and led the flag salute

**ROLL CALL**

At Roll Call, all Board members were present.

Public Comment on Agenda Items

The public has the right to comment on any item on the Special Meeting Agenda when the item is being considered. Comments are limited to 3 minutes or otherwise at the discretion of the Board President.

There were no public comments.

**1. STUDY SESSION**

- a. Review District Budget for Fiscal Year 2000-2001

The Board reviewed and discussed the Budget.  
There were no public comments.

Adjourn

President Blair adjourned the meeting at 11:28 a.m.

**MINUTES SUBJECT TO BOARD APPROVAL**

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 7, 2000

AGENDA ITEM   
JUN 07 2000

SOUTHLAND WASTEWATER TREATMENT FACILITY  
NOTICE OF COMPLETION

**ITEM**

Accepting the Phase II Southland Wastewater Treatment Facility improvements constructed by Sansone Company, Inc. and the filing of the Notice of Completion.

**BACKGROUND**

On June 2, 1999, your Honorable Board awarded the contract to Sansone Company, Inc. to construct Phase II of the Southland Wastewater Treatment Facility improvements.

The work has now been completed by Sansone Company, Inc. and a Notice of Completion needs to be filed with the County of SLO (attached).

**RECOMMENDATION**

Staff recommends that your Honorable Board approve the attached **Resolution 00-Phase II** accepting the improvements and authorize the Notice of Completion to be filed with the County.

Board 2000\Phase II .DOC

**RESOLUTION NO. 00-Phase II**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING PHASE II OF THE SOUTHLAND WASTEWATER  
TREATMENT FACILITY IMPROVEMENTS**

**WHEREAS**, June 2, 1999, the District Board of Directors did award a contract to construct Phase II Expansion of the Southland Wastewater Treatment Facility to Sansone Company, Inc., and

**WHEREAS**, Sansone Company, Inc. has completed the construction of said Phase II, and

**WHEREAS**, Garing, Taylor and Associates have inspected and approved the completion of the said Phase II, and

**WHEREAS**, this District is to file a Notice of Completion upon the completion of said work.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:**

1. Phase II Expansion of the Southland Wastewater Treatment Facility constructed by Sansone Company, Inc. is completed and accepted by this District.
2. The General Manager is to file the Notice of Completion

On the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_ and on the following roll call vote, to wit:

AYES: Directors \_\_\_\_\_

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby adopted this 7<sup>th</sup> day June, 2000.

\_\_\_\_\_  
Robert L. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
General Counsel

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

NIPOMO COMMUNITY SERVICES DISTRICT  
P.O. Box 326  
Nipomo, CA 93444

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion.

Notice is hereby given that:

1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is **Nipomo Community Services District**
3. The full address of the owner is **P O Box 326, Nipomo, CA 93444**
4. The nature of the interest or estate of the owner is: In fee.

(If other than fee, strike "In fee: and insert, for example, "purchaser under contract of purchase," or "lessee")

5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

NAMES	ADDRESSES
None	N/A

6. A work of improvement on the property hereinafter described was completed on **June 7, 2000**. The work done was:

**Phase II Expansion of the Southland Wastewater Treatment Facility**

The name of the contractor, if any, for such work of improvement was **Sansone Company, Inc.**

8. The property on which said work of improvement was completed is in the city of Nipomo

County of **San Luis Obispo**, State of California, and is described as follows:

**Phase II Expansion of the Southland Wastewater Treatment Facility**

9. The street address of said property is **509 Southland Street, Nipomo, CA**

Dated: \_\_\_\_\_  
Verification for Individual Owner

\_\_\_\_\_  
Signature of owner or corporate officer of owner  
named in paragraph 2 or his agent

### VERIFICATION

I, the undersigned, say: I am the \_\_\_\_\_ the declarant of the foregoing I  
("President of", "Manager of", "A partner of", "Owner of", etc.)

notice of completion; I have read said notice of completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 2000 at **Nipomo**, California.  
(Date of signature) (City where signed)

\_\_\_\_\_  
(Personal signature of the individual who is swearing that the contents of  
the notice of completion are true.)





Civil Engineering  
Surveying  
Project Development

May 30, 2000

Mr. Doug Jones, General Manager  
Nipomo Community Services District  
148 South Wilson Street  
Nipomo, CA 93444

Dear Doug:

SUBJECT: PROGRESS BILLING INVOICE NO. 5 AND RETENTION BILLING FOR  
CONSTRUCTION OF THE SOUTHLAND WASTEWATER TREATMENT  
PLANT EXPANSION, PHASE II

Attached are Sansone Company, Inc.'s Progress Billing Invoice No. 5 and the Retention Billing Invoice for all contract and change order work completed at the Southland Wastewater Treatment Plant Expansion, Phase II project. The approved pay amount for Billing No. 5 is \$13,666.36. Included with this bill is Contract Change Order No. 4 for extra work done on the infiltration basins performed at the request of the District.

Now that the project is fully completed a "Notice of Completion" should be filed with the San Luis Obispo County Recorder. In accordance with the Contract the final retention payment of \$84,529.56 shall be made to the Contractor 35 days after filing such notice.

Please let me know if you have any questions or need additional information.

Sincerely,

Garing, Taylor & Associates, Inc.

Russell S. Garing, Project Inspector

RECEIVED

MAY 31 2000

NIPOMO COMMUNITY  
SERVICES DISTRICT

Enclosures

p:\ncsd\south2\finalbill.doc

AGENDA ITEM  
JUN 07 2000



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *D*  
DATE: JUNE 7, 2000

MANAGER'S REPORT

- G-1) PUBLIC LAW ADVISOR  
Enclosed a Public Law Advisor from Jim Markman's firm Richards, Watson and Gershon discussing land use issues.
- G-2) GOVERNING MAGAZINE ON GROWTH  
Attached is a copy of an article with a different point of view with respect to controlled growth, sometimes called "Smart Growth".

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# Public Law Advisor

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Richards  
Watson &  
Gershon

## Ballot Box Planning

By Gregory W. Stepanicich

As has happened in the past in California, the recent economic boom has renewed the call by city residents to slow down new development, in response to longer commutes, the loss of open space, and the change in the "character" of their communities brought by new development. Refusing to rely on City Councils perceived as not being responsive to their demands, growth control advocates throughout the State are using the ballot box as the means to achieve their objectives. In response, developers and property owners are using initiatives in a defensive maneuver to guarantee development entitlements.

In the past, the most common growth control initiative measure limited the number of building permits that may be issued annually: The most recent growth control measures take a different approach.

The most popular, and so far the most successful, type of initiative measure is the Save Open-Space and Agricultural Resources ("SOAR") measure that was first adopted in Ventura County in 1998 and subsequently adopted in numerous other communities. The SOAR measure establishes urban limit lines or boundaries beyond which urban development may not take place. This type of measure is modeled on the use of urban boundaries in Oregon. It does not limit the number of residential units or the amount of commercial/industrial development that may take place. The density of development within the City limits remains at the discretion of the City Council. Instead, the measure limits urban sprawl and the use of open-space and agricultural land for urban development.

The SOAR type of initiative has been hailed by many as a smart growth measure. It does not, however, eliminate land use controversy. As the boundaries of urban development are fixed, the demand for in-fill development at higher densities increases, which generates opposition from neighborhood groups who fear that the character and tranquility of their local neighborhoods will be threatened. It also does not necessarily result in a reduction in future traffic, particularly if surrounding communities continue to grow at a brisk pace.

The second type of initiative measure has been promoted in the San Francisco Bay Area by a citizens group known as Citizens Alliance for Public Planning ("CAPP"). The CAPP measure aims to transfer most legislative land use decisions from the City Council to the public. The CAPP type measure requires voter approval of any residential development that creates a specified number of new units. The voter threshold has been set very low in these measures--at either 10 or 20 new units. The CAPP measures have been surprisingly unsuccessful so far. The electorate in each City that has placed a CAPP measure on the ballot has rejected it.

*(Continued on page 2)*

As we have seen at the State level, the use of initiatives by growth control advocates has led the organized opposition to growth control to use the initiative process defensively to protect existing development entitlements or to grant new entitlements that otherwise may not be approved by the City Council. Where the CAPP type measure attempts to transfer decision-making from the City Council to the public on a case-by-case basis, the developers' approach is to remove in one broad sweep City Council discretion on future growth.

In Fairfield, a group of developers fashioned a measure called the Open-Space and Greenbelt Protection Act. This measure was promoted as a means to create a greenbelt surrounding the City at no cost to the City. As a condition of allowing new development in areas outside the current City boundaries, two and one-half acres of open-space had to be dedicated in a defined greenbelt area for each unit of residential development. The land in the greenbelt area, however, was already restricted by county land use regulations to open-space and agricultural uses. Further, this measure made substantial changes to the City's General Plan and guaranteed land use entitlements on land designated for future study and environmental review. This future planning and environmental review was eliminated by the measure. Although the measure was promoted in a well-financed campaign, the measure was soundly defeated on a 90% to 10% vote.

The two most common legal questions that arise in local land use initiative campaigns are: (1) whether a measure that has apparent legal defects may be kept off the ballot, and (2) what role may the City play in supporting or opposing an initiative measure.

It is not unusual for local initiative measures to have legal defects. Ambiguous or conflicting provisions may create a high likelihood of future dispute and litigation. Regulations may be proposed that are of questionable constitutionality. Nonetheless, when an initiative petition in the proper form with the required number of signatures is filed timely with the City Clerk, the City Council has a ministerial duty either to adopt the measure with no changes or submit the measure to the voters. (Elections Code Sections 9214 and 9215.) If the City believes the measure is legally invalid and should not be considered by the voters due to its illegality, a City may seek pre-election judicial review by writ of mandate. A strong word of caution, however, is in order. A court will not keep an initiative measure off the ballot unless a compelling showing is made that the measure in its entirety is clearly invalid. The law in California strongly favors

post-election review of initiative measures. *Save Stanislaus Area Farm Economy v. Board of Supervisors*, 13 Cal.App.4th 141 (1993); *City of Atascadero v. Daly*, 135 Cal.App. 3d 466 (1982).

Local land use initiatives typically involve emotionally charged issues which both sides of the measure predict will have disastrous consequences if their viewpoint does not prevail. The City Council and staff, however, are constrained by state law in the role that they can play in the election campaign. Elections Code Sections 9219 and 9287 give the Council and its members priority in preparing the ballot arguments against a measure initiated by citizens petition. Also, the Council may adopt a resolution either supporting or opposing the measure. Councilmembers may participate on citizen campaign committees and authorize their names to be used on campaign material, provided that no City funds are expended. Councilmembers also can write letters to the editor expressing their viewpoint, again provided that no City money or staff time is used in preparing the letters. Staff, at the direction of the Council, may prepare a report addressing the impacts of the measure before it is placed on the ballot. (Elections Code Section 9217.) Staff also may prepare the resolution supporting or opposing the measure and assist the Council in preparing ballot arguments.

Except for the activities described above, no City funds or staff time during business hours may be used to support or oppose a measure. While a City may prepare neutral information on ballot measures, it is our experience that this type of informational material, no matter how carefully drafted, runs a substantial risk of being considered partisan. If challenged in court and found to be an advocacy piece, the City Councilmembers may be held personally liable for the cost of preparing those materials. *Stanson v. Mott*, 17 Cal.3d 206, 217 (1976); *Miller v. California Commission on the Status of Women*, 151 Cal.App. 3d 693, 697 (1984).

The recent elections on local land use measures have demonstrated that voters are carefully considering the issues and the specific impacts of the proposed measures. The voters may be concerned about traffic gridlock and urban sprawl, but they do not endorse removing substantial land use discretion from their elected representatives. In the case of the Fairfield measure, the voters demonstrated that they are not unduly influenced by well-financed campaigns or measures with appealing titles.

**For further information concerning this subject, contact your own legal counsel, Gregory W. Stepanicich in the firm's Northern California office, or any of the attorneys in the firm's Public Law Department.**

# The Boys of Sprawl

Free-market think tanks are working hard to convince Americans that Smart Growth is a stupid idea.

BY CHRISTOPHER R. CONTE

**B**ellbrook, Ohio, is the kind of place most urban planners hate. A melange of single-family houses with big yards and a strip mall stretching across what once was farm land 12 miles south of Dayton, it is a classic case of urban sprawl. But Samuel Staley looks at the place and sees something beautiful: He sees the magic of the free market at work.

"This is no soulless suburb," insists Staley, who is the deputy director of the Reason Public Policy Institute, a market-

oriented think tank based in Los Angeles. A lifelong resident of Bellbrook, he has watched his hometown grow from a rural village into a crowded suburban area. Where many bemoan the loss of open space to the seemingly random spread of subdivisions and shopping centers, Staley points to a perfectly logical—and benign—pattern of development.

"If you fly over this, you see it's completely planned," he says, sitting in his truck in a vast parking lot in front of Sugarcreek Plaza, a large strip mall not far from the old village center. The mall lies

in a former cornfield just off Interstate 675, which gives commuters access to downtown Dayton and other suburbs to the north, or to Interstate 75 and the expanding Cincinnati region about 45 miles to the south.

Behind the mall is a new multi-family housing development. Scattered beyond is an array of older subdivisions with ranch-style brick houses on half-acre plots and newer ones with two-story homes on lots that are only slightly smaller. You can't get anywhere in Bellbrook without a car, but stores are generally close, and parking spaces are abundant. And the regional shopping malls can attract enough customers to support high-quantity, low-cost retailers like Wal-Mart and Cub Foods. "The people who live here have choices," Sam Staley says, "and this is what they prefer."

Sam Staley doesn't strike anyone at first as an intense ideologue. His conservative dress and affable style would fit in well at the Chamber of Commerce (except, per-



Sam Staley of the Reason Foundation

ANDY SNOW

haps, for his single earring). He serves on the local planning board in Bellbrook, where city manager David Hamilton describes him as "thoughtful and pragmatic."

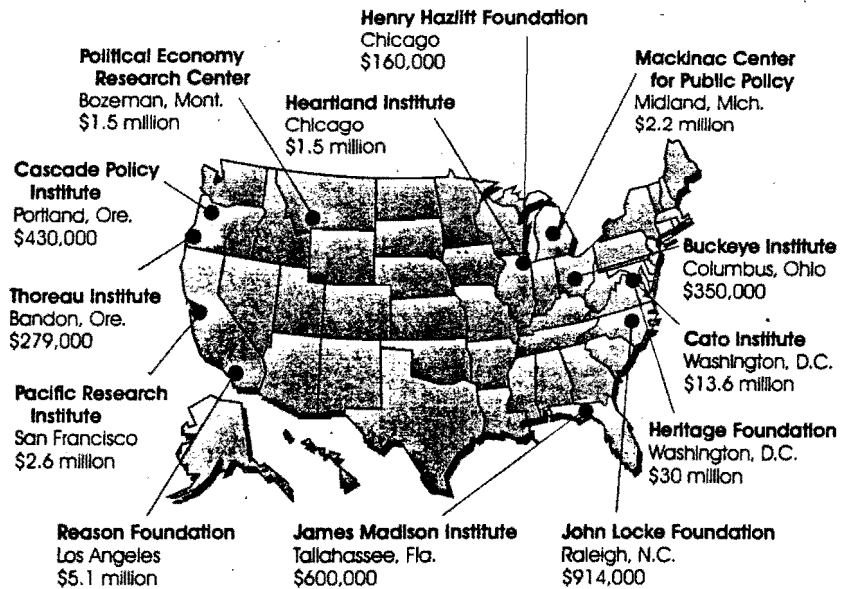
But Staley is an ideologue nevertheless. He is a passionate critic of the "Smart Growth" planning idea, which seeks to curb the creation of communities like Bellbrook outside of established urban areas. He is a member—perhaps the key member—of a network of such critics who are based at free-market think tanks that have sprung up everywhere from Tallahassee to Seattle. It is a close-knit group whose participants meet and correspond constantly, share arguments and strategies, and derive their funding from many of the same cadre of conservative sources.

These free-market activists have become involved in myriad issues in the past decade, but they increasingly are focusing on land use and the intensifying national debate over sprawl. The heart of their argument is that consumer demand—in particular, our strong appetite for large houses and big yards—is the dominant force shaping America's urban landscape. Government efforts to control urban growth, they say, are not only wrong but also doomed to fail because they ignore the enduring desire for a spread-out, car-centered way of life.

They generally admit they were caught flat-footed as the growth control movement grew into a potent force in the late

## Speaking Out for Sprawl

Some free-market think tanks, their headquarters and total annual budgets (1999)



Source: *Governing* research

1990s. Now they are fighting it with a blizzard of books, conferences and pamphlets, striving to puncture what they consider dangerous "myths" about urban growth.

Does urban sprawl threaten farmland? Not at all, says Staley. Only 5.4 percent of the land in this country was developed as of 1997, so there is plenty to spare, he contends. What's more, low food prices

suggest the U.S. has a surplus of farm capacity rather than a shortage. James Damask, research director of the Buckeye Institute, a conservative think tank based in Columbus, Ohio, attributes the decline in cropland and pasture acreage to improvements in agricultural productivity, not urban growth. He notes that almost as many acres of Ohio farmland reverted to



Land-use regulation is bound to fail, argues John Charles of Oregon's Cascade Institute.

forest acreage as were developed between 1949 and 1992.

Does urban sprawl contribute to traffic congestion? Of course not, economists Peter Gordon and Harry Richardson contend, in research published by the Cato Institute. As they see it, the dispersion of housing and jobs actually reduces congestion. They cite Census Bureau data that show commuting times, on average, have held at a tolerable 20-30 minutes even though more people are traveling more miles in more automobiles today than 10 years ago.

Is leapfrog development—in which new subdivisions spring up in rural areas, leaving large vacant parcels stranded between cities and open countryside—inefficient? Hardly, argues Randall G. Holcombe, chairman of the Research Advisory Council of the James Madison Institute for Public Policy Studies in Florida. “Leapfrog development,” he explains, “helps produce tracts of centrally located, undeveloped land. Once leapfrogged, that land has an improved location because it is centrally located, encouraging higher density development... Discouraging leapfrog development results in lower-density development in the long run, and increases the amount of sprawl that the policy was intended to reduce.”

**F**or all the intensity the marketeers can muster on these subjects, though, their most intense passion is directed against mass transportation. Mass transit, all of them complain, is an expensive boondoggle that never will attract a happily dispersed population back to downtown areas. It would be cheaper to lease cars for all transit riders than to build 24 of the 25 new light rail and metro systems proposed in the United States, contends Wendell Cox, a consultant based in Belleville, Illinois. Cox, who maintains two robust Web pages, has been published by the Heritage Foundation, and is frequently quoted by numerous smaller state-level think tanks, says he isn't really pro-sprawl, he's “pro-choice” when it comes to urban development. “People should be permitted to live and work where they like,” he asserts.

Cox's ideological allies make a similar point about cities in general. They question how many of today's young people will ever wish to live in a more urbanized life. “The history of western civilization...has been the history of the ever-expanding sphere of private life,” says Steven Hayward, who works for the San Francisco-based Pacific Research Institute. “The increasingly affluent baby boom generation wants to live in a relaxed-fit house to go with their relaxed-fit blue jeans, which

is why the average size of new homes is one-third larger than it was in 1970, while average household size continues to shrink.”

If mass transit is the single most dangerous idea to many of the free marketeers, there is little doubt about what they consider the single most dangerous place. It is Portland, Oregon, the city so often cited by New Urbanists and urban planners as the national capital of Smart Growth. With its strong land-use controls, urban growth boundary and heavy commitment to light rail transit, Portland strikes the marketeers as a genuine assault on human liberty. Portland residents face “the greatest coercion ever applied to an American city,” frets Randal O'Toole, who runs a small think tank he calls the Thoreau Institute from the small Pacific-coast town of Bandon, Oregon.

According to O'Toole, Portland's land-use laws are forcing people to live in more densely populated neighborhoods than they would choose on their own, to abandon hopes of living in single-family homes and to pay so much for transportation that property taxes will have to be raised to “unprecedented levels.”

Sam Staley also has weighed in on Portland, arguing that the city's growth boundary is driving up real estate prices and making housing less affordable.

MICHAEL McDERMOTT

Meanwhile, a second Oregonian, John Charles of Portland's Cascade Policy Institute, argues that the city's land-use regulations are bound to fail in the end, and low-density suburbia will have the ultimate victory. "Technological innovation is breaking down geographical barriers at a rapid pace," he notes. "These innovations are giving Americans more choices with regard to where and how they live, work and recreate. This means people will increasingly scatter themselves across the landscape, continuing a trend that has been under way for most of this century."

**I**f you are someone who believes in Smart Growth, or in public land-use planning of any significant sort, the arguments of Staley, Charles, O'Toole and company will likely seem highly misleading, to say the least.

The odds are you will see these critics as relentlessly ideological and prone to stretch the facts, conveniently ignoring all the ways that previous government policies—from home mortgage deductions to subsidies for new roads, sewer and water systems—have helped shape the so-called "free" demand for suburban lifestyles. What's more, you may say, the marketeers falsely paint Smart Growth as a heavy-handed effort to impose regulation, when in truth, Smart Growth involves a wide range of ideas that have nothing to do with regulation, from changing the way local governments plan public investment to

encouraging the purchase and sale of development rights. "They believe that if you throw gasoline on the fire you increase illumination," charges G.B. Arrington, former director of strategic and long-range planning for Portland's transit authority.

And you might even see some partisan mischief in the whole free-market assault. Bruce Katz, director of the Center on Urban and Metropolitan Policy at the Brookings Institution in Washington, believes conservative think tanks oppose Smart Growth ideas in part simply because Vice President Al Gore decided to champion them. "Conservatives did not want to cede the issue in the middle of a presidential campaign," he says.

The marketeers don't really dispute the negative nature of what they put out. They simply say they are acting aggressively to prevent pernicious ideas from spreading before it's too late. "We're 10 years behind the anti-sprawl forces," says David Bowes, executive vice president of the Cato Institute. "We had to start by trying to head off bad policies."

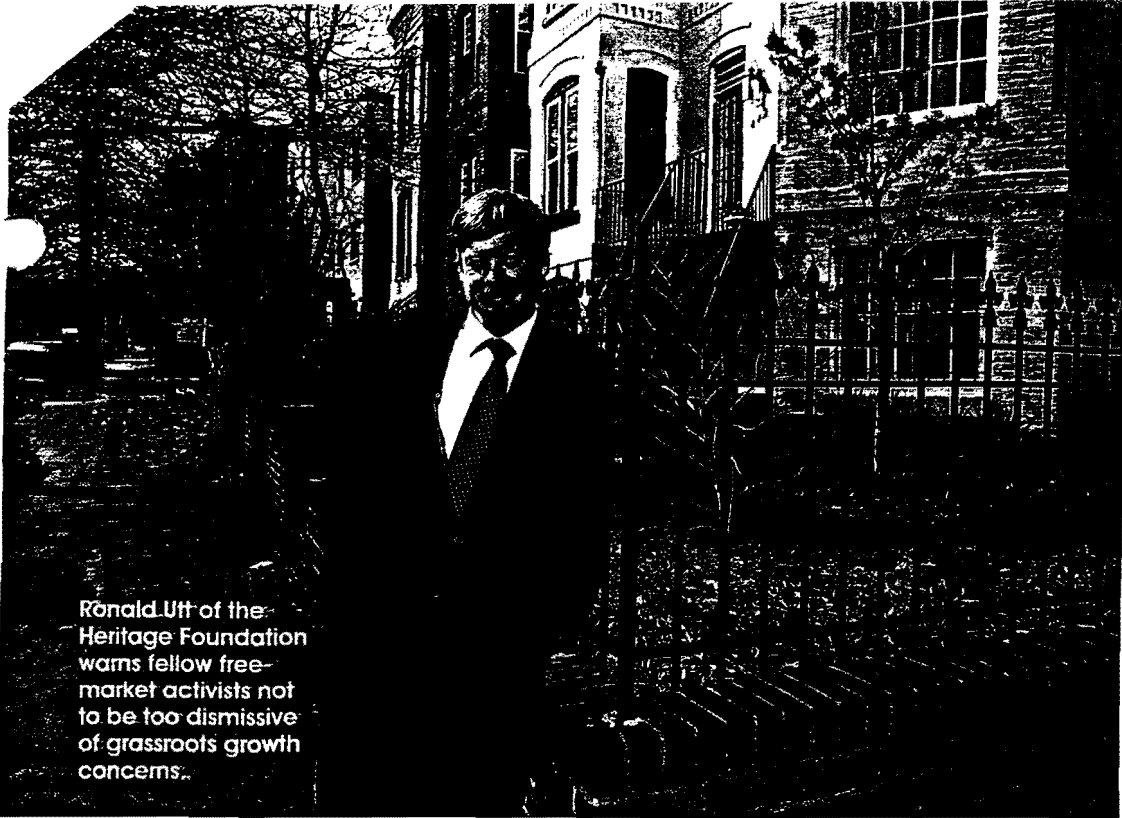
Anti-sprawl leaders, confident that they represent a genuine grassroots concern about patterns of urban growth, do not profess to be threatened by the challenge so far. "We have developed a rapid-response mechanism for responding to groups like these," says Deron Lovaas, who represents the Sierra Club in an anti-sprawl coalition. "But we usually don't need it. They don't get much coverage in the media."

Meanwhile, some of the free-market activists, concerned that an exclusively negative approach will marginalize them in the debate over urban growth, are starting to acknowledge that there is such a thing as legitimate concern about "spillover" effects of growth. "To tell people they're being a bunch of self-indulgent twits is not a winning argument," concedes Ronald Utt, senior research fellow at the Washington-based Heritage Foundation.

Seeking to get back on top of the policy debate, Heritage is publishing a "Citizen's Guide to Smart Growth," which Utt says puts sprawl in perspective and proposes concrete ideas to reduce harmful side-effects of growth. A similar, perhaps more academic, project is under way at Florida State University's DeVoe L. Moore Center, which was launched in 1998 with a \$5 million grant from a Tallahassee land developer disillusioned with government regulation. And back in Ohio, Staley is compiling a new report describing market-oriented strategies for dealing with land-use issues.

More than anything else, these strategies involve pricing mechanisms. To reduce suburban traffic congestion, for example, the free-marketeers propose equipping cars with transponders that would enable highway managers to charge variable fees for using roads. The theory is that fees would be higher to drive during rush hour, so some people would stay off the roads during busy





Ronald Utt of the Heritage Foundation warns fellow free-market activists not to be too dismissive of grassroots growth concerns.

times, and that would reduce congestion.

Or a full-cost pricing system could be developed for infrastructure. Currently, the fees developers pay for road, sewer and water improvements generally fall well below the full costs of serving new subdivisions. If developers had to pay the full costs, they might be encouraged to build in developed areas, where infrastructure already exists.

Performance-based zoning is another favorite. Many critics on both sides of the sprawl debate believe that current zoning regulations—such as minimum lot sizes, strict separation of commercial and residential land uses, and requirements that retailers provide large amounts of parking space—all encourage sprawl. Performance-based zoning would eliminate these rules, and in its place, zoning authorities would address concerns about individual developments on a case-by-case basis, requiring developers to design their projects in ways that don't harm nearby property owners. Where that system failed, private property owners could file civil lawsuits against developers who create nuisances; Oregon's John Charles thinks local governments should be able to bring lawsuits on behalf of private landowners under common law concepts of trespass and nuisance.

Finally, there is privatization. Free marketeers such as Staley believe that public

transit is inherently inefficient, and that private enterprise could do a better job. They are especially enamored of small-scale, highly flexible, on-demand transportation services, such as taxis or jitneys, and frequently argue that private ownership of roads would lead to a better match of supply and demand. And many also would apply a privatization strategy to land conservation and the preservation of open-space areas. In the view of some free-market purists, private individuals who want to preserve open space should simply buy the land they want to preserve, although some would acquiesce to limited government purchases as well.

**P**erhaps the best-kept secret in the entire sprawl debate is that Smart Growth advocates believe at least some of the free-market ideas are worth trying. "A lot of sprawling development would come to a halt if all the costs were internalized," says the Sierra Club's Deron Lovaas. Similarly, Kaid Benfield, of the Natural Resources Defense Council, believes anti-sprawl forces and their critics could find common ground on proposals to eliminate subsidies and to reform zoning regulations. Benfield, who debated Staley at a forum in Minneapolis last year, said he was impressed with his adversary. "There is definitely a sharp difference between us on things like growth bound-

aries," he says, "but I think we both came away thinking there is a basis for working together."

The trouble is that most of the free-market answers to sprawl would require a massive effort—both technical and political—to enact. James Swaney, an environmental economist at Wright State University in Dayton (and a former teacher of Sam Staley's), says economists generally have not attempted to determine the full infrastructure costs associated with new development, for instance. "Conceptually, it's a good idea," he says. "But it would be difficult even to determine what the long-term costs are, and it would be very difficult to do politically."

Similarly, Stuart Meck, of the American Planning Association, says he tried performance-based zoning six years ago as planning director in Oxford, Ohio. "It's very difficult," he says. "Zoning ordinances are deeply ingrained. They are the result of many political compromises, and nobody wants to tinker with them." Meanwhile, although a few experiments with congestion pricing are under way, they are too new to offer conclusive evidence as to the potential impact or political feasibility of the idea.

Given the challenge of making market-oriented strategies work to reduce sprawl, and the relative satisfaction most of the marketeers have with current urban growth patterns, it's hard to imagine who would be willing to do the hard political organizing needed to make them a reality. Indeed, some Smart Growth advocates question whether even the marketeers are committed to their alternative strategies. Speaking of Oregon's Randal O'Toole and John Charles, for instance, Ethan Seltzer, director of Portland Metropolitan Studies at Portland State University and a former head of the Oregon Environmental Council, fumes: "Neither of them has worked at the local level, or been responsible for bringing a wide range of interests to the table."

On the other hand, if Staley and his allies are correct that urban sprawl accu-

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rately reflects the market decisions of millions of Americans who buy homes and cars every year, it is difficult to imagine how any aggressive Smart Growth policies designed to rein in sprawl can succeed, either—a point Staley gleefully makes. “The idea we can design our future just isn’t realistic,” he says, “as long as we have a system that recognizes property rights.”

As Staley sees it, the real estate market finely calibrates new development to the precise preferences of Americans. He cites a new Bellbrook subdivision with two-story houses on one-third acre lots. “In this area, if you put these houses on one-quarter acre lots, they wouldn’t sell,” he says.

**N**ot all the research in land-use policy backs up the contention that the present system is giving consumers exactly what they want, however. “Whenever ordinary citizens are shown slides of [standard suburban] development versus the ‘New Urbanism’—village greens, mixed uses, houses with picket fences a few feet from the street—they almost always express a preference for the latter,” notes Paul Gottlieb, of the Center for Regional Economic Issues at Case Western Reserve University, “Why, then, don’t we see more of them?”

Gottlieb believes “a massive amount of risk aversion” keeps developers from building and consumers from buying different kinds of housing. But he says most

economists have failed to analyze this possible “market failure.” Indeed, he says, Smart Growth advocates in general have all but abandoned the economic side of the debate. “Most people who talk about Smart Growth talk about aesthetics, design, social issues and environmental issues,” Gottlieb says. “Their instinct is not to talk about market forces.” In his opinion, they should start talking about them.

Gottlieb has tried to help that process along. Last year, for example, he helped bring a group of public officials, Smart Growth advocates and business leaders to his university to examine urban growth issues. “People kept coming back to the idea that there is a missing piece in our discussion of this issue,” Gottlieb recalls. The missing piece, he insists, is the consumer. In his view, Smart Growth advocates have done an effective job of cataloging the failures of the current land-use system. But they have done little to educate consumers on how their individual decisions—to seek a big house on a big lot, to move out of a neighborhood when minorities move in, to drive a sports utility vehicle, to look for a home “in the country”—can add up to societal outcomes that neither they nor their neighbors particularly want.

In the recognition that economics and market forces are crucial pieces of the land-use puzzle, one can begin to see ways the two currently hostile sides ulti-

mately might find some common ground.

Sam Staley is a case in point. On the one hand, he has impeccable free-market credentials. As a student at right-leaning George Mason University, he studied Austrian economics, which sees government intervention as inherently destructive; and his work for the Buckeye Institute and Reason have provided the anti-Smart Growth forces with some of their evidence to refute claims that the nation is running out of farm land or open space. But Staley is himself an urban planner by training, and at times he even speaks approvingly of New Urbanism as a design concept that could bring people back to downtown areas. Indeed, he argues that removing market impediments such as zoning would lead to higher-density development than currently occurs in most suburbs—not as dense as some Smart Growth advocates would want, but an improvement over current patterns of sprawl.

But although the potential for working together may exist, it exists so far only in theory. The two sides debate on, generating a lot of heat but rarely connecting. Think-tank activists who have little interest in changing current patterns of urban growth continue to pin their arguments on faith in the market, while those who seek change pay scant attention to market dynamics. As G.B. Arrington, the former transit planner in Portland, puts it: “We are like ships passing in the night.” **□**