

# NIPOMO COMMUNITY SERVICES DISTRICT AGENDA

JANUARY 23, 2002

REGULAR MEETING 9:30 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

## BOARD MEMBERS

RICHARD MOBRAATEN, PRESIDENT  
MICHAEL WINN, VICE PRESIDENT  
ROBERT BLAIR, DIRECTOR  
JUDITH WIRSING, DIRECTOR  
CLIFFORD TROTTER, DIRECTOR

## STAFF

DOUGLAS JONES, GENERAL MANAGER  
DONNA JOHNSON, SEC. 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) PUBLIC HEARING

REVIEW AND ADOPT NEGATIVE DECLARATION WITH MITIGATION MEASURE REGARDING CONSTRUCTION OF FACILITIES INCLUDING WATER PIPELINE AND WELLS TO SERVE TRACTS 1802 & 1856 (MARIA VISTA DEVELOPMENT)

Continuance of Dec. 12, 2001 meeting review Draft Initial Study/Mitigated Neg Declaration of infrastructure to Tracts 1802 & 1856

D-2) REQUEST FOR SERVICE (NUNEZ)

A request for water and sewer service at 427 Amado St. - Outside District Boundary

D-3) REQUEST FOR SERVICE, PROJECT NO. B 011368-1 (CORTEZ)

Request for water & sewer service for a proposed apartment at 149 N. Avocado

D-4) SPECIAL DISTRICT LATENT POWERS

Resolution supporting the return of Latent Powers from LAFCO

E. OTHER BUSINESS

E-1) YEAR 2002 DISTRICT INVESTMENT POLICY

Annual adoption of the District Investment Policy

E-2) URBAN STREAM RESTORATION PROGRAM

Possible participation in the stream restoration program

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]

Minutes of January 9, 2002 Regular Board meeting

F-3) 4<sup>th</sup> Quarter Investment Policy Report [RECEIVE AND FILE]

F-4) 2<sup>nd</sup> Quarter Financial Report [RECEIVE AND FILE]

G. MANAGER'S REPORT

STATUS OF PROJECTS

- LIGHTING DISTRICT
- MONTECITO VERDE II SEWER
- TEFFT STREET WATER
- PARK WATER LINE EASEMENT
- BLACK LAKE WATER SUPPLY

H. COMMITTEE REPORTS

I. DIRECTORS COMMENTS

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9

- A. SMWVCD VS NCSA SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. NCSA VS STATE DEPT OF HEALTH SERVICES CV 990716

CONFERENCE WITH NEGOTIATOR

- C. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR- DOUG JONES, COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE

ADJOURN

The next regular Board Meeting will be held on February 6, 2002 at 9:30 a.m.

John S

74  
20  
148  
50  
150

16-30  
12:00  
1830

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JANUARY 23, 2002

**AGENDA ITEM**



ENVIRONMENTAL REVIEW  
MARIA VISTA DEVELOPMENT

**ITEM**

Continuation of public hearing of December 12, 2001 meeting to review the Draft Initial Study/Mitigated Negative Declaration of the infrastructure for Tract 1802 and 1856

**BACKGROUND**

At the regular Board meeting held on December 12, 2001, your Honorable Board continued the Public Hearing on the environmental review of the infrastructure to the Maria Vista development so that a determination could be made by the County that the proposed project is in compliance with the County jurisdiction. The County has determined that the conformance to the tentative maps of Tracts 1802 and 1856 involve two major components.

1. The project itself is substantially physically similar to the original project (layouts, circulation system, provision of utilities) and has satisfied all the conditions of approval;
2. The project conforms to the environmental determination that was prepared with the review of the tentative map, or in some other manner satisfies the requirements of CEQA.

The County surveyor has indicated that the annexation of the proposed project to the District "does substantially physically conform to the original project and will satisfy" the first condition. He has also indicated that the environmental determination on the pipeline extension to the proposed project, once certified by your Honorable Board, would satisfy the second component of substantial performance and he would forward the final maps of the Board of Supervisors with a recommendation of approval.

Mr. Doug Wood, of Doug Wood Associates, has prepared the Draft Environmental Review of the proposed project. In his initial Draft Environmental Review he has expanded his comments addressing additional correspondence the District has received with respect to the Initial Study/Mitigated Negative Declaration which should be added to the report your Honorable Board had received previously. After Mr. Woods' presentation, your Honorable Board should take public comments before making a determination on the Environmental Report.

**RECOMMENDATION**

After the Public Hearing is closed, it is recommended that your Honorable Board consider the Environmental Determination and make a finding on the Initial Study/Mitigated Negative Declaration of the infrastructure of Tracts 1802 and 1856. Your Honorable Board may approve the Mitigated Negative Declaration for the Maria Vista development of Tract 1802 and 1856 by adopting the attached resolutions, approving the Mitigated Negative Declaration.

**RESOLUTION NO. 2002-Mit Neg**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND  
AUTHORIZING THE GENERAL MANAGER TO  
FILE A NOTICE OF DETERMINATION FOR  
THE MARIA VISTA DEVELOPMENT, TRACTS 1802 AND 1856**

**WHEREAS**, the Nipomo Community Services District ("District") is a community services district with limited purposes and powers as identified in Sections 61600 et seq. of the Government Code; and

**WHEREAS**, the Local Agency Formation Commission ("LAFCO") has conditionally approved Annexation No. 20, the Maria Vista development, which include Tracts 1802, and 1856 to be included within the District boundaries; and

**WHEREAS**, in order for the District to provide water service to Annexation No. 20, certain water production and water transportation facilities will require construction (herein the "Project"); and

**WHEREAS**, the Project will include the construction of a water line in Orchard Road to Annexation No. 20 and the completion of two wells to be connected to the District's infrastructure in Nipomo, California. Said Project is more fully described in the initial study prepared by Douglas Woods and Associates and Garing and Taylor and Associates ("Initial Study"). The Initial Study, including the detailed description of the Project is incorporated herein by reference; and

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

**WHEREAS**, the Initial Study proposes that a Mitigated Negative Declaration be approved. The analysis and findings of said Initial Study are incorporated herein by reference; and

**WHEREAS**, public notice of the proposed negative declaration was given as required by Section 21092 of the Public Resource Code; and

**WHEREAS**, on Wednesday, December 12, 2001, the District held a Public Hearing on the proposed Mitigated Negative Declaration, reviewed written comments, and accepted public testimony regarding the proposed Mitigated Negative Declaration. The Public Hearing on the proposed Mitigated Negative Declaration was continued; and

**WHEREAS**, on Wednesday, January 23, 2002, the District held a second Public Hearing on the proposed Mitigated Negative Declaration, reviewed written comments, and accepted public testimony regarding the proposed Mitigated Negative Declaration; and

**WHEREAS**, the hearings on this Project have been appropriately noticed under the Brown Act and the California Environmental Quality Act; and

RESOLUTION NO. 2002-Mit Neg

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND  
AUTHORIZING THE GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION FOR  
THE MARIA VISTA DEVELOPMENT, TRACTS 1802 AND 1856

Page Two

**WHEREAS**, based on the information contained in the Initial Study prepared for the Project, the proposed mitigation measures, the staff report, and testimony received as a result of the public notice, the District, using its own independent and objective judgment, finds that all potentially significant effects of the Project on the environment can and will be avoided or mitigated to a level of insignificance by imposing the mitigation measures identified in the Initial Study and imposing the mitigation measures identified in the independent study of cultural resources.

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

1. That the Board of Directors of the Nipomo Community Services District, based on the Board of Directors independent judgment does hereby approve and adopt a Negative Declaration for the Maria Vista Tract Project, including the adoption of the mitigation measures identified in the Initial Study and the mitigation measures identified in the independent study of cultural resources.
2. The General Manager is authorized to file a Notice of Determination in compliance with Section 21108 and/or 21152 of the Public Resource Code and the State Department of Fish & Game, Certificate of Fee Exemption.
3. The above Recitals are true and correct and incorporated into the Order by reference.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this \_\_\_\_\_ day of January, 2002, on the following roll call vote:

AYES: Directors

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
RICHARD MOBRAATEN, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Jon S. Seitz  
District Legal 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:** Infrastructure for Maria Vista Development, Tracts 1802 and 1856  
State Clearinghouse House Number : 2001111026

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

**PROJECT LOCATION:** Nipomo

**PROJECT DESCRIPTION:** Construction of water lines and completion of wells to serve the  
Maria Vista Development, Tracts 1802 and 1856

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 December 12, 2002.

- 1. The Project will not have a significant effect on the environment.
- 2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures were made a condition of the approval of the project.
- 4. A statement of Overriding Considerations was not adopted for this project.

This is to certify that the final report with comments and responses and record of  
project approval is available to the General Public at:

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

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

**CALIFORNIA DEPARTMENT OF FISH AND GAME**

**CERTIFICATE OF FEE EXEMPTION**

**De Minimis Impact Finding**

**Project Title/Location**

Nipomo Community Services District  
Maria Vista Development, Tracts 1802 & 1856  
Post Office Box 326  
Nipomo, California 93444-0326

**Project Description:** Construction of water lines and completion of wells to serve the Maria Vista Development, Tracts 1802 and 1856

**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.

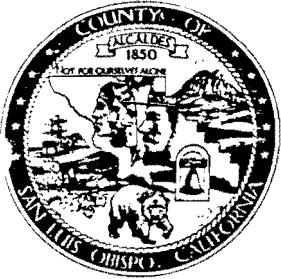
**Certification:**

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 L. Jones, General Manager  
Nipomo Community Services District

Date \_\_\_\_\_



SAN LUIS OBISPO COUNTY  
**DEPARTMENT OF PUBLIC WORKS**

Noel King, Director

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County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: engr@co.sio.ca.us

December 21, 2001

Doug Jones, General Manager  
Nipomo Community Services District  
148 S. Wilson Avenue  
Nipomo CA 93444

Subject: County Approval of Final Maps for Tracts 1802 and 1856

Dear Doug:

Thank you for meeting with County staff and representatives of the developer of the subject tracts on December 17, 2001. This letter serves as confirmation of this Department's position regarding the final approval of these subdivisions, as discussed at that meeting.

In order to recommend to the Board of Supervisors that they approve the final maps of these subdivisions, we need to be able to say that the projects being considered substantially conform to the tentative maps that were approved through the public hearing process. (In the case of Tracts 1802 and 1856, the tentative maps were approved by the Board of Supervisors at public hearings in 1992.) "Conformance" to the tentative map involves two major components: (1) the project itself is substantially physically similar to the original project (lot layout, circulation system, provision of utilities) and has satisfied all the conditions of approval; and (2) the project conforms to the environmental determination that was prepared with the review of the tentative map, or in some other manner satisfies the requirements of CEQA.

The original approval of these tracts includes conditions for a "community water system," which at the time was envisioned to be an isolated on-site system serving only these tracts (and one adjacent project which has subsequently expired). At this time, the developer has proposed to annex the properties to Nipomo Community Services District (NCSD) for the provision of water service and operation of the wastewater treatment facility. It is our understanding that water service would be provided by construction of a pipeline from your existing service area to the projects' site.

It is the position of this Department that the NCSD annexation proposal does substantially physically conform to the original project and will satisfy the conditions of approval which

require a "community water system," thus satisfying the first component noted above. The County's Environmental Health Department concurs with our determination in this regard. However, the original environmental determination did not envision this method of providing water service, and the County's "Negative Declarations" for the two subdivisions did not address some of the potential impacts that might be associated with the pipeline extension.

Once an appropriate Environmental Determination on the pipeline extension is certified by the Board of Directors of NCSD, we will be able to satisfy the second component of "substantial conformance" noted above. In that event, upon completion of all the tracts' conditions, we will forward the final maps to the Board of Supervisors with our recommendation for approval.

Please call me at 781-5292, or Richard Marshall of my staff at 781-5280, if you have questions or need additional information.

Sincerely,



GLEN L. PRIDDY  
County Surveyor

c: Katcho Achadjian, Chairperson, District 4  
Michael P. Ryan, Supervisor District 5  
Planning & Building  
Environmental Health  
EDA

File: Tract 1802  
Tract 1856

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# Douglas Wood & Associates, Inc.

Land Use Planning / Governmental Relations / Environmental Analysis

January 8, 2002

Nipomo Community Services District  
P.O. Box 326  
Nipomo, CA 93444  
Attn: Doug Jones, General Manager

Subject: Response to Comments Received from the County of San Luis Obispo,  
Expanded Initial Study and Mitigated Negative Declaration, Proposed  
Annexation of Tracts 1802, 1808 and 1856

Dear Doug,

Pursuant to your request, our firm has prepared a response to the correspondence dated December 5, 2001 from Jay Johnson, Senior Planner for the San Luis Obispo County Department of Planning and Building. We have provided the following responses within the format utilized when responding to comments on a Draft EIR. The comments contained in the County's correspondence are summarized below and are followed by the respective response. A copy of the correspondence received from the County is also attached. Each comment is numbered in the right-hand column of the County's letter for reference.

Comment 1: The responsible monitoring party for proposed Mitigation Measure 1 related to water impacts (on page II-2 of the Expanded Initial Study/Mitigated Negative Declaration) is the County of San Luis Obispo. Will the Nipomo Community Services District or project applicant apply to the County for the required grading permits? Since the proposed water line extension is not shown on project improvement plans, a separate grading permit is required.

Response: The project applicant will be required to prepare all required grading plans for submittal to the County of San Luis Obispo for review and approval. The project applicant will also be responsible for securing grading permits from the County.

Comment 2: The subject tracts were reviewed by the County Subdivision Review Board and were approved by the County Board of Supervisors in 1992. A time extension for Tract 1808 was denied; the tract no longer exists.

Response: This additional information clarifying the original tract approvals is hereby added to the Expanded Initial Study/Mitigated Negative Declaration.

*19 Years of Excellence 1983 - 2002*

Copy of document found at [www.NoNewWipTax.com](http://www.NoNewWipTax.com)

1461 Higuera Street, Suite A. • San Luis Obispo, California 93401 • Phone (805) 544-1680 • Fax (805) 544-3067

Comment 3: County Service Area 1 was to only operate the on-site wastewater treatment facilities for the subject tracts. The original project application involved the use of on-site water supplies. At that time, the project applicant was given the option of applying to the Nipomo Community Services District (NCS D) for operation of the sewer system only. Connection of these projects to the NCS D water supply system or contracting with Cal Cities Water Company (for any services) was never evaluated by County staff or considered by the County Board of Supervisors when these projects were approved. Connection of these tracts to an off-site water supply would be inconsistent with the approved Negative Declaration.

Response: This additional information clarifying the original consideration of the subject tracts by the County of San Luis Obispo is hereby added to the Expanded Initial Study/Mitigated Negative Declaration. This environmental document is intended to provide the additional required environmental review of the proposed annexation of the subject tracts into the Nipomo Community Services District with particular reference to the extension of a twelve-inch water supply line from the subject tracts to the existing District boundary and the activation of the two existing wells (Dana Wells #1 and #2) in order to contribute to the NCS D water supply facilities and offset the water use for these tracts. In so doing, this Expanded Initial Study/Mitigated Negative Declaration is intended to provide adequate California Environmental Quality Act (CEQA) coverage for these currently proposed actions.

Comment 4: The reconsideration of these subject tracts by the County authorized either private (homeowners association) or public operation (NCS D or CSA) of the wastewater disposal system but not for water service from an off-site water supply.

Response: This additional information clarifying the Conditions of Approval amended by the County in February, 2001 is hereby added to the Expanded Initial Study/Mitigated Negative Declaration.

Comment 5: The proposed water line extension from the subject tracts to existing NCS D water supply facilities was not part of the original project application and was not reviewed by the County as part of the original Negative Declaration.

Response: This additional information clarifying the original consideration of the subject tracts by the County of San Luis Obispo is hereby added to the Expanded Initial Study/Mitigated Negative Declaration. This environmental document is intended to provide the additional required environmental review of the proposed annexation of the subject tracts into the Nipomo Community Services District with particular reference to the extension of a twelve-inch water supply line from the subject tracts to the existing District boundary and the activation of the two existing wells (Dana Wells #1 and #2) in order to contribute to the NCS D water supply facilities and offset the water use for these tracts. In so doing, this Expanded Initial Study/Mitigated Negative Declaration is intended to provide adequate California Environmental Quality Act (CEQA) coverage for these proposed actions.

Comment 6: The proposed activation of Dana Wells #1 and #2 was not part of the original project application and was not reviewed by the County as part of the original Negative Declaration.

Response: See Response to Comment 5 above.

Comment 7: The project area was not within the CSA 1 service area. The project site prior to February 8, 2001 was to annex to CSA 1 for operation of the on-site wastewater disposal system.

Response: This additional information clarifying the original project plans for annexation into the County Service Area 1 is hereby added to the Expanded Initial Study/Mitigated Negative Declaration.

Comment 8: The proposed project may conflict with the County General Plan policies that seek to not extent urban services or village areas. Connection of these tracts to an off-site water supply would be inconsistent with the County General Plan.

Response: The proposed water line extension may conflict with County policies concerning the extension of services, however, the proposed project involves the provision of various community services to approved residential tracts. The activation of Dana Wells #1 and #2 will provide additional water supplies to the Nipomo Community Services District's water supply system that will be available for domestic use. This additional water will offset the water consumption with the future development of these tracts.

The potential growth-inducing impacts of the water line extension are discussed in the Responses to Comments 9 and 10 below.

Comment 9: The water line extending down Orchard Road creates a potentially significant growth-inducing impact. The pipeline would be extended adjacent to property within the Rural Lands land use category. A General Plan Amendment would be required to convert this area to residential development at a density greater than two residences per 20 acres. However, the following uses are allowable in Rural Lands without the need for a General Plan amendment: Churches, Rural Recreation and Camping, Schools, Libraries and Museums, Food and Kindred Products, Small Scale Manufacturing and Bed and Breakfast uses. Although most of these uses would require a conditional land use permit and be subject to CEQA, potentially, these uses are more attractive with community water being easily available.

Response: According to the State CEQA Guidelines, a project is growth-inducing if it leads to economic, population or housing growth, removes obstacles or impediments to growth, taxes community service facilities or encourages other activities or sets precedents which cause significant environmental effects. The potential growth-inducing impacts of the proposed project are discussed below in terms of these criteria.

- ***Economic, Population or Housing Growth***

The proposed project will not directly generate economic, population or housing growth. Tracts 1802, 1808 and 1856 are currently approved. These approved residential tracts could receive water service from sources other than the Nipomo Community Services District, those being the formation of their own water company or contracting with a private water company (Cal Cities Water Company)

- ***Removal of an Impediment to Growth***

The proposed project involves the provision of various community services to the approved Tracts 1802, 1808 and 1856 thereby eliminating a potential constraint to development of these tracts. By introducing additional water supplies into the Nipomo Community Services District's water supply system that will be available for domestic use, the development of these approved tracts will proceed. A potential development constraint (i.e. water supply) in areas adjacent to the proposed water line extension (along Santa Maria Vista, Joshua Street and Orchard Road) will also be eliminated with the proposed project.

- ***Impact on Community Services Facilities***

The activation of Dana Wells #1 and #2 will contribute additional water to the Nipomo Community Services District water supply and will offset the water consumption associated with the subject tracts. No other impacts to community services facilities are anticipated.

- ***Precedent-Setting Effects***

Precedent-setting concerns are defined as the ability of a project to set an example of what can be achieved on parcels with similar land use designations and parcels of land situated in similar locations within the area and with similar constraints. Parcels of land potentially susceptible to precedent-setting effects of the proposed project include areas adjacent to the proposed water line extension.

Comment 10: The Expanded Initial Study/Mitigated Negative Declaration states (pages V-3 through V-4) that future General Plan Amendments or Annexations "would require separate, additional environmental documentation." Although this is true, CEQA requires environmental review be conducted as early as feasible in the planning process. The Lead Agency should avoid this piecemeal review.

Response: A potential development constraint (i.e. water supply) in areas adjacent to the proposed water line extension (along Santa Maria Vista, Joshua Street and Orchard Road) will be eliminated with the proposed project. However, these areas are zoned for agricultural use; development of these areas would require approval of a General Plan Amendment from the County of San Luis Obispo as well as annexation into the Nipomo Community Services District which must be approved by the Local Agency Foundation

Commission. Both of these actions would require separate, additional environmental documentation. Until project plans are available for areas adjacent to the proposed water line extension, any assessment of future development impacts in these areas would be based upon its current agricultural zoning. Any environmental review assuming other land uses would be speculative at this time.

Comment 11: What is the basis for the conclusion that the Dana wells will not significantly affect the groundwater quantity, alter the groundwater rate of flow in the area near these wells? How will the activation of these wells affect nearby wells? Items f and g on pages V-7 and V-8 appear to be reversed when compared to f and g on page V-6.

Response: The proposed activation of two wells, Dana Wells #1 and #2, represent an additional source of groundwater withdrawal from the Nipomo Mesa sub-basin of the Santa Maria groundwater basin. The activation of these wells is intended to offset consumption associated with Tracts 1802, 1808 and 1856. As such activation of these two wells is intended to serve approved residential development. According to groundwater data provided by the Nipomo Community Services District, Dana Wells #1 and #2 are located outside any identified groundwater depressions within the Nipomo Mesa sub-basin. The proposed project will not result in any net loss of water from the Nipomo Mesa sub-basin since the subject tracts were previously approved for on-site water wells. The location of proposed withdrawal of groundwater is the only net change.

In addition, provision of water service to the proposed tracts by NCSD will be regulated through metering. Provision of water service through a Homeowners Association or private water company is often unmetered. Provision of water supply to the subject tracts will better regulate with usage and will encourage water conservation. This above information provides additional basis for the conclusion that the proposed project represents a less-than-significant impact on existing groundwater supplies which would otherwise be available for public use.

Section IV. Water the Environmental Checklist (located on pages V-6 through V-8 of the Expanded Initial Study/Mitigated Negative Declaration) did not provide an explanation relative to Checklist Item IV.f. which states:

“f. Would the proposal result in altered direction or rate of flow of groundwater?”

The following explanation should be added to the Checklist in order to substantiate the finding of “less-than-significant Impact’ relative to Item f.

“f. *Less-Than-Significant Impact* – The activation of two wells, Dana Wells #1 and #2, in order to contribute additional water to the District’s water supply and offset the water consumption associated with Tracts 1802, 1808 and 1856, represent an additional source of groundwater withdrawal from the Nipomo Mesa sub-basin. The activation of these two wells within the overall groundwater basin is, however, considered to represent a less than significant impact on the direction or rate of flow of existing groundwater.”

Items IV. f. and IV. g. within the list of checklist explanations for Section IV. actually address Checklist Items IV. g. and IV. h.. These explanations should re-lettered accordingly.

Comment 12: The California Department of Water Resources report cited on page V-8, "Water Resources of the Arroyo Grande Nipomo Mesa Area," should be identified as "draft."

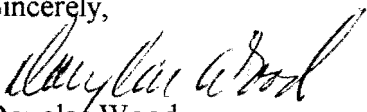
Response: This additional information clarifying the status of the Department of Water Resources report is hereby added to the Expanded Initial Study/Mitigated Negative Declaration.

Comment 13: Local water supplies near the Dana Wells may be affected.

Response: The proposed activation of Dana Wells #1 and #2 represent an additional source of groundwater withdrawal from the Nipomo Mesa groundwater sub-basin. However, the potential impacts to local water supplies are considered to be less than significant due to the location of these wells outside any identified groundwater depressions within the sub-basin and other factors as discussed in Response to Comment 11 above.

It is my hope that the above information fully responds to the concerns raised within the County's correspondence. We are pleased to be of continued assistance to the District.

Sincerely,

  
Douglas Wood  
President  
Douglas Wood & Associates, Inc.



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

BRYCE TINGLE, AICP  
ASSISTANT DIRECTOR

ELLEN CARROLL  
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH  
CHIEF BUILDING OFFICIAL

To: Robert Blair, President of the Board of Directors,  
Nipomo Community Services District

December 5, 2001

Doug Jones, General Manager,  
Nipomo Community Services District

From: Jay Johnson, Senior Planner,  
San Luis Obispo County Department of Planning and Building

Subject: Proposed Expanded Initial Study and Mitigated Negative Declaration for the  
Proposed Annexation of Tracts 1802, 1808 and 1856 into NCSD

As a responsible agency that may be required to use the proposed Mitigated Negative Declaration for subsequent permit review, we find the proposed Negative Declaration to be inadequate with regard to potentially significant growth inducing impacts associated with extending a waterline along Orchard Road from Nipomo to the site of Tracts 1802, 1808 and 1856 and potentially significant water quantity impacts on nearby wells nearby due to the operation of Dana Wells #1 and #2. The Negative Declaration must include additional information that adequately demonstrates that these impacts are less than significant or they can be mitigated to a level of insignificance, otherwise an Environmental Impact Report must be prepared. Any additional work on this document should be done in consultation with the County per CEQA Guidelines Section 15096. Below are more specific comments regarding the document.

Page II-2: 1. "Prior to issuance of grading permits...." Responsible Monitoring Party -  
County of San Luis Obispo.

Does mean the district is going to apply for a County Grading Permit or is the district requiring the applicant to obtain permits? The applicant would be exempt from grading permit requirements, if they do the work as part of their tract improvement plans. However, a grading permit would be required if the applicant were to not include the work as part of their tract improvements, and at this time they do not show the waterline to Nipomo on their improvement plans.

1

Page III-1: 2<sup>nd</sup> paragraph: Tracts were “reviewed” by the Subdivision Review Board and “approved” by the Board of Supervisors in 1992. Tract 1808 time extension has been denied and no longer exists. 2

3<sup>rd</sup> paragraph: CSA-1 was to operate the on-site wastewater disposal system only. These projects were approved with a project description that includes an on-site water supply. The applicant was given the option of applying to NCSD for operation of the sewer system only. Connection of these projects to the NCSD water supply system or contracting with Cal Cities Water Company (for any services) was never evaluated by county staff or considered by the county Board of Supervisors when these projects were approved. **Connection of these tracts to an off-site water supply would be inconsistent with the approved Negative Declaration.** 3

4<sup>th</sup> paragraph: The reconsideration authorized either private (homeowners association) or public operation (NCSD or a CSA) of the wastewater disposal system but not for water service from an off-site water supply. 4

Page III-2 C1.: Not part of the approved project description and not reviewed by the county in the approved Negative Declaration for the tracts. 5

3<sup>rd</sup> paragraph under D.: The activation of the two Dana wells were not part of the approved project description and not reviewed by the county in the approved Negative Declaration for the tracts. 6

Page IV-3 3<sup>rd</sup> paragraph: The project area is not within the CSA-1 service area. The project prior to February 8, 2001 was to annex to CSA-1 for operation of the on-site wastewater disposal system. 7

Page V-2 Ib): Because the county will have jurisdiction over a grading permit and possibly over a reconsideration of the tracts to authorize utilizing an off-site water supply, the project creates a conflict with county general plan policies that seek to not extend urban services outside of urban or village areas. See: Framework for Planning page 4-2, Goal 2 and its objectives; South County Area Plan page 3-3 “Coordination of urban reserve line and NCSD service area”; and, Ag and Open Space Element page 3-43 OSP 11. **Connection of these tracts to an off-site water supply would be inconsistent with the county general plan.** 8

Page V-3 IIb): The water line extending down Orchard Road creates a potentially significant growth inducing impact. The pipeline would be extended adjacent to property within the Rural Lands land use category. The document states: “...these areas are zoned for agricultural use; development of these areas would require approval of a General Plan Amendment...” A General Plan Amendment would be required to convert 9



the area to residential development at a density greater than two residences per 20 acres, however, the following uses are allowable in Rural Lands without the need for a general plan amendment: Churches, Rural Recreation and Camping, Schools, Libraries and Museums, Food and Kindred Products, Small Scale Manufacturing, and Bed and Breakfast. Although most of these uses most would need a conditional land use permit and be subject to CEQA, potentially, these uses are more attractive with community water being easily available.

2<sup>nd</sup> paragraph at the bottom of page V-3 and top of V-4 states that future general plan amendments or annexations "...would require separate, additional environmental documentation." Although this is true, CEQA requires environmental review be conducted as early as feasible in the planning process (see CEQA Guidelines, Section 15004) and the lead agency is to avoid piecemeal review (see CEQA Guidelines, Sections 15063(a)(1) and 15378, *City of Antioch v. City Council of Pittsburg*, and *Sundstrom v. County of Mendocino*).

10

Pages V-6  
V-7 e and f):

What is the basis for the conclusion that the Dana wells will not significantly affect the groundwater quantity, alter the groundwater rate or flow in the area near these wells? How will the activation of these wells affect existing nearby wells? Items f and g on pages V-7 and V-8 appear to be reversed when compared to f and g on page V-6.

11

Page V-8      *Sources:* the DWR report should be identified as a "draft".

12

Page V-16    XIIg): Local water supplies near the Dana wells may be affected.

13

**Save the Mesa, Inc.  
2092 Curtis Place  
Arroyo Grande, CA 93420  
(805) 489-6872**

January 3, 2002

Nipomo Community Services District  
148 Wilson Street  
Nipomo, CA 93444

RE: Annexation of Tracts 1802 & 1856

Dear Mr. Jones and Board of Directors:

CEQA requires a fair argument that significant and unavoidable impacts may occur from a project that is adopted by the lead agency. This results from a project which has been held to be "the whole of an action undertaken, supported, or authorized by a public agency that may cause either a direct or reasonably foreseeable indirect physical change in the environment." Pub Res Code 21065.

As the lead agency doing the environmental review of the Bluffs project, there are at least three environmental issues that require that an EIR be conducted. First, there is the growth inducing effects of the pipeline. These under the law must be reviewed at the beginning of the project. There is the changing of the well site. Under the law, this is a substantial change and an EIR is required. *City of San Jose v. Great Oaks Water Co.* 192 CA3d 1005 (1987). There is the water quality issue in that the HSO of the Bluff's water will be driven towards the Mesa's water supply and this requires an EIR. All of these things will cause a reasonable foreseeable direct or indirect physical change in the environment.

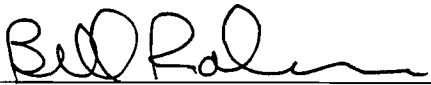
A project will normally have a significant effect on the environment if it will (h) Substantially degrade or deplete ground water resources; or (k) Induce substantial growth or concentration of population.

1. The DWR has determined that there is a depression or region of a lack of water on the Mesa.
2. The Nipomo Community Services District has stated that the basin is in overdraft.

3. The NCS D has commented in the Woodland's FSEIR that there are foreseeable water problems on the Mesa in the immediate future.
4. The County has stated in its letter of December 5, 2001 from the lead planner on the Bluff's project that "We find the negative declaration to be inadequate..."
5. There is no showing of the grading permits on the tract improvement and "Connection of these tracts to an offsite water supply would be inconsistent with the approved negative declaration.
6. It is inadequate to state that "there is a low probability of any sensitive plant species being found in the project area" when that is listed as a significant impact.
7. It makes no sense to set out that "The proposed well activation is intended to augment existing water supplies of the NCS D in order to offset the water use associated with Tracts 1802, 1808 and 1856." The NCS D is a water appropriator and has no water supplies that are not in litigation. A CEQA reviewer cannot act as judge and water master in a basin in litigation to determine water rights and pretend that is mitigation.

The expert opinions of the County and your general manager create a fair argument that an EIR is required. John Snyder and Jesse Hill have introduced other arguments in writing in this matter. Those documents are incorporated by reference as if set out in full. The mitigations in the negative declaration do not by any stretch of the imagination fully discuss or mitigate the environmental impacts of this project.

Yours truly,



Bill Robinson

X-eGroups-Return: sentto-1818578-2309-1010047689-  
administrator=nipomocsd.com@returns.groups.yahoo.com  
X-Sender: hkandel@slonet.org  
X-Apparently-To: NipomoCommunity@YahooGroups.com  
X-Mailer: Mozilla 4.5 (Macintosh; I; PPC)  
X-Accept-Language: en  
To: Nipomo <NipomoCommunity@YahooGroups.com>,  
"Board Secretary, Nipomo CSD" <boardsecretary@nipomocsd.com>  
From: Herb <hkandel@slonet.org>  
Mailing-List: list NipomoCommunity@yahoogroups.com; contact NipomoCommunity-  
owner@yahoogroups.com  
Delivered-To: mailing list NipomoCommunity@yahoogroups.com  
List-Unsubscribe: <mailto:NipomoCommunity-unsubscribe@yahoogroups.com>  
Date: Thu, 03 Jan 2002 00:47:37 -0800  
Subject: [NipomoCommunity] Letter to NCSD & SIO Planning Comments on Annexation  
Reply-To: NipomoCommunity@YahooGroups.com

January 2, 2002

RE: Expanded Initial Study and Mitigated Negative Declaration for  
extension of the water line to tracts 1802, 1808 and 1856:

Dear Mr. Jones, and NSCD Board members,

As the lead agency in consideration of this Mitigated Negative Declaration, it is your responsibility to provide further evidence to demonstrate these impacts are less than significant, or that these impacts can be mitigated to a level of insignificance. As our county planners and supervisors have not had the opportunity to review portions of the project before you, your board is making a significant planning decision. Please do not approve the proposed Mitigated Negative Declaration and take the time to provide the additional data on the following areas. Here are my concerns:

1. The impacts of off site water sources have not been adequately evaluated.  
The project was approved with an on site water supply only. Neither the county staff nor the Board of Supervisors evaluated off site water sources (NCSD or Cal Cities) for this project. County planning staff letter to the NCSD (Dec. 5, 2001) states, "Connection of these tracts to an off site water supply would be inconsistent with the approved Negative Declaration."
2. Lack of supportive data for a Negative Declaration of the impact to the off site wells. ( Dana Wells):  
The NCSD must provide evidence that the Dana Wells will not significantly affect groundwater quantity or change the rate of flow in the neighboring wells.  
NCSD has not provided the rationale to support a negative declaration on this aspect of the project, nor was this considered by county staff or the board of supervisors when the project was approved.
3. CEQA requires environmental review in this type of situation:  
Though future General plan amendments for adjacent zoning changes would be subject to environmental review, county staff notes in their Dec. 5 letter to your agency " CEQA requires environmental review be conducted as early as feasible in the planning process (see CEQA Guidelines, Section 15004) and the lead agency is to avoid piecemeal review..."  
With this annexation and this development far outside the urban reserve line, this is the time for such a review.
4. The Significant growth inducing impacts in area of the pipeline:  
Allowable uses with a conditional use permit and without a General Plan amendment include: Churches, Rural Recreation and Camping, Schools, Libraries and Museums, Food and Kindred Products, Small Scale Manufacturing, and Bed and Breakfast. The availability of water will increase the likelihood of these types of facilities being developed.

- Given the controversial nature of this project, the county staff findings (letter attached) and the concerns raised by many members of the community, I urge you not to accept the proposed Mitigated Negative declaration. Consider an Environmental Impact Report, it will be less costly in the long run to have these issues adequately addressed now, than be faced with these serious problems later.

Sincerely,

Herb Kandel  
NCSD Ratepayer

December 5, 2001 letter from SLO Department of Planning and Building:

To: Robert Blair, President of the Board of Directors,  
Nipomo Community Services District

Doug Jones, General Manager  
Nipomo Community Services District

From: Jay Johnson, Senior Planner  
SLO County Department of Planning and Building

Subject: Proposed Expanded Initial Study and Mitigated Negative  
Declaration for the Proposed Annexation of Tracts 1802, 1808 and 1856  
into NCSD

As a responsible agency that may be required to use the proposed Mitigated Negative Declaration for subsequent permit review, we find the proposed Negative Declaration to be inadequate with regard to potentially significant growth inducing impacts associated with extending a waterline along Orchard Road from Nipomo to the site of Tracts 1802, 1808 and 1856 and potentially significant water quantity impacts on nearby wells nearby due to the operation of Dana Wells #1 and #2. The Negative Declaration must include additional information that adequately demonstrates that these impacts are less than significant or they can be mitigated to a level of insignificance, otherwise an Environmental Impact Report must be prepared. Any additionally work on this document should be done in consultation with the County per CEQA Guidelines Section 15096.

Below are more specific comments regarding the document.

Page II-2

1. "Prior to issuance of grading permits..." Responsible Monitoring Party- County of San Luis Obispo"

Does this mean the district is going to apply for a County Grading Permit or is the district requiring the applicant to obtain permits? The applicant would be exempt from grading permit requirement, if they do the work as part of their tract improvement plans. However, a grading permit would be required if the applicant were not to include the work as part of their tract improvements, and at this time they do not show the waterline to Nipomo on their improvement plans.

Page III-1

2nd paragraph: Tracts were "reviewed" by the Subdivision Review Board and "approved" by the Board of Supervisors in 1992. Tract 1808 time extension has been denied and no longer exists.

3rd paragraph: CSA-1 was to operate the on-site wastewater disposal system only. These projects were approved with a project description that includes an on-site water supply. The applicant was given the

option of applying to NCS D for operation of the sewer system only.  
-Connection of these projects to the NCS D water supply system or  
contracting with CAI Cities Water Company (for any services) was never  
evaluated by county staff or considered by the county Board of  
Supervisors when these projects were approved. Connection of these  
tracts to an off site water supply would be inconsistent with the  
approved Negative Declaration.

4th paragraph: The reconsideration authorized either private (homeowners  
association) or public operation (NCS D or a CSA) of the wastewater  
disposal system but not for water service from an off site water supply.

Page III-2

C1: Not part of the approved project description and not reviewed by the  
county in the approved Negative Declaration for the tracts.

3rd paragraph under D: The activation of the two Dana wells were not  
part of the approved project description and not reviewed by the county  
in the approved Negative Declaration for the tracts.

IV-3 3rd Paragraph: The project area is not within the CSA-1 service  
area. The project prior to February 8 2001 was to annex to CSA for  
operation on the on-site wastewater disposal system.

Page V-3

Because the county will have jurisdiction over a grading permit and  
possibly over a reconsideration of the tracts to authorize utilizing an  
offsite water supply, the project creates a conflict with county general  
plan policies that seek to not extend urban services outside of urban or  
village areas. See: Framework for Planning page 4-2, Goal 2 and its  
objectives; South County Area Plan page 3-3 "Coordination of urban  
reserve line and NCS D service area"; and, Ag and open Space Element page  
2-43 OSP 11. Connection of these tracts to an off-site water supply  
could be inconsistent with the county general plan.

Page V-3 IIB):

The water line extending down Orchard Road creates a potentially  
significant growth inducing impact. The pipeline would be extended  
adjacent to property within Rural Lands land use category. The document  
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these areas would require approval of a General Plan Amendment..." A  
General Plan Amendment would be required to convert the area to  
residential development at a density greater than two residences per 20  
acres, however, the following uses are allowable in Rural Lands without  
the need for a general plan amendment: Churches, Rural Recreation and  
Camping, Schools, Libraries and Museums, Food and Kindred Products,  
Small Scale Manufacturing, and Bed and Breakfast. Although most of  
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feasible in the planning process (see CEQA Guidelines, Section 15004)  
and the lead agency is to avoid piecemeal review (see CEQA Guidelines,  
Sections 15063(a)(1) and 15378, City of Antioch v. City Council of  
Pittsburgh, and Sundstrom v. County of Mendocino).

Pages V.6

V-7 e and f)

What is the basis for the conclusion that the Dana Wells will not  
significantly affect the groundwater quantity, alter the groundwater  
rate or flow in the area near these wells? How will the activation of  
these wells affect existing nearby wells? Items f and g on pages V-7

Herb, 12:47 AM 1/3/02 -, [NipomoCommunity] Letter to NC

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and V-8 appear to be reversed when compared to f and g on page V-6.

Page V-8

Sources: the DWR report should be identified as a "draft"

Page V-16

XIIg): Local Water supplies near the Dana Wells may be affected.

To unsubscribe from this group, send an email to:  
NipomoCommunity-unsubscribe@egroups.com

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**Susan & John Snyder, 11:10 PM 12/21/01, Comment Re: Mitigated Negative**

---

Date: Fri, 21 Dec 2001 23:10:31 -0800  
From: Susan & John Snyder <kochcal@earthlink.net>  
User-Agent: Mozilla/5.0 (Windows; U; Win98; en-US; rv:0.9.4) Gecko/20011019 Netscape6/6.2  
X-Accept-Language: en-us  
To: General Manager NCSD <gm@nipomocsd.com>  
CC: "NipomoCommunity@yahoogroups.com" <NipomoCommunity@yahoogroups.com>  
Subject: Comment Re: Mitigated Negative Declaration of service to Maria Vista, Tracts 1802, 1808, 1856

Koch California Ltd.  
662 Eucalyptus Road, P.O. Box 1127  
Nipomo, CA 93444 Phone: (805) 929-4153 Fax: (805) 929-5598 Email:  
kochcal@earthlink.net

December 21, 2001

Bob Blair, Richard Mobratten, Michael Winn, Judith Wirsing, Clifford Trotter

Nipomo Community Services District  
148 Wilson Street gm@nipomocsd.com  
P.O. Box 326 (805) 929-1133 Phone  
Nipomo, CA 93444 (805) 929-1932 Fax

Dear District Board:

Re: Mitigated Negative Declaration of service to Maria Vista, Tracts 1802, 1808, 1856

As noted in the record, the standard for a "negative Declaration" finding or a "mitigated Negative Declaration" is that there is not a reasonable argument based on credible data that a significant environmental impact could occur. If there is such an argument then an EIR must be prepared.

I have received a copy of NCSD's letter on the Woodlands SEIR dated September 5th 2000. A scanned copy of your letter is included and I request it be placed in the record along with the referenced letter from Jim Garing.

The "reasonable argument" that NCSD used claiming that the Woodlands pumping would "impact the Nipomo Mesa subunit" when it should not, have "undesirable effects", that "there is no overdraft...is completely fallacious" and "there is no basis ..that the Woodlands Project would not have a significant adverse environmental impact due to depletion of the available water resources" can and should equally be applied to the NCSD service to Maria Vista, Tracts 1802, 1808, 1856. The wells that will actually be used for pumping most of the water are in the same area but shown at lower water levels. The Maria Vista, Tracts 1802, 1808, 1856 are out side what NCSD has claimed is the "Nipomo Mesa Sub-Unit of the Santa Maria Groundwater basin" making this an "export" that will make the flow impacts greater.

Based on this letter and other statements, comments and documents from NCSD in the record, NCSD it self has made several arguments that apply equally to the wells and/or pumping for this project. They argue that there will be a significant environmental impact.

If NCSD's statements have any credibility the board must find an EIR is required.

If the board finds that NCSD's statements do not have the required credibility, the arguments by others for the need to have an EIR would become the most credible and require the board to find an EIR is required.

Thank You



John Snyder  
Vice President

NIPOMO COMMUNITY SERVICES DISTRICT

BOARD MEMBERS

ROBERT BLAIR, PRESIDENT  
RICHARD MOBRAATEN, DIRECTOR  
MICHAEL WINN, DIRECTOR  
JUDITH WIRSING, DIRECTOR  
CLIFFORD TROTTER, DIRECTOR

STAFF

DOUGLAS JONES, GENERAL MANAGER  
JON SEITZ GENERAL COUNSEL  
LEE DOUGLAS, MAINTENANCE SUPERVISOR

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444-0326

(805) 1120-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

September 5, 2001

John McKenzie  
County Planning and Building Department  
SLO County Government Center  
San Luis Obispo, CA 93403

SUBJECT: WOODLAND SPECIFIC PLAN SUPPLEMENTAL EIR

The following are District comments on the Environmental Science Associates Supplemental Environmental Impact Report, Comments from Jim Garing are attached as a separate letter.

Page 1

Nipomo Mesa Subunit of the Santa Maria groundwater basin

The District is unaware of any Nipomo Mesa boundaries being established with respect to the ongoing, adjudication. It should be pointed out that this is a portion of the larger Santa Maria groundwater basin, presently adjudicated, extending from Pismo Beach to the north to Orcutt to the south. For the purposes reached in the conclusion of the SEIR there is no definition of this subunit. The EIR should refer to a portion of the groundwater basin which should be analyzed and managed separately because it is distinct from other areas in the basin in that the water production within the Mesa subunit is not impacted by and should not impact water production in other areas.

Page 3

There is the first statement of the conclusion that there is not an overdraft (condition). Throughout the SEIR, it is submitted that the groundwater levels on the Mesa are declining so that water production must be exceeding supply. The reason for the conclusion that there is no overdraft is that there is no consequence undesirable effects which has occurred due to declining water levels and a reduction in water storage.

There are undesirable effects which are as follows:

Reports indicate there has been a reversal of the groundwater flow from the Mesa to the Santa Maria Valley. Historically, approx. 2000 ac/ft/yr have flowed from the Mesa to the Valley. The reversal has indicated approx. 2800 ac/ft/yr of water now flowing from the Valley to the Mesa. This reversal must be considered as an undesirable effect because those persons who rely on production of water in the Valley portion may claim that the gradient should be corrected so their supply is not

- intercepted. This matter is already at issue in the adjudication of the groundwater basin. The gradient can be corrected only by reducing present pumping and/or relying on a supplemental water source. This reversal may also, affect water purveyors with respect to maintaining Twitchell Reservoir, Since the Twitchell Reservoir recharges the Santa Maria Valley groundwater basin and possibly the Mesa with the flow, those

John McKenzie  
County Planning and Building Department  
Woodland Specific Plan  
Supplemental EIR  
September 5, 2001  
Page 2 of 3

Page 3 (cont)

an the Mesa may have to pay the repair costs and the annual maintenance costs of operating the Twitchell Reservoir which is the undesirable effect. In the adjudication, various parties have asserted pumping priorities and the end result would be that some parties Will have to rely, at least in part, on a supplemental water source rather than meet all the parties' needs from the groundwaters on the Mesa. This is obviously an undesirable effect in that it will increase the cost of water availability to meet the mesa demands.

The possible southerly reversal of the groundwater flow, is at least some indication of overdraft on the Mesa and by lowering the groundwater table may generate a reverse flow in the western portion of the basin, creating sea water intrusion. There is no data in the SEIR to reach a conclusion that the continual lowering of, the groundwater table under the Mesa may not result in undesirable effects, especially related to sea water intrusion.

- The location of the Woodland Project, in an area of pumping depression, is expected to generate an increased demand of 1200?1300 ac/ft/yr in extraction from this area, An increased in reduction of groundwater levels at this location would not only deplete some of the storage but may increase the flows from the Valley to the Mesa. It is estimated that there is approx. 49,000 ac/ft of storage. There is an estimated overdraft of 2,000 to 3,000 ac/ft/yr With this magnitude of overdraft, along with the Woodland project storage would be depleted in 15?20 years, not a long period of time considering the fact that groundwater resources need to be maintained and balanced. Also, there is no significant data indicating how much of the storage can continue to be completed without incurring sea?water intrusion.

Pages 9 & 19

The Scalmanini model is not a model of the Mesa sub?unit area. The model encompasses part of the Mesa, but mostly the Santa Maria Valley and has no application to determining what the impact the project will have on the Mesa water supply, The model indicates that there is an equilibrium in this study area but also essentially admits that the equilibrium is dependent on the continued operation of the Twitchell Reservoir so that, between 15,000 and 20,000 ac/ft/yr of supplemental water to the Santa Maria Valley is maintained. Without substantial repairs and implementing an expensive maintenance program, the supplemental water source from the Twitchell project may not be available.

Page 3

The SEIR has no new mitigation measures proposed, there is no discussion on adjudication and there is no recitation to any of the studies which has produced a water budget after defining the sub?area being analyzed. All these items will probably be done in the course of the adjudication.

John McKenzie

County Planning and Building Department  
Woodland Specific Plan  
Supplemental EIR  
September 5, 2001  
.Page 3 of 3

Page 16

One mitigation proposed a toilet retrofit program. The NCSD has implemented a toilet retrofit program where it takes four (4) existing residences to be retrofitted for the equivalent of water use of one new home. There is no mention how this toilet retrofit program will be implemented to try to offset the 1,200?1,300 ac/ft of new production. It is doubtful that there would be 5,000?6,000 existing residences built before 1990 which would qualify for the toilet retrofit program to offset the production of the Woodland Project.

General

The SEIR concludes that the subject project will not contribute to the overall groundwater deficit on the Mesa, It should be pointed out that this project will increase the Mesa production by 10% in a sensitive pumping depression area. Their conclusion that there is no overdraft due to the depletion of, the basin resources because of the alleged lack of negative impacts, as commented, is completely fallacious. There is no basis for the conclusion that a faster build?out of, the Woodland Project would not have a significant adverse environmental impact due to the depletion of the available water resources.

Very truly yours,  
NIPOMO COMMUNITY SERVICES DISTRICT

Doug Jones  
General Manager

Enclosure

cc; NCSD Board of Directors

Tracts/woodlands/SEIR Report

IN THE LOCAL AGENCY FORMATION COMMISSION

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, December 6, 2001

PRESENT: Commissioners Carolyn Moffatt, Richard Roberts, Duane Picance, Barbara Mann, Allen Settle (Alternate), and Chairman Mike Ryan

ABSENT: Commissioners Ray Johnson and Peg Pinard

RESOLUTION NO. 2001-20

RESOLUTION DETERMINING THAT THE  
NEGATIVE DECLARATION PREPARED FOR THE PROPOSED PROJECT IS COMPLETE  
AND ADEQUATE, APPROVING THE SPHERE OF INFLUENCE AND SERVICE REVISION,  
AND CONDITIONALLY APPROVING ANNEXATION NO. 20 TO THE  
NIPOMO COMMUNITY SERVICES DISTRICT (MARIA VISTA)

The following resolution is now offered and read:

WHEREAS, pursuant to Government Code Section 56425 et. seq. and the Commission's duly adopted "General Policies and Criteria" for spheres of influence and service, the Commission has previously adopted a sphere of influence and service for the Nipomo Community Services District; and

WHEREAS, on November 8, 2001, a request was filed with this Commission to consider a proposal for Annexation No. 20 to the Nipomo Community Services District (Maria Vista); and

WHEREAS, the Executive Officer has given the notices required by law and forwarded copies of his report to officers, persons and public agencies prescribed by law; and

WHEREAS, the matter was set for public hearing at 9:00 a.m. on November 15, 2001, and continued to December 6, 2001, and the public hearing was duly conducted and determined and decision made on December 6, 2001; and

WHEREAS, at said hearing, this Commission heard and received all oral and written protests, objections and evidence, which were made, presented or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said proposal and report, and

WHEREAS, Negative Declarations prepared by the Local Agency Formation Commission has been duly prepared, noticed, and submitted for this Sphere of Influence and Service Revision and Annexation and this Commission finds, based upon the information submitted and received at the public hearing, that these projects will not have a significant effect on the environment and that the Negative Declaration is adequate for the Commission's determinations; and

WHEREAS, the Commission has considered all factors required to be considered by Government Code Sections 56668 and pursuant to Government Code Section 56425 (c) and adopts as its written statements of determinations therein, the determinations to amend a sphere of influence as set forth on pages A-1-16 through A-1-18 of the Executive Officer's report dated December 6, 2001, said determinations being incorporated by reference herein as though set forth in full; and

WHEREAS, the Commission duly considered the proposal and finds that the territory proposed to be annexed to the Nipomo Community Services District, should be located within the sphere of influence and service of the Nipomo Community Services District; and that the proposed annexation should be conditionally approved.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Local Agency Formation Commission of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the Negative Declarations prepared by the Local Agency Formation Commission for this proposal is complete and adequate, having been prepared in accordance with the provisions of the California Environmental Quality Act and is hereby determined to be sufficient for the Commission's actions.
3. That the existing sphere of influence and service is revised to include the area as specifically described in LAFCO File Number 9-R-01 as set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
4. That Annexation No. 20 to the Nipomo Community Services District, being further identified in the files of this Commission as File No. 9-R-01, is hereby conditionally approved, subject to the following two conditions:
  - A. The NCSO's approval, by resolution, of compliance with NCSO conditions of annexation, including but not limited to the payment of all district fees and costs, provision of water to the site, provisions of water to the site by the applicant, independent of the NCSO's water production facilities, the provision of sewer services to the property, and supplying infrastructure to and within the proposed area of annexation
  - B. Prior to San Luis Obispo LAFCO completing the annexation process, the NCSO shall (a) have completed the final project approval for the waterline extension to the Maria Vista site and activation of the two existing "Dana Wells" that also include, but is not limited to environmental review pursuant to the California Environmental Quality Act and (b) provide LAFCO with written confirmation that all parts of Condition No. 1 (above) have been complied with.
5. That the legal description approved by this Commission is attached hereto, marked Exhibit B and incorporated by reference herein as though set forth in full.
6. That the Executive Officer of this Commission is authorized and directed to mail copies of this resolution in the manner provided by law.

Upon a motion of Commissioner Settle, seconded by Commissioner Mann, and on the following roll call vote:

AYES:	Commissioners Settle, Mann, Roberts, and Chairman Ryan
NOES:	Commissioners Moffatt and Picanco
ABSENT:	Commissioners Pinard and Johnson
ABSTAINING:	None

The foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairman of said Local Agency  
Formation Commission

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JANUARY 23, 2002

AGENDA ITEM  
JAN 23 2002



REQUEST FOR SERVICE  
427 AMADO ST  
NUNEZ

**ITEM**

Request for water and sewer service to the Nunez' property at 427 Amado Street (outside District boundary) in Nipomo.

**BACKGROUND**

This request for service has previously been presented to your Honorable Board at the September 12 and the December 12, 2001 meetings. The Nunez' family is requesting water and sewer service based on a hardship finding. Based on the information provided, it is difficult for staff to determine if a hardship case exists.

It would seem logical if the Nunez' family wishes to receive services from the District, they could proceed with a straight annexation to the District and comply with the District's requirements:

- Request annexation
- Complete annexation application
- Execute annexation agreement with the District
- Apply to LAFCO for annexation into the District
- Enter into a Retrofit Agreement and retrofit 8 homes (as part of annexation agreement)
- Pay all water, sewer and annexation fees associated with the request

An alternative to annexation may be an Outside User Agreement. The following would be required:

- Hardship finding
- Approval by your Honorable Board of an Outside User Agreement limited to providing service to one existing residence
- LAFCO approval of Outside User Agreement limited to providing service to one existing residence (Applicant to pay fees)
- Enter into a Retrofit Agreement and retrofit eight (8) homes to create sufficient water supply for the one existing residence
- Pay all appropriate water and sewer fees associated with the request
- Outside the District Boundary monthly water and sewer rates would apply

**RECOMMENDATION**

Staff recommends that your Honorable Board direct staff to notify the Nunez' family to proceed with a straight annexation to the District for water and sewer service.

152  
30  
171

J. JOAKLEN

(F.M. CO. RD. BOT.)

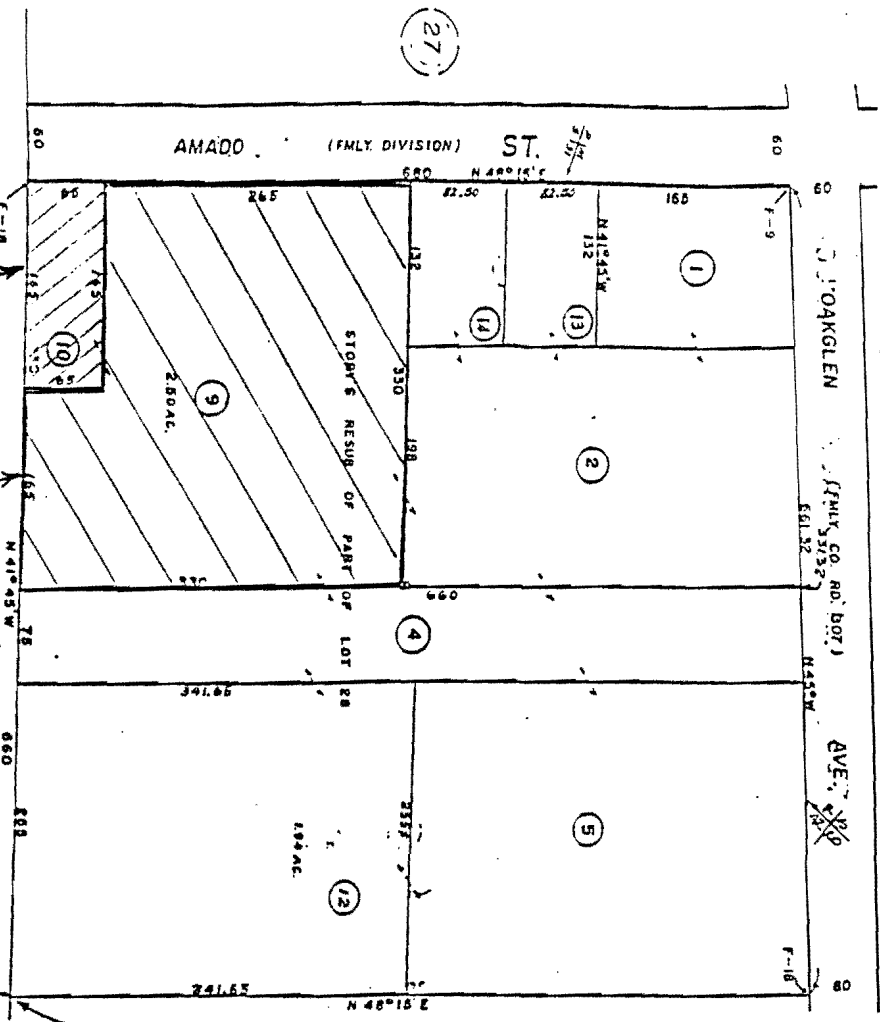
AVE. ~~NO. 101~~

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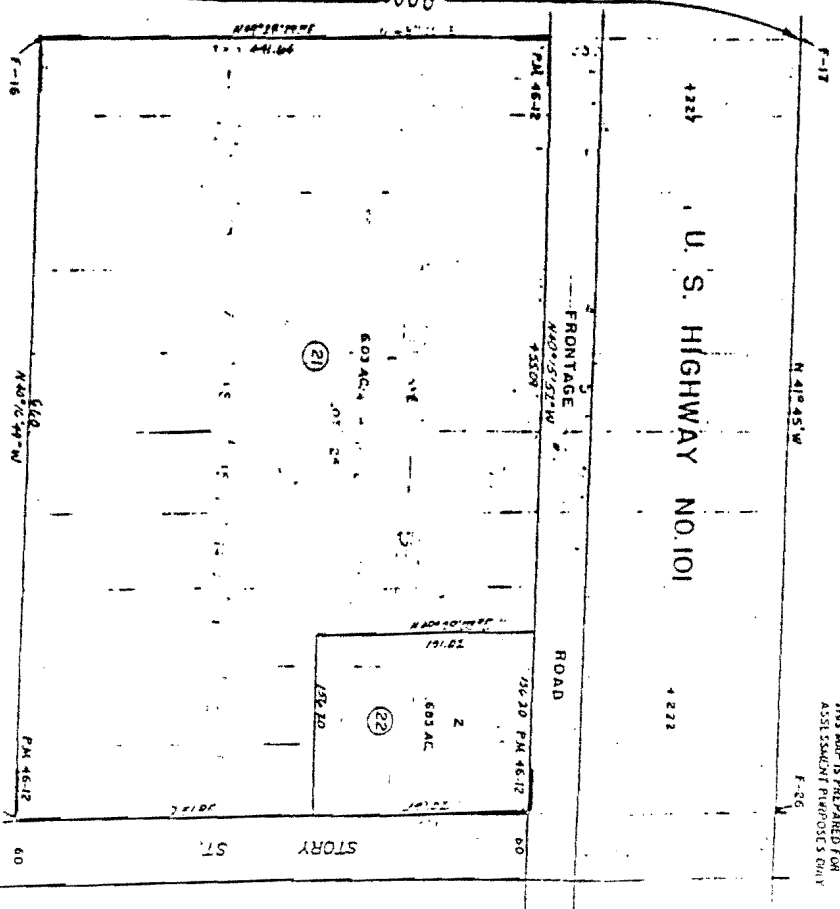
THIS MAP IS PREPARED FOR  
ASSUMED PLANNING ONLY  
F-26



92

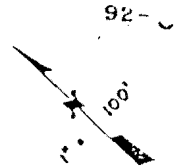


Parcel presently being served  
Parcel requesting service



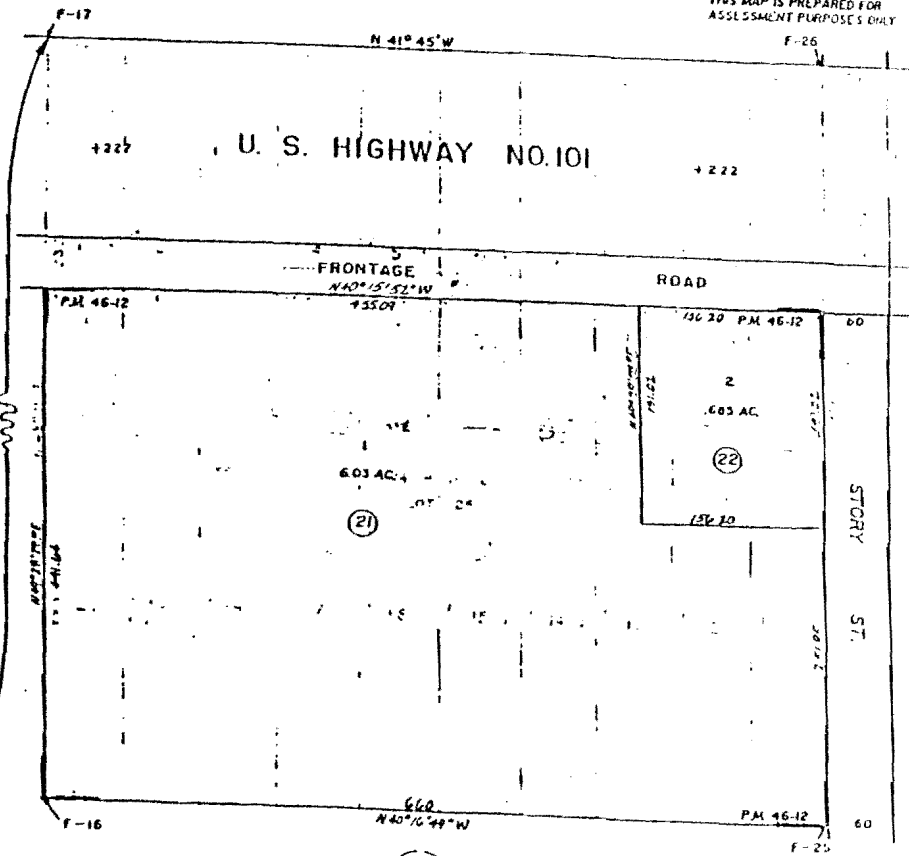
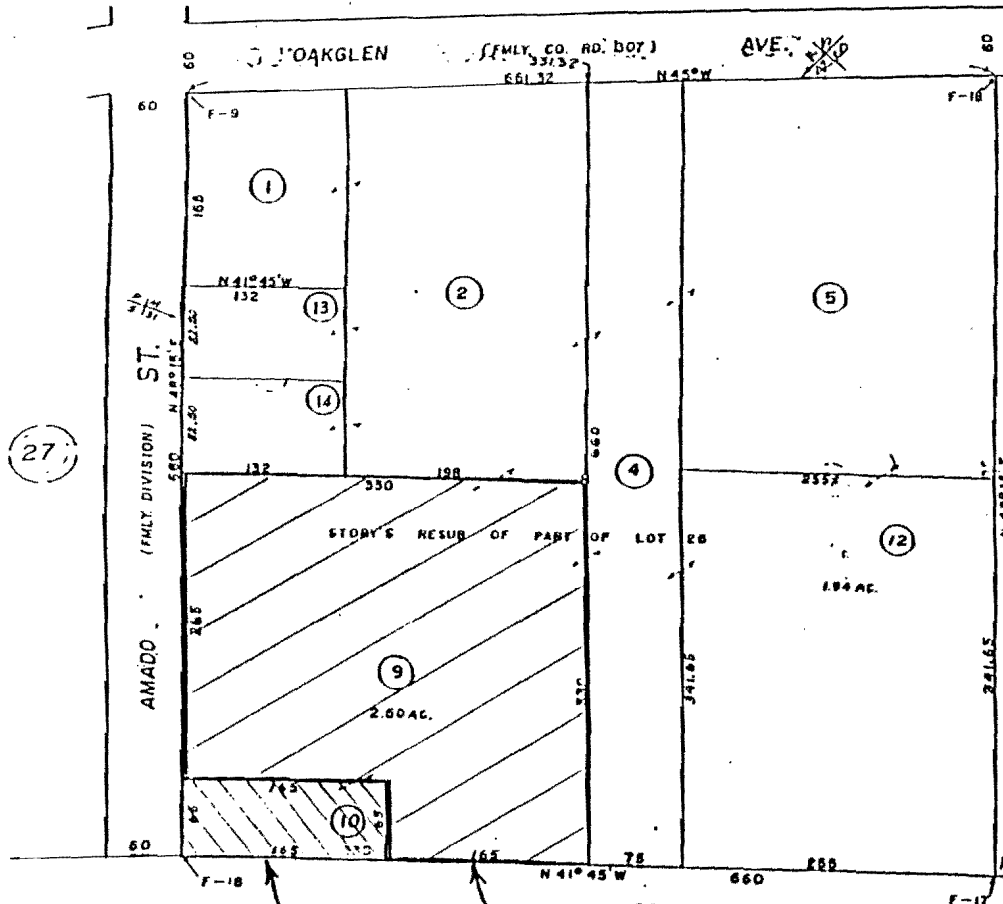
RANCH TOMO  
SAN LUIS O  
CALIFORNIA  
SOUTH AND TRACT

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1519

THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY



27

U. S. HIGHWAY NO.101

Parcel presently being served

Parcel requesting service

RANCHO TOMO  
SAN LUIS OBISPO COUNTY  
CALIFORNIA  
SOUTH AND TRACT



# Stewart Johnston Pumps, Inc.

State License Number 469729

1363 West Main Street Santa Maria, California 93456

(805) 925-6195 Voice (805) 925-5826 FAX (805) 688-2962 FAX

[johnston@stjohn.com](mailto:johnston@stjohn.com)

January 4, 2002

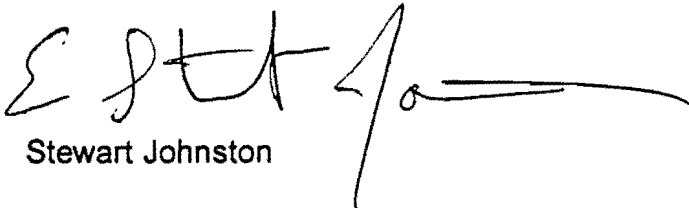
To Whom It May Concern:

Concerning the Maria Nuñez Water System  
427 Amado, Nipomo, CA 93444

I have reviewed our records on the well serving this property.

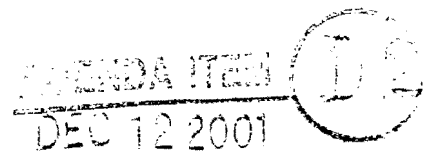
The well depth is 89 feet from ground surface. The standing water level is 65 feet. The pump is set at 84 feet. The production is approximately 10 gpm. The pumping water level is between 65 and 84 feet and is probably close to 80 feet. The age of the well is unknown but local history suggests that it is over 50 years old.

Because the well is very shallow compared to virtually all other wells in the area, this well must be considered a marginal water source the use of which should be discontinued if possible.



Stewart Johnston

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *DJ*  
DATE: DECEMBER 12, 2001



REQUEST FOR SERVICE  
427 AMADO STREET  
NUNEZ

**ITEM**

Request for water and sewer service to the Nunez property at 427 Amado Street (outside District Boundary) in Nipomo.

**BACKGROUND**

The Nunez family has previously requested water and sewer service based on hardship findings. Attached is the September 19, 2001 Board letter for background information.

**WATER SERVICE**

The Nunez' have contacted Stuart Johnson Pump and Soares Vacuum Pump (letters attached) to evaluate the condition of their well and on-site septic system. The Stuart Johnston letter does not indicate the capacity or condition of the well. It just states that it is at a shallow depth, which is unknown. Because of its age, the well may be reaching its useful life. It is possible that the hardship in this situation may be the financial condition of the residents, with respect to the cost of drilling a new well. This may be more expensive than connecting to the District's system plus retrofitting the necessary number of homes to acquire the sufficient amount of water supply for this service. If testimony and documentation is made on this behalf, then there may be possible grounds for a hardship case.

**SEWER SERVICE**

The District has encouraged anyone with septic tanks to connect to the District's sewer system. The Board may find that eliminating the septic tank may lessen the possible contamination of the groundwater basin and allow the property to be connected to the District's sewer system. The Board could approve the sewer service without the hardship since there is adequate sewer capacity for the proposed service.

The following would be required:

- Hardship finding with respect to the water supply
- LAFCO approval for annexation or outside user agreement (Applicant to pay fees)
- Approval by your Honorable Board to provide service to the property
- Retrofit eight (8) homes to create sufficient water supply for the existing residence
- Pay all appropriate water and sewer fees associated with the request

**RECOMMENDATION**

If your Honorable Board makes findings that water and/or sewer service is/are appropriate for 427 Amado Street, direct staff to write a letter to the applicant outlining the procedure and associated costs to provide service to this parcel.

To Whom it may concern  
From Maria H. Nunez  
Subject Access to Water and Sewage

8-13-01

On behalf of my Mother Maria H. Nunez, I am requesting that she have access to the water and sewage utilities at 427 Amado St. Nipomo CA, 93444, Parcel # 092301009.

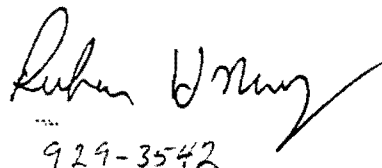
She is 82 years old and has lived at this location for more than 40 years. My Mother has been a widow for more than three years and is on a fixed income with Social Security. Being a widow and a Senior Citizen makes it hard for her to Maintain the simple necessities of water and sewage. My brother and I help out as much as possible. Having full time jobs makes it difficult to be there when emergencies arise.

The money she would need to repair the water pump, septic, and lease line, would be better off spent on hooking up with the city. These utilities runs along her front yard and would be more sufficient and less headaches for a person of her age. We would appreciate an answer as soon as possible, before this becomes a bigger emergency, and possible health hazzard.

There are currently houses on each side of her already hooked up to the city. She is requesting the same access to help alleviate this problem.

Thank you

~~Maria H. Nunez~~  
~~Ruben H. Nunez~~  
~~Victor H. Nunez~~

  
929-3542



Elpidio Cortez Jr.  
244 S. Pacific St.  
Orcutt, Ca.93455  
(805) 349-4587/(805) 937-9609

B011363-1

To whom it may concern: **Nipomo Community Services District**

My name is Elpidio Cortez Jr. I am the owner of the property located at 149 N. Avocado in Nipomo. The property description is TN NIPOMO FAIRVW TR BL 2 LT 17. I am writing this letter requesting water and sewer services from the district for a multi family unit, 2 units total.

Thank You,

**Elpidio Cortez Jr.**

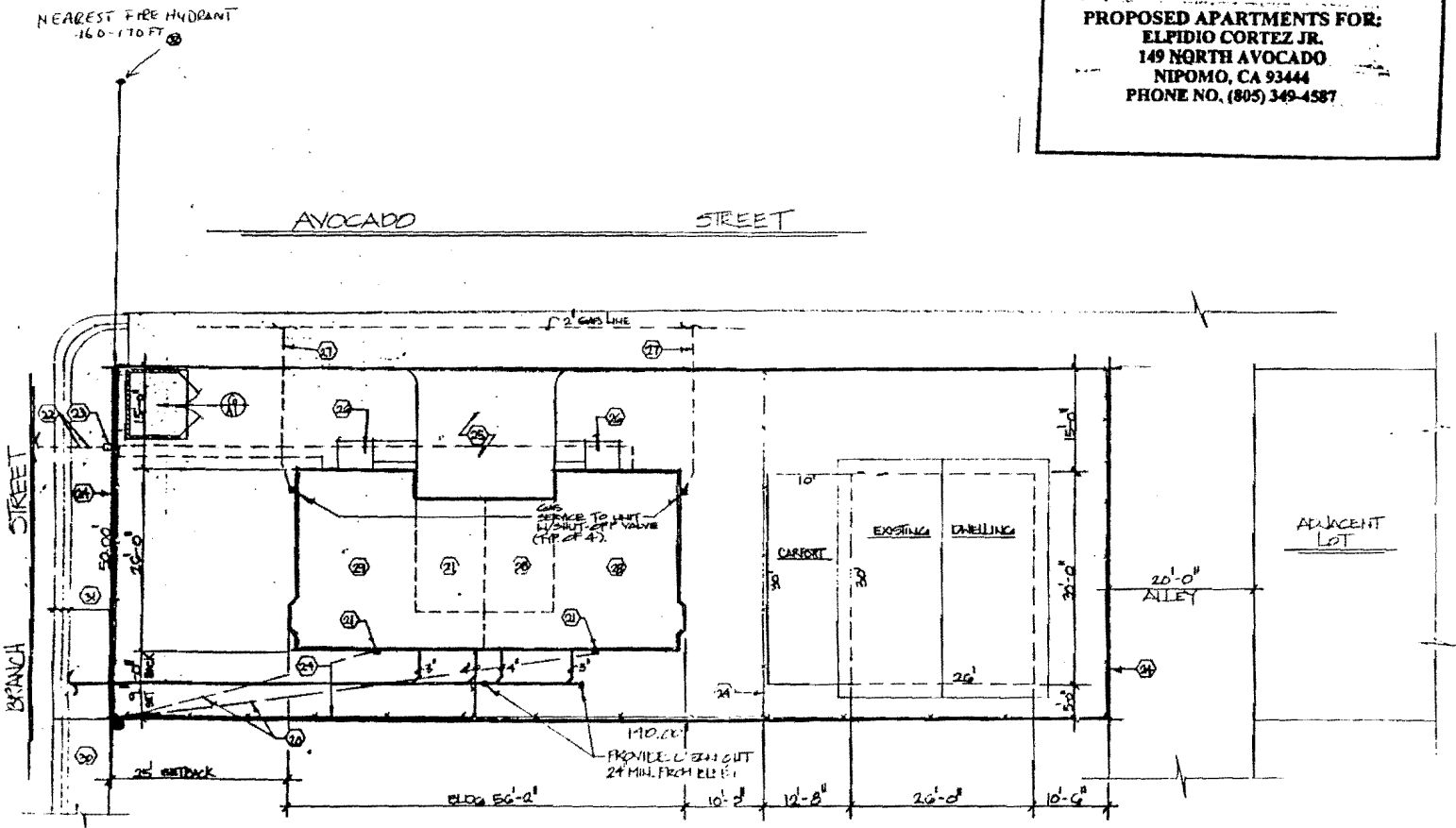
RECEIVED  
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SEP 11 2007

SEP 11 2007

133704

**PROPOSED APARTMENTS FOR:  
ELFIDIO CORTEZ JR.  
149 NORTH AVOCADO  
NIPOMO, CA 93444  
PHONE NO. (805) 349-4587**

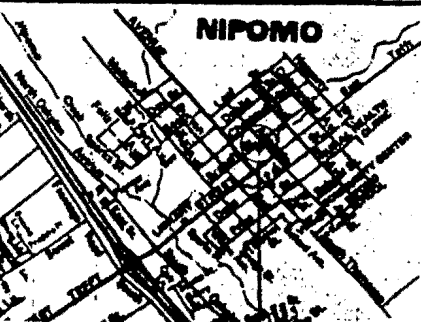


17. 1/2 RECONWOOD BOARD.
18. STANDARD GALVANIZED GATE HINGE ASSEMBLY.
19. CONCRETE FOOTING.
20. OVERHEAD BREAK TO APARTMENTS.
21. ELECTRICAL PANELS FOR APARTMENTS.
22. WATER LINE FROM STREET TO WALK-IN METE.
23. WATER METER FOR APARTMENTS.
24. 6" WOOD FLOOR.
25. CONCRETE DRIVEWAY.
26. PORCH TO APARTMENTS.
27. 1" GAS LINE FROM STREET TO GAS METER.
28. APARTMENT 'A' WITH SINGLE CAR GARAGE.
29. APARTMENT 'B' WITH SINGLE CAR GARAGE.
30. EXISTING 5'-0" SIDEWALK 1/2" CURB AND 18" GUTTER.
31. PROPOSED 5'-0" SIDE WALK 1/2" CURB AND 18" GUTTER.
32. NEAREST FIRE HYDRANT 160-170 FT

**DESCRIPTION:**

1. OWNER: ELFIDIO CORTEZ JR.  
ADDRESS: 149 NORTH AVOCADO  
NIPOMO, CA 93444  
PHONE: (805) 349-4587
2. APR. 090-385-010 - LOT SIZE - 7000 SQ. FT.
3. APPROX. SQ. FT. OF EXISTING HOUSE: 1800 SQ. FT.  
APPROX. SQ. FT. OF EXISTING CARPORT: 350 SQ. FT.  
APPROX. SQ. FT. OF PROPOSED APARTMENTS: 2250 SQ. FT.  
APPROX. SQ. FT. OF PROPOSED SINGLE CAR GARAGE: 350 SQ. FT.  
TOTAL LIVABLE AREA AT PROPOSED APARTMENTS: 2025 SQ. FT.
4. BUILDING INFORMATION:  
OCCUPANCY GROUP: S-3  
TYPE OF CONSTRUCTION: V-4  
SPRINKLERS: NO  
NUMBER OF STORES: 1
5. CONTRACTOR TO VERIFY ALL DIMENSIONS ON JOB SITE WITH DIMENSIONS ON PLANS. ANY DISCREPANCY ON PLANS, CONTRACTOR TO CONTACT DESIGNER IMMEDIATELY.
6. "THIS PROJECT SHALL COMPLY WITH THE CALIFORNIA ADMINISTRATION CODE, TITLE 24, THE 1997 UNIFORM BUILDING, THE PLUMBING, MECHANICAL CODES AND ACCUMULATIVE SUPPLEMENTS, 1997 NATIONAL ELECTRIC CODE, AND THE COUNTY OF SAN LUIS OBISPO MUNICIPAL CODE."
7. "IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW SHEET D1 AND D2 FOR ALL DETAILS AND ALL SPECIFICATIONS THAT APPLY TO THIS PROJECT."

**VICINITY MAP**



**SITE PLAN**

NOTE: DIMENSIONS IN INCHES




SCALE: 1" = 10' 00"

**DETAILS**

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *DJ*  
DATE: JANUARY 23, 2002

**AGENDA ITEM**  
**JAN 23 2002**



SPECIAL DISTRICT LATENT POWERS

**ITEM**

Adopt a resolution to support the return of latent powers to special districts from LAFCO

**BACKGROUND**

At the Board meeting held on January 9, 2002, the Board discussed the possibility of acquiring its unexercised latent powers from Local Agency Formation Commission (LAFCO). Staff was directed to prepare a resolution supporting a return of latent powers for consideration by your Honorable Board. If this resolution is passed, it will be presented to the San Luis Obispo Chapter of the Special Districts Association as a proposed model to initiate a majority of special districts approval within the County to acquire their dormant latent powers.

**RECOMMENDATION**

If your Honorable Board so desires, adopt Resolution 2002-Latent.

Board 2002\Latent.DOC

RESOLUTION NO. 2002-\_\_\_\_\_

**A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS REQUESTING THE APPEAL OF  
REGULATION LIMITING OF SPECIAL DISTRICT LATENT POWERS**

**WHEREAS**, independent special districts were represented on the Local Agency Formation Commission (LAFCO) prior to January 1, 2001; and

**WHEREAS**, on November 11, 1994 LAFCO adopted Rules and Regulations limiting the exercise of powers by independent special districts as a condition of special district representation on LAFCO; and

**WHEREAS**, Government Code §56820 (AB 2838) now provides:

**§ 58620. Proceedings for adoption, amendment or repeal of regulations; initiation** The commission (LAFCO) may take proceedings pursuant to this chapter for the adoption, amendment, or repeal of regulations affecting the functions and services of special districts within the county. Those proceedings may be initiated either by the commission or by independent special districts within the county. If the commission has representation from special districts prior to January 1, 2001, and if the commission has previously adopted regulations limiting the exercise of powers by its special districts as a condition of that representation, those regulations shall be repealed upon the request of a majority of independent special districts within the county (emphasis added); and

**WHEREAS**, the Board of Directors of the Nipomo Community Services District (District), an independent special district that is subject to the November 11, 1994 LAFCO Rules and Regulations, finds that it is in the District's interest to demand that said LAFCO Rules and Regulations be repealed as provided in Government Code § 56820.

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

That the LAFCO repeal current Rules and Regulations limiting the exercise of independent special districts latent powers.



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

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted this \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
RICHARD MOBRAATEN,  
PRESIDENT

ATTEST:

\_\_\_\_\_  
DONNA JOHNSON.  
Secretary to the Board

Approved as to Form:

\_\_\_\_\_  
JON S. SEITZ,  
District Legal Counsel

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# GOVERNMENT CODE

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## TITLE 5. LOCAL AGENCIES

### Division 3. Cortese-Knox Local Government Reorganization Act Of 1985

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#### Part 1. General

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**§ 56000. Short title** This division shall be known and may be cited as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

CREDIT(S)

(Added by Stats.1985, c. 541, § 3, eff. Sept. 9, 1985, operative Jan. 1, 1986. Amended by Stats.1985, c. 1599, § 1.3.)

(Amended by Stats.2000, c. 761 (A.B.2838), § 3.5.)

**§ 56001. Legislative findings and declarations; boundaries consolidation** The Legislature finds and declares that it is the policy of the state to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the state. The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. The Legislature also recognizes that providing housing for persons and families of all incomes is an important factor in promoting orderly development. Therefore, the Legislature further finds and declares that this policy should be effected by the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services and housing for persons and families of all incomes in the most efficient manner feasible.

The Legislature recognizes that urban population densities and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The Legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities are required to be established regarding the type and levels of services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against the total financial

resources available for securing community services; and that those community service priorities are required to reflect local circumstances, conditions, and limited financial resources. The Legislature finds and declares that a single multipurpose governmental agency is accountable for community service needs and financial resources and, therefore, may be the best mechanism for establishing community service priorities especially in urban areas. Nonetheless, the Legislature recognizes the critical role of many limited purpose agencies, especially in rural communities. The Legislature also finds that, whether governmental services are proposed to be provided by a single-purpose agency, several agencies, or a multipurpose agency, responsibility should be given to the agency or agencies that can best provide government services.

CREDIT(S)

(Added by Stats.1985, c. 541, § 3, eff. Sept. 9, 1985, operative Jan. 1, 1986.)

(Amended by Stats.2000, c. 761 (A.B.2838), § 4.)

## Chapter 5. Proceedings For Special Districts

### Article 1. Representation And Functions

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#### **§ 56820. Proceedings for adoption, amendment or repeal of regulations;**

**initiation** The commission may take proceedings pursuant to this chapter for the adoption, amendment, or repeal of regulations affecting the functions and services of special districts within the county. Those proceedings may be initiated either by the commission or by independent special districts within the county. If the commission has representation from special districts prior to January 1, 2001, and if the commission has previously adopted regulations limiting the exercise of powers by its special districts as a condition of that representation, those regulations shall be repealed upon the request of a majority of independent special districts within the county.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56820.5. Regulations; authority; adoption** The commission may adopt, amend, or repeal regulations affecting the functions and services of special districts within the county. The regulations shall designate the special districts, by type and by principal act, to which they apply and the regulations shall not apply to, or affect the functions and services of, any special districts not so designated. The regulations may do any of the following:

(a) Classify the various types of service which customarily are, or can be, provided within a single function of a special district. A class may be based upon the type of service, the purpose or use of the service, the facilities used to provide the service, the type of consumers or users of the service, the extent of territory provided with the service, and any other factors which, in the opinion of the commission, are necessary or convenient to group persons, properties, or activities into a class having common characteristics distinct

from those of other classes.

(b) Require existing districts to file written statements with the commission specifying the functions or classes of service provided by those districts.

(c) Establish the nature, location, and extent of any functions or classes of service provided by existing districts.

(d) Determine that, except as otherwise authorized by the regulations, no new or different function or class of service shall be provided by any existing district.

The regulations shall not apply to the extension or enlargement, within the boundaries of an existing special district, of any function or service which the commission, pursuant to this section, has established is currently being provided by that special district.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56820.7. Application for formation of a special district; conditional**

**approval** In any county where regulations have been adopted, an application for the formation of a special district shall set forth the functions and services proposed to be provided by the district. If, in the opinion of the commission, approval of the application will necessitate adoption of any new regulations or the amendment or repeal of any existing regulations, the commission may condition approval of the application upon the adoption, amendment, or repeal of the regulations and shall initiate and conduct proceedings pursuant to this chapter for the adoption, amendment, or repeal of those regulations.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56821. Adoption of resolution pending proceedings** Either the commission or the legislative body of any independent special district within a county may adopt a resolution initiating proceedings as follows:

(a) It may propose representation of special districts upon the commission.

(b) It may propose the adoption, amendment, or repeal of regulations affecting the functions and services of special districts, in which case it shall request that the commission do either of the following:

(1) Consider the proposal without reference to a special district advisory committee, in which case the resolution shall contain the text of the regulations proposed to be adopted, amended, or repealed.

(2) Refer the proposal to a special district advisory committee for study, report, and recommendation, in which case the resolution shall generally describe the nature of the regulations proposed to be amended, adopted, or repealed and, if then available, shall refer to a text on file with the clerk of the district for a detailed description of the regulations.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56821.1. Consideration of commission's resolution by independent special district selection committee; procedures following approval or disapproval** If

the commission adopts a resolution pursuant to subdivision (a) of Section 56821, the executive officer shall immediately call a meeting of the independent special district selection committee referred to in Section 56332. The meeting shall be held not less than 15, or more than 35, days from the adoption of the resolution by the commission. The independent special district selection committee shall meet at the time and place designated by the executive officer and shall consider the resolution adopted by the commission. By majority vote of those district representatives voting on the issue, the selection committee shall either approve or disapprove the resolution adopted by the commission. If the selection committee approves the resolution adopted by the commission, it shall immediately inform the executive officer of that action, and the commission at its next meeting shall adopt a resolution of intention pursuant to Section 56822. If the selection committee disapproves the resolution adopted by the commission, it shall immediately inform the executive officer of this action and all further proceedings under this chapter shall cease.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56821.3. Consideration by commission of resolutions adopted by independent special districts** If an independent special district adopts a resolution pursuant to subdivision (a) of Section 56821, it shall immediately forward a copy of the resolution to the executive officer. Upon receipt of those resolutions from a majority of independent special districts within a county, adopted by the districts within one year from the date that the first resolution was adopted, the commission, at its next regular meeting, shall adopt a resolution of intention pursuant to Section 56822.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56821.5. Certified copy of resolution and text of regulations to be filed** A certified copy of any resolution which has been adopted by an independent special district pursuant to subdivision (b) of Section 56821 and a copy of the text, if any, of proposed regulations referred to in the resolution shall be filed with the executive officer. If a resolution, or substantially identical resolution, has been filed by a majority of independent special districts within the county, then, not later than 35 days after the filing, the commission shall adopt a resolution of intention in accordance with the filed resolution or resolutions.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56821.7. Minor changes in existing rules and regulations** Minor changes in any existing regulation affecting special districts may be ordered by the commission, without adoption of a resolution of intention, notice, and hearing, or reference to a special district advisory committee, if the commission makes a determination that those changes will not substantially affect the functions and services of any special district subject to those regulations and that determination is concurred in by both of the commission members appointed to represent the special districts.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56822. Resolution of intention; contents** Whenever the commission, or the independent special districts, as the case may be, have complied with the applicable provisions of Sections 56821, 56821.1, 56821.3, and 56821.5, the commission shall adopt a resolution of intention pursuant to this section. The resolution of intention shall do all of the following:

(a) State whether the proceedings are initiated by the commission or by an independent special district or districts, in which case, the names of those districts shall be set forth.

(b) If the resolution of intention proposes only the adoption, amendment, or repeal of regulations affecting the functions and services of special districts, it shall state that the commission proposes either of the following:

(1) To consider the proposal without reference to a special district advisory committee, in which case the resolution shall contain the text of the regulations proposed to be adopted, amended, or repealed.

(2) To refer the proposal to a special district advisory committee for study, report, and recommendation, in which case the resolution shall generally describe the nature of the regulations proposed to be amended, adopted, or repealed and, if then available, shall refer to a text on file with the executive officer for a detailed description of the regulations.

In addition, the resolution of intention adopted pursuant to this subdivision shall also fix a time, not less than 15 or more than 35 days after the adoption of the resolution of intention, and the place of hearing by the commission on the question of whether the proposal made by the resolution should be disapproved, approved, and ordered without reference to a special district advisory committee, or referred to a special district advisory committee for study, report, and recommendation to the commission.

(c) If the resolution of intention proposes representation of special districts on the commission, it shall state that the commission proposes to refer the proposal to a special district advisory committee and the commission shall immediately order the proposal referred to that committee pursuant to Section 56823.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56822.3. Hearing on resolution of intention; notice** If a hearing is called pursuant to subdivision (b) of Section 56822, the executive officer shall give notice of the hearing by publication, as provided in Sections 56153 and 56154, by posting, as provided in Sections 56158 and 56159, and by mailing to the clerk of the county and each local agency within the county, as provided in Sections 56155, 56156, and 56157.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56822.5. Hearing on resolution of intention; time and place; approval or disapproval** The hearing referred to in Section 56822.3 shall be held by the commission at the time and place specified or to which the hearing may be continued.

After the conclusion of the hearing, the commission shall adopt a resolution disapproving the proposal made by the resolution of intention, approving and ordering the proposal without reference to a special district advisory committee, or ordering the proposal referred to a special district advisory committee for study, report, and recommendation.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56823. Advisory committee; appointment; proceedings; definition** If the commission orders a proposal referred to a special district advisory committee for study, report, and recommendation, the appointment of, and proceedings by, the advisory committee shall be made and taken substantially in accordance with the provisions of Chapter 6 (commencing with Section 56826), pertaining to reorganization committees, except that the advisory committee shall not be terminated until after the commission acts upon the report and recommendation of the advisory committee. When applied to proceedings taken pursuant to this chapter:

(a) "Plan of reorganization" means a plan containing the text of regulations affecting the functions and services of special districts.

(b) "Proposal of reorganization," "reorganization," or "change of organization" means a proposal made pursuant to this chapter.

(c) "Reorganization committee" means the special district advisory committee.

(d) "Subject district" means an independent special district affected by a proposal made pursuant to this chapter.

If the commission is of the opinion that special districts, other than independent special districts, may be affected by the proposal, then, in addition to the appointment of voting members to the advisory committee to represent independent special districts, the commission may authorize the legislative bodies of special districts, other than independent special districts, to appoint nonvoting members to the advisory committee. Any nonvoting member shall have all of the rights of a voting member except the right to vote.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56824. Advisory committee; executive committee; membership; duties and powers** Where a special district advisory committee consists of voting members representing more than five independent special districts, the advisory committee may appoint an executive committee to undertake all or part of the study and may authorize the executive committee to prepare a tentative report and recommendation for submission to and approval by the full advisory committee. The executive committee shall consist of the number of voting members as the advisory committee may determine. If the commission authorizes the appointment of nonvoting members to the advisory committee, those nonvoting members may appoint members to the executive committee in numbers not exceeding those appointed by the voting members and any nonvoting member appointed to the executive committee shall have all of the rights of a voting member on the committee, except the right to vote.

Upon completion of the studies of the executive committee, the executive committee shall report to the full advisory committee and submit any tentative report and

**§ 56824.5. Hearing on approval of report and recommendation of advisory committee; time and place; proposal for changes**

The hearing shall be held by the commission at the time and place specified or to which the hearing may be continued. During the course of the hearing, the commission may propose changes in the report and recommendations. Any proposed changes shall be referred, for review, to the special district advisory committee, or if the advisory committee has appointed an executive committee, to that executive committee. The advisory committee, or the executive committee, shall have 60 days to report back to the commission. If no report is received by the commission within 60 days, the advisory committee shall be deemed to have approved the proposed changes in the report and recommendation.

Within 30 days after the conclusion of the hearing, the commission shall adopt a resolution approving the report and recommendation, either as filed or as those regulations may be changed by the commission.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56824.7. Resolution approving report and recommendation of advisory committee; orders**

Any resolution approving the report and recommendation of a special district advisory committee, either as filed or as changed by the commission, shall order both of the following:

(a) The adoption, amendment, or repeal of regulations, in accordance with the recommendations of the approved report.

(b) The chairperson of the commission to call and give notice of a meeting of the independent special district selection committee to be held within 15 days after the adoption of the resolution if special district representatives on the commission are to be selected pursuant to Section 56332.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)



recommendation prepared by the executive committee. Thereafter, the advisory committee may reject any tentative report and recommendation submitted, may adopt any tentative report and recommendation submitted, either as submitted by the executive committee or as changed by the full advisory committee, or the advisory committee may prepare its own report and recommendation.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56824.1. Action of commission on report and recommendation of advisory committee**

Not later than 35 days after the filing with the executive officer of the report and recommendation of a special district advisory committee, the commission shall take one of the following actions:

(a) If the report concerns only the adoption, amendment, or repeal of regulations affecting the functions and services of special districts, the commission may do either of the following:

- (1) Disapprove the report without further notice and hearing.
- (2) Adopt a resolution of intention to hold a hearing on the report pursuant to subdivision (c).

(b) If the report concerns a request for special district representation on the commission, the commission shall adopt a resolution declaring its intention to approve the report and recommendation.

(c) A resolution of intention shall do all of the following:

(1) Refer to the report and recommendation of the special district advisory committee, generally describe the nature and contents of the report and recommendation, and refer to the report and recommendation on file with the executive officer for a detailed description report and recommendation.

(2) Declare the intention of the commission to approve the recommendation and report, as filed or as those regulations may be changed by the commission after notice and hearing.

(3) Fix a time, not less than 15 days, or more than 35 days, after the adoption of the resolution of intention, and the place of hearing by the commission, on the question of whether the report and recommendation filed by the special district advisory committee should be approved, either as filed or as ordered changed by the commission after notice and hearing.

CREDIT(S)

(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

**§ 56824.3. Hearing on approval of report and recommendation of advisory committee; notice**

The executive officer shall give notice of the hearing by publication, as provided in Sections 56153 and 56154, by posting, as provided in Sections 56158 and 56159, and by mailing to the clerk of the county and each local agency within the county, as provided in Sections 56155, 56156, and 56157.

CREDIT(S)

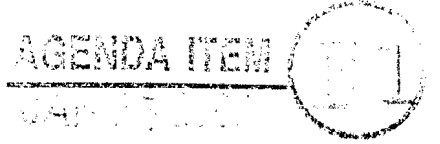
(Added by Stats.2000, c. 761 (A.B.2838), § 126.)

## COMMUNITY SERVICES DISTRICTS

### § 61600. Enumeration of purposes

A district formed under this law may exercise the powers granted for any of the following purposes designated in the petition for formation of the district and for any other of the following purposes that the district shall adopt:

- (a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.
- (b) The collection, treatment, or disposal of sewage, waste, and storm water of the district and its inhabitants.
- (c) The collection or disposal of garbage or refuse matter.
- (d) Protection against fire.
- (e) Public recreation including, but not limited to, aquatic parks and recreational harbors, equestrian trails, playgrounds, golf courses, swimming pools, or recreational buildings.
- (f) Street lighting.
- (g) Mosquito abatement.
- (h) The equipment and maintenance of a police department, other police protection, or other security services to protect and safeguard life and property.
- (i) To acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.
- (j) The constructing, opening, widening, extending, straightening, surfacing, and maintaining, in whole or in part, of any street in the district, subject to the consent of the governing body of the county or city in which the improvement is to be made.
- (k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which the improvement is to be made.
- (l) The conversion of existing overhead electric and communication facilities to underground locations, which facilities are owned and operated by either a "public agency" or a "public utility," as defined in Section 5896.2 of the Streets and Highways Code, and to take proceedings for and to finance the cost of the conversion in accordance with Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code, subject to the consent of the public agency or public utility responsible for the owning, operation, and maintenance of the facilities. Nothing in this section gives a district formed under this law the power to install, own, or operate the facilities that are described in this subdivision.
- (m) To contract for ambulance service to serve the residents of the district as convenience requires, if a majority of the voters in the district, voting in an election thereon, approve.
- (n) To provide and maintain public airports and landing places for aerial traffic.
- (o) To provide transportation services.
- (p) To abate graffiti.
- (q) To construct, maintain, and operate flood protection works and facilities, subject to the following conditions:
  - (1) The planning, design, construction, maintenance, and operation of flood protection works and facilities, or substantially similar works or facilities, is not within the authority of another public agency, except that a public agency and the district are not precluded from entering into agreements for the district to provide those services.
  - (2) The governing body of the city or county in which the services specified in paragraph (1) are to be provided by the district has consented to the district providing those services.



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *D*  
DATE: JANUARY 23, 2002

YEAR 2002 DISTRICT INVESTMENT POLICY

**ITEM**

Annual adoption of District Investment Policy

**BACKGROUND**

The California Government Code Section 53646 (2) requires local government entities to adopt an annual investment policy.

GC§ 52646(2) reads as follows:

**In the case of any other local agency, the treasurer or chief fiscal officer of the local agency shall annually render to the legislative body of that local agency and any oversight committee of that local agency a statement of investment policy, which the legislative body of the local agency shall consider at a public meeting, Any change in the policy shall also be considered by the legislative body of the local agency at a public meeting.**

Your Honorable Board adopted an investment policy for last year and it is proposed that the same investment policy be continued. Attached for the Board's review is the Year 2002 Investment Policy along with a resolution for adopting the policy.

**RECOMMENDATION**

Staff recommends that the Board approve Resolution 2002-invest adopting the Year 2002 District Investment Policy.

Board 2002\Investment policy.DOC

RESOLUTION NO. 2002-Investment

A RESOLUTION OF THE  
BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE YEAR 2002 DISTRICT INVESTMENT POLICY

**WHEREAS**, the Board of Directors of the Nipomo Community Services District believes that public funds should, so far as is reasonably possible, be invested in financial institutions to produce revenue for the District rather than to remain idle, and

**WHEREAS**, from time to time there are District funds which for varying periods of time will not be required for immediate use by the District, and which will, therefore, be available for the purpose of investing in financial institutions with the objectives of safety, liquidity, yield and compliance with state and federal laws and policies.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Nipomo Community Services District hereby adopts a District investment policy attached hereto as Exhibit "A".

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this 23<sup>RD</sup> day of January, 2002, on the following roll call vote:

AYES: Directors

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Richard Mobraaten, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

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

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

**RESOLUTION 2002-INV  
EXHIBIT A**

**YEAR 2002 INVESTMENT POLICY  
NIPOMO COMMUNITY SERVICES DISTRICT**

**1. INTRODUCTION**

The purpose of this written *Investment Policy* is to establish the guidelines for the prudent investment of Nipomo Community Services District funds (herein referred to as District's funds). The objectives of this policy are safety, liquidity, yield, and compliance with state and federal laws and policies.

District funds are to be managed with a high degree of care and prudence. Though all investments contain a degree of risk, the proper concern for prudence, maintenance of high level of ethical standards and proper delegation of authority reduces the potential for any realized loss.

This policy establishes the standards under which the District's Finance Officer will conduct business with financial institutions with regard to the investment process.

**2. FINANCE OFFICER**

The Board of Directors appoints the General Manager as the District Finance Officer and Treasurer. The District's Administrative Assistant shall serve as the District's Finance Officer and Treasurer in the absence of the District's General Manager.

**3. SCOPE**

The District investment portfolio shall consist of money held in a sinking fund of, or surplus money in, the District's treasury not required for the immediate necessities of the District. The District's investment portfolio shall be invested in accordance with this policy.

**4. OBJECTIVES**

The primary objectives are safety, liquidity, yield, and compliance.

**A. SAFETY**

The investment portfolio shall be managed in a manner that ensures the preservation of capital. The objective is to minimize credit risk and interest rate risk.

**B. LIQUIDITY**

The investment portfolio shall remain sufficiently liquid to meet all operating requirements. This shall be accomplished by structuring the investment portfolio so that investments mature concurrent with cash needs.

**C. YIELD**

Yield shall be a consideration only after the requirements of safety and liquidity have been met.

**D. COMPLIANCE**

This Investment Policy is written to be in compliance with California and Federal law.

**RESOLUTION 2002-INV  
EXHIBIT A**

**YEAR 2002 INVESTMENT POLICY  
NIPOMO COMMUNITY SERVICES DISTRICT**

**5. STANDARDS OF CARE**

**A. PRUDENCE**

The Finance Officer will manage the portfolio pursuant to the "Prudent Investor Standard." When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds in the District's investment portfolio, the Finance Officer shall act with care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the District.

**B. DISCLOSURES**

Finance Officer shall disclose any material interest in financial institutions with which he/she conducts the District business.

**6. INVESTMENTS AUTHORITY**

**A. PERMITTED INVESTMENTS**

The District Finance Officer is authorized to invest in the following institutions:

1. County pooled funds (California Government Code § 61730)
2. The Local Agency Investment Fund created by the California State Treasury (California Government Code § 16429.1)
3. One or more FDIC insured Banks and/or Savings and Loan Associations that are designated as District depositories by resolution of the Board of Directors California Government Code § 61737.02).
4. Such other financial institutions or securities that may be designated by the Board of Directors from time to time in compliance with California and Federal law.

**B. PROHIBITED INVESTMENTS**

The District's Finance Officer shall not invest in:

1. Inverse floaters, range notes or interest only strips that are derived from a pool of mortgages.
2. Any security that could result in a zero interest accrual if held to maturity.
3. A state or federal credit union, if a member of the District's Board of Directors or an administrative officer also serves on the Board of Directors, or any committee appointed by the Board of Directors, or the credit committee or supervisory committee, of the state or federal credit union.

**C. DIVERSIFIED INVESTMENTS**

Investments, other than investments referenced in paragraphs **A** (1) and (2) above, will be diversified to avoid losses that may be associated with any one investment.

**RESOLUTION 2002-INV  
EXHIBIT A**

**YEAR 2002 INVESTMENT POLICY  
NIPOMO COMMUNITY SERVICES DISTRICT**

**7. REPORTS**

**A. QUARTERLY REPORT**

Finance Officer shall file a quarterly report that identifies the District's investments and their compliance with the District's Investment Policy. The quarterly report must be filed with the District's auditor and considered by the District's Board of Directors within thirty (30) days after the end of each quarter (i.e., by May 1, August 1, November 1, and February 1) (California Government Code § 53646). Required elements of the quarterly report are as follows:

1. Type of Investment
2. Institution
3. Date of Maturity (if applicable)
4. Amount of deposit or cost of the security
5. Current market value of securities with maturity in excess of twelve months (if applicable)
6. Rate of Interest
7. Statement relating the report to the Statement of Investment Policy
8. Statement of the District's ability to meet cash flow requirements for the next six months.
9. Accrued Interest (if applicable)

**B. ANNUAL REPORT**


Prior to February 1, of each year, the Finance Officer shall file and submit an annual report to the District's auditor and Board of Directors which will contain the same information required in the quarterly report.

The annual report will include a recommendation to the Board of Directors to either:

1. Readopt the District's then current annual Investment Policy; or
2. Amend the District's then current Investment Policy.

**C. LIMITED QUARTERLY REPORT**

If the District has placed all of its investments in the Local Agency Investment Fund (LAIF), created by California Government Code § 16429.1, or in Federal Deposit Insurance Corporation, insured accounts in a bank or savings and loan association, in a County investment pool, or any combination of these, the Finance Officer may submit to the Board of Directors, and the auditor of the District the most recent statement or statements received by the District from these institutions in lieu of the information required in paragraph 7.A, above. This special reporting policy does not relieve the Finance Officer of the obligation to prepare an annual investment report as identified in paragraph 7.B, above.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: JANUARY 23, 2002



## URBAN STREAM RESTORATION PROGRAM

### ITEM

Review the California Department of Water Resources Urban Stream Restoration Grant Program which provides grants for local projects that reduce flooding and erosion on urban streams while improving the environmental values.

### BACKGROUND

At the Board meeting held on January 9, 2002, your Honorable Board took public comments with respect to participating in the Urban Stream Restoration Grant Program. Attached is correspondence from the Department of Water Resources describing the program.

### ITEMS TO CONSIDER:

- This is probably a worthwhile program, but the District has not exercised its latent flood protection powers.
- Consent of the County would be needed to provide this service.
- A funding mechanism would be necessary.
- Any activity associated with this would be only within the District boundaries.

Mr. Herb Kandel, who is knowledgeable in this area, will be invited to the Board to explain the program in more detail.

### RECOMMENDATION

It may be difficult for the District to participate in this program based on the items mentioned above.



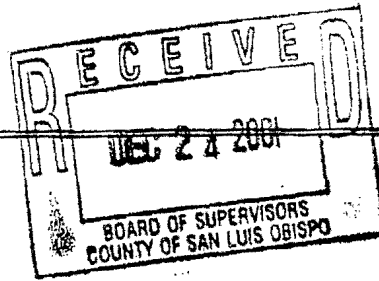
KA

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF WATER RESOURCES

416 NINTH STREET, P.O. BOX 942836  
JACRAMENTO, CA 94236-0001  
(916) 653-5791



December 21, 2001

Dear Urban Stream Advocate:

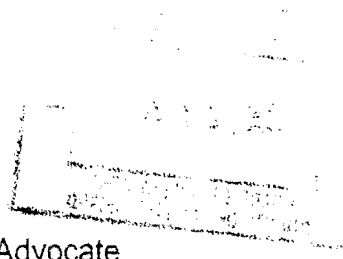
The California Department of Water Resources Urban Streams Restoration Program provides grants for local projects that reduce flooding and erosion on urban streams while improving environmental values. Past grants have funded a variety of activities, including creek cleanups, revegetation efforts, bioengineering bank stabilization projects, channel reconfiguration to improve stream geomorphology, and acquisition of parcels critical for flood management.

The Program received a total of \$25 million with the passage of the Costa-Machado Water Bond Act of 2000 (Proposition 13) and awarded \$12 million in grants for fiscal years 2000-2001 and 2001-2002. The Department is now soliciting applications for an additional \$10 million anticipated to be available for grants in Fiscal Year 2002-2003. The cap for grants is \$1 million per project and successful applicants will be required to complete proposed restoration work by spring 2005. **The application deadline for this cycle is 4:00 p.m. on Wednesday, March 6, 2002.** Please note that all applications must be received by DWR (*not just postmarked*) by that deadline to be considered for funding during this application period.

The enclosed questionnaire may help you determine whether your project could be eligible for funding through the Program. Application materials are available on our web site at the following address: [http://www.dpla.water.ca.gov/urban\\_streams.html](http://www.dpla.water.ca.gov/urban_streams.html). If you do not have access to the Internet and would like to have application materials sent to you, please contact Kurt Malchow at the number below.

If you have questions about the Program or a project you are considering, please contact me at (916) 651-9625 or program staff listed below. You are welcome to submit a one page description of your project for our review and comment prior to completing your application. Time permitting, staff may also be able to provide suggestions to help you complete your application.

- Northern District: Fraser Sime (530) 529-7374 email: [simef@water.ca.gov](mailto:simef@water.ca.gov)
- San Francisco Bay Area: Kurt Malchow (916) 651-9627 email: [kurtm@water.ca.gov](mailto:kurtm@water.ca.gov)
- Central/San Joaquin Dist: Susan Oldland (916) 651-9626 email: [susano@water.ca.gov](mailto:susano@water.ca.gov)
- Southern District: Bea McKamey (818) 548-3040 email: [beam@water.ca.gov](mailto:beam@water.ca.gov)



Urban Stream Advocate  
December 21, 2001  
Page 2

In addition to applying for an Urban Streams Restoration Program grant, you may want to explore several other funding sources for your project. The California Resources Agency and the Department of Parks and Recreation are both offering grant funds for related projects with an application deadline in February 2002. For information on those programs, see the following web sites: <http://resources.ca.gov/bond> and <http://cal-parks.ca.gov/grants/bond/07bond.htm> or call us for more information.

Thank you for your continuing interest in stream restoration and stewardship.

Sincerely,

Sara E. Denzler, Program Coordinator  
Urban Streams Unit  
Division of Planning and Local Assistance

Enclosure

**PRE-APPLICATION QUESTIONNAIRE  
URBAN STREAMS RESTORATION GRANT PROGRAM  
Spring 2002**

**This is a voluntary questionnaire to help you assess whether your project could successfully compete for a grant this spring. With your stream project in mind, please answer the following questions:**

Does the proposed project address a stream-related problem?

Yes\_\_No\_\_

Is flooding and/or erosion from the stream affecting an urban area?

Yes\_\_No\_\_

Will the project utilize cost effective, low maintenance, and environmentally sensitive stream management techniques to decrease flooding or erosion?

Yes\_\_No\_\_

Will the project help restore the natural environmental values of the creek (e.g. restore hydrology and biology closer to conditions found on a naturally functioning creek system)?

Yes\_\_No\_\_

Are there two sponsors for the project: a local (not state or federal) governmental sponsor, and a citizen's group?

Yes\_\_No\_\_

Are the citizens of the affected area directly involved to plan, carry out, and maintain the project?

Yes\_\_No\_\_

Will the project better inform the public about stream and watershed management and the impacts of development on flooding and erosion?

Yes\_\_No\_\_

**If you answered "Yes" to these questions, your project may be eligible to receive grant funds. If you would like to obtain application materials, please refer to our web site at: [www.dpla.water.ca.gov/urban\\_streams.html](http://www.dpla.water.ca.gov/urban_streams.html). If you do not have access to the Internet and would like to have an application mailed to you, please call Kurt Malchow at (916) 651-9627.**

**If you answered "No" to these questions, your project may not be suitable for a grant through the Urban Streams Program. For other potential sources of funding, please refer to the Other Funding Sources section of our web site or call Kurt Malchow at (916) 651-9627.**

## STATE GRANT PROGRAM

# Water district seeks \$100,000 for dam study

■ The Twitchell reservoir has a sediment problem officials hope to fix with the help of newly available government funding.

**Karen White**  
Senior Times Writer

SMT  
1-6-02

SANTA MARIA — The Santa Maria Valley Water Conservation District could receive a \$100,000 grant through a state water bond program.

The money, if received this spring, would finance a feasibility study for sediment removal at Twitchell Dam.

Flooding and upstream wild fires has reduced the total capacity of the dam from about 250,000 acre feet to 200,000 acre feet of storage.

The money will come through the State Drinking Water, Clean Water, Watershed Protection and Flood Protection Act, Prop. 13, a \$1.97 billion bond program passed by voters to fund projects to protect the state's waterways.

Michael Nunley of John Wallace and Associates of San Luis Obispo, prepared the engineering for the request application. It has just been forwarded to the state.

Gov. Gray Davis announced Dec. 28 that local public agencies and nonprofit groups can tap into a new stream of more than \$82 million in grant money from the State Water Resources Control Board and CALFED program, from Prop. 13.

The deadline for applications is Feb. 1.

This is the second round of programs. Last year, the State Water Board allocated more than \$40 million to 63 projects.

The sediment project has already resulted in a half-million dollar federal grant from Housing and Urban Development for emergency clean-up at the dam. This project is still in the planning stage.

But the state grant would be used to create a more

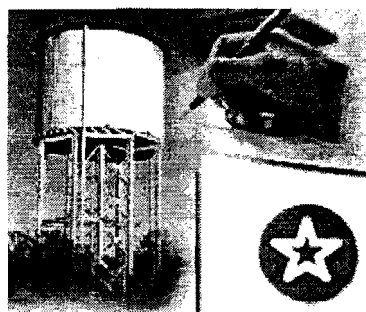
**Continued from page A-1**  
permanent solution to the flow of mud and debris into the bay from the Cuyama River and Alamo and Huasna Creeks, Nunley said.

Twitchell holds back half of the water that would normally flow into the Santa Maria River. The water held back is then released through the summer months to recharge local

valley water basins.

The dam also serves to provide winter flood control.

John Wallace and Associates is contracted for special projects for the local water conservation project. It also has undertaken several projects for the City of Guadalupe, including the just-completed water and sewer and underground utility upgrade.



## Local Government Environmental Assistance Network

HOT TOPICS	WHAT'S NEW?	REGULATORY INFORMATION	TOOLS & RESOURCES	CALENDAR
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**What's New?****Local Governments Eligible for Grants to Research Stormwater and Urban Drainage**

Local governments are eligible to receive research grants to perform monitoring of sustainable urban drainage systems (SUDS) or best management practices (BMPs) that have been implemented in municipal storm water control facilities. The grants are available through the Water Environment Research Foundation (WERF), a nonprofit water quality research organization. Through post-construction monitoring, this project seeks to assess the design, performance, and whole-life-cycle costs (capital, operation, and maintenance costs) of selected BMPs/SUDS.

The terms BMPs and SUDS are interrelated, and similarly defined. BMPs are one aspect of SUDS. In the context of drainage systems, BMPs are practices that remove pollutants from storm water or prevent pollutants from being introduced into runoff. SUDS are alternative approaches to conventional storm water drainage systems in urban areas, primarily concerned with environmental impact. SUDS are broader in scope, as they include both the practices implemented (BMPs) and the facilities themselves. BMPs/SUDS deliver a greater range of benefits than traditional drainage systems. SUDS seek to duplicate natural drainage, dealing with runoff where it occurs, and taking water quantity, quality, and aesthetics into account. During storms, these drainage systems reduce the flow to rivers and wetlands, preventing flooding and contamination. SUDS remove much of the pollutants from surface water from roads and urban areas, discharging cleaner water to groundwater or streams. Examples of SUDS include permeable pavements; infiltration trenches and basins; wet ponds; detention ponds and basins; balancing ponds; and flood plains.

Despite the decrease in the amount of pollutants discharged into waterways from municipal wastewater treatment facilities, pollutants from storm water runoff are still significant, preventing further water quality improvements. BMPs/SUDS are often implemented to reduce storm water impacts, and these types of practices/structures are likely to become more common as local governments attempt to meet water quality standards. Although many BMPs and a number of SUDS have been constructed, there has been little post-construction monitoring to determine maintenance costs and pollutant removal and hydrologic/hydraulic performance. Whole-life-cycle costs have not yet been established for BMPs/SUDS; they are only estimates, with little documentation of true costs.

This project can benefit local governments as they assess the use and application of BMPs/SUDS for stormwater treatment and retention. The study will provide vital information to enable local governments to make comparisons between various options for pollutant removals and plan for the ongoing maintenance and end-of-life costs for BMPs/SUDS. As climate change becomes an issue of increasing concern, the performance of sustainable urban drainage systems during large storm events will be of interest to local governments. As part of the performance monitoring for the research project, information will be assembled on design criteria and related performance.

This study will require the selection of a sufficient number of BMPs/SUDS to ensure that the results are truly representative. To achieve the objectives, base data will have to be assembled for each BMP/SUDS including design criteria, construction standard, maintenance schedule, and ownership responsibility. This study should include all source control and treatment control classes and types of

SEARCH/  
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HOME

BMPs/SUDS. Storm water control facilities and the primary drainage system should be included for evaluation in addition to the practices implemented (BMPs). As part of the study, a protocol will be developed for the whole-life costing of BMP/SUDS to allow comparisons with traditional drainage solutions.

This research project will include two phases. Phase 1 of the project will consist of a literature search and survey (contact of a limited number of agencies) to determine the BMPs/SUDS commonly in use, how long they have been in use, capital cost, if available, and any performance measures to date. The maintenance procedures and frequencies will also be outlined. A product of Phase 1 will be the selection of a limited number of BMPs/SUDS sites that will be the focus for the subsequent Phase 2 fieldwork.

Funding of Phase 2 of the project will depend on the successful completion of Phase 1 and the submittal of a detailed work plan for Phase 2, to be approved by the WERF Project Subcommittee. Goals and deliverables for each phase proposed must be well defined. The total maximum funding available for this research is \$590,000. Funding for Phase 1 of the project is for a maximum of \$100,000 for a duration of 6 to 9 months, and for a maximum of \$490,000 for a duration of 3 to 4 years for Phase 2.

For more information on this request for proposal (# 01-CTS-21-T), click [here](#). Please contact Jeff Moeller, Project Manager at the Water Environment Research Foundation, at 703/684-2461, or [jmoeller@werf.org](mailto:jmoeller@werf.org) with additional questions.

For more information on storm water and other wet weather related issues, visit LGEAN's [Wet Weather Hot Topic](#).

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