

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

June 21, 2000

REGULAR SESSION

10:30
~~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's 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.)

D-1) CEQA ENVIRONMENTAL DETERMINATION OF OSAGE/TEFFT WATERLINE (RECOMMEND APPROVAL)
Review of environmental negative declaration of Osage/Tefft water line project

D-2) REVIEW EXISTING RETROFIT ANNEXATION POLICY
Consideration to establish a retrofit in-lieu fee for recent and future annexations

D-3) REFUSE COLLECTION
District consideration to activate latent power to provide refuse collection

D-4) NIPOMO LIGHTING
Discuss if the District should take over the County Nipomo Lighting District

E. OTHER BUSINESS

E-1) CALIFORNIA SPECIAL DISTRICT ASSOCIATION
Nomination of Board members

E-2) SOAR INITIATIVE (Save Open space & Agricultural Resources)
Review of the SOAR Measure

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 June 7, 2000 Regular Board meeting

Approval of Minutes of June 9, 2000 Special Meeting

G) MANAGER'S REPORT

G-1) CSDA LEGISLATIVE UPDATE

G-2) WATER MERCHANT - Article from Governing Magazine

H. DIRECTORS COMMENTS

CLOSED SESSION


CONFERENCE WITH LEGAL COUNSEL GC§54956.9

- a. SMVWCD 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. NCSA vs. Dana Estates Case No. CV 990547

ADJOURN

AGENDA ITEM
JUN 21 2000



TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: JUNE 21, 2000

CEQA ENVIRONMENTAL DETERMINATION OF OSAGE/TEFFT WATERLINE

ITEM

Public Hearing -- 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. This Public Hearing was continued to the June 21, 2000 meeting to receive additional information on cultural resources. This information has been received as Phase II Archaeological Evaluation from CRMS, indicates a non-significant impact. The District has received a letter from County Parks on the proposed water line easement and believes that this is not a CEQA issue.

Enclosed is the environmental report for the Board's review, prepared by Garing, Taylor & Associates. After the staff report, the Board should take Public Comments on the proposed 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 Determination 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 7th 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**

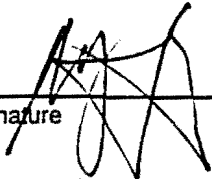
May 17, 2000

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 NCS D.... 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.

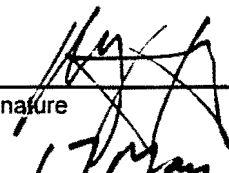
This project is within the scope and is consistent with the latest adopted South County Area Plan - Inland Area and the project is hereby found to be de minimis in its effect on fish and wildlife.

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 
Date 17 May 00

Print Name R. James Barber

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



COUNTY OF SAN LUIS OBISPO
Department of General Services

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

Post-it® Fax Note	7671	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 #			

May 31, 2000

Douglas Jones
 Nipomo Community Services District
 148 South Wilson Street
 Nipomo, CA 93444

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.

Jeanette Di Leo
 JEANETTE DI LEO,
 Parks Planner

Patricia ...

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

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

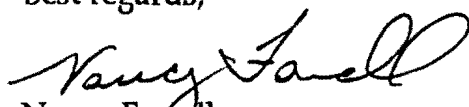
Dear Mr. Jones:

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

CRMS



CULTURAL RESOURCE MANAGEMENT SERVICES

June 7, 2000

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

Subject: Phase II Archaeological Test Evaluation for Water Transmission Main,
 Nipomo Regional Park, Nipomo, San Luis Obispo County, California

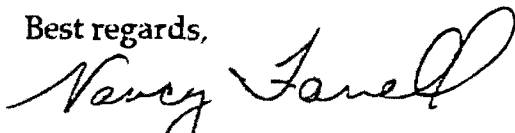
Dear Mr. Jones:

Cultural Resource Management Services (CRMS) has completed the Phase II archaeological investigations for the proposed Nipomo Regional Park main water transmission line. During the Phase I survey, CRMS recorded one small archaeological site atop a small knoll north-east of the end of La Serena Way (see attached map). The Phase II subsurface testing program was 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 results of these investigations are as follows:

- 1) The site measures 8-10 m (NE-SW) by 30 m (NW-SE) and does not appear to extend into your proposed right-of-way for the water line.
- 2) A total of eight shovel test probes (STP) were excavated at intervals across the site, and areas within the right-of-way. These STPs measured approximately 30 cm in diameter and 65-75 cm in depth. All excavated material was screened through 1/4" mesh hardware cloth. Weathered marine shell fragments, one chert flake, and recent historic items such as glass fragments were found. The STPs revealed that the site is quite shallow; no cultural materials were found below the first 20 cm. Sarah Krolak acted as Chumash cultural monitor during the excavations.
- 3) The identification, mapping, and subsurface testing have exhausted the potential of the site to yield "information important in prehistory". Therefore, this site is not considered "significant" under CEQA [Section 15064.5 (a), Appendix 2, CEQA Guidelines].

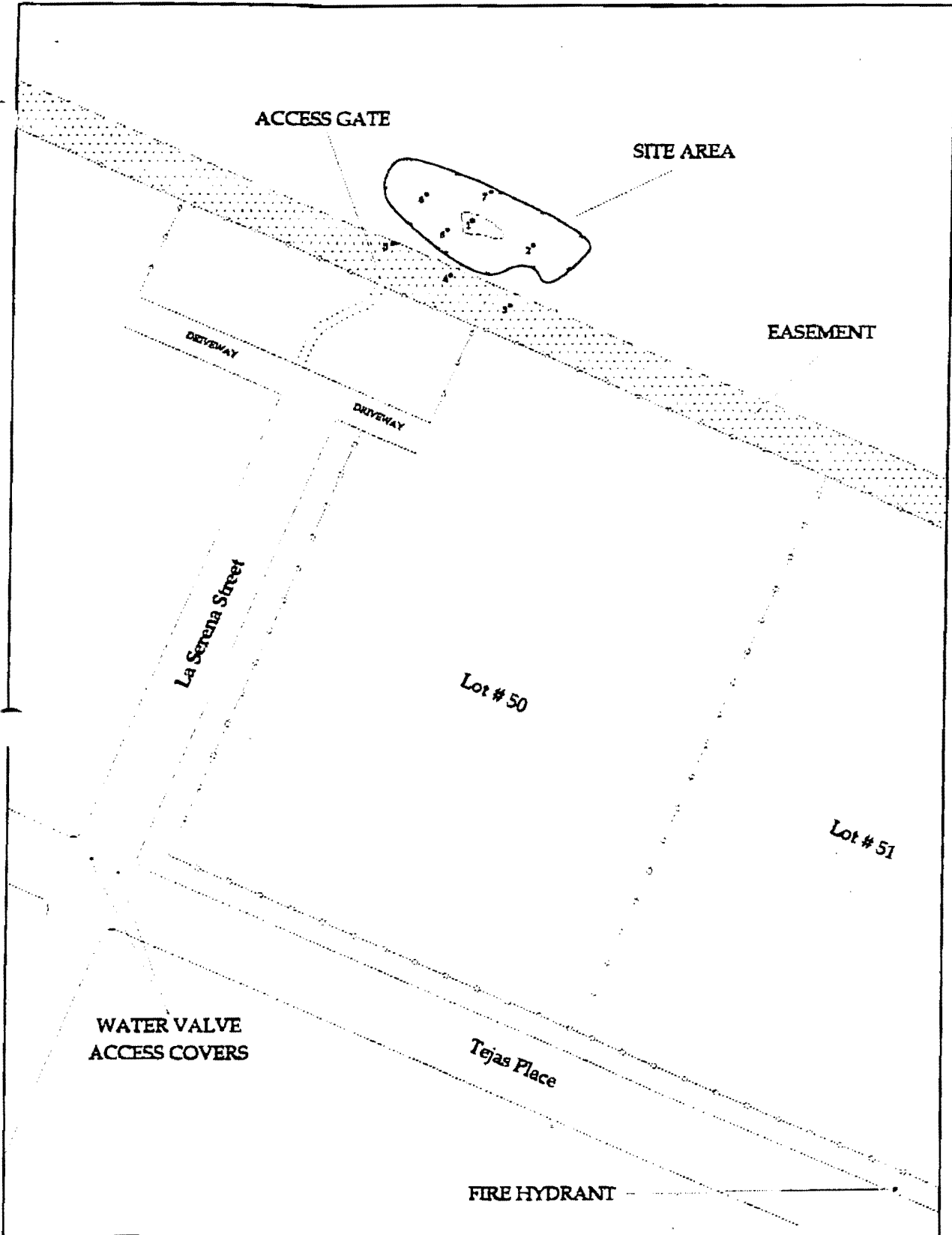
This letter report is forwarded to facilitate your planning efforts. A technical report will be submitted to you within twenty days. If you have any questions or comments, please call me at (805) 237-3838.

Best regards,



Nancy Farrell
President

cc: Randy Burgess, Garing Taylor & Associates



LEGEND

- METAL POST FENCELINE
- WOOD POST FENCELINE
- FOOT PATH
- #7 SHOVEL TEST PROBE

TRUE MAG
18.5°



METERS


0 10 20 30

50 FEET

FIGURE 1.

NIPOMO COMMUNITY SERVICES DISTRICT
 NRP WATERLINE
 SITE: CRMS-NRP-01
 SITE AREA, PROJECT EASEMENT,
 AND EXCAVATION LOCATION MAP

CRMS 2000

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: JUNE 21, 2000

REVIEW EXISTING RETROFIT ANNEXATION POLICY

ITEM

Consideration to establish a retrofit in-lieu fee for recent and future 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 an 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, the Lucia Mar Unified School District and NCSD have 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 high water pressure areas (>60 psi), 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 two would have installed a pressure regulator, it is estimated the cost of retrofitting would be approx. \$435 per retrofit. Since the District requires eight (8) homes to be retrofit to build one new home the proposed in-lieu retrofit fee would be \$3,480 (\$8 x \$435).

The existing inventory of homes in the District available for retrofit is about equal to the homes needed to complete Annexation 15 & 17 and the new high school requirements if they choose to retrofit. Since the District does not anticipate 100% participation in the retrofit program, an in-lieu fee may be necessary to allow build-out of Annexation 15 & 17 and possibly the new high school.

If an in-lieu fee were to be established, the moneys would be put into a new account for the study and acquisition of supplemental water supply for the District.

5/1/96

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.

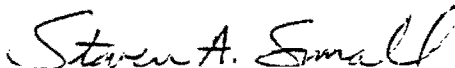
RESOLUTION NO. 96-576
PAGE TWO

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.

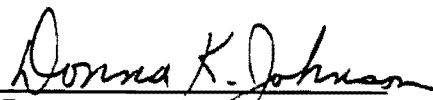
PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this 1st day of May, 1996, on the following roll call vote:

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



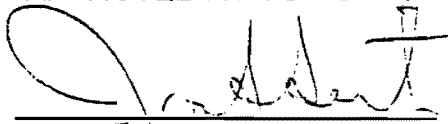
Steven Small
President of the Board
Nipomo Community Services District

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 21, 2000

REVIEW EXISTING RETROFIT ANNEXATION POLICY

The following are pros and cons of establishing an in-lieu fee.

PRO	CON
1. Create funding for study of or acquisition of supplemental water	1. May encourage annexations
2. District has received complaints about the new fixtures not working properly	2. Does not create a water supply for the project.
3. Will allow future growth without retrofits available	3. LAFCO may not approve future annexations without a water supply
4. Level the field with SLO County and Cal Cities which do not require retrofits	
5. Economy of scale	

RECOMMENDATION

If your Honorable Board wish to establish in-lieu fees for retrofits to prepare necessary documents for Board action.

Board 2000\ANNEX in-lieu

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *[Signature]*
DATE: JUNE 21, 2000

REFUSE COLLECTION

ITEM

The Board's consideration of activation of later power of refuse collection

BACKGROUND

After the meeting held on June 7, 2000, the Board requested for staff to place on the agenda the possibility of the District handling the refuse collection within its boundaries. Other community services within the County that have taken on refuse collection are:

- Oceano Community Services District
- Heritage Ranch Community Services District
- Templeton Community Services District (in progress)

The general procedure for handling the refuse collection is to request LAFCO for the latent power of refuse collection at which time the District would continue or renegotiate the contract with the local refuse collector for providing services.

Some of the pros and cons for providing refuse collection services are as follows:

PRO	CON
1. Revenues from the refuse collection company would stay in the community	1. Need LAFCO approval
2. The refuse company would do the billing and handle complaints.	2. Staff may receive complaints which will have to be referred to the refuse company
3. The District could establish a beautification program	3. If mandatory pick-up is required, a vote will be needed
4. Supply area annual cleanups	4. Will have to comply with the Integrated Waste Management Act (recycling, etc.)
5. Create beautification program, street tree planting, etc.	
6. Possible rate adjustments	

RECOMMENDATION

If your Honorable Board wishes to proceed with refuse collection, staff will acquire additional information and prepare the necessary documents requesting LAFCO to put this on their agenda for action.

TO: BOARD OF DIRECTORS
 FROM: DOUG JONES
 DATE: JUNE 21, 2000

NIPOMO LIGHTING

ITEM

District consideration of taking over the County Nipomo Lighting District

BACKGROUND

The County has established a lighting district in Nipomo covering Old Nipomo downtown and on the westerly side out to the Hazel Lane area and the County Park. The boundary of the lighting district is shown on the attached map. Presently, the District provides street lighting for the Black Lake development and there has been some discussion of providing this service for the entire District. Presently, the County Lighting District provides 102 street lights in the community with an increase of 36 designated for the Old Town area. The approximate lighting budget for the year 2000 is as follows:

Revenues	\$28,000
Budget Expenditures	\$ 23,000
Capital expenditures - New Old Town lighting	\$150,000
Estimated Balance	\$160,000

The County presently has requests for approx. 70 additional lights within the community and has established Zones of Benefits for sub-division lighting (i.e. People's Self Help Housing)

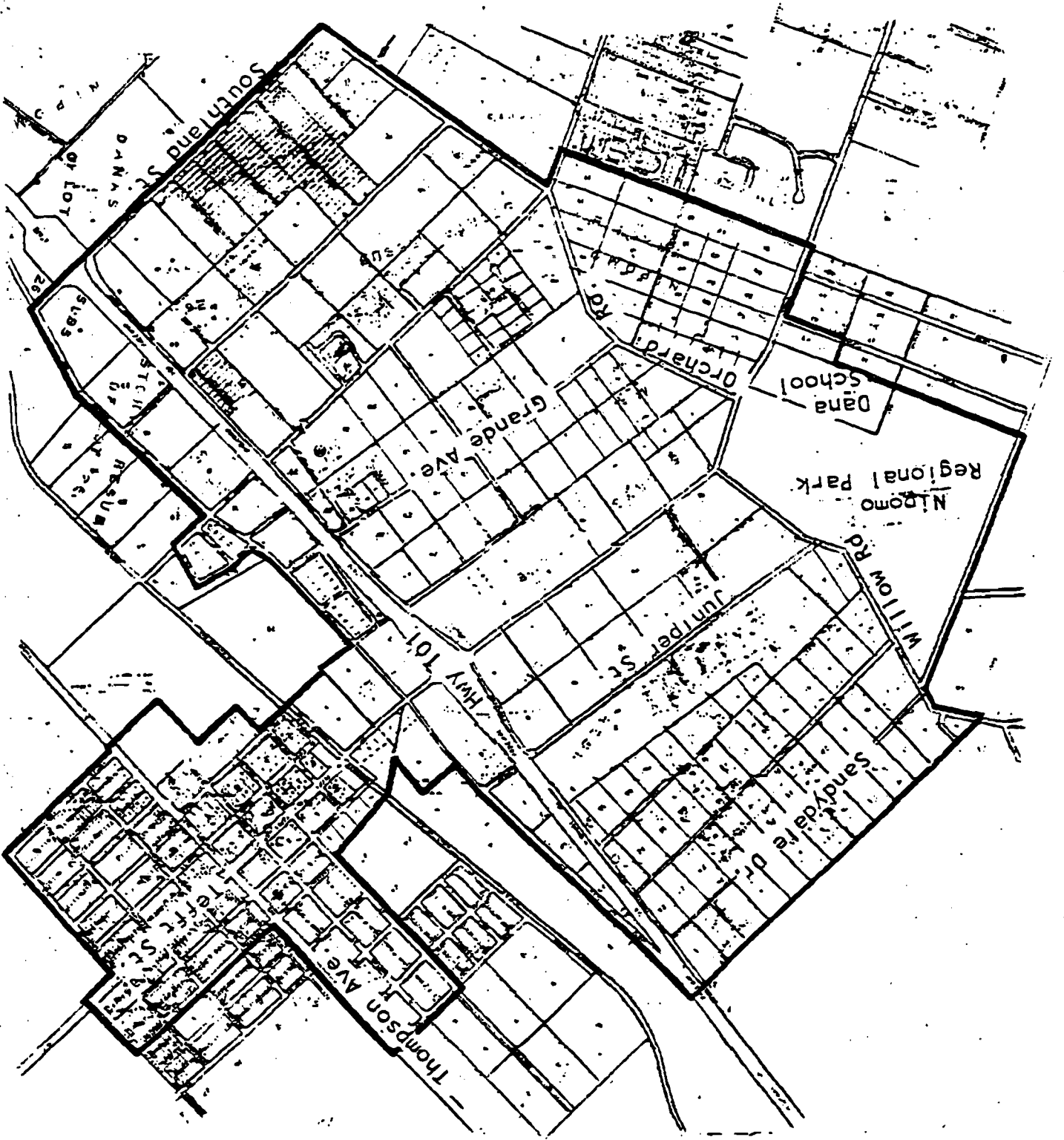
The following are the pros and cons of taking over the County Nipomo Lighting District:

PROS	CONS
1. Since the District has this inherent power, LAFCO approval would not be needed.	1. Possibility of receiving complaints of not having lighting
2. Decisions for lighting requirements would be made locally	2. Requests for greater service than revenue available
3. All street lighting under one agency	3. The Lighting District is supported by taxes. A vote of the people would be needed to increase taxes.
4. Possibly better service to the area.	4. Possible additional work load (i.e. paying power bills)

If the Board wishes to take over the lighting District, you may wish to establish a policy as to where street lighting would be implemented.

RECOMMENDATION

The Board may direct staff to proceed to make contacts with the County and bring back additional information for the Board.



NIPOMO LIGHTING DISTRICT

To	Doug Jones	From	M. Goodwin
Co/Dept	NSD	Co.	G. SLD
Phone #		Phone #	781-5252
Fax #	929-1932	Fax #	781-1229
Est-IP Fax Note	7671	Date	4/26/11
		# of pages	1



P. 01

FAX NO. 805/81229

PLANNING ENGINEERING

AGENDA ITEM
JUN 21 2000



TO: BOARD OF DIRECTORS
FROM: DOUG JONES *D*
DATE: JUNE 21, 2000

CALIFORNIA SPECIAL DISTRICT ASSOCIATION
BOARD MEMBERS

ITEM

Nominations for Board of Directors of the California Special District Association

BACKGROUND

The District has received correspondence from the California Special District Association calling for nominations of Board members for Seat A of Region 4 which includes San Luis Obispo County to their Board of Directors. If anyone is interested in running for the Board of Directors seat of the CSDA, please notify staff and we will fill out the nomination form and send it in to CSDA.

C:\W:Board 2000\CSDA Board.DOC

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION



BOARD OF DIRECTORS - CALL FOR NOMINATIONS

SEAT A – TERM WILL EXPIRE IN 2003

The California Special Districts Association's (CSDA) Board of Directors is the governing body responsible for all policy decisions effecting CSDA's member services and legislative program. Its functions are crucial to the operation of the Association and to the representation of the common interests of all California's special districts before the Legislature and the State Administration.

Serving on the Board requires one's interest in the issues confronting special districts statewide. In addition, it means traveling to all Board meetings, usually eight per year. CSDA reimburses directors for all related travel expenses as outlined in Board policy.

The Board's most important function is directing CSDA's Legislative Advocate in Sacramento. Board members are intimately involved in responding to pending legislation and other public policy documents that may impact the operation of special districts. The Board is also responsible for direction to CSDA staff and consultants on all member service programs. CSDA has recognized significant growth over the last five years and remain committed to expanding our membership base and member services. The Board will be responsible for guiding that future.

Election Rules

Each of CSDA's six (6) regional divisions has three seats on the Board. Candidates must be affiliated with a member district located within the geographic region that they seek to represent. Directors are nominated and elected by region by regular members. In 1999, the CSDA membership passed an amendment changing the election from in-person at the annual meeting to an all mail ballot.

The officers of the Board of Directors are elected from the Board membership.

Directors elected from the six (6) regions will hold staggered, three (3) year terms. Individuals elected to fill an unexpired term, will be up for reelection when original seat term expires.

Nomination Procedures

Any independent special district with current membership in CSDA is eligible to designate one person, such as a board member or managerial employee (as defined by that District's Board of Directors) for election as a director of CSDA. A copy of the member district's resolution or minute action must accompany the nomination form. **The 2000 deadline for receiving nominations is Monday, July 24, 2000.** Nominations and supporting documentation can be mailed or faxed.

Election ballots will be mailed out prior to August 8, 2000 and must be returned and received in the mail by September 21, 2000. A committee chaired by the Elections and Bylaws Committee Chair will count the ballots. Successful candidates will be announced at the annual conference.

Nominees will receive a candidates' packet in the mail once the nominations deadline has passed. The packet will include campaign guidelines.

If you have any questions, please call Catherine Smith at (916) 442-7887.

Expiring Terms

(see enclosed map for regional breakdown)

Region 1	Seat A (2000 – 2003) Seat C (1999 – 2002)	Vacant Vacant
Region 2	Seat A (2000 – 2003)	William Porter
Region 3	Seat A (2000 – 2003)	Chuck Beesley
Region 4	Seat A (2000 – 2003)	Kit Carter
Region 5	Seat A (2000 – 2003)	David Lesser
Region 6	Seat A (2000 – 2003)	Harry Ehrlich

CSDA

1215 K Street, Suite 930
Sacramento, CA 95814
(916) 442-7887 / (916) 442-7889 fax

RECEIVED

MAY 26 2000

UNION COUNTY
SERVICES DISTRICT

**CALIFORNIA SPECIAL DISTRICTS ASSOCIATION
BOARD OF DIRECTORS**



NOMINATING FORM

Name of candidate: _____

District: _____

Region: _____

Address: _____

Telephone: _____

Fax: _____

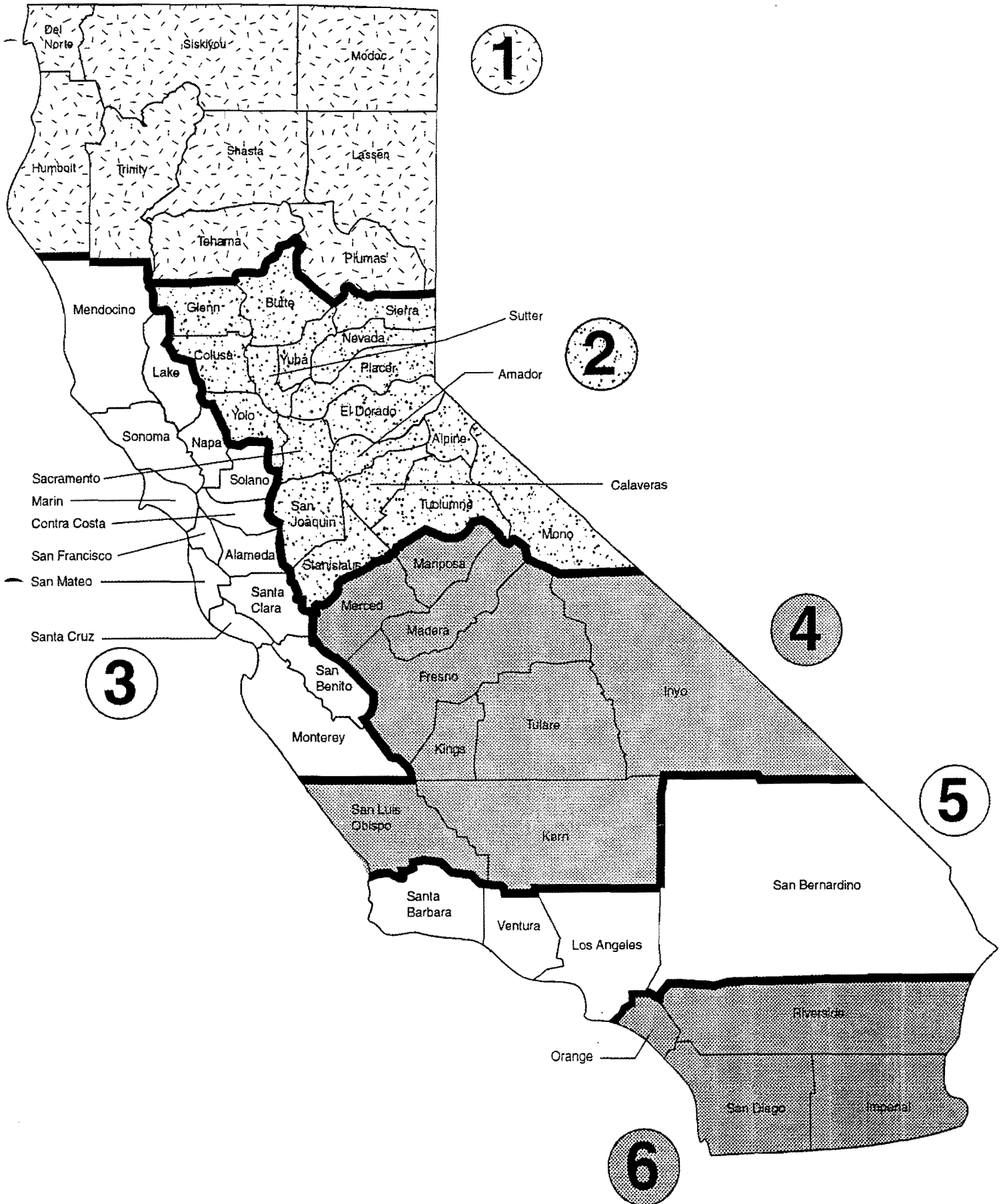
Nominated by (optional): _____


Return this form and a Board resolution/minute action
supporting the candidate to:

CSDA

Attn: Catherine Smith
1215 K Street, Suite 930
Sacramento, CA 95814
(916) 442-7887/(916) 442-7889 fax

DEADLINE FOR RECEIVING NOMINATIONS – JULY 24, 2000



TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: JUNE 21, 2000

AGENDA ITEM
JUN 21 2000



SOAR INITIATIVE
(Save Open space & Agricultural Resources)

ITEM

Review of the SOAR Measure which will be on the November ballot.

BACKGROUND

At the Board meeting held on June 7, 2000, the Board directed staff to put this item on the agenda for discussion purposes. Attached is SOAR (Save Open space & Agricultural Resources) information, acquired from the "SOAR" internet site, indicating a summary of the proposed initiative and also the full text of the proposed ordinance. It is staff's understanding that the verbiage on the SOAR internet site is not the same as that filed with the County Clerk.

Public entities, such as the District, may take a position for or against the initiative.

RECOMMENDATION

After your Honorable Board has discussed this matter, they may direct staff how they wish to proceed.

C:\W:Board 2000\SOAR.DOC



San Luis Obispo County

What is SOAR?

General Announcements

Press Releases

County Initiative Summary | [Full Text](#)

FAQs

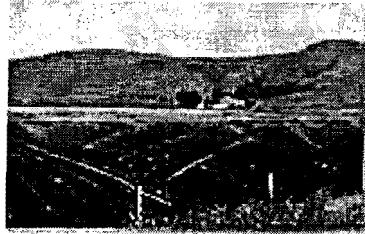
How To Help

Campaign Timeline

Contact Information

Join Our E-mail Mailing List

Home



Initiative Summary

[Click Here For Draft Text](#)

Save **O**pen space *and* **A**gricultural **R**esources

1. Findings

Land now designated Agriculture, Open Space, Rural Lands, and Residential Rural is of critical importance to present and future residents of our county. The protection of such land not only ensures the continued viability of agriculture but also preserves irreplaceable natural resources and stops urban sprawl. In particular:

- In 1997, SLO County agriculture had a total income of over \$382,000,000 and an estimated \$1,000,000,000 in agribusiness-related commerce.
- Open space resources attract visitors from around the world. In 1997, travel expenditures in SLO County were approximately \$835,000,000.
- Open space preserves unique and fragile habitat. SLO County is home for at least 22 animal species and 21 plant species having state or federal status as rare, threatened, or endangered.
- Agriculture and open space stop sprawl by establishing well-defined urban boundaries and maintaining permanent separations between communities.

2. Purpose

The purpose of the SOAR initiative is to ensure that lands now designated Agriculture, Open Space, Rural Lands, and Residential Rural are not unnecessarily converted to other more intensive land uses.

- Lands designated Agriculture, Open Space, Rural Lands, and Residential Rural on the Official Land Use Maps of San Luis Obispo County will remain so designated unless changed to another land use category either by a vote of the people or by the Board of Supervisors pursuant to procedures listed below.
- The purpose and character, the subdivision parcel sizes, and the building densities of these four land use categories will remain as they are now defined in the General Plan unless changed by a vote of the people or by the Board of Supervisors pursuant to procedures listed below.
- This initiative will remain in place for 30 years, until December 31, 2030.

3. General Plan Amendment

SOAR reaffirms and readopts the Agriculture, Open Space, Rural Lands, and Residential Rural land use designations, as they are defined and described in Framework for Planning of the SLO County Land Use Element, both Coastal Zone and Inland. SOAR reaffirms and readopts the General Plan provisions for subdivision parcel size ranges and building density. SOAR also reaffirms and readopts the Agriculture, Open Space, Rural Lands, and Residential Rural designations of land has shown on the Official Land Use Maps.

SOAR then amends the General Plan Land Use Element Part I, Framework for Planning (both Coastal Zone and Inland), by inserting a new section entitled "Limitations on General Plan Amendments Relating to Agriculture, Open Space, Rural Lands, and Residential Rural Categories." The amendment provides that:

- Lands designated Agriculture, Open Space, Rural Lands, and Residential Rural on the Official Land Use Maps of San Luis Obispo County shall remain so designated unless changed to another land use category either by a vote of the people or by the Board of Supervisors pursuant to procedures listed below.
- The parcel size range and building density for Agriculture, Open Space, Rural Lands,

and Residential Rural lands, as given in Table N of Frameworks for Planning, shall not be changed without a vote of the people.

- An amendment to change a land use designation may be placed on the ballot either by a majority vote of the Board of Supervisors or by petition.
- The Board of Supervisors may make technical, non-substantive modifications to the General Plan language, for the purpose of reorganization, clarification, and internal consistency, provided that such modifications are consistent with the Findings and Purpose of the SOAR Initiative.
- The Board of Supervisors, without a vote of the people, can take the following actions:
 - i. Change Rural Lands or Residential Rural to either Agriculture or Open Space.
 - ii. Change Open Space to Agriculture, provided the redesignation is compatible with surrounding uses.
 - iii. Change Agriculture to Open Space, provided the redesignation is compatible with surrounding uses.
 - iv. Change Agriculture, Rural Lands, or Residential Rural lands to Public Facilities if the land is publicly owned and not prime agriculture.
- In addition, the Board of Supervisors may redesignate properties designated Agriculture, Open Space, Rural Lands, and Residential Rural if it makes a finding, based on advice from County Counsel, that there is substantial evidence the current designation effects an unconstitutional taking of the landowner's property. A less restrictive designation may be granted only to the extent necessary to avoid a taking.
- The Board of Supervisors may redesignate properties to provide for affordable housing, provided that:
 - i. No more than 10 acres is redesignated per year.
 - ii. The land is adjacent to compatible

developed areas.

iii. It is not feasible to accommodate the development within an existing Urban or Village Reserve Line.

- The Board of Supervisors, without a vote of the people, may amend the land use designation of a small number of specific parcels, currently designated Agriculture, that lie within the Urban Reserve Lines of Nipomo, Oceano, Cayucos, and Templeton.
- The provisions of this initiative are in force for 30 years. After December 31, 2030, the Board of Supervisors will again be able to make any and all land redesignations without a vote of the people.

4. Implementation

The SOAR Initiative becomes effective on the date that the Board of Supervisors certifies the November 7, 2000 election results. If, however, the maximum number of General Plan amendments allowed by state law in a calendar year have been utilized in the year 2000, then the SOAR Initiative becomes effective on January 1, 2001.

Not only the Board of Supervisors, but also all boards, commissions, officers, and employees of San Luis Obispo County are bound by the provisions of the SOAR Initiative. The SOAR Initiative applies to all ministerial and discretionary actions.

5. Exemptions

The SOAR Initiative does not apply to or affect

- Any project that has obtained a vested right, pursuant to federal, state, or local law, as of the effective date of the initiative.
- Any project with a validly approved and fully executed development agreement with the county.
- Any project with an approved vesting tentative map.

6. Severability

If any section, subsection, or part of the SOAR Initiative is held to be unconstitutional, that decision shall not affect the validity

of the remaining portions of the measure.

7. Amendment or Repeal

This General Plan Amendment may be amended or repealed only by the voters at a general election.

NEW Signature Gathering April 30, 2000 ...in photos!
SOAR Petitions to County ...in photos!

[\[What is SOAR?\]](#) [\[FAQs\]](#) [\[How To Help\]](#) [\[Campaign Timeline\]](#) [\[Press Releases\]](#)
[\[Contact Information\]](#) [\[Web Site Updates\]](#) [\[Announcements\]](#) [\[Home\]](#)

Initiatives: Please be patient... they take a few seconds to load!

COUNTY Initiative Summary

Full Text of the COUNTY Initiative

The logo for SOAR (San Luis Obispo Open Access Referendum) features the word "soar" in a stylized, cursive font.

Contact the SLO County SOAR Committee at:
P.O. Box 13952, San Luis Obispo, CA 93406-3953

By Telephone: (805) 783-0466 or 1-877-WIN-SOAR
(1-877-946-7627: Toll Free in the San Luis Obispo Area only.)

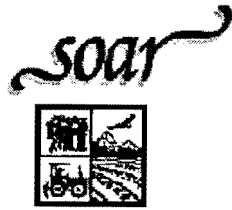
By E-mail: (comments@SOARSanLuisObispo.org)

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U.S. Copyright Act of 1976, Title 17 U.S.C.

Web Site by



For web site corrections, [click here](#). Your e-mail is appreciated!



SLO County

Page numbers within this document correspond to page numbers of petitioners printed version.

SAN LUIS OBISPO COUNTY
SAVE OPEN SPACE AND AGRICULTURAL RESOURCES
(COUNTY SOAR) INITIATIVE
FULL TEXT OF ORDINANCE

The people of San Luis Obispo County do hereby ordain as follows

Section 1. Title.

This initiative shall be known as the "San Luis Obispo County Save Open space and Agricultural Resources (County SOAR) Initiative."

Section 2. Findings and Purpose.

A. Findings. We, the people of San Luis Obispo County ("County"), believe that the protection of land now designated "Agriculture," "Open Space," "Rural Lands" and "Residential Rural" is of critical importance to present and future residents of our County, consistent

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

COUNTY OF SAN LUIS OBISPO SAVE OPEN SPACE AND AGRICULTURAL RESOURCES (COUNTY SOAR) INITIATIVE (Page 3 of 7)

with our currently existing San Luis Obispo County General Plan and Local Coastal Program, adopted January 1968, as amended through January 10, 2000. The protection of such land not only ensures the continued viability of agriculture, but also preserves irreplaceable natural resources and stops urban encroachment and sprawl.

1. Agriculture. Agriculture has traditionally been a major component of our County's economic base. Our County is one of the most productive agricultural counties in California, which ranks as the fourth most productive agricultural state in the nation. It ranked in the top 2% of counties nationwide for the Market Value of Agricultural Products Sold, according to the United States Department of Agriculture's 1997 Census of Agriculture. The 1997 Annual Report of the County's Department of Agriculture states that agriculture produced an income of over \$382,000,000 and an estimated \$1,000,000,000 in agri-business-related commerce. Our General Plan states: The gross value of agricultural production is multiplied by a factor of two to three times through the local economy due to the involvement of other sectors of the

economy, including industry, retail trade and commercial services. At the same time, agriculture is not as growth-inducing as other economic sectors and requires substantially fewer county services than other industries, thus agriculture contributes a net financial surplus to the County." [Coastal Zone Framework for Planning, page 2-15 and Framework for Planning, Inland, page 2-16.]

Our County enjoys diverse agricultural resources. Its unique combination of soils, micro-climate and hydrology makes it one of the finest growing regions in the world. Vegetable, fiber, fruit and wine production from our County have achieved international acclaim, enhancing its economy and reputation. Our General Plan affirms the importance of some of these resources: fertile soils and silt from the Salinas, Nacimiento, Cuyama, Santa Maria, Santa Rosa, Chorro, San Luis Obispo, Cienega, Nipomo and Arroyo Grande Rivers and Creeks, prime alluvial soils, rich irrigated croplands, award winning vineyards and orchards, and extensive arable and range land.

2. Open space. Open Space contributes to our economy and quality of life. A 1997 report from the San Luis Obispo County Visitor and Tourism Bureau indicates that travel expenditures in San Luis Obispo County amounted to approximately \$835,000,000. Our General Plan calls Open Space an "irreplaceable resource for future generations." [Coastal Zone Framework for Planning, page 1-8.] It also states that Open Space resources boost our economy by providing: "a major attraction to visitors from around the world and make our County a special place to live. They are a defining characteristic of San Luis Obispo County. These resources include the unique 26,000,000-year-old landmark volcanic peaks known as The Morros, stretching from Morro Rock to Islay Hill in San Luis Obispo, significant coastal wetlands and rare coastal dune ecosystems, the oak woodlands of the Adelaida area, and the stark beauty and endangered wildlife of the Carrizo Plains. These places are unique and worthy of protection for their intrinsic value. In addition, recreation and tourism that is based on the local Open Space resources contribute substantially to the local economy." [Agriculture and Open Space Element page 3-1.] Open Space furthers the General Plan's stated goal of "maintaining permanent separations between communities in order to retain the rural character of the County." [Agriculture and Open Space Element, page 3-26.] By defining the borders of urbanized communities, Open Space limits sprawl and promotes efficient and safe provision of municipal services.

Open Space also contributes to public health and safety by setting aside lands requiring special management, for example, earthquake fault zones, unstable soils, flood plains, fire risk areas and reservoir watersheds. It also preserves unique and fragile natural resources, such as special plant and wildlife habitats, wetlands, coastal bluffs and oak savannahs, and other areas required for scientific study, including rivers, bays, estuaries, coastal beaches, lake shores, stream banks and watershed lands. San Luis Obispo County is home for at least 22 animal species and 21 plant species having state or federal status as rare, threatened or endangered. [Agriculture and Open Space Element, pages 3-12 and 3-13.]

3. Rural Lands and Residential Rural. Lands designated "Rural Lands" or "Residential Rural" under the General Plan serve to buffer intense urban usage from lands designated "Agriculture" or "Open Space." "Rural Lands" properties "permit rural development to very low densities which will maintain the character of rural and open areas, and maximize preservation of watershed and wildlife habitat areas." They also provide for "residential development at a low density compatible with a rural atmosphere and life style which

maintains the character of the open countryside and is compatible with surrounding agricultural uses." [Framework for Planning (Inland), pages 6-14 through 6-17 and Coastal Zone Framework for Planning, pages 6-14 through 6-16.]

4. Urban Encroachment. Urban encroachment into areas designated "Agriculture," "Open Space," "Rural Lands" and "Residential Rural" impairs agriculture and negatively impacts sensitive environmental resources. Conversion of land to more intensive land use categories increases traffic congestion and lowers air quality. It also alters sensitive watershed lands, causing potentially serious water problems, such as sedimentation, pollution, and depletion of available water resources, thus threatening the public health, safety and welfare. Without this initiative, sprawling urban development will eventually result in the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban, agricultural and Open Space uses.

B. Purpose. The purpose of this initiative is to ensure that lands categorized as "Agriculture," "Open Space," "Rural Lands" and "Residential Rural" are not unnecessarily converted to more intensive land use categories. Accordingly, this initiative ensures that, until December 31, 2030:

1. The County's General Plan and Local Coastal Program provisions establishing the purpose and character, the subdivision parcel size range, the building density and the population density for the land use categories of "Agriculture," "Open Space," "Rural Lands" and "Residential Rural" may not be changed except by vote of the people.
2. The lands designated in the General Plan and Local Coastal Program as "Agriculture," "Open Space," "Rural Lands" and "Residential Rural" on the Official Land Use Maps of San Luis Obispo County adopted December 18, 1980, and March 1, 1988, as amended through January 10, 2000, will remain so designated until December 31, 2030, unless, prior to December 31, 2030, the land is redesignated to another land use category by vote of the people, or redesignated by the Board of Supervisors of San Luis Obispo County where a property falls within a specified exception, or where redesignation is necessary to avoid an unconstitutional taking of property without just compensation, pursuant to the procedures set forth in this initiative.

Section 3. General Plan Amendment: Reaffirmation and Readoption.

The County SOAR Initiative hereby reaffirms and readopts until December 31, 2030, provisions of the San Luis Obispo General Plan and Local Coastal Program defining the "Agriculture," "Open Space," "Rural Lands" and "Residential Rural" land use categories as set forth in the Land Use Element ("LUE") of the County General Plan as that LUE existed as of January 10, 2000. [NOTE: The LUE has two Frameworks, the Local Coastal Program Framework for Planning [adopted March 1, 1988, as amended through January 10, 2000 (subsequently referred to as the "Coastal Zone Framework")], and the Framework for Planning (Inland Area), [adopted September 22, 1980, as amended through January 10, 2000 (subsequently referred to as the "Inland Area Framework").]

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS
COUNTY OF SAN LUIS OBISPO SAVE OPEN SPACE AND AGRICULTURAL
RESOURCES (COUNTY SOAR) INITIATIVE (Page 4 of 7)

A. County SOAR Initiative Reaffirms and Readopts General Plan Provisions Establishing Purposes and Character of "Agriculture," "Open Space," "Rural Lands" and "Residential Rural" Land Use Designations.

The provisions of the General Plan and Local Coastal Program establishing the Purposes and Character of "Agriculture," "Open Space," "Rural Lands" and "Residential Rural" land use designations, attached to this initiative as **Exhibit "A"** and incorporated into this document by reference, are hereby reaffirmed and readopted. [Note: Stricken-out portions of **Exhibit "A"** are not affected by the County SOAR Initiative.]

B. County SOAR Initiative Reaffirms and Readopts General Plan Provisions Establishing Subdivision Parcel Size, Building Density and Population Density of Lands Designated Agriculture, Rural Lands and Residential Rural.

The provisions of the General Plan and Local Coastal Program establishing subdivision parcel size range, the building density and the population density for the "Agriculture," "Rural Lands" and "Residential Rural" land use categories, stated by Table "N" on page 6-4 of the Coastal Zone Framework and on page 6-6 of the Inland Area Framework, copies of which are attached as **Exhibit "B"** and incorporated into this document by reference, are hereby reaffirmed and readopted. [Note: Stricken-out portions of Exhibit "B" are not affected by the County SOAR Initiative.]

C. County SOAR Initiative Reaffirms and Readopts General Plan Land Use Maps Showing Land Use Categories of Lands Designated Agriculture, Open Space, Rural Lands and Residential Rural.

Except as otherwise provided herein, all "Agriculture," "Open Space," "Rural Lands" and "Residential Rural" land use designations shown on the official maps of the Land Use Element of the General Plan and Local Coastal Plan of San Luis Obispo County [adopted December 18, 1980 and March 1, 1988 as amended through January 10, 2000], copies of which are attached hereto as **Exhibit "C"** and incorporated herein by reference, are hereby reaffirmed and readopted.

Section 4. General Plan Amendment: Full Text of New Subsection.

The San Luis Obispo County General Plan Land Use Element and Local Coastal program [adopted January 1968, as amended through January 10, 2000], shall be amended to insert a new subsection, stated below. The Coastal Zone Framework shall be amended to insert this subsection into Chapter 6 on page 6-11 at the end of the section entitled "Guidelines for Land Use Category Amendment." The Inland Area Framework shall be amended to insert this subsection into Chapter 6 on page 6-12, at the end of the section entitled "Guidelines for Land Use Category Amendment."

The full text of the new subsection shall be as follows:

SAN LUIS OBISPO COUNTY SOAR AMENDMENT:

LIMITATIONS ON GENERAL PLAN AND LOCAL COASTAL PROGRAM

AMENDMENTS RELATING TO "AGRICULTURE,"

"OPEN SPACE," "RURAL LANDS" AND "RESIDENTIAL RURAL" CATEGORIES.

Pursuant to the provisions of the San Luis Obispo County Save Open space and Agricultural Resources (County SOAR) Initiative, the following Amendment of the General Plan and Local Coastal Program shall take effect and remain in effect until December 31, 2030:

A. VOTER APPROVAL REQUIREMENT.

Except as otherwise provided below, the following General Plan and Local Coastal Program provisions--as readopted and reaffirmed by the County SOAR Initiative--shall not be further amended unless such amendment is approved by vote of the people.

1. The provisions establishing the Purposes and Character of "Agriculture," "Open Space," "Rural Lands" and "Residential Rural" land use categories [set forth in the Land Use Element on pages 6-4, 6-5, 6-11 through 6-17 of the Local Coastal Program Framework for Planning adopted March 1, 1988, as amended through January 10, 2000 (subsequently referred to as the "Coastal Zone Framework"), and also set forth at Chapter 6 of the Framework for Planning (Inland Area), adopted September 22, 1980, as amended through January 10, 2000 (subsequently referred to as the "Inland Area Framework")], shall not be further amended unless such amendment is approved by vote of the people, except for "Minor Modifications" as set forth in section B.9. below.

2. The provisions establishing the Subdivision Parcel Size Range, the Building Density and the Population Density of "Agriculture," "Rural Lands," and "Residential Rural" land use categories in "Table N [set forth on page 6-4 of the Coastal Zone Framework and on page 6-6 of the Inland Area Framework] shall not be further amended unless such amendment is approved by vote of the people, except for "Minor Modifications" as set forth in section B.9. below.

3. Those lands designated "Agriculture," "Open Space," "Rural Lands" or "Residential Rural" as shown on the official maps in the Land Use Element of San Luis Obispo County General Plan and Local Coastal Program [adopted December 18, 1980 and March 1, 1988 as amended through January 10, 2000], shall remain so designated, unless they are redesignated to another General Plan land use category by vote of the people, or unless they are redesignated by the Board of Supervisors pursuant to the procedures provided in Section B. below.

4. Approval by a vote of the people is accomplished when a General Plan and Local Coastal Program amendment is placed on the ballot through any procedure provided for in the Election Code and a majority of the voters vote in favor of it. Whenever the Board of Supervisors adopts an amendment requiring approval by a vote of the people pursuant to the provisions of this subsection, the County shall have a public hearing in connection with the proposed amendment prior to placing the amendment on the ballot, and the Board's action

shall have no

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS
COUNTY OF SAN LUIS OBISPO SAVE OPEN SPACE AND AGRICULTURAL
RESOURCES (COUNTY SOAR) INITIATIVE (Page 5 of 7)

effect until after such a vote is held, a majority of the voters vote in favor of it, and, if it concerns land in the Coastal Zone, said amendment has been approved by the California Coastal Commission.

B. EXCEPTIONS TO VOTER APPROVAL REQUIREMENT.

The Board of Supervisors, without a vote of the people, may:

1. redesignate properties designated "Rural Lands" or "Residential Rural" to either "Agriculture" or "Open Space;"
2. redesignate properties designated "Open Space" to "Agriculture" provided that the proposed redesignation is compatible with surrounding land uses and does not adversely affect the stability of land use patterns in the area;
3. redesignate properties designated "Agriculture" to "Open Space" provided that the proposed redesignation is compatible with agricultural uses, does not interfere with accepted agricultural practices and does not adversely affect the stability of land use patterns in the area;
4. redesignate properties designated "Agriculture," "Rural Lands" or "Residential Rural," to the "Public Facilities" land use category, provided that the property in question is not prime agriculture and is publicly owned. This includes redesignation of property for road or school purposes;
5. redesignate properties outside a Urban Reserve Line or Village Reserve Line in order to comply with state law regarding the provision of moderate, low and very low income housing. Such redesignation may take place, provided that the land is immediately adjacent to existing compatibly developed areas. No more than 20 acres of land may be converted for this purpose in any calendar year;
6. apply combining designations to "Agriculture," "Open Space," "Rural Lands" or "Residential Rural" land;
7. redesignate "Agriculture," "Open Space," "Rural Lands" or "Residential Rural" properties upon the request of the landowner if, after a public hearing, and after considering all relevant facts and applicable legislative and judicial authority, the Board of Supervisors makes each of the following findings:
 - a. There is substantial evidence in the record that failure to redesignate the land use category of the subject real property would deprive the landowner of a vested right, or create an unconstitutional taking of a landowner's property for which compensation would be required; and

b. The land use redesignation changes will allow additional land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property, or to give effect to a certain vested right;

8. redesignate certain parcels designated Agriculture which are located within the Urban Reserve Lines of the unincorporated communities of Cayucos, Nipomo, and Templeton, [as shown on the Official Land Use Maps of San Luis Obispo County adopted December 18, 1980 and March 1, 1988 as amended through January 10, 2000]. These parcels are described by the following Assessor Parcel Numbers: Cayucos: APN 064-481-005; Nipomo: APN 092-142-009; and Templeton: APN 040-211-016 and APN 040-211-017; and

9. approve "Minor Modifications" to the General Plan and Local Coastal Program, such as renumbering or reorganizing in the course of updates of the General Plan, in accordance with the requirements of state law. Additional technical, non-substantive modifications, consistent with the provisions of the County SOAR Initiative and this General Plan Amendment, may be made to the General Plan with reference to "Agriculture," "Open Space," "Rural Lands" and "Residential Rural" policies and designations, which have been adopted or readopted by the County SOAR Initiative.

C. IMPLEMENTATION OF THIS AMENDMENT.

Upon the effective date of this General Plan and Local Coastal Program Amendment, the County and its departments, boards, commissions, officers and employees shall not approve or grant any General Plan and Local Coastal Program Amendment, Land Use Category redesignation, Planning Area Standard, implementing ordinance, development agreement, rezoning, specific plan, development plan, subdivision map, tentative vesting map, plot plan, minor use permit, site plan, building permit or any other ministerial or discretionary entitlement, which is inconsistent with the provisions of this General Plan and Local Coastal Program Amendment, other than the exceptions provided herein. After the effective date of this Amendment, all and any or General Plan and Local Coastal Program Amendments, including conforming amendments, are to be consistent with the Findings and Purpose section of the County SOAR Initiative and also are to be consistent with the provisions of this General Plan and Local Coastal Program Amendment.

Section 5. Conforming General Plan and Local Coastal Program Amendments.

The County of San Luis Obispo General Plan and Local Coastal Program [adopted January 1968, as amended through January 10, 2000], is hereby further amended as set forth below, in order to promote internal consistency of the General Plan and Local Coastal Program. The language adopted in the following amendments may be further amended as appropriate without a vote of the electorate in the course of future General Plan and Local Coastal Program updates. The Board of Supervisors, without a vote of the electorate, may make "Minor Modifications" to the below conforming amendments, such as renumbering or reorganizing in the course of ongoing updates of the General Plan, in accordance with the requirements of state law. The Board of Supervisors without a vote of the electorate, may also approve other such conforming amendments consistent with the Purpose and Findings of the County SOAR Initiative enacting this General Plan and Local Coastal Program Amendment. Text to be inserted into various places in the General Plan and Local Coastal program is

indicated in ***bold italic type***, while text to be stricken is presented in ~~strike-through~~ type; text in standard type currently appears in the General Plan and remains unchanged.

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS
COUNTY OF SAN LUIS OBISPO SAVE OPEN SPACE AND AGRICULTURAL
RESOURCES (COUNTY SOAR) INITIATIVE (Page 6 of 7)

Agriculture and Open Space Element. [Adopted December 15, 1998, as amended through January 10, 2000] The following language shall be inserted:

Page 3-38. OSP7: Consolidation of Public and Private Lands.

b. Encourage the sale or trade of isolated publicly owned parcels that are contiguous to privately owned lands if the sale or trade leads to better protection of open space resources. Use voluntary merger or lot line adjustment processes so there is no increase in the number of privately owned parcels. Land that is transferred or sold should, ***consistent with the provisions of the San Luis Obispo County SOAR Amendment*** which amends the General Plan Land Use Element and Local Coastal Program, receive a land use designation that is compatible with surrounding uses. ~~such as Agricultural or Large Lot Rural.~~

Page 3-45. OSP12: Conversion of Lands to Small-Lot Rural (Residential Rural and Residential Suburban in LUE).

- a. In order to maintain a well-defined urban boundary, avoid the creation of new Small-Lot Rural designations (Residential Rural/Suburban LUE land use categories) in rural areas.
- b. Land adjacent to an urban or village reserve line may be converted to Small-Lot Rural only if all the following criteria are met:
1. The County Agricultural Commissioner, or a special panel appointed for this purpose, determines that the land is not capable of production agriculture; and
 2. Future development can reasonably be expected to occur without adverse impacts to any on-site Open space resources; and
 3. The land consists of separately-owned parcels that are less than 20 acres; ***and***

4. The conversion complies with the provisions of the San Luis Obispo County SOAR Amendment.

Land Use Element-Circulation Element, Local Coastal Program Framework for Planning [adopted March 1, 1988, as amended through January 10, 2000] (subsequently

referred to as the "Coastal Zone Framework"). The following language shall be inserted:

Page 8-3. The following procedures will be utilized, *consistent with the San Luis Obispo County SOAR Amendment which is located in the Coastal Zone Framework Chapter 6, on page 6-11* herein, in implementing the policies, which will occur through amendments to the Land Use Element and CZLUO, the administration of various county and local agency programs in the coastal zone and through the review of certain development projects:

Page 8-10. Amending the Land Use Element in the Coastal Zone. The LUE may be amended by changing land use categories and combining designations, programs, standards, or any other provision or policy of the plan. Amendments may be initiated by any individual or group, by the Planning Director, Planning Commission or the Board of Supervisors. These are processed either as separate General Plan Amendment Applications, or are evaluated as property requests for changes submitted during an area plan update. Amendments to the provisions of the LUE that *require a vote of the people under the San Luis Obispo County SOAR Amendment are not final until after the election has been certified and a majority of the voters has voted in their favor. Amendments to the LUE that* are part of the Local Coastal Program are not final until approved by the Coastal Commission.

Page 8-11. In some instances, individual property owner requests may need to be processed separately from an area plan update if the following circumstances apply to the requested change or proposal: 1) If the request is outside the original scope of work or budget, 2) If the request would adversely affect the completion times already established, and 3) If the request would be considered a "major" project, *and 4) If the request is to be placed on the ballot under the San Luis Obispo County SOAR Amendment.*

Page F-2.7. Board of Supervisors hearing. *If the request for a Land Use Element or Local Coastal Program amendment must be placed on the ballot under the San Luis Obispo County SOAR Amendment, the Board of Supervisors action to adopt said amendment shall have no effect until after a vote is held and a majority of the voters vote in favor of it.*

Land Use Element-Circulation Element Framework for Planning (Inland Area) [adopted September 22, 1980, as amended through January 10, 2000 (subsequently referred to as the "Inland Area Framework")] The following language shall be inserted:

Page 8-9. Amending the Land Use Element. The LUE may be amended by changing land use categories and combining designations, programs, standards, or any other provision or policy of the plan. These are processed either as separate general plan amendment applications, or are evaluated as property owner

requests for changes submitted during an area plan update. Amendments *to the provisions of the LUE that require a vote of the people under the San Luis Obispo County SOAR Amendment are not final until they have been placed on the ballot, the election has been certified and a majority of the voters has voted in their favor.* Amendments may be initiated by any individual or group, by the Planning Director, Planning Commission or the Board of Supervisors.

Page 8-10. In some instances, individual property owner requests may need to be processed separately from an area plan update if the following circumstances apply to the requested change or proposal: 1) if the request is outside the original scope of work or budget, 2) if the request would adversely affect the completion times already established, and 3) if the request would be considered a "major" project, and 4) *if the request must be placed on the ballot under the San Luis Obispo County SOAR Amendment.*

Page A-12. 7. Board of Supervisors hearing. *If the request for a Land Use Element amendment must be placed on the ballot under the San Luis Obispo County SOAR Amendment, the Board of Supervisor's action to adopt said amendment shall have no effect until after a vote is held and a majority of the voters vote in favor of it.*

Section 6. Implementation.

A. Effective Date. Upon the effective date of this Initiative, the text of these General Plan and Local Coastal Program Amendments shall be deemed inserted as indicated above in the San Luis Obispo County General Plan and Local Coastal Program as amendments thereof, except, that if three (3) amendments of any provisions which constitute amendments to the Local Coastal Program permitted by state law for any given calendar year or, if four (4) amendments of the mandatory elements of the General Plan permitted by state law for any given calendar year, have already been utilized in the year 2000, prior to the effective date of this Initiative, these General Plan and Local Coastal Program Amendments shall be deemed inserted in the County General Plan on the first day of January, 2001. After the effective date of this Initiative, the County and its departments, boards, commissions, officers and employees shall not grant any General Plan and Local Coastal Program amendment, Land Use Category redesignation, Planning Area Standard, implementing ordinance, development agreement, rezoning, specific plan, development plan, subdivision map, tentative vesting map, plot plan, minor use permit, site plan, building permit or any other ministerial or discretionary entitlement, which is inconsistent with the provisions of the County SOAR Initiative, other than for the exceptions provided herein.

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

**COUNTY OF SAN LUIS OBISPO SAVE OPEN SPACE AND AGRICULTURAL
RESOURCES (COUNTY SOAR) INITIATIVE (Page 7 of 7)**

B. Interim Amendments. The San Luis Obispo County General Plan and Local Coastal Program in effect as of the date the Notice of Intention to circulate this Initiative was submitted to the San Luis Obispo County Registrar of Voters, and that General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the County. In order to ensure that San Luis Obispo County's General Plan remains an integrated, internally consistent and compatible statement of policies for the County as required by state law and to ensure that the actions of the voters in enacting this Initiative are given effect, any provision or amendment of the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the provisions adopted by the County SOAR Initiative, be amended as soon as possible and in the manner and time required by State law to ensure consistency between the provisions adopted by this Initiative and other elements of the County's General Plan.

C. Other County Ordinances and Policies. The County of San Luis Obispo is hereby authorized and directed to amend the General Plan, Area Plans, Planning Area standards, specific plans, Land Use Ordinance, and other ordinances and policies affected by this Initiative as soon as possible and in the manner and time required by any applicable state law to ensure the consistency between the policies adopted this Initiative and other elements of the County's General Plan, Area Plans and specific plans, Land Use Ordinance and other County ordinances and policies.

Section 7. Exemptions.

This Initiative shall not apply to any of the following: (1) any project that has obtained, as of the effective date of this Initiative, a vested right pursuant to state or local law; (2) a validly approved and fully executed development agreement with the County; (3) an approved vesting tentative map; (4) any project or type of legislative action that, under California law, is beyond the power of the local voters to affect by the initiative power.

Section 8. Severability and Interpretation.

A. Severability. This Initiative measure shall be interpreted so as to be consistent with all federal and state laws, rules and regulations. If any section, sub-section, sentence, clause, phrase, part or portion of this measure is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The voters hereby declare that this measure, and each section, sub-section, sentence, clause, phrase, part or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts or portions are declared invalid or unconstitutional. If any provision of this Initiative is declared invalid as applied to any person or circumstance, such invalidity shall not affect any application of this measure that can be given effect without the invalid application.

B. Interpretation. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative. It is the intent of the voters that the provisions of this measure shall be interpreted by the County and others in a manner which facilitates the protection of lands designated Agriculture, Open Space, Rural Lands and Residential Rural located in San Luis Obispo County.

Section 9. Amendment or Repeal.

Except as otherwise provided herein, until December 31, 2030, the San Luis Obispo (County SOAR) Amendment adopted by this Initiative may be amended or repealed only by the voters of San Luis Obispo County at a general election.

Section 10. Competing Initiative Measures.

In the event there are competing initiative measures on the same ballot with this measure that purport to address the same subject matter of this measure, the following rules shall apply: If more than one such measure passes, then both measures shall go into effect except to the extent that particular provisions of one initiative are in direct, irreconcilable conflict with particular provisions of another initiative. In that event, as to those conflicting provisions only, the provisions of the initiative which received the most votes shall prevail.

Exhibit List

EXHIBIT A--Table N Coastal

EXHIBIT B--Table N Inland

EXHIBIT C--Official County Maps (Contact County for Maps)

###

NEW Signature Gathering April 30, 2000 ...in photos!
SOAR Petitions to County ...in photos!

[\[What is SOAR?\]](#) [\[FAQs\]](#) [\[How To Help\]](#) [\[Campaign Timeline\]](#) [\[Press Releases\]](#)
[\[Contact Information\]](#) [\[Web Site Updates\]](#) [\[Announcements\]](#) [\[Home\]](#)

Initiatives: *Please be patient... they take a few seconds to load!*

COUNTY Initiative Summary	Full Text of the COUNTY Initiative
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Contact the SLO County SOAR Committee at:
P.O. Box 13952, San Luis Obispo, CA 93406-3953

By Telephone: (805) 783-0466 or 1-877-WIN-SOAR
(1-877-946-7627: Toll Free in the San Luis Obispo Area only.)

By E-mail: (comments@SOARSanLuisObispo.org)

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Web Site by 

For web site corrections, [click here](#). Your e-mail is appreciated!

AGENDA ITEM
JUN 21 2000

F

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: JUNE 21, 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 June 7, 2000 Regular Board meeting
Approval of Minutes of the June 9, 2000 Regular Board meeting

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WARRANTS JUNE 21, 2000

HAND WRITTEN CHECKS

18298	06/15/00	A. MENDOZA	50.00
18299	06/15/00	M. WINN	50.00
18300	06/21/00	PRUD HUNTER	66.51
18301	06/21/00	B & H COMM.	396.70
18302	06/21/00	SANSOME CO	500.00

COMPUTER GENERATED CHECKS

11820	06/07/00	ROBERT BLAIR	\$100.00
11821	06/07/00	DEWAR, INC.	\$293.31
11822	06/07/00	DWIGHT'S AUTOMOTIVE	\$10.00
11823	06/07/00	FGL ENVIRONMENTAL ANALYTICAL CHEMIST	\$89.60
11824	06/07/00	KAHN'S CONCRETE SAWING	\$125.00
11825	06/07/00	KARDEL COMPUTER SERVICES	\$601.09
11826	06/07/00	ALEX MENDOZA	\$100.00
11827	06/07/00	MISSION UNIFORM SERVICE	\$258.72
11828	06/07/00	MOBRAATEN, RICHARD	\$100.00
11829	06/07/00	NIPOMO ACE HARDWARE, INC.	\$98.48
11830	06/07/00	NIPOMO GARBAGE COMPANY	\$109.50
11831	06/07/00	PERIPHERALS PLUS	\$1,629.13
11832	06/07/00	PIONEER EQUIPMENT CO.	\$78.36
11833	06/07/00	POSTALIA, INC.	\$528.45
11834	06/07/00	ALBERT SIMON	\$100.00
11835	06/07/00	SOUTHERN CALIF GAS COMPANY	\$3,214.19
11836	06/07/00	USA BLUE BOOK	\$1,626.21
11837	06/07/00	WINN, MICHAEL	\$100.00
11841	06/21/00	B & B TECHNICAL SERVICES	\$45.00
11842	06/21/00	ROBERT BLAIR	\$100.00
11843	06/21/00	BOYLE ENGINEERING CORPORATION	\$5,891.40
11844	06/21/00	CALIFORNIA ELECTRIC SUPPLY	\$187.75
11845	06/21/00	CREEK ENVIRONMENTAL LABORATORIES, IN	\$60.00
11846	06/21/00	EASTER RENTS	\$172.87
11847	06/21/00	FGL ENVIRONMENTAL ANALYTICAL CHEMIST	\$225.60
11848	06/21/00	GARING, TAYLOR & ASSOCIATES, INC.	\$8,500.41
11849	06/21/00	GMAC COMMERCIAL MORTGAGE	\$10,725.00
11850	06/21/00	GRANDFORMS	\$412.18
11851	06/21/00	GTE CALIFORNIA	\$28.11
11852	06/21/00	LOUCK, PERRY R.	\$3,725.00
11853	06/21/00	MCI TELECOMMUNICATIONS	\$61.17
11854	06/21/00	MAINLINE	\$2,000.00
11855	06/21/00	ALEX MENDOZA	\$100.00
11856	06/21/00	MOBRAATEN, RICHARD	\$100.00
11857	06/21/00	POSTMASTER	\$24.00
11858	06/21/00	SANSONE, INC.	\$59,741.24
11859	06/21/00	SCHENBERGER, TAYLOR, McCORMICK & JEC	\$3,125.00
11860	06/21/00	ALBERT SIMON	\$100.00
11861	06/21/00	FLOYD V. WELLS, INC.	\$26,368.95
11862	06/21/00	WINN, MICHAEL	\$100.00
11863	06/21/00	WIRSING GRAPHICS & TYPESETTING	\$72.00

VOID 11838, 11819, 11839, 11840

WARRANTS/2000/W062100.doc

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

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

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

B. ROLL CALL

At Roll Call, all Board members were present.

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's 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.

Bill Senna, Lucia Mar School District-He asked if there could be a time table established to keep the new high school on track in regards to water and sewer services.

Perry Judd, Lucia Mar School District- Asked if the update to the master plan was going to slow the process down and he would bring in the required deposit today.

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

Since the phase two of the archaeological report was not received by the district until this morning, staff recommended that this item be continued until the next meeting. The Public Hearing was opened and the following people spoke:

John Snyder, 662 Eucalyptus - Asked if public comment will be taken on this item at the next meeting-staff's answer was "yes".

Nancy LePue, Lucia Mar School District-Stated that the School District had yet to grant an easement and asked if the County had granted an easement yet-staff's answer was "no".

Bill Senna, Lucia Mar School District-Stated that the School District would like to work with NCSO on this.

The Public Hearing was closed. Upon the motion of Director Winn and seconded by Director Simon, the Board unanimously approved staff's recommendation to continue this item until the next meeting.

- 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)

The Public Hearing was opened and no comments were received. Upon the motion of Director Mobraaten and seconded by Director Simon, the Board unanimously approved Resolution No. 00-732.

RESOLUTION 00-732

A RESOLUTION OF THE BOARD OF DIRECTORS OF 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

MINUTES SUBJECT TO BOARD APPROVAL

Copy of document found at www.NoNewVipTax.com

- D-3) NIPOMO DRAINAGE MAINTENANCE District 76-2 FUNDS (RECOMMEND APPROVAL)
Establishing reserves on allocating excess revenues

Staff recommended that the Drainage Maintenance District maintain a reserve balance of \$5,000 and transfer the remaining balance to the Property Tax Fund. There was no public comment. Upon the motion of Director Simon and seconded by Director Mobraaten, the Board unanimously approved Resolution No. 00-733.

RESOLUTION 00-733
A RESOLUTION OF THE BOARD OF DIRECTORS
OF NIPOMO COMMUNITY SERVICES DISTRICT
ALLOCATING EXCESS NDMD 76-2 TAX REVENUES
FOR DISTRICT PURPOSES AS PART OF THE DISTRICT'S
ANNUAL BUDGETING PROCESS

- D-4) ADOPTION OF THE 2000-01 FISCAL YEAR DISTRICT BUDGET (RECOMMEND APPROVAL)
Budget approval , Expenditure Limitation

The Public Hearing was opened and no public comment was received. Upon the motion of Director Mobraaten and seconded by Director Simon, the Board unanimously approved Resolution No. 00-734.

RESOLUTION 00-734
A RESOLUTION OF THE BOARD OF DIRECTORS
OF NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE 2000-01 FISCAL YEAR BUDGET

Upon the motion of Director Mendoza and seconded by Director Simon, the Board unanimously approved Resolution 00-735 .

RESOLUTION 00-735
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DETERMINING THE APPROPRIATIONS LIMITATION
FOR THE 2000-01 FISCAL YEAR.

- D-5) REVIEW EXISTING ANNEXATION POLICY
Consideration to establish a retrofit in-lieu fee for annexations

Staff recommended that a sub committee be set up to review the existing annexation policy, consider the possibility of an in-lieu fee and how to establish a fee. There was no public comment. Director's Mendoza and Winn were appointed to the sub committee.

- D-6) REQUEST FOR SERVICES - TRACT 2386 (NEWDOLL)
Request for water and sewer service for an additional 10 units in Tract 1712 at Hazel Lane & Tefft St.

During this item the following people spoke:

Robert Newdollar, R.H. Newdollar Construction - Stated that the request is for 10 additional lots and not 8.

John Snyder, 662 Eucalyptus-He asked if the retrofits are based on 8 or 18 lots? Staff answered that the retrofits are based on zoning.

Upon the motion of Director Simon and seconded by Director Winn, the Board unanimously approved issuing an Intent-to-Serve Letter.

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

There were no public comments. Upon the motion of Director Winn and seconded by Director Mobraaten, the Board unanimously approved issuing an Intent-to-Serve Letter.

E. OTHER BUSINESS

E-1) BOARD MEETING TIME

Consideration to revise the Board meeting time - presently 11:00 a.m.

Director Simon suggested 10:00 a.m. as the meeting starting time. Director Blair suggested 10:30 a.m. so that he may attend the SLOCOG meeting prior to this meeting. The Board discussed having night meetings for items that are of special interest to the public. There were no public comments. Director Simon made the motion to change the meetings to 10:30 a.m. It was seconded by Director Mendoza. The Board unanimously approved Resolution No. 00-736.

RESOLUTION 00-736

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ESTABLISHING THE TIME FOR HOLDING ITS REGULAR MEETINGS

F. CONSENT AGENDA

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

There were no public comments. Upon the motion of Director Mobraaten and seconded by Director Mendoza, the Board unanimously approved the consent agenda and Resolution No. 00-737.

RESOLUTION 00-737

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

G) MANAGER'S REPORT

Manager, Doug Jones presented information on the following:

G-1) PUBLIC LAW ADVISOR FROM RICHARD, WATSON & GERSHON

G-2) GOVERNING ARTICLE ON GROWTH

H. DIRECTORS COMMENTS

Other Services - Street lighting, Solid Water

Director Winn directed staff to place the following on the agenda-Discussion of the SOAR initiative and determine if this is something the Board wishes to get involved in.

He also reminded the Board of the SOAR meeting on 6/12/00 at Embassy Suites in SLO noon to 2 p.m.

Director Mobraaten reported on Chamber of Commerce meeting-speaker from Laetitia Winery.

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL GC§54956.9

- a. SMVWCD 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

President Blair adjourned the meeting at 12:45 p.m.

MINUTES SUBJECT TO BOARD APPROVAL

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

June 9, 2000

SPECIAL MEETING 10:00 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

President Blair called the meeting to order at 10:07 a.m.

B. ROLL CALL

At Roll Call, all Board members were present.

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's 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.

There were no public comments

D. STUDY SESSION – WATER AND WASTEWATER RATE STUDY

Overview rate methodology and theory with Consultant Perry Louck, CPA

Consultant Perry Louck, CPA gave an overview of rate methodology and theory. He discussed the issues of replacement funds and the excess reserves in the general funds. He asked for direction from the Board on the replacement funds and excess reserves so that he could continue on with the water and wastewater rate study. Upon the motion of Director Winn and seconded by Director Mendoza, the Board directed Mr. Louck to prepare alternative rate structures with and without the transfer of excess reserves to the replacement funds. The vote was 4-1 in favor with Director Simon abstaining.

ADJOURN

President Blair adjourned the meeting at 11:10 a.m.

AGENDA ITEM
JUN 21 2000



TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JUNE 21, 2000

MANAGER'S REPORT

- G-1) CSDA LEGISLATIVE UPDATE

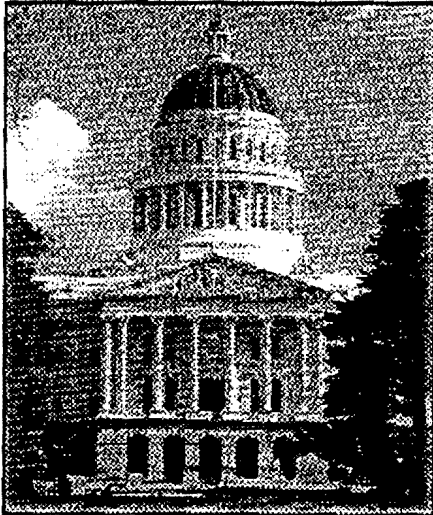
- G-2) WATER MERCHANT
Article from Governing Magazine

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CSDA LEGISLATIVE UPDATE

Monday, June 12, 2000

GI



State Budget Process 00-01

As lawmakers worked through the weekend how the State budget surplus, projected to be just under \$13 billion, will be spent is still somewhat up in the air. One element that remains a moving target is what, if any, fiscal relief will be afforded California's local governments. As of this update, \$200 million appears to be the amount that is acceptable to the Legislature and the Administration. It appears that the distribution of any financial relief for local governments will be referred to the Conference Committee on AB 1396 (local government fiscal reform). The Legislative Budget Committee finished its work early this morning (June 12) and has

sent a final budget to each house. The budget may be voted upon on both floors on Thursday, June 15, the constitutional deadline for the Legislature to send the budget to the Governor.

Conference Committee on AB 1396 (local government fiscal reform)

Over the past six weeks, the Conference Committee on AB 1396 has been holding hearings on local government fiscal reform. The Joint Committee (Co-Chairs Senator Steve Peace and Assembly Member Dion Aroner, Senators Don Perata and Charles Poochigian and Assembly Members John Longville and George Runner) are charged with crafting a local government fiscal reform package. CSDA Legislative Advocate Ralph Heim has been representing special districts throughout the process offering our thoughts and recommendations on issues. To date, there is no real clear direction on what elements might be included in their final product. Unlike the other public policy bodies that have looked at the issue of local government fiscal reform and service delivery, the Committee is faced with an August 31, 2000 report deadline as this committee is working under the auspices of a legislative bill (AB 1396).

Last week, CSDA joined as a co-signatory with the League of California Cities and the California State Association of Counties (CSAC) on a letter and fiscal reform plan which all three organizations could agree upon. Components of the reform plan of particular interest to special districts are: a freeze of the ERAF shift, constitutional protection of current local revenue sources, shifting of the responsibility of payment of the schools' portion of the property tax administration fee away from local government and to the State, and reform of the Commission on State Mandates. Unfortunately, the reform plan received a luke warm reception by the Committee with members indicating it was not creative – "too little, too late."

The Conference Committee is scheduled to meet again on June 21, 2000 and has scheduled a representative of the Legislative Analyst's Office to facilitate a discussion on two LAO documents – "Making Government Make Sense" and "Reconsidering AB 8". As you may recall, the earlier document, produced in February 1993, is not real supportive

of independent special districts. Information on both documents can be viewed on the LAO website – <http://www.lao.ca.gov>. The CSDA Task Force on AB 1396 will be reviewing the two LAO reports and offering comments to the Committee.

AB 2838 – Hertzberg

On Friday, June 9, 2000, the CSDA Board of Directors approved a Support-1 position on AB 2838 (Hertzberg) which includes the recommendations of the Commission on Local Governance for the 21st Century. The Association had taken a "Support if Amended" position. CSDA Legislative Advocate Ralph Heim had been a participant on a task force that walked through the bill and issues of concern to CSDA have been resolved. The bill has passed the Assembly and has moved to the Senate.

LEGAL UPDATE

County of Sonoma vs. Commission on State Mandates, et al.

CSDA has been tracking the legal challenge spearheaded by the County of Sonoma on the ERAF shift (see Legal Alerts March 6, 2000 and April 24, 2000). CSDA Legal Counsel David McMurchie has received and reviewed the Appellate briefs filed by the Department of Justice and the Respondent's brief filed by County of Sonoma on behalf of the counties. The Howard Jarvis Taxpayers Association has filed a letter with the Appellate Court requesting permission to file an amicus brief in support of the position of the counties, cities and special districts. Their brief was to be filed by June 9, 2000. We have requested the Appellate Court in writing to grant permission to CSDA, California Association of Recreation and Park Districts (CARPD), California Association of Public Cemeteries (CAPC), and the Mosquito and Vector Control Association of California (MVCAC) to file an amicus brief in support of the position of the counties. We should hear from the court this week. CSDA has been compiling tax shift information from special districts in preparation for this brief. It is believed that the Appellate Court may hear this case in the late summer or early fall 2000.

CA Special Districts Association
1215 K Street, Suite 930 * Sacramento, CA 95814
(916) 442-7887 * (916) 442-7889 fax
www.csda.net



Dave Rager

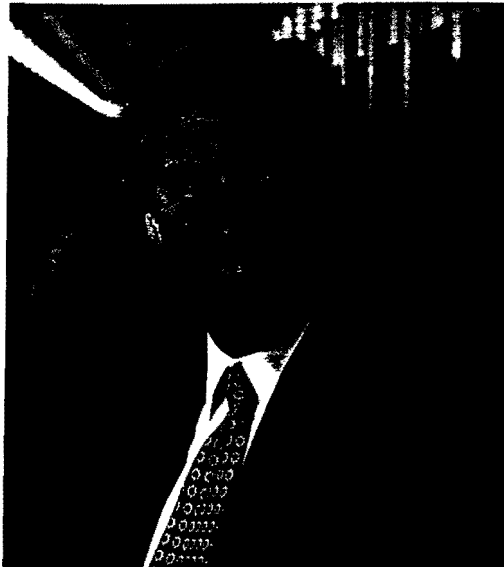
Water Merchant

For more than a century, bridges across the Ohio River have connected residents of Cincinnati to their neighbors in Kentucky. People on the Ohio side have long been accustomed to driving into Kentucky to fly in and out of the region's only international airport. A few years from now, however, there will be a brand-new connection between the two sides: a 36-inch water main that will be tunneled through bedrock, 60 feet below the riverbed. As many as 30 million gallons will be able to flow through this pipe each day from Cincinnati to Boone County, Kentucky—enough to quench the thirst of fast-growing Boone until at least 2028.

To David Rager, director of the Cincinnati Water Works, expanding across the Ohio represents not just a new piece of infrastructure but also a key victory for regionalism. A career civil servant who has held a wide variety of city jobs, including assistant city manager, the 45-year-old Rager has long been pushing for a regional approach. He has aggressively marketed his city's water to suburban communities, both in Ohio and across the state border. With several agreements now in hand, Rager has in fact become something of a regional water czar. "Cincinnati Water Works is by far the major water utility in the region," Rager says. "We're here to help the community grow. And if our neighbors grow, then we grow, because Cincinnati's business is dependent on their business."

Rager also has financial reasons to expand Cincinnati Water Works outward. With people and industries having left the city in recent years, and household faucets becoming more efficient, water consumption in Cincinnati has dropped. If Rager wants to keep his rates down, he has to find more people to buy the product. And Cincinnati has quite a lot to sell. The water works is currently pumping about 130 million gallons of water daily, but it has the capacity to pump twice that.

To bursting jurisdictions such as Boone County, Rager's pitch is an easy sell. Boone had



considered meeting new demand for water by building an expensive new treatment plant. Buying from Cincinnati instead will save the county \$50 million in the long run—even with the cost of tunneling under the river. In addition, Cincinnati's water is known for its high quality, thanks to a state-of-the-art carbon-filtration system at its main treatment plant.

Some critics argue that by selling cheaper water in the suburbs, Rager is essentially subsidizing sprawl. Places such as Boone County, they say, are not paying the full price of their own rapid development, and this flies in the face of the kind of regional planning they would like to see. "This is one more example of uncoordinated decision making about the region's

infrastructure," says Glen Brand, an organizer with the Sierra Club in Cincinnati. "The decision to sell cheap water out there is helping these areas to continue growing in an irresponsible fashion."

Rager shrugs off the criticism, saying that water availability does not drive development in the Cincinnati area the way it does in other places. He says that expanding the water works out into the suburbs has had not only financial benefits but public health benefits as well.

In neighboring Butler County, Ohio, he points out, children in the Venice Gardens subdivision have been getting sick from drinking well water for years. The tightly packed community's 300 homes all have septic tanks, and water from the polluted aquifer below them can sometimes taste and smell like sewage. After years of fighting to get their own county to install water lines,

residents approached Rager, who offered matching funds to get a grant for the project. The residents became Cincinnati Water Works customers last August, and they talk about their clean water as though it were a gift from the gods. "You couldn't bathe a baby in the water we had here," says Jeane Wagonfield, a Venice Gardens resident for 29 years. "We would never have gotten clean water here if Dave Rager hadn't fought for us."

—Christopher Swope

ANDY SNOOW

By the Numbers:

Rager's Customers

Average volume pumped daily by Cincinnati water works:
■ 130 million gallons

Millions of gallons sold each day to:	City of Mason: ■ 1.5	Capacity of pipe to City of Florence and Boone County, Kentucky: ■ 30 million gallons per day
City of Norwood: ■ 3.3	City of Reading: ■ 1.3	
Warren County: ■ 1.5	Western Water Co. (private contractor): ■ 1.0	

Source: Cincinnati Water Works