

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 40 - Years of Service 1965 - 2005*

## AGENDA

OCTOBER 26, 2005 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

LARRY VIERHEILIG, **PRESIDENT**  
ED EBY, **VICE PRESIDENT**  
MICHAEL WINN, **DIRECTOR**  
CLIFFORD TROTTER, **DIRECTOR**  
JUDITH WIRSING, **DIRECTOR**

### PRINCIPAL STAFF

MICHAEL LEBRUN, **GENERAL MANAGER**  
LISA BOGNUDA, **ASSIST. ADMINISTRATOR**  
DONNA JOHNSON, **BOARD SECRETARY**  
JON SEITZ, **GENERAL COUNSEL**  
DAN MIGLIAZZO, **UTILITY SUPERVISOR**

Mission Statement: The Nipomo Community Services District's mission is to provide the citizens of the District with quality, innovative, and cost-effective services through responsive and responsible local government to meet the changing needs of the community.

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

*Consistent with the Americans with Disabilities Act and California Government Code §54954.2 requests for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires the modification or accommodation in order to participate at the below referenced public meeting by contacting the District General Manager or Assistant Administrator at 805-929-1133.*

- A. CALL TO ORDER AND FLAG SALUTE                      NEXT RESOLUTION 2005-955  
B. ROLL CALL    NEXT ORDINANCE 2005-105

- C. PUBLIC COMMENT PERIOD  
PUBLIC COMMENT

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. 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 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 brackets.*

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Regular meeting October 12 2005

D-3) SAFETY MEETING MINUTES [RECOMMEND APPROVAL]  
All-staff safety meeting, October 19, 2005

D-4) DISTRICT VEHICLE PROPOSAL REVIEW [RECOMMEND APPROVAL]  
Review proposals and approve purchase of District vehicle

D-5) RE-APPLICATION FOR SERVICE APN 091-311-010 [RECOMMEND APPROVAL]  
Re-issue an Intent-to-Serve letter for an ongoing land division at the corner of Mesa Road and Easy Lane.

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

E-1) PUBLIC HEARING

Second reading and adoption of an Ordinance to:

- Require mandatory connection to District sewer for properties within State-mandated prohibition zone.
- Clarify District connection fee assignment and collection.

**Nipomo Community Services District  
REGULAR MEETING  
AGENDA**

- Carry forward service policy as stated in Urban Water Management Plan

**ORDINANCE NO. 2005-105  
AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING TITLE 3 AND TITLE 4 OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
CODE TO ESTABLISH NEW PROCEDURES FOR PAYMENT OF DISTRICT  
WATER CONNECTION FEES AND PROCEDURES FOR CONNECTING TO  
DISTRICT SEWER MAINS WITHIN THE PROHIBITION ZONE**

- E-2) ANNEXATION REQUEST – APN 090-171-005  
Consider request for annexation of a 20 acre parcel on South Oakglen Ave. Applicant requests sewer and water service to a clustered development of 18 home sites.
- E-3) SERVICE REQUEST - APN 092-130-043  
Consider request for water and sewer service (Intent-to-Serve Letter) to a 40-unit multi-family/low income development at 764 Grande Street.
- E-4) SERVICE REQUEST – APN 092-130-062/020  
Consider request to provide water and sewer service to a re-development plan at 601 West Tefft.
- E-5) ALLOCATION ORDINANCE  
Review Ordinance and provide staff direction
- E-6) INVESTMENT POLICY – THIRD QUARTER REPORT  
Receive and file Investment Policy Third Quarter Report
- E-7) QUARTERLY FINANCIAL REPORT – FIRST QUARTER OF FISCAL YEAR 2005-2006  
Receive and file Quarterly Financial Report
  
- F. MANAGER'S REPORT
- G. COMMITTEE REPORTS
- H. DIRECTOR'S COMMENTS
- I. CLOSED SESSION ANNOUNCEMENTS
  - 1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
SMVWCD VS NCSO SANTA CLARA COUNTY CASE NO. CV 770214  
AND ALL CONSOLIDATED CASES.
  - 2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
MARIA VISTA VS. NCSO CASE NO. CV 040877
  - 3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
NCSO vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND  
USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
  
- J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

**Nipomo Community Services District  
REGULAR MEETING  
AGENDA**

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

ADJOURN

➤ **THE NEXT REGULAR BOARD MEETING IS NOVEMBER 16, 2005.**

○ **SCHEDULED ITEMS INCLUDE:**

▪ **PRESENTATION OF DRAFT URBAN WATER MANAGEMENT PLAN**

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MSL*  
DATE: OCTOBER 26, 2005



### 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 brackets.

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Regular meeting October 12, 2005
- D-3) SAFETY MEETING MINUTES [RECEIVE AND FILE]  
All-staff safety meeting, October 19, 2005.
- D-4) DISTRICT VEHICLE PROPOSAL REVIEW [RECOMMEND APPROVAL]  
Review proposals and approve purchase of District vehicle
- D-5) RE-APPLICATION FOR SERVICE [RECOMMEND APPROVAL]  
Re-issue an Intent-to-Serve letter for an ongoing land division at the corner of Mesa Road and Easy Lane.

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2005\CONSENT 10-26-05.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS    OCTOBER 26, 2005**

**AGENDA ITEM  
D-1  
OCTOBER 26, 2005**

**HAND WRITTEN CHECKS**

10-11-05	18837	L VIERHEILIG	50.00
10-11-05	18838	E EBY	50.00
10-14-05	18839	U S POSTAL SERVICE	500.00

**TOTAL COMPUTER  
CHECKS  
\$ 79,718.12**

**VOIDED CHECKS**

NONE

**COMPUTER GENERATED CHECKS**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
11332	10/21/05	EMP01	EMPLOYMENT DEVELOP DEPT	464.94	.00	464.94	A51017	STATE INCOME TAX
				3.11	.00	3.11	1A51017	SDI
			Check Total.....:	468.05	.00	468.05		
11333	10/21/05	MID01	MIDSTATE BANK-PR TAX DEP	1944.57	.00	1944.57	A51017	FEDERAL INCOME TAX
				35.72	.00	35.72	1A51017	FICA
				515.08	.00	515.08	2A51017	MEDICARE (FICA)
			Check Total.....:	2495.37	.00	2495.37		
11334	10/21/05	MID02	MIDSTATE BANK - DIRECT DP	15346.59	.00	15346.59	A51017	NET PAY DEDUCTION
11335	10/21/05	PER01	PERS RETIREMENT	5136.29	.00	5136.29	A51017	PERS PAYROLL REMITTANCE
11336	10/21/05	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A51017	WAGE ASSIGNMENT
11337	10/21/05	STA01	STATE STREET GLOBAL	1180.00	.00	1180.00	A51017	DEFERRED COMP
011338	10/26/05	ALX01	ALEXANDER'S CONTRACT SERV	1386.08	.00	1386.08	NIP10-05	METER READ SERVICE
011339	10/26/05	AME02	AMERICAN INDUSTRIAL SUPPL	67.75	.00	67.75	151408	PAINT
011340	10/26/05	AME03	AMERI PRIDE	57.49	.00	57.49	F486961	UNIFORMS ETC
				61.99	.00	61.99	F492931	UNIFORMS, ETC
				57.49	.00	57.49	F498932	UNIFORMS, ETC
			Check Total.....:	176.97	.00	176.97		
011341	10/26/05	ARB01	ARBOR TREE SURGERY	1260.00	.00	1260.00	CR18808	TREE TRIMMING/REMOVAL
011342	10/26/05	BRE01	BRENNER FIELDER & ASSOC	2568.14	.00	2568.14	5012843	COMPRESSORS FOR WELL LEVE
011343	10/26/05	CAN02	CANNON ASSOCIATES	9939.94	.00	9939.94	36645	PROJECT SUPPORT
				103.00	.00	103.00	36965	SANTA MARIA INTER-TIE
			Check Total.....:	10042.94	.00	10042.94		
011344	10/26/05	COM01	COMPUTER NETWORK SERVICES	3324.00	.00	3324.00	NCSD-059	COMPUTER SUPPORT
011345	10/26/05	COR01	CORBIN WILLITS SYSTEMS	694.70	.00	694.70	A510151	MONTHLY SERVICE SUPPORT
011346	10/26/05	CRE01	CREEK ENVIRONMENTAL LABS	30.00	.00	30.00	M4597	BL WWTP LAB
				30.00	.00	30.00	M5148	BL WWTP LAB
				30.00	.00	30.00	M5174	BL WWTP LAB
				30.00	.00	30.00	M5279	BL WWTP LAB
			Check Total.....:	120.00	.00	120.00		
011347	10/26/05	DEP01	DEPARTMENT-HEALTH SERVICE	60.00	.00	60.00	MOTLEY	D2 CERTIFICATE RENEWAL
011348	10/26/05	DEP04	DEPT OF MOTOR VEHICLES	10.00	.00	10.00	9414SV	HIN:XMRAH064M73K RENEWAL
011349	10/26/05	EBY01	EBY, ED	100.00	.00	100.00	102605	REGULAR BD MTG 10/26/05
011350	10/26/05	FAR02	FAR WEST EXPRESS	11.00	.00	11.00	70747	DELIVERY TO MAILING SERVI
				19.50	.00	19.50	70814	DELIVERY TO MAILING SERVI
				13.00	.00	13.00	71255	DELIVERY TO MAILING SERVI
				11.50	.00	11.50	71284	DELIVERY TO MAILING SERVI
			Check Total.....:	55.00	.00	55.00		

**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS    OCTOBER 26, 2005**

**AGENDA ITEM  
D-1  
OCTOBER 26, 2005  
PAGE TWO**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information-----	
							Invoice #	Description
011351	10/26/05	FGL01	FGL ENVIRONMENTAL	104.00	.00	104.00	51048A	BL WWTP LAB
				592.00	.00	592.00	509330A	TOWN WWTP LAB
				330.00	.00	330.00	509602A	TOWN WWTP LAB
				77.00	.00	77.00	509916A	TOWN WWTP LAB
				52.00	.00	52.00	509917A	BL WWTP LAB
				52.00	.00	52.00	510185A	BL WWTP LAB
				337.00	.00	337.00	510188A	TOWN WWTP LAB
				181.00	.00	181.00	510483A	TOWN WWTP LAB
			Check Total.....:	1725.00	.00	1725.00		
011352	10/26/05	FIS01	FISHER PUMP SERVICE	550.00	.00	550.00	7	PULL PUMP AT SAVAGE WELL
011353	10/26/05	GAR01	GARING TAYLOR & ASSOC	1213.48	.00	1213.48	5534	MARIA VISTA PCI
				81.00	.00	81.00	5535	HERMRECK WELL DRILLING SP
				4689.59	.00	4689.59	5536	BL LINER REPLACEMENT
			Check Total.....:	5984.07	.00	5984.07		
011354	10/26/05	IPA01	IPAC, INC.	8043.75	.00	8043.75	20050702	IPAC QUAD TANKS SET UP
011355	10/26/05	LAC01	LA CHEMICAL	706.29	.00	706.29	363034	CHLORINE
011356	10/26/05	LEB01	LeBRUN, MICHAEL	300.00	.00	300.00	OCT 2005	AUTO ALLOWANCE
011357	10/26/05	LEB02	LeBRUN, MICHAEL	921.57	.00	921.57	92705CSDA	REIMBURSEMENT FOR TRAVEL
011358	10/26/05	NEX01	NEXTEL COMMUNICATIONS	321.35	.00	321.35	87314-047	CELL PHONES
011359	10/26/05	NOR01	NORTHERN SAFETY CO. INC.	165.22	.00	165.22	801028	FIRST AID KIT SUPPLIES
011360	10/26/05	PAC01	SBC/MCI	37.95	.00	37.95	T4185412	PHONE 9290161
				150.73	.00	150.73	T4185414	PHONE 9291133
				119.89	.00	119.89	T4185415	PHONE 9291341
				.10	.00	.10	T4225296	TELEPHONE
			Check Total.....:	308.67	.00	308.67		
011361	10/26/05	PIO01	PIONEER EQUIPMENT CO	123.24	.00	123.24	53587	BATTERY FOR FORD TRACTOR
011362	10/26/05	PRO01	PROTO DIE MANUFACTURING	1496.13	.00	1496.13	3037	LADDER FOR TOWN WWTP
011363	10/26/05	PWM01	PW MANN ELECTRIC INC	651.26	.00	651.26	5105	BL WELL MAINT
011364	10/26/05	SAI01	SAIC	7683.20	.00	7683.20	9359-02	UWMP UPDATE
011365	10/26/05	SAN09	SAN LUIS MAILING SERVICE	36.71	.00	36.71	29544A	MAILING SERVICE FOR BILLS
				190.18	.00	190.18	29544B	POSTAGE FOR BILLS
				80.99	.00	80.99	29561A	MAILING SERVICE FOR BILLS
				530.18	.00	530.18	29561B	POSTAGE FOR BILLS
			Check Total.....:	838.06	.00	838.06		
011366	10/26/05	SLO02	DIV OF ENVIRON HEALTH	506.00	.00	506.00	39709	LAB
011367	10/26/05	SOU01	SOUTH COUNTY SANITARY	935.36	.00	935.36	A51021	ROLL OFF BINS FOR CREEK C
011368	10/26/05	STA03	STATEWIDE SAFETY & SIGNS	55.77	.00	55.77	45110	FIRST AID KIT
011369	10/26/05	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	102605	REGULAR BD MTG 10/26/05
011370	10/26/05	USA01	USA BLUEBOOK	833.42	.00	833.42	052511	SUPPLIES
011371	10/26/05	VIC01	VICTOR BACKHOE, INC.	1112.34	.00	1112.34	1819	HYDRANT REPLACEMENT GLENH
				992.04	.00	992.04	1820	HYDRANT REPLACEMENT - AMB
			Check Total.....:	2104.38	.00	2104.38		
011372	10/26/05	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	102605	REGULAR BD MTG 10/26/05
011373	10/26/05	WAL01	WALLACE GROUP	423.50	.00	423.50	17817	PCI FOR CO 03-0301
011374	10/26/05	WIN01	WINN, MICHAEL	100.00	.00	100.00	102605	REGULAR BD MTG 10/26/05
011375	10/26/05	WIR02	WIRSING, JUDY	100.00	.00	100.00	102605	REGULAR BD MTG 10/26/05

**NIPOMO COMMUNITY SERVICES DISTRICT***Celebrating 40 - Years of Service 1965 - 2005***SPECIAL MEETING****MINUTES**

OCTOBER 12, 2005 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

**BOARD of DIRECTORS**

LARRY VIERHEILIG, **PRESIDENT**  
 ED EBY, **VICE PRESIDENT**  
 MICHAEL WINN, **DIRECTOR**  
 CLIFFORD TROTTER, **DIRECTOR**  
 JUDITH WIRSING, **DIRECTOR**

**PRINCIPAL STAFF**

MICHAEL LEBRUN, **GENERAL MANAGER**  
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 DAN MIGLIAZZO, **UTILITY SUPERVISOR**

Mission Statement: The Nipomo Community Services District's mission is to provide the citizens of the District with quality, innovative, and cost-effective services through responsive and responsible local government to meet the changing needs of the community.

00:00:00

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

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

**B. ROLL CALL**

At Roll Call, all Board members were present.

00:01:10

**C. PUBLIC COMMENT PERIOD  
PUBLIC COMMENT****C-1) COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION**  
Presentation of sheriff activities in the Nipomo area.

Commander Basti reported that there were five arrests last month in Ventura in connection with construction equipment thefts. The number of thefts has significantly decreased since the arrests.

New equipment purchased – spike strips placed in each unit.

The Board thanked Commander Basti.

**C-2) DAN ANDERSON, CDF BATTALION CHIEF, CALIFORNIA  
DEPARTMENT OF  
FORESTRY (CDF)** Presentation of CDF activities in the Nipomo area.

Captain Padgett reported for Chief Anderson. A new fire engine has been in place for about six months. There were some fires last week due to mowing of grass. Mowing should occur before 10:00 a.m. Some personnel were deployed to Southern California for vegetation fires.

Education is needed in the Nipomo area since there is no weed abatement here. The Board thanked Captain Padgett.

The following members of the public spoke:

Steph Wall, Central Coast Salmon Enhancement – expressed thanks to the Board and the many who participated in recent committee clean up efforts. The Nipomo Creek Watershed Plan draft will be available soon.

The Board took a short break at 9:26 a.m. to view the new fire engine.

**MINUTES SUBJECT TO BOARD APPROVAL**

**MINUTES**

00:15:07

D. CONSENT AGENDA

Director Winn asked to pull Item D-5 for separate consideration.

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

Regular meeting September 14, 2005

D-3) SAFETY MEETING MINUTES

All-staff safety meeting, September 15, 2005

D-4) COOL/NEWDOLL FEE REQUEST RESOLUTION

RESOLUTION 2005-953

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT

DENYING THE REQUEST OF STEPHEN COOL AND ROBERT NEWDOLL FOR RECONSIDERATION OF WATER AND SEWER CAPACITY CHARGES FOR TRACTS 2513 (NEWDOLL) AND 2514 (COOL)

D-6) ACCEPTANCE OF TRACT 2530

RESOLUTION NO. 2005-954

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT

ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR THE FOR TRACT 2530 (LOS PADRES CONSTRUCTION, INC.)

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved Items D-1 through 4 and D- 6. Vote 5-0

00:19:48

D-5) SURPLUS EQUIPMENT

Director Winn questioned the disposal of the old copier. Mr. LeBrun informed the Board that the copier would be taken away by the Canon dealers. Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously approved Item D-5. Vote 5-0

00:22:57

E. ADMINISTRATIVE

E-1) INTEGRATED REGIONAL WATER MANAGEMENT PLAN FOR PROPOSITION 50 GRANT APPLICATION.

Frank Honeycutt, San Luis Obispo County – presented slides to the Board and audience explaining the Integrated Regional Water Management Plan prepared by the San Luis Obispo County Flood Control and Water Conservation District (County) for the Proposition 50 grant application. There was no public comment.

Upon motion of Director Eby and seconded by Director Winn, the Board unanimously agreed to authorize President Vierheilg to execute a letter of endorsement to the County. Vote 5-0.

01:29:26

E-2) MANDATORY SEWER CONNECTION

The Board considered the changes proposed on the Ordinance to:

- Require mandatory connection to District sewer for properties within State-mandated prohibition zone.

**MINUTES SUBJECT TO BOARD APPROVAL**



## MINUTES

### E-2) MANDATORY SEWER CONNECTION (CONTINUED)

- Clarify District connection fee assignment and collection.
- Carry forward service policy as stated in Urban Water Management Plan

The following members of the public spoke:

Carl Holloway, outside District resident – asked if the proposed ordinance affected his project and if his property is within the Prohibition Zone. After Mr. LeBrun showed him a map of the Prohibition Zone, Mr. Holloway identified his property as outside the zone.

Upon motion of Director Eby and seconded by Director Winn, the Board unanimously agreed to have the ordinance read in title only, to approve the first reading with the minor changes, as noted, and have the second reading October 26, 2005. Vote 5-0.

Mike Seitz, District Legal Counsel, read the ordinance in title only.

**NIPOMO COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 2005-PROHIBITION ZONE CONNECTION FEE PROCEDURES  
AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING TITLE 3 AND TITLE 4 OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO  
ESTABLISH NEW PROCEDURES FOR PAYMENT OF DISTRICT  
WATER CONNECTION FEES AND PROCEDURES FOR CONNECTING TO  
DISTRICT SEWER MAINS WITHIN THE PROHIBITION ZONE**

01:54:16

### E-3) FORMATION OF SUB-COMMITTEE

The Board discussed forming a sub-committee for the in-lieu parking proposal from San Luis Obispo County. There was no public comment. Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously agreed to form a sub-committee. Vote 5-0. President Vierheilig appointed Director Winn and himself to the committee with Director Winn as chairperson.

02:06:00

### F. MANAGER'S REPORT

Michael LeBrun, District General Manager, provided information on the following:

- CSDA conference attendance – will provide more information later.
- Water softeners at Blacklake – NCS D General Manager will speak at the Blacklake community meeting on Tuesday, October 18.
- Santa Maria supplemental water report from Cannon Eng. was received but not fully reviewed.
- Home Builders Assn. is working on a limited liability possibility to wheel water from Santa Maria.
- Grants and loans are possibly available to aid in the construction costs of the pipeline from Santa Maria.
- A land owner wishes to detach from San Luis Obispo County and annex to Santa Barbara County.
- CEQA – expect to have administrative draft from consultant, Doug Wood, possibly in mid-November.
- Urban Water Management Plan – expect update from consultant soon.
- iPAAC contract – Blacklake automated controls are now functional.

**MINUTES SUBJECT TO BOARD APPROVAL**

## MINUTES

02:32:07

### G. COMMITTEE REPORTS

Commercial Allocations – Directors Winn and Trotter met and drafted some suggestions.

Supplemental Water – Director Eby and President Vierheilig met with Supervisor Achadjian Tuesday, October 11, 2005 regarding an offer from a property owner for a possible bridge crossing for the Santa Maria water line.

02:37:04

### H. DIRECTOR'S COMMENTS

Director Trotter stated that the notice about the garbage fee increase was deficient and confusing.

Director Wirsing stated that she was not pleased with the garbage notice either. Is concerned with the quality of the water, such as calcium rocks and mold forming in the animals' dishes.

She asked about a newspaper article containing information that two NCSD directors spoke at the Board of Supervisors meeting.

She asked about a possible car wash on North Frontage Rd.

Director Eby – noted that his water consumption was down by 18% even though he did not change his method of water usage – was probably the rain.

He stated that he spoke at a Newcomer's luncheon. He mentioned that the self-regenerating water softeners could possibly cause the District to receive fines from the Regional Water Quality Control Board.

Director Winn – attended the Board of Supervisors meeting concerning a project on South Oakglen but did not represent himself as an NCSD director.

- He mentioned seeing a company flushing the sewer lines on Knotts St. and was concerned about the water usage from fire hydrant
- Thanked Mr. LeBrun for copy of Mr. Perrett's letter.
- Stated that Mr. Eby did an excellent job speaking for the District.
- Suggested that all complex notices should have a one-page summary to explain the following notice.
- October Festival was held Saturday, Oct 8. It was well received. He stated that he wished NCSD would have had a booth. It would provide a great opportunity for the District to provide information to the public.
- Housing planning meeting series starts tonight (October 12)
- He stated that he would like information from the CSDA conference and others like it distributed to the Board in order that all can benefit.

#### President Vierheilig

- Nipomo Creek Water Shed Plan is out. Meeting next Thursday, October 20<sup>th</sup> 12:00 to 1:30 p.m.
- Arroyo Grande Creek Water Shed Plan – meeting October 26<sup>th</sup> at 6:30 p.m. at AG City Hall
- Had an informal meeting with Supervisor Achadjian regarding the community center. Supervisor Achadjian is looking for organizations in the community to have a consensus as to location of center.

<b>MINUTES SUBJECT TO BOARD APPROVAL</b>
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MINUTES

DIRECTORS COMMENTS\_(continued)

President Vierheilig

- 2050 South County Planning Workshop will be at Grace Church in Arroyo Grande 8:30 a.m. -1:00 p.m. November 2
- Affordable Housing Workshops starting Wednesday, Oct. 12 and each Wednesday thereafter thru Wednesday, Nov 2.

Mike Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following:

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 MARIA VISTA VS. NCSD CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 NCSD vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session and had no reportable action.

ADJOURN

President Vierheilig adjourned the meeting at 1:25 P.M.

➤ THE NEXT REGULAR BOARD MEETING IS OCTOBER 26, 2005.

○ SCHEDULED ITEMS INCLUDE:

- SECOND READ AND ADOPTION OF MANDATORY SEWER ORDINANCE
- INTRODUCTION OF ORDINANCE AMENDING WATER ALLOCATION PROGRAM

MINUTES SUBJECT TO BOARD APPROVAL

# NIPOMO COMMUNITY



# SERVICES DISTRICT

## BOARD MEMBERS

LARRY VIERHEILIG, **PRESIDENT**  
ED EBY, **VICE PRESIDENT**  
MICHAEL WINN, **DIRECTOR**  
JUDITH WIRSING, **DIRECTOR**  
CLIFFORD TROTTER, **DIRECTOR**

## STAFF

MICHAEL LeBRUN, **GENERAL MANAGER**  
LISA BOGNUDA, **ASSISTANT ADMINISTRATOR**  
DAN MIGLIAZZO, **UTILITY SUPERVISOR**  
JON SEITZ, **GENERAL COUNSEL**

# D3

*Celebrating 40 Years of Service 1965-2005*

---

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Website address: NipomoCSD.com

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## MINUTES OF SAFETY MEETING

OCTOBER 19, 2005, 9:00 A.M.  
DISTRICT OFFICES

Michael LeBrun, District Manager, reviewed the October 12, 2005, Board meeting and how it affects the District and employees.

- Mandatory sewer connection
- In-lieu parking district
- Review holiday schedule

The staff discussed these items.

Ernie Thompson, Safety Manager, reviewed the booklet "FIRE SAFETY." The quiz at the end of booklet was reviewed.

## PRESENT AT MEETING

Dan Migliazzo, Ernie Thompson, Butch Simmons, Rick Motley, Scott German, Rigo Rodriguez, Lisa Bognuda, Donna Johnson and Michael LeBrun

Meeting ended at 9:40 a.m.

Next Meeting, Thursday, November 17, 2005

T:\ADMINISTRATIVE\SAFETY\MEETINGS\MINUTES\10-20-05.DOC

TO: BOARD OF DIRECTORS  
 FROM: MICHAEL LEBRUN *ML*  
 DATE: OCTOBER 26, 2005



**DISTRICT VEHICLE PROPOSALS**

**ITEM**

Review proposals received from dealerships for District vehicle

**BACKGROUND**

On September 14, 2005, the Board unanimously agreed to direct staff to send out a proposal for a purchase and lease-option to at least three auto dealers and return to the Board of Directors with the results. Staff sent out a Request for Proposals to four auto dealerships and received responses from three.

	Cabe Toyota of Long Beach	Toyota of Lompoc	Toyota of San Luis Obispo	Toyota of Santa Maria
Total Purchase Price (includes delivery)	\$16,724.57	\$16,739.75	\$17,109.76	No Bid Received
Leasing Information				
Leased Price	\$15,549.00	No Bid Received	\$16,400.00	No Bid Received
Monthly Payment-36 months	\$277.00 with a money factor of .00245	n/a	\$319.52	n/a
Residual	Need more information	n/a	\$8,838.00	n/a

Cabe Toyota's proposal for a purchase was the lowest. The proposals for leasing were difficult to evaluate. It appears that the lease terms would depend on the money factor at the time of leasing for two of the three dealerships. In evaluating the lease information received from Toyota of SLO, it does not appear advantageous to pursue the leasing option. Based on the information provided, it would appear that after the completion of the lease and buy out at the end of the lease term, the vehicle cost would be approximately \$20,840.72, which is \$4,116.15 more than a purchase.

**RECOMMENDATION**

Direct Staff to purchase the vehicle from Cabe Toyota based on their proposal and modify Section 10 of the General Manager's contract to eliminate the monthly automobile allowance.

**ATTACHMENTS**

None

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MSL*  
DATE: OCTOBER 26, 2005

**AGENDA ITEM  
D-5  
OCTOBER 26, 2005**

RE-APPLICATION FOR SERVICE APN 091-311-010

**ITEM**

Re-issue an Intent-to-Serve letter for an ongoing land division at the corner of Mesa Road and Easy Lane.

**BACKGROUND**

The District received the attached application for renewal of an Intent-to-Serve letter for APN 091-311-010 on September 28, 2005. The Owner/Applicant is Olavi Haanpaa of Nipomo. The Applicant originally applied to the District for water service on April 23, 2003. The proposed project remains unchanged, a sub-division resulting in three lots, each of 1.0 acre or greater. There is currently a single residence on the property using a private well for water service. A water demand certification is included with the application.

The District issued the attached Intent-to-Serve letter on May 16, 2003. The applicant's development plans have been approved by the District. The applicant is also requesting a fee estimate for the project. Each parcel will receive water service via one-inch water meters. The current District fee would be \$13,622.00 per lot for water service. Meter and account set up fees would also apply and are currently \$285.00 per account (parcel).

**RECOMMENDATION**

Staff recommends your Honorable Board direct staff allocate 3.65 acre-feet of water to the project and re-issue the Intent-to-Serve (ITS) letter for the project with the following conditions:

- Each lot created shall be served by a single meter.
- Enter into a Plan Check and Inspection Agreement; provide a deposit.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
- Easements required for water and sewer improvements, which will be dedicated to the District, shall be offered to the District prior to final improvement plan approval.
- A Will-Serve letter for the project will be issued after improvement plans are approved and signed by General Manager.
- Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a Will-Serve letter in an amount equal to the then calculated Fees for Connection.
- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.
- Construct required off-site improvements and submit the following:
  - Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
  - Offer of Dedication
  - Engineer's Certification
  - A summary of all water and sewer improvement costs
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and that the District has accepted improvements to be dedicated to the District, if applicable.

Intent-to-Serve conditions continued:

- Intent-to-Serve letters shall automatically terminate on the first to occur:
  - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve letter is issued; or
  - Two (2) years. However, applicant shall be entitled to a one-year extension upon proof of reasonable due diligence in processing the project.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.
- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.

**ATTACHMENT**

Application  
May 16, 2003 Intent to Serve Letter

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2005\SERVICE REQUEST APN 091-311-010.DOC



# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Website: nipomocsd.com

Office use only:  
Date and Time  
Complete  
Application and  
Fees received:  
**RECEIVED**  
SEP 28 2005

**NIPOMO COMMUNITY SERVICES DISTRICT**

## INTENT-TO-SERVE/WILL-SERVE APPLICATION

1. This is an application for: \_\_\_\_\_ Sewer and Water Service X Water Service Only
2. SLO County Planning Department/Tract or Development No.: CO 03-0120
3. Attach a copy of SLO County application.

**Note:** District Intent-to-Serve letters expire eight (8) months from date of issue, unless the project's County application is deemed complete.

4. Project location: CORNER of Easy lane and Mesa Rd. Nipomo
5. Assessor's Parcel Number (APN) of lot(s) to be served: APN 091-311-010
6. Owner Name: Olavi Haanpaa
7. Mailing Address: 1425 GRACE LANE, NIPOMO
8. Phone: 929 2903 FAX: 929 2903

9. Agent's Information (Architect or Engineer):  
Name: Owner  
Address: (about)  
Email: \_\_\_\_\_  
Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

10. Type of Project: (circle as applicable)  
 Single Family Residence    Duplex     Secondary (a.k.a Granny) Unit  
Multi-Family (under single roof)    Commercial    Mixed-Use (commercial & residential)

12. Number of Dwelling Units 6 max Number of Low Income units 0

13. Does this project require a sub-division? Yes (yes/no)  
If yes, number of new lots created 3

14. Site Plan: Renewing expired INTENT  
For projects requiring Board approval, submit six (6) standard size (24" x 36") copies and one reduced copy (8½" x 11"). Board approval is needed for the following:

- more than four dwelling units
- property requiring sub-divisions
- higher than currently permitted housing density
- commercial developments

All other projects, submit two (2) standard size (24" x 36") and one reduced copy (8½" x 11").

Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable.



15. **Water Demand Certification:**

A completed Water Demand Certification, signed by project engineer/architect, must be included for all residential and the residential-portion of mixed use.

16. **Commercial Projects Service Demand Estimates:**

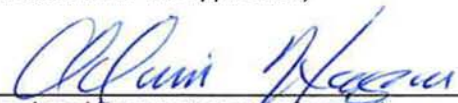
Provide an estimate of yearly water (AFY) and sewer (MGD) demand for the project.  
**Please note:** All commercial projects are required to use low water use irrigation systems and water conservation best management practices.

17. **Agreement:**

The Applicant agrees that in accordance with generally accepted construction practices, Applicant shall assume sole and complete responsibility for the condition of the job site during the course of the project, including the safety of persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and the Applicant shall defend, indemnify, and hold the District and District's agents, employees and consultants harmless from any and all claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities arising out of the performance or attempted performance of the work on this project; except those claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities resulting from the negligence or willful misconduct of the District.

Nothing in the foregoing indemnity provision shall be construed to require Applicant to indemnify District against any responsibility or liability or contravention of Civil Code §2782

Application Processing Fee..... \$50.00  
(Non-refundable payment attached to this application)

Date Sept 25 2005 Signed   
(Must be signed by owner or owner's agent)  
Print Name Olavi Haarupaa

## WATER DEMAND CERTIFICATION

Supplement to Intent-to-Serve/Will Serve Application

### Definitions

(Please note – these definitions do NOT reconcile with standard SLO County Planning department definitions)

**Multi-family dwelling unit** – means a building or portion thereof designed and used as a residence for three or more families living independently of each other under a common roof, including apartment houses, apartment hotels and flats, but not including automobile courts, or boardinghouses.

**Two-family dwelling units (duplex)** – means a building with a common roof containing not more than two kitchens, designed and/or used to house not more than two families living independently of each other.

**Single-family dwelling unit** – means a building designed for or used to house not more than one family.

**Secondary dwelling units** – means an attached or detached secondary residential dwelling unit on the same parcel as an existing single-family (primary) dwelling. A secondary unit provides for complete independent living facilities for one or more persons.

### Commercial Projects

Commercial projects are exempt from Water Demand Certification; however, low water-use irrigation systems and water conservation best management practices are required. The dwelling component of Mixed Use projects (e.g. commercial and residential), are required to provide Water Demand Certification for the dwelling unit portion of the project.

### Non-Commercial Projects

Water Demand Certification is required for all non-commercial projects and for the dwelling units of Mixed Use. Certification must be signed by a licensed Engineer/Architect.

- - - Go to next page for demand calculation and certification - - -

**Demand Calculation (for new dwelling units only)**

Total project water demand (dwelling units including irrigation), by District standard, is as follows:

Number of Multi-family Units		X	0.18	=	
Number of Duplexes/ <u>Secondary</u> Units	<i>max</i> <u>3</u>	X	0.3	=	<u>.90</u>
Number of Single Family Units with:					
Parcel less than 4,500 sq. ft.		X	0.3	=	
Parcel between 4,500 and 10,000 sq. ft.		X	0.45	=	
Parcel greater than 10,000 sq. ft.	<u>3</u>	X	0.55	=	<u>2.75</u>
Total demand all dwelling units including irrigation				=	<u>3.65</u>

**Certification**

I the undersigned do here by certify:

Project design incorporates low water use landscape and landscape irrigation systems.

The design maximum total water demand, including landscaping does not exceed the following:

- 0.18 AFY per Multi-Family Dwelling Unit;
- 0.3 AFY per Dwelling Unit for duplexes and Secondary Dwellings;
- 0.3 AFY per Single Family Dwelling Unit located on a parcel size of four thousand five hundred (4,500) square feet or less;
- 0.45 AFY per Single Family Dwelling Unit located on a parcel size between four thousand five hundred (4,500) and ten thousand (10,000) square feet.
- 0.55 AFY per Single Family Dwelling Unit located on a parcel size that exceeds ten thousand (10,000) square feet.

Note: "AFY" = acre-foot per year  
 Parcel size is net area

Signed *Richard Hagen* Date 9-28-05  
 Title Owner License Number \_\_\_\_\_  
 Project C0-03-0120 (e.g. Tract Number, Parcel Map #, APN)  
APN 091-311-010

# NIPOMO COMMUNITY

## BOARD MEMBERS

MICHAEL WINN, PRESIDENT  
JUDITH WIRSING, VICE PRESIDENT  
ROBERT BLAIR, DIRECTOR  
CLIFFORD TROTTER, DIRECTOR  
LARRY VIERHEILIG, DIRECTOR



# SERVICES DISTRICT

## STAFF

DOUGLAS JONES, GENERAL MANAGER  
JON SEITZ, GENERAL COUNSEL  
DAN MIGLIAZZO, UTILITY SUPERVISOR

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

May 16, 2003

Sheri Wood  
EDA Design Professionals  
1998 Santa Barbara Street  
San Luis Obispo, CA 93401

This is NOT a Will-Serve Letter

SUBJECT: INTENT-TO-SERVE WATER SERVICE HAANPAA  
PARCEL MAP CO 03-0120 APN 091-311-010  
CORNER OF MESA ROAD AND EASY LANE, NIPOMO

An Intent-to-Serve letter for water service for your lot split, CO 03-0120, at the corner of Mesa Road and Easy Lane, Nipomo, APN 091-311-010, is granted subject to the following conditions:

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

As required by Section 19.20.238 Title 19 of the San Luis Obispo County Code, the Nipomo Community Services District certifies that it will provide potable water service to APN 091-311-010 and that it has sufficient water resources and system capacity to provide such service. Notwithstanding any other language in this letter, the District certifies that (1) it will provide new service to the parcel(s) within the development on the same basis as it provides new service to any other legal parcel within the District's service area; and (2) once new service is established for a parcel(s) within the development, the District will provide service to said parcel on the same basis as it provides service to other customers within the same land use designation.

Sheri Wood  
APN 091-311-010  
Intent-to-Serve  
May 16, 2003  
Page Two

Notwithstanding to the above paragraph, notice is provided that Nipomo Community Services District has been made a party to that lawsuit entitled Santa Maria Valley Water Conservation District, et al. v. City of Santa Maria, et al., Santa Clara Superior Court Case No. CV 770214. The case involves competing claims to the right to produce water from and/or store water in the Santa Maria Valley Groundwater Basin, the water source from which Nipomo Community Services District derives the water, which it serves. The District is now unable to predict with any certainty the outcome of the above-referenced litigation. However, the litigation conceivably could result in a limitation on the availability of groundwater for the District's production and/or an increase in the cost of water, which the District serves to its water customers.

**The County Planning & Building Department is directed to withhold the building permit until the District's fees have been paid.**

This "Intent-to-Serve" letter shall be subject to the current and future rules, regulations, fees, resolutions and ordinances of the Nipomo Community Services District. This "Intent-to-Serve" letter may be revoked as a result of conditions imposed upon the District by a Court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors for the protection of the health, safety, and welfare of the District. The District reserves the right to revoke this "Intent-to-Serve" letter at any time.

**A TWO YEAR EXPIRATION DATE IS IN EFFECT**

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Doug Jones  
General Manager

Will-Serve/Intent/CO 03-0120 doc

**AGENDA ITEM  
E-1  
OCTOBER 26, 2005**

TO: NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS

FROM: JON S. SEITZ, DISTRICT LEGAL COUNSEL

DATE: October 26, 2005

RE: Adoption of Ordinance No. 2005-XX Amending Title 3 and  
Title 4 to the District Code

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Attachment: Amended Ordinance 2005-XX amending Title 3 and Title 4 to the  
District Code

**BACKGROUND**

As referenced in the History section of this Staff Report, the District Board of Directors reintroduced the attached Ordinance at its meeting of October 12, 2005 and set October 26, 2005 for adoption. The History section of this Staff Report references the reasons for reintroduction of the Ordinance and summarizes the attached Ordinance.

The Ordinance is presented to the Board for final adoption.

**HISTORY**

At its regular meeting of August 24, 2005, the District Board of Directors, as a regular Agenda Item, reviewed and edited an administrative draft of the attached Ordinance.

At its regular meeting of September 14, 2005, the District Board of Directors introduced the attached Ordinance. Since the Ordinance introduction, District Staff has reanalyzed Section 4 (Page 4 of the attached Ordinance) that adds Section 3.04.051 (timing and calculation of fees for connections) to the District Code. Section 3.04.051 provides that final calculation of fees and charges will occur when the water meters are set. As originally drafted, the new Section 3.04.051 would apply to all projects where the water meters have not been set. This would include all projects where the District has signed off on development plans and all fees and charges have been paid. Staff recommends that the exception portion of 3.04.051 be redrafted to include projects where the District has signed off on the final plans and where the applicant has paid all fees and charges related to District services. The new exception language would be edited as follows:

“Except where the Applicant has completed well improvements to be dedicated to the District **and/or has development plans that are approved by the District,** paid all fees and charges, and has been issued a Will-Serve Letter, the calculation of

Adoption of Ordinance No. 2005-105 Amending Title 3 and Title 4 to the District Code

Page 2 of 3

payment of "Fees for Connection" referenced in Section B, above, shall apply to all properties where a water meter has not been set by the District."

If the Board agrees to make the edit, then Staff recommends that the attached Ordinance be reintroduced at its meeting of October 12, 2005, and set the meeting of October 26, 2005, for final adoption.

The remainder of this Staff Report incorporates the Staff Report for the September 14, 2005, meeting.

As the Board is aware, there are a number of reports that are on file with the District office that opine that the groundwater basin that underlies the District is not capable of supporting growth. These reports and studies are referenced in the Recitals in the attached Ordinance and include:

- The Nipomo Mesa Groundwater Resource Capacity Study prepared by S.S. Papadopoulos, Inc. for the San Luis Obispo County Board of Supervisors.
- The Resource Capacity Study Water Supply in the Nipomo Mesa Area prepared by the San Luis Obispo County Department of Planning and Building.
- The Summit Station Environmental Impact Report.
- The Nipomo Community Services District Local Agency Formation Commission EIR regarding the Sphere of Influence and the Municipal Service Review.
- The San Luis Obispo County Craig Project DEIR.
- The San Luis Obispo County Growth Management Ordinance DEIR.

On April 27, 2005, the District adopted Ordinance 2005-101 establishing capacity charges that would provide partial financing for the District to acquire supplemental water. The importation of supplemental water will provide a new source of water that will assist in balancing the underlying groundwater basin.

## ORDINANCE SUMMARY

The attached Ordinance is presented to the Board for introduction and is summarized as follows:

- **Section 2.** That upon the "Change of Ownership", the new owner must apply for District service as a condition of receiving District service. This will assist the District in tracking actual customers of the District and that all fees and charges owing at the time of the "Change of Ownership" are paid by the previous owner.

Adoption of Ordinance No. 2005-105 Amending Title 3 and Title 4 to the District Code

Page 3 of 3

- **Section 3.** Incorporates the District's policies adopted in the current Urban Water Management Plan.
- **Section 4.** Provides that the final capacity charges for water service are calculated and payable at the date the District sets water meters. The purposes of this Section includes:
  - Avoiding speculation on the payment of District capacity charges (i.e. pay early to avoid the true costs associated with water service that will not be used until sometime into the future)
  - Assurance that resource demands of new development, that is not currently receiving District service, will not exceed existing and planned capacities or service levels.
  - Balancing the capacity for growth with sustained availability of resources.
- **Section 5.** Clarifies that District Intent to Serve Letters may not only be revoked but may be "further conditioned" as a result of conditions imposed upon the District by a Court or availability of resources or by a change in Ordinance, Resolution, Rules, Fees or Regulations adopted by the Board of Directors.
- **Section 6.** Provides that all parcels within the Prohibition Zone that are within fifty (50) feet of a District sewer main will be required to connect prior to the "Change of Ownership". This provision will assist in obtaining compliance with the Basin Plan adopted by the Regional Water Quality Control Board that prohibits the use of septic systems within the Prohibition Zone.
- **Section 7.** Revises Section 3.24.20 of the District Code to delete prohibitions that the District is not currently enforcing.

### **RECOMMENDATION**

That after presentation by Staff, public comment, the Board may:

- Adopt the attached Ordinance; or
- Further amend or modify the Ordinance and reintroduce the Ordinance;  
or
- Table the Ordinance.



**NIPOMO COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 2005-105**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING TITLE 3 AND TITLE 4 OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO  
ESTABLISH NEW PROCEDURES FOR PAYMENT OF DISTRICT  
WATER CONNECTION FEES AND PROCEDURES FOR CONNECTING TO  
DISTRICT SEWER MAINS WITHIN THE PROHIBITION ZONE**

**WHEREAS**, it is a major responsibility of the Nipomo Community Services District ("District") to:

- A. Operate and maintain its water production and distribution facilities so as to provide adequate water service and fire protection to District water customers;
- B. Maintain adequate levels of revenue, equitably collected from District water customers and future customers, to meet the District's financial commitments including acquiring supplemental water to augment the District's current water production facilities to prevent impairment to the Groundwater Basin;
- C. Operate and maintain its wastewater distribution facilities to facilitate sewer connections within the Prohibition Zone as established by the Regional Water Quality Control Board; and

**WHEREAS**, District has reviewed and has on file at the District office a report titled "*Nipomo Mesa Groundwater Resource Capacity Study, San Luis Obispo, California*" prepared by S.S. Papadopoulos, Inc. for the San Luis Obispo County Board of Supervisors. That report included following opinions and findings:

1. That groundwater pumping in the Nipomo Mesa area is in excess of the dependable yield. Since current and projected pumping beneath Nipomo Mesa exceeds inflow (natural recharge plus subsurface inflow), the Nipomo Mesa portion of the Santa Maria Groundwater Basin is currently in overdraft and projections of future demand indicate increasing overdraft.
2. DWR's findings for groundwater beneath the Nipomo Mesa Area are consistent with the County's Resource Management System Water Supply Criterion, Level of Severity III—existing demand equals or exceeds the dependable supply.
3. Management response to these findings could include increased use of recycled water, increased importation of supplemental water, implementation of additional conservation measures, and appropriate limits on development; and

**WHEREAS**, the District has reviewed and has on file a report titled Resource Capacity Study Water Supply Nipomo Mesa Area August 2004, prepared by the San Luis Obispo County Department of Planning and Building. Said report confirms that current water demand presently equals or exceeds the dependable yield of the Groundwater Basin and further concludes that in order to address the projected deficits a combination of conservation and additional supply totaling four thousand two hundred forty-nine (4,249) AFY should be in place by the year 2010; and

**WHEREAS**, the District has reviewed and has on file the County of San Luis Obispo Environmental Impact Report ("EIR") for the Summit Station Land Use Ordinance Amendment ("LUO") where the County concludes that the additional draw of one hundred eleven (111) AFY per year from the Groundwater Basin creates a cumulative, significant, unmitigable, unavoidable adverse impact on water resources; and

**NIPOMO COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 2005-105**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING TITLE 3 AND TITLE 4 OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO  
ESTABLISH NEW PROCEDURES FOR PAYMENT OF DISTRICT  
WATER CONNECTION FEES AND PROCEDURES FOR CONNECTING TO  
DISTRICT SEWER MAINS WITHIN THE PROHIBITION ZONE**

**WHEREAS**, there are a number of draft environmental impact reports (“DEIR”) for the for the County’s Growth Management Ordinance and the Craig Project that reach similar conclusions that the Groundwater Basin exceeds the dependable yield; and

**WHEREAS**, the above Studies, Reports, EIRs and DEIRS are incorporated herein by this reference; and

**WHEREAS**, the District has entered into a Memorandum of Understanding with the City of Santa Maria that provides for the construction of necessary facilities and the delivery of supplemental water; and

**WHEREAS**, the District has recently adopted Ordinance 2005-101 that enacts new supplemental water capacity charges for the purposes of funding supplemental water projects; and

**WHEREAS**, Section 3.28.040 (A) of the District Code and the District Will-Serve Letters provides:

“A. This Will-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District. This Will-Serve letter may be revoked as a result of conditions imposed upon the District by a court or by a change in ordinance, resolution, rules, or regulations adopted by the board of directors for the protection of health, safety, and welfare of the District and its residents.; and

**WHEREAS**, the general goals of the San Luis Obispo County South County Area Plan include the following:

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
- Provide additional public resources, services and facilities to serve existing communities in sufficient time to avoid overburdening existing resources, services and facilities.
- Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels.
- Finance the cost of additional services and facilities from those who benefit by providing for dedications, in-lieu fees or exactions.

**WHEREAS**, based upon the Staff Report, this Ordinance, Staff Presentation and public testimony received, the Board of Directors finds:

- A. The public meetings adopting this Ordinance have been properly noticed pursuant to Government Code Section 54954.2 (The Brown Act);
- B. The Rules and Regulations adopted by this Ordinance will protect the health, safety and general well fare of the District and its residents by:
  1. Balancing the capacity for growth allowed by the Land Use Element of the South County Area Plan with the sustained availability of resources.
  2. Providing a funding source to obtain supplemental water in sufficient time to avoid

NIPOMO COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 2005-105

AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING TITLE 3 AND TITLE 4 OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO  
ESTABLISH NEW PROCEDURES FOR PAYMENT OF DISTRICT  
WATER CONNECTION FEES AND PROCEDURES FOR CONNECTING TO  
DISTRICT SEWER MAINS WITHIN THE PROHIBITION ZONE

- overburdening existing resources, services and facilities that provide water service to existing District customers.
3. Avoiding the use of public resources, services and facilities beyond their renewable capacity and monitor new development to insure that resource demands of new development will not exceed existing and planned capacities or service levels.
  4. Providing financing for additional services and facilities from those who will benefit.
- C. It is in the interest of the District, District residents and for the protection of the groundwater basin and to avoid speculation, that the District recover supplemental water charges from all projects that are not currently connected, by District installed water meters, to District water facilities.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Directors of the District as follows:

**Section 1.** Authority.

This Ordinance is enacted pursuant to Government Code Sections 61600(a) and (b), 61621, 61621.5, and 61623.

**Section 2.** Section 3.03.020 of the District Code is hereby amended as follows:

**3.03.020 Application for Service**

- A. Applications for service shall be made by the property owner or a bona fide nonresident property manager (authorized agent), in writing on a form provided by the District. All applications shall include a ten dollar (\$10) nonrefundable account set up fee and payment of accrued fees and charges, if applicable.
- B. Applications for service are non-transferable and upon change of ownership, as defined in subsection C, below, the new owner, as a condition to District service, shall apply for District services prior to close of escrow and/or recording a deed acknowledging a transfer of ownership.
- C. "Change of Ownership" means a transfer of a present interest in real property. Every transfer of property shall qualify as a "change of ownership", except transfer of title from one spouse to another, whether the transfer is voluntary, involuntary, by operation of law, by grant, gift, devise, inheritance, trust, contract of sale, addition or deletion of an owner, property settlement, or any other means. "Change of Ownership" affected other than by a contract of sale shall be deemed to occur at the time of actual transfer of title.
- D. The General Manager or his/her designee is authorized to record notice on all parcels of real property located within the District of the requirements of this Section.

**Section 3.** Section 3.04.021 is added to the District Code as follows:

**3.04.021 Service limitations on LUO Amendments and other County approved density increases\***

- A. The District will not approve Intent-to-Serve letters or Will-Serve letters for water service to projects that require water demand beyond that required to serve the project consistent with

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the maximum zoning densities without consideration of density increases, as approved by the South County Area Plan – Inland (SCAP) as amended May, 2002 or any land use changes after May 2002 that creates a parcel less than five (5) acres in size. For example, the District will not approve water service within its boundaries for projects whose water demands are increased due to General Plan Amendments, transfer density credits (TDC's), density bonuses, planning ordinance changes, or other discretionary increases in density.

- B. The restrictions on water service shall be in effect until such time that supplemental water is delivered to the District or the court finds that the District is not restricted in pumping ground water to serve District residents.

\*This is not implementing new policies but reaffirming those policies established by the District in its Urban Water Management Plan.

**Section 4.** Section 3.04.050 (D) of the District Code is deleted and Section 3.04.051, Payment of Connection Fees, is added to the District Code as follows:

**Section 3.04.051 Payment of Connection Fees and Capacity Charges.**

The applicant shall pay the water capacity charges, sewer capacity charges, supplemental charge (if applicable), meter fee and account set-up fee, collectively "Fees for Connection" as follows:

- A. The Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a Will-Serve Letter in an amount equal to the then calculated Fees for Connection.
- B. The Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.
- C. The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and that the District has accepted improvements to be dedicated to the District, if applicable.

"Except where the Applicant has either completed well improvements to be dedicated to the District and has development plans that have been approved by the District, paid all fees and charges based on said approved development plans, and has been issued a Will-Serve Letter, or has development plans that have been approved by the District, paid all fees and charges based on said approved development plans, and has been issued a Will-Serve Letter, the calculation of payment of "Fees for Connection" referenced in Section B, above, shall apply to all properties where a water meter has not been set by the District."

**Section 5.** Section 3.28.020 (7) is amended to read as follows:

7. This Intent-to-Serve Letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District. This Intent-to-Serve Letter may be revoked or further conditioned as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors;

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**Section 6.** Chapter 4.07, Mandatory Connection to District Sewer System is added to the Nipomo Community Services District Code as follows:

**Chapter 4.07**

**Mandatory Connection to District Sewer System Within the Prohibition Zone.**

**4.07.010 Definitions**

- A. "Change of Ownership" means a transfer of a present interest in real property. Every transfer of property shall qualify as a "change of ownership", except transfer of title from one spouse to another, whether the transfer is voluntary, involuntary, by operation of law, by grant, gift, devise, inheritance, trust, contract of sale, addition or deletion of an owner, property settlement, or any other means. "Change of Ownership" effected other than by a contract of sale shall be deemed to occur at the time of actual transfer of title.
- B. "Basin Plan" means the Water Quality Control Plan adopted by the California Regional Water Quality Control Board Central Coast Region.
- C. "Prohibition Zone" means that area within the District described in Appendix A-27 of the Basin Plan where the discharge from individual sewage disposal systems are prohibited.

**4.07.020 Connection on Change of Ownership.**

All parcels within the Prohibition Zone where any part of the parcel is within fifty (50) feet of the District sewer main shall connect to the District sewer main prior to the "Change of Ownership".

**4.07.030 District Plans and Specifications.**

All connections to the District sewer system as required by Section 4.07.020 shall be in accordance with District's standard plans, specifications and engineering standards.

**4.07.040 District Fees and Charges.**

All District fees and charges including connection and capacity charges shall be paid prior to connection.

**4.07.050 Certification.**

The Seller, prior to the "Change of Ownership", shall obtain from the District Utility Department a connection certification, in accordance with the administrative procedures established by the Department verifying that the property has been connected to the District sewer system and all fees and charges have been paid. The Seller shall allow an inspection of the property by District Staff.

**4.07.060 Application for Service.**

- A. No change in application, or new application, for District service as required by Section 3.03.020 of the District Code, shall be accepted by District until a Certification has been completed and deposited with the District.
- B. The General Manager or his/her designee is authorized to record a notice on all parcels of property within the Prohibition Zone of the requirements of this Section.

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**Section 7.** Section 3.24.020 is amended to read as follows:

- A. No customer shall waste water. As used herein the term "waste water" means:
  - 1. Allow potable water to escape from breaks within the customers plumbing system for more than four hours after the customer is notified or discovers the break.
  - 2. Use of potable water for sewer system maintenance or fire protection training without prior approval by the District.

**Section 8.** Incorporation of Recitals

The Recitals are true and correct and incorporated herein by this reference. The Recitals and referenced reports and studies contained therein constitute and support the findings of the District in support of this Ordinance.

**Section 9.** Effect of Repeal on Past Actions and Obligations.

This Ordinance does not affect prosecutions for Ordinance violations committed prior to the effective date of this Ordinance, does not waive any fee or penalty due and unpaid on the effective date of this Ordinance, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any Ordinance.

**Section 10.** CEQA Findings

The Board of Directors of the District finds that the revisions of the policies and procedures adopted by this Ordinance are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b) (2) because such amendments constitute general policy and procedure making. The Board of Directors further finds that the amendment of the existing Rules and Regulations established by this Ordinance fall within the activities described in CEQA Guideline 152734 for obtaining funds for capital projects necessary to maintain service within the existing service areas. Further, the Board of Directors finds that the adoption of the Rules and regulations established by this Ordinance is not a project as defined in CEQA Guideline Section 15378, because it can be seen with certainty that the revisions will not result in either a direct physical change in the environment, nor is there a reasonable indirect physical change in the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

**Section 11.** Severance Clause.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

**Section 12.** Effect of Headings in Ordinance.

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Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

**Section 13.** Effective Date.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage it shall be posted in three (3) public places with the names of the members voting for and against the Ordinance and shall remain posted thereafter for at least one (1) week. The Ordinance shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in the Five Cities Times Press Recorder.

Reintroduced at its regular meeting of the Board of Directors held on October 12, 2005, and passed and adopted by the Board of Directors of the Nipomo Community Services District on the 26<sup>th</sup> day of October 2005, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

CONFLICTS:

\_\_\_\_\_  
Lawrence Vierheilig, President  
Nipomo Community Services District  
Board of Directors

ATTEST:

APPROVED AS TO FORM:

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

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

T:\BOARD MATTERS\ORDINANCES\2005\2005-MANDATORY SEWER 10-12-05.DOC

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MSL*  
DATE: OCTOBER 26, 2005

**AGENDA ITEM  
E-2  
OCTOBER 26, 2005**

ANNEXATION REQUEST – APN 090-171-005

**ITEM**

Consider request for annexation of a 20+ acre parcel on South Oakglen Ave. Applicant requests sewer and water service to a clustered development of 20 home sites within the District's Sphere of Influence.

**BACKGROUND**

On October 20, 2005, the District received application for Annexation of a 20+ acre parcel (four separate APNs) on South Oakglen (attached). The subject property is in Area 3 of the District's Sphere of Influence. The Owner/Applicant is Carl R. and Debra L. Holloway of Nipomo. The application is signed by Carl R. Holloway.

The Applicant is proposing a cluster development of 20 home sites, (16 ½-acre and 4 ¼-acre sites), and 10 acres of open space. The open space parcel will include an existing residence and Christmas tree farm.

Annexation of property to the District requires approval of the Local Agency Formation Commission (LAFCO). The Applicant's development proposal requires approval of the County. The applicant's first step is to receive a conditional approval from your Honorable Board for annexation and sewer and water service. Following District approval of the application, the District and the Applicant will enter into an annexation agreement which outlines the process and stipulates compliance with the District's Annexation Policy. The Applicant will then apply to LAFCO for annexation and amend their application to the County reflecting future connection to the District. The Applicant will cover District costs associated with supporting these subsequent applications.

The District's annexation policy, (Resolution 2003-878, adopted September 10, 2003, Attached) includes a number of general policies and standards for annexation. Detailed consideration of a number of these policies and standards, in relationship to this request, is covered below.

**RESOLUTION 2003-878**

**III GENERAL POLICIES (Paraphrased)**

***A. Annexation shall provide a reliable water source other than Nipomo Hydrologic Sub-Area.***

The Applicant has farmed the subject parcel for over 40-years and has an established record of groundwater pumping. The Applicant will be required to pay District water connection fees which include supplemental water infrastructure costs. Additionally, the Applicant will be required to deliver and dedicate to the District a volume of supplemental water equal to that necessary to water the new residential portion of the project (approximately 10 AF). The volume and source of this supplemental (non-Nipomo Mesa Sub-Area) must be acceptable to the District. It is assumed the Applicant will work via the City of Santa Maria to secure supplemental water which would be added to the District's current reserved volume.

***D. Board of Directors will consider annexation requests where it can be demonstrated that the proposed annexation will provide benefits to the residents and owners of the District and the annexed area.***



The Applicant will be sharing in supplemental water infrastructure costs and adding to the District's ultimate importation of supplemental water, thereby reducing costs to current District customers and doing their share to aid in achieving long-term basin health. New residents of the annexed area will receive the benefit of a long-term stable water supply and sewer service.

*G. The District recognizes two general classes of proposed annexation, those that overlie sufficient groundwater resources and those that do not.*

The project area overlies Nipomo Mesa Sub-Area. There are numerous studies conclude the sub-area's safe yield has been exceeded. Limited to the purposes of the District's annexation policy G.1. applies.

#### IV GENERAL STANDARDS FOR AREAS OVERLYING SUFFICIENT RELIABLE GROUNDWATER RESOURCES

*A. Dedications and Covenants: Applicant shall covenant not to pump from the underlying groundwater basin for non-agricultural uses.*

The policy allows for continued pumping of groundwater on the annexed parcel(s) for agricultural use and existing residential use. The applicant agrees with these principals and the Annexation agreement will be so conditioned.

*B. District Processing Costs: Applicant shall pay all District costs associated with processing the and supporting the annexation.*

As with any new development, the Applicant is required to cover all District costs. The Applicant will be required to enter into an Annexation Agreement covering detailed points of the annexation. A deposit account will be funded by the Applicant and maintained by the District. All District costs related to the Annexation will be billed to the account.

*C. Financial Obligations Prior to LAFCO Approval: Applicants pay all financial obligations (connection fees, supplemental water fees) prior to LAFCO approval.*

Typically, LAFCO provides conditional approval of annexation requests and begins a process which may take a number of months. A typical LAFCO condition is the filing of a final Tract Map for the parcel. Prior to a final Tract Map being filed, a Will-Serve letter is required by the County. Prior to the issuance of a final Will-Serve letter by the District, the full amount of the estimated fee is required by the District.

This Section of the policy also discusses a deposit of \$10,000.00 for supplemental water. The District's current capacity charge incorporates this fee. The Applicant will be required to reserve and deliver to the District a source and quantity of supplemental water acceptable to the District. It is assumed the Applicant will reserve water with the City of Santa Maria for dedication to the District. It is estimated that 10 acre-feet will be required to water the proposed development.

*D. Payment of Monthly Supplemental Water Charge: Applicants are required to establish a zone of benefit to pay additional supplemental water costs.*

The District, in establishing its supplemental water funding model and setting supplemental water capacity fees, decided to set an initial capacity cost that covered the commodity cost of supplemental water and negated the need for "zones of benefit". Therefore, this section is no longer applicable to annexations.

*E. Customers of the District: Upon annexation, residents and commercial users within the annexed area become regular customers. Contingent on LAFCO approval of annexation, District agrees to provide water service to the annexation. This agreement is not conditioned on delivery of supplemental water.*

In recognition that annexation applicants whom overlie sufficient water have options other than the District, the District agrees to water these projects, once annexation is approved and completed, even if supplemental water is not yet available.

*F. Cluster Developments: The District will only consider cluster developments that comply with County policy relating to clustering and include the requirement for ongoing management of the open space parcel(s). The open space parcel may be used for one residential unit of less than 6,000 square feet. The open space parcel may be used for crop production. Water pumped from under the open space parcel may only be used for crop production and grazing livestock. No exportation of water for residential purposes is allowed.*

The Applicant desires to maintain his existing farm house on the open space parcel and use existing wells to water the home and the existing tree farm (crop production). District policy allows pumping for residential use IF the applicant pays connection fees for the residence. The Applicant has indicated he would not agree to this condition. Staff is recommending allowing this historic use, including the residential portion, to continue in consideration of the Applicant's willingness to work with the District through the annexation process. The water demands of a single home are not significant in the District's overall approach to resolving the area groundwater imbalance in an equitable manner. Conversely, the formation of Mutual Water Companies within the District's sphere is of significant concern to the District in that it threatens the District's groundwater rights and supplemental water funding model. This point can be negotiated further through the development of the Annexation Agreement.

*VII ANNEXATION AGREEMENT: All applicants for annexation are required to enter into an annexation agreement and pay all costs associated with processing, constructing physical connection, and defending the District as a result of the annexation.*

The Applicant will be required to enter an annexation agreement, which will clearly outline all District requirements for annexation. The applicant will make an initial deposit with the District and maintain a balance in the deposit account through the entire annexation process.

As your Honorable Board is aware, LAFCO has placed a number of Conditions of Approval on the District prior to their finalizing of any annexations to the District. The District has made substantial progress on these conditions, as outlined below, and the timing for this application to the District and subsequent application to LAFCO by the applicant is appropriate.

- next page-

LAFCO Conditions of Approval Status Summary

Condition	Status
Implement water conservation program and reduce consumption per connection by 15%	District is advertising for a conservation specialist. Application period closes November 11. District's per connection water use in fiscal 04/05 was 12% lower than in 03/04.
Complete an Urban Water Management Plan update.	Plan update is in progress. Complete plan by December 2005.
Complete negotiations for Supplemental Water and provide documentation an agreement is in place to deliver supplemental water by January 2009.	Draft EIR for inter-tie line with Santa Maria is anticipated by November 30. Final EIR completed in 3-6 months with a final contract signed at that time.

**RECOMMENDATION**

Staff recommends your Honorable Board approve the application for annexation and direct staff to draft an annexation agreement meeting the District's Annexation Policy for Board consideration and approval.

**ATTACHMENTS**

Annexation Application  
District Annexation Policy

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2005\SERVICE REQUEST APN 092-130-062&020.doc



NIPOMO COMMUNITY SERVICES DISTRICT  
148 SOUTH WILSON STREET

POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

RECEIVED

OCT 20 2005

REQUEST FOR ANNEXATION  
INITIAL LAYOUT PLAN

NIPOMO COMMUNITY SERVICES DISTRICT

Property/Project Information and Proposal  
(To be completed by Project Proponents/Owners)

1. Property Owner: Carl R. & Debra L. Holloway  
Address: 561 South Oakglen Avenue, Nipomo, CA, 93444
2. Developer: Same
3. Engineer: Same
4. Assessor's Parcel Number: 090-171-005 027-029
5. Location: South on Oakglen Ave 1/10 mi on East Side.
  - A. Text/Legal Description: Lots 24-26 of Nipomo Rancho resub 1887 Book A Page 14
  - B. Provide Map (attachments: of a scale that all notes can be easily read)
6. General Description of Project: Cluster of 20 lots of 1/2 acre / 1/4 acre on 10 acres (clustered) with 10 additional acres of open space, one house and current Christmas tree
7. Services Requested from NCSD (types and number of connections):
 

Water: 20 connections (Domestic)

Sewer: 20 connections (Residential)

Other (solid waste, lighting, landscaping, drainage, etc.): \_\_\_\_\_
8. Current Zoning (Include map if more than one zone applies): R.S.
9. Identify any proposed or pending zone changes on the property to be annexed:  
None

NIPOMO COMMUNITY SERVICES DISTRICT  
REQUEST FOR ANNEXATION

10. Maximum number of units based on current zoning: 20  
Maximum number of units based on proposed zoning: NA  
Maximum number of units based on greatest potential zoning: 20

11. Proposed number of Residential units: (Describe phased construction plan if applicable): 20 large homes on view lots

12. If non-residential use, provide information as to number of plumbing fixtures, flows, loading, intended use, etc. (Describe phased construction plan if applicable):

13. Total acreage of proposed project: 10<sup>+</sup>

14. Total acreage of proposed annexation: 10<sup>+</sup>

15. If total acreage to be annexed differs from the acreage to be developed, explain the difference:

none

16. Status of water resources available on proposed annexation acreage:

A. Quantity - pumping log(s) and date(s): 100<sup>+</sup> GPM.

B. Quality - quality test(s) and date(s): Current

C. To the best of your knowledge, which of the following more accurately describes your situation?

1) The parcel overlies a large and reliable supply of water.

2) The parcel does not overlie a large and reliable supply of water.

D. Is there any existing or threatened litigation regarding the property? Y (N)

If Yes, attach explanation.

E. Other information: \_\_\_\_\_

F. Water resources currently on the site: 4 wells currently used for Ag Resources

G. Water resources to be offered in dedication to NCSD: None.  
Wells not sufficient to be of use to N.C.S.D.

NIPOMO COMMUNITY SERVICES DISTRICT  
REQUEST FOR ANNEXATION

17. Description of existing and proposed wastewater disposal system:

Existing - Septic  
Proposed - NCSD

18. Reason proponents are requesting annexation:

Reliable source  
of H<sub>2</sub>O. Eliminates future problems  
with Septic. Path of least resistance

19. If the annexation involves clustering, submit a description of how the open space parcel to be created will be used for public benefit, including any plans to dedicate and funding method for sustaining that use:

Open space will stay in its  
current use, Christmas tree production.  
Should be self sustaining and a  
viable green belt to the Dona  
Adobe properties.

20. Who do you anticipate will provide the following services, as many as may apply:

Lighting? P.G.E  
Drainage? Self Contained  
Solid Waste? South County Sanitary  
Landscaping? Owner

21. Other comments:

Please expedite  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note:

In its effort to make a competent and informed annexation decision, NCSD may, at its sole discretion, request additional information from the proponent(s) for the annexation and/or revise this checklist as NCSD deems necessary.

NIPOMO COMMUNITY SERVICES DISTRICT  
REQUEST FOR ANNEXATION

By signing below, I certify that I am the Owner of said property, or am empowered to act on the Owner's behalf, and that I understand the information provided herein by me or my representatives is true to the best of my knowledge.

Signed: Carl R. Holloway Carl R. Holloway

Full Name: Carl Robert Holloway

Street Address: 561 S. Oakland

Mail Address (if different): Same

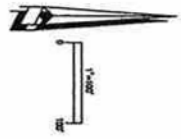
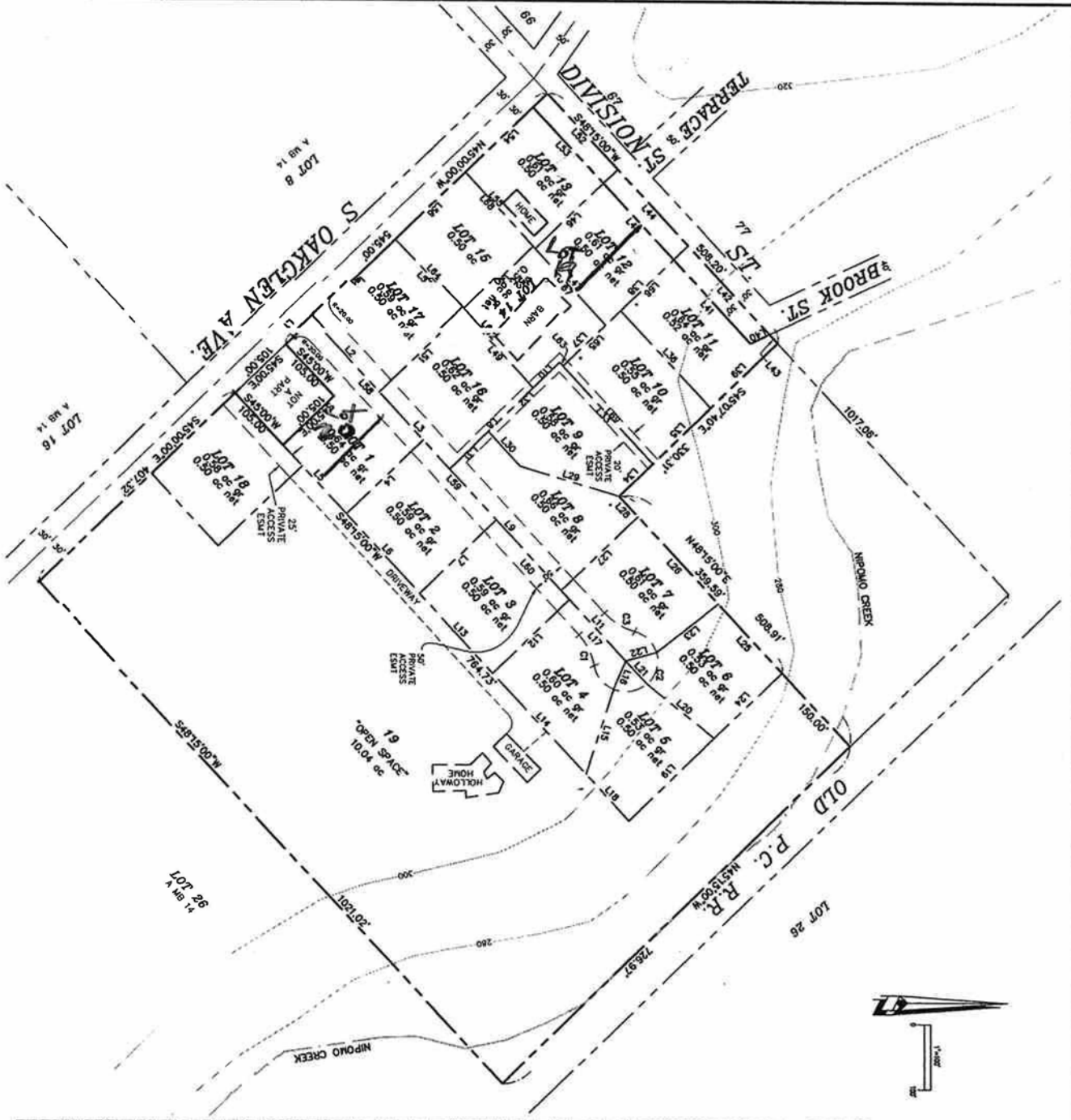
Home telephone number: (805) 929-4326

Work telephone number: \_\_\_\_\_

FAX number: 929-5376

email address: Holloways@fix.net





**SURVEYOR'S STATEMENT:**  
 THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE CONTENTS OF THE FIELD SURVEY, CALCULATIONS, AND MEASUREMENTS MADE BY ME OR UNDER MY SUPERVISION AND BELIEF.

BY: **EDWARD H. GARDNER, L.S.** (SEAL COPY: 6/29/2008)  
 12/8/2008

**OWNER'S STATEMENT:**  
 I HEREBY AFFIRM FOR APPROVAL OF THIS CONVEYANCE INSTRUMENT THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED IN THE INSTRUMENT AND THAT THE INSTRUMENT IS THE INTENTED AND TRUE AND CORRECT INSTRUMENT OF THE PARTIES TO THE INSTRUMENT AND THAT I HAVE NOT BEEN CONVICTED OF A CRIME INVOLVING PERJURY OR FALSIFICATION OF A PUBLIC RECORD.

**CHIRVE TABLE**

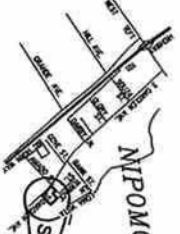
GRADE	DELTA	BARRELS	LENGTH
C1	362332.00'	83.00'	52.84'
C2	245926.00'	47.00'	201.07'
C3	322325.00'	53.00'	52.84'

**SITE INFORMATION:**  
 APN: 069-17-004, 027, 028 & 029  
 PROJECT: 17-004, 027, 028 & 029  
 PREPARED BY: [Name]

**OWNER & SUBOWNER:**  
 [Name]  
 [Address]  
 [City, State, Zip]

**UTILITIES:**  
 NAME: [Name]  
 TYPE: [Type]  
 DATE: [Date]  
 LOCATION: [Location]

**LEGEND:**  
 [Symbol] EXISTING CENTERLINE  
 [Symbol] EXISTING RIGHT-OF-WAY  
 [Symbol] EXISTING EASEMENT  
 [Symbol] EXISTING ENCUMBRANCE  
 [Symbol] EXISTING PROPERTY LINE  
 [Symbol] EXISTING SURFACE ELEVATION  
 [Symbol] EXISTING SURFACE AREA  
 [Symbol] EXISTING SURFACE VOLUME



**VICINITY MAP**  
 (SEE MAP)

Designed by:  
**WRD Engineering**  
 2501 CALIFORNIA STREET, SUITE 200  
 P.O. BOX 411884, THE DALES AT WYMAN  
 SAN DIEGO, CA 92161

**VESTING TENTATIVE TRACT**  
 MAP NO. 2842

A SUBDIVISION  
 OF A PORTION OF  
 LOTS 24 AND 25,  
 RIND 18130  
 (A 1813)

County of San Diego  
 December 2004

**LINE TABLE**

LINE	LENGTH	BEARING
L1	54.56	H63°00'00"W
L2	142.89	H63°15'00"W
L3	158.75	H63°15'00"W
L4	138.84	H63°15'00"W
L5	181.86	H63°15'00"W
L6	158.75	S63°00'00"W
L7	158.75	S63°00'00"W
L8	174.85	S63°00'00"W
L9	212.00	H63°15'00"W
L10	142.89	H63°15'00"W
L11	158.75	H63°15'00"W
L12	181.86	H63°15'00"W
L13	208.84	H63°15'00"W
L14	208.84	H63°15'00"W
L15	158.75	H63°15'00"W
L16	142.89	H63°15'00"W
L17	158.75	H63°15'00"W
L18	174.85	H63°15'00"W
L19	158.75	H63°15'00"W
L20	158.75	H63°15'00"W
L21	47.00	H63°15'00"W
L22	158.75	H63°15'00"W
L23	174.85	H63°15'00"W
L24	142.89	H63°15'00"W
L25	142.89	H63°15'00"W
L26	174.85	H63°15'00"W
L27	158.75	H63°15'00"W
L28	174.85	H63°15'00"W
L29	158.75	H63°15'00"W
L30	158.75	H63°15'00"W
L31	66.75	H63°15'00"W
L32	148.00	H63°15'00"W
L33	208.84	H63°15'00"W
L34	70.00	H63°15'00"W
L35	158.75	H63°15'00"W
L36	158.75	H63°15'00"W
L37	88.00	S63°00'00"W
L38	141.41	S63°00'00"W
L39	141.41	S63°00'00"W
L40	211.14	H63°15'00"W
L41	158.75	H63°15'00"W
L42	158.75	H63°15'00"W
L43	181.07	H63°15'00"W
L44	154.89	S63°00'00"W
L45	154.89	S63°00'00"W
L46	141.98	S63°00'00"W
L47	141.98	S63°00'00"W
L48	158.75	S63°00'00"W
L49	158.75	S63°00'00"W
L50	142.89	S63°00'00"W
L51	174.85	S63°00'00"W
L52	158.75	S63°00'00"W
L53	158.75	S63°00'00"W
L54	158.75	S63°00'00"W
L55	158.75	S63°00'00"W
L56	158.75	S63°00'00"W
L57	142.89	S63°00'00"W
L58	142.89	S63°00'00"W
L59	158.75	S63°00'00"W
L60	158.75	S63°00'00"W
L61	158.75	S63°00'00"W
L62	158.75	S63°00'00"W
L63	158.75	S63°00'00"W
L64	158.75	S63°00'00"W
L65	158.75	S63°00'00"W
L66	158.75	S63°00'00"W
L67	158.75	S63°00'00"W
L68	158.75	S63°00'00"W
L69	158.75	S63°00'00"W



**RESOLUTION NO. 2003-878**

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

**WHEREAS**, the Nipomo Community Services District (District) adopted its Annexation Policy on April 23, 2003 ("Annexation Policy"); and

**WHEREAS**, the District Board of Directors considered amendments to the Annexation Policy at its regular meeting of August 27, 2003 and instructed Staff to return to the Board with amendments to the Annexation Policy for further consideration and approval; and

**WHEREAS**, the Local Agency Formation Commission is charged with the authority to review and approve all requests for sphere of influence, annexations, and other changes in organizations to the District; and

**WHEREAS**, the Local Agency Formation Commission considers CEQA for all proposed annexations and sphere of influence changes.

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

1. The amendments to the Annexation Policy as referenced in Exhibit "A" are hereby approved and adopted.

2. The Board of Directors of the District finds that the amendment of the Annexation Policy does not constitute a "project" under the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et. seq.*) or its implementing Guidelines (14 California Code of Regulations Section 15000 *et seq.*) ("CEQA Guidelines"). The Board further finds that the adoption of the Amendment falls within the activities described in Section 15378(b)(2) of the CEQA Guidelines which are deemed not to be "projects". Even if the adoption of the Amendment is a "project" for purposes of CEQA, the District Board finds that it is exempt from review pursuant to Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The District Board finds that it can be seen with certainty that there is no possibility that the adoption of this Resolution and the approval of the provisions contained herein may have a significant effect on the environment. The District General Manager is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.

3. The above Recitals are true and correct and incorporated herein by reference.

4. If any section, subsection, sentence, clause or phrase in this Resolution and/or the amendments to the Annexation Policy are for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Resolution and/or the amendments to the Annexation Policy. The Governing Board of the District hereby declares that it would have passed this Resolution and/or the amendments to the Annexation Policy, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence,

RESOLUTION NO. 2003-878

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

clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

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

AYES: Directors Trotter, Wirsing, Blair, Vierheilig and Winn  
NOES: None  
ABSENT: None  
CONFLICTS: None

the foregoing resolution is hereby adopted this 10<sup>th</sup> day of September, 2003.



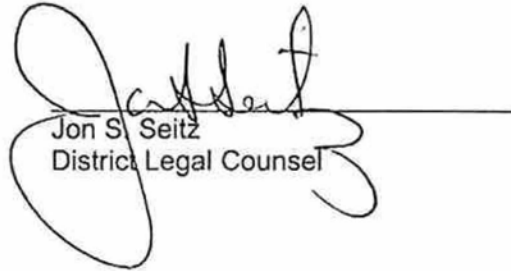
Michael Winn  
President, Board of Directors  
Nipomo Community Services District

ATTEST:



Donna K. Johnson  
Secretary to the Board

APPROVED AS TO FORM



Jon S. Seitz  
District Legal Counsel

**RESOLUTION 2003-878  
EXHIBIT A**

**THE ANNEXATION POLICY OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT**

**ADOPTED SEPTEMBER 10, 2003**

**I. PURPOSE**

In order to promote efficient processing of all requests for annexation to the Nipomo Community Services District, this policy documents the present basis upon which the Board of Directors will evaluate such requests and provides notice thereof to the owners of the property that is the subject of such requests.

**II. INTENT**

The Board of Directors intends to review all annexation requests with the aim of supporting the viability of the Nipomo Community Services District in providing essential services. The Nipomo Community Services District must be operated so as best to provide:

Good quality, economical and dependable water, sewerage and other authorized services for the residents of the Nipomo Community Services District.

The District recognizes the need for conservation of natural and environmental resources, including local resources, their availability and quality, consistent with the South County General Plan of San Luis Obispo County.

**III. GENERAL POLICIES**

- A. Annexations shall provide a reliable water source, other than water from the Nipomo Hydrologic Sub-Area (HSA) or pay for the costs of supplemental water for the area of annexation as a condition of District approval.
- B. In order to provide for the orderly development of public service facilities, only those properties will be considered for annexation for which the owners are willing to accept all conditions for service required by the Nipomo Community Services District. Further, requests for annexation solely for sewerage services to the exclusion of water service will be rejected by the Board of Directors, except under extraordinary circumstances.
- C. In order to evaluate the impacts on potential annexations upon the Nipomo Community Services District, the Board will only consider annexation requests which include the submittal of a layout plan and Annexation application pursuant to Section VI of these Policies. The District reserves the discretion to require additional information from the Applicant.

If the intended development within the proposed area of annexation requires further County approvals (e.g., zoning or subdivision), the District's approval of the annexation may be conditioned upon the owners obtaining such County approvals before the annexation becomes effective.

- D. After review of the layout plan and Application, the Board of Directors will consider annexation request where it can be demonstrated that:

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EXHIBIT A

THE ANNEXATION POLICY OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT

ADOPTED SEPTEMBER 10, 2003

The proposed annexation will provide identified benefits to: (1) the residents and property owners of the remainder of the Nipomo Community Services District; and (2) the future residents and property owners within the annexed area.

- E. The proposed annexation area boundary should include all properties that may receive the proposed services to be provided (i.e., use rear property lines rather than streets as boundary lines).
- F. The District is opposed to the formation of homeowner associations for the operation of water and/or sewer systems in the Nipomo Mesa area. Typically, such associations lose efficiency over time, requiring a public entity to take over their operations. A public entity operating from the beginning would eliminate the need for later acquisition and rejuvenation of such systems at additional cost to the property owners.
- G. The District recognizes two (2) general classes of proposed annexations, as follows:
  - 1. Those areas of proposed annexations that overlie a sufficient source of groundwater to serve the proposed development within the area of annexation; and
  - 2. those areas of proposed annexations that do not overlie a sufficient source of groundwater to serve the proposed development within the area of annexation.
- H. The Board will not contract for State Project Water as a supplemental water supply without first obtaining the approval of the District voters. \*  
  
\*Note: The Court may have jurisdiction to order State Project Water as part of the Adjudication Resolution.
- I. The Board shall make the final determination about the suitability of any water source.

IV. **GENERAL STANDARDS FOR AREAS OVERLYING SUFFICIENT RELIABLE GROUNDWATER RESOURCES**

A. **Dedications and Covenants:**

Applicants who are connected to the District water system shall covenant not to pump from the underlying groundwater basin for non-agricultural uses consistent with the following:

- 1. Applicants that connect to the District's water system may continue to pump for agriculture-related uses on Applicant's property, subject to any limitations imposed by a Court or other agency with jurisdiction.

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EXHIBIT A

THE ANNEXATION POLICY OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT

ADOPTED SEPTEMBER 10, 2003

2. Subject to paying the financial obligations referenced in subsections C and D below and further subject to any limitations imposed by a Court or other agency with jurisdiction, Applicants who do not receive District water service may :

- Continue using existing well production for existing residential and commercial uses on Applicant's property.
- Continue to pump for agriculture-related uses on Applicant's property

B. District Processing Costs:

At the time of entering into an Annexation Agreement with District, Applicant shall make deposit for District administrative, consultant and legal costs in processing the annexation;

C. Financial Obligations Prior to LAFCO Approval:

1. For each residential connection to the District's water system or for each existing residential unit that does not connect to District water system, Applicants shall deposit with the District ten thousand dollars (\$10,000) or equivalent securities acceptable to District, to be applied to District administrative and consultant costs in acquiring supplemental water and to offset costs of supplemental water. \*
2. Commercial and/or other uses that exceed a 1" meter shall pay a multiple of the deposit referenced in subsection 1 above based on flow capacity.
3. Each connection or potential connection shall pay District capacity and connection fees and charges. The District's water capacity charge shall be reduced by that portion attributed to well production.

\* To be returned if LAFCO does not approve annexation. Further, to the extent the supplemental water deposit exceeds District's costs, as prorated among other applicants for annexation, the remainder will be used to reduce Section D water charges. A legal "granny" unit served by the same 1" meter as the primary residence shall not be counted as an additional connection.

D. Payment of Monthly Supplemental Water Charge:

Applicants shall agree to establish a zone of benefit with a rate covenant wherein those residents and commercial users within the area of annexation will pay eighty percent (80%) of the actual costs of supplemental water for

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EXHIBIT A

THE ANNEXATION POLICY OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT

ADOPTED SEPTEMBER 10, 2003

the area of proposed annexation plus one hundred percent (100%) of the reserve that may be required to obtain supplemental water.

E. Customers of the District:

1. Upon annexation, residents and commercial users within the area of the proposed annexation shall become "regular customers" of the District, with no greater entitlements to water service than any other District customer.
2. Subject to compliance with the Annexation Agreement, LAFCO conditions, the District Inspection and Public Facility Agreement, District Rules and Regulations, and a determination by the Board of Directors that there are adequate water resources to supply the area of annexation during the period of time specified in the Annexation Agreement, reasonably determined to acquire supplemental water, District agrees to provide water to the area of annexation upon LAFCO final approval.

F. Cluster Developments:

1. The District will only consider annexations of cluster developments that comply with County policy relating to clustering and that include the requirement for ongoing management of the open space parcel(s) for the purposes of:
  - a. Conserving water drawn from the underlying groundwater basin;
  - b. Preventing the accumulation of solid waste, litter, and construction and demolition waste; and
  - c. Preventing the accumulation of weeds and other fire hazards that would create further demand on the District's water resources.
2. A cluster division is to include at least one (1) open space parcel that may be used for one of the allowable residential units, provided that the building site does not exceed six thousand (6,000) square feet and is defined on the recorded map. Otherwise the open space parcel is not to be developed with structural uses other than agriculture accessory buildings. The open space parcel may be used for any one of the following: crop production or range land; historic site, archaeological preserve, wildlife preserve, water storage or recharge area; leach field, scenic area, protection from hazardous areas; public outdoor recreation; or other similar use.
3. The use and restrictions referenced in Paragraphs 1 and 2 above, are to be guaranteed by a "Dedication", approved in writing by the District, as a party to the "Dedication". The Dedication shall be in the

RESOLUTION 2003-878  
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THE ANNEXATION POLICY OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT

ADOPTED SEPTEMBER 10, 2003

form of an open space easement, recordable agreement, dedication of fee, or partial fee title to a public or quasi-public agency.

4. If the open space parcel is designated for crop production or range land, then the Dedication related to water use shall include:
  - a. Water pumped from the groundwater basin will only be used for crop production or grazing livestock;
  - b. A reference to the ongoing groundwater adjudication shall be identified, along with a statement that Owner acknowledges that Owner is the party subject to limitations imposed by a Court or other agency with jurisdiction related to pumping from the underlying groundwater basin; and
  - c. That Owner will not transport water from the open space parcel to other parcels that do not share a common boundary and common ownership with the open space parcel. Under no circumstances shall the Owner transport water from the open space parcel to a residential parcel.
5. If the District accepts responsibility for the open space parcel, then Applicant shall form an Assessment District, Special Tax District, or establish an endowment acceptable to District for the purposes of the operation and maintenance of the open space parcel.
6. Applicant shall establish a Homeowners Association for the purposes of assuming obligations in Subparagraph 5 above in the event the District is required to abandon the Assessment District or Special Tax District.

V. **GENERAL STANDARDS FOR AREAS OF ANNEXATION THAT DO NOT OVERLIE SUFFICIENT RELIABLE GROUNDWATER RESOURCES.**

- A. The Applicant shall comply with all conditions set forth in Section III above for proposed annexations that overlie a sufficient groundwater resource; and
- B. Pay one hundred percent (100%) of the monthly supplemental water charge (see IV D above); and
- C. District will not deliver water to the area of annexation until:
  1. Sufficient supplemental water is under contract and available in the NCSD system for delivery; and
  2. CEQA review, including challenges, are completed.
  3. In addition, the construction phase shall not begin until steps C-1 and C-2 are completed and the Board determines that there is sufficient

RESOLUTION 2003-878  
EXHIBIT A

THE ANNEXATION POLICY OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT

ADOPTED SEPTEMBER 10, 2003

water to serve the proposed area of annexation during the construction phase.

**VI. DISPUTE RESOLUTION**

If an Applicant disputes District determination that the area of proposed annexation does not overlie a sufficient groundwater resource, then Applicant, at Applicant's sole cost, may request District to perform reliability tests, possibly including pump tests, to the District Engineer's standards, to determine sufficiency of underlying groundwater resources. The Board of Directors' determination of the sufficiency of the groundwater supply shall be final.

**VII. ANNEXATION AGREEMENT**

All applicants for annexation shall be required to enter into an Annexation Agreement. Said Annexation Agreement shall include the following:

- A. That all infrastructure and service line extensions shall be designed and constructed at no cost to District in accordance with District's standards;
- B. Reimbursement to District for its costs in processing the annexation, including administrative costs, legal costs and engineering costs; and
- C. Payment for all applicable District capacity, meter and connection charges.

**VIII. SUBMITTAL OF ANNEXATION APPLICATION AND LAYOUT PLAN**

Prior to consideration by the Board of Directors, Applicants must submit an application to the District, demonstrating that the annexation will conform to these Annexation Policies and submit a layout plan for the proposed area of annexation in sufficient detail for the District to assess the full impact of the annexation on the District's water distribution facilities, sewer service and other services to be provided to the area of annexation by the District.



TO: BOARD OF DIRECTORS  
 FROM: MICHAEL LeBRUN *MSL*  
 DATE: OCTOBER 26, 2005

**AGENDA ITEM  
 E-3  
 OCTOBER 26, 2005**

SERVICE REQUEST – APN 092-130-043

**ITEM**

Consider request for water and sewer service (Intent-to-Serve Letter) to a 40-unit multi-family/low income development at 764 Grande Street.

**BACKGROUND**

The District received the attached application for water and sewer service to 764 Grande Street on September 13, 2005. The Owner/Applicant, is EG & Opal Pearson of Manhattan Beach California. The Pearson's list Global Premier Development Inc. of Costa Mesa California as Agent. The application is signed by Mr. Wayne Dietz of Global Premier.

The application is for a 40-unit multi-family apartment complex, the applicant indicates all 40-units are "low income". The subject property is zoned multi-family and currently has a Christmas tree lot and trailer on site with District water service via a one-inch meter. In 2004, the parcel used 1.8 acre-feet of District supplied water. The District's annual allocation limits apply to the proposed project.

A Water Demand Certification is included with the application. The project is projected to require 7.2 acre-feet of water annually. The project will be subject to the District's water and sewer connection fees which incorporate the costs of supplemental water. The project will be watered by a single master-meter for domestic use and a single irrigation meter. A separate fire connection may be required by California Department of Forestry; however, additional fire capacity fees are not likely to be required due to the level of domestic demand anticipated.

Assuming a four (4) inch domestic water meter and a two (2) inch irrigation meter are required, sewer and water connection fees for the project (at today's rates) would be \$332,109.00. Supplemental water fees would account for \$220,205.00 of this estimated fee. Actual water and sewer capacity fees will be based on the meter sizes requested for the final County-approved project and will be finally assigned at the time the project is complete and ready to connect to the District system.

Allocation of water to this project requires multi-year phasing to comply with the District's allocation ordinance. Under the current allocation limitations and assuming this project meets the County's criteria for Low Income, a total of 13.5 acre feet (AF) of water allocation is set aside for this class of development (10.2 AF for Multi-family, 3.3 for Low Income). Applying the single project allocation limit of 20% results in a maximum annual allocation to the project of 2.7 AF. At this allocation rate the project's water allocation would be phased over three years. This phasing scenario and other potentially applicable scenarios are summarized in the table below.

<b>Project Scenario</b>	<b>Annual Allotment</b>	<b>Years until full allotment.</b>
Qualifies as Low Income, current allocation limits.	20% of 13.5 AF (10.2 + 3.3), or 2.7 AF	Three (final allotment granted on 10/01/07)
Does not meet Low Income, current allocation limits.	20% of 10.2 AF, or 2.04 AF	Four (final allotment granted on 10/01/08)
Qualifies as Low Income, reduced allocation limits reflecting County growth cap reduction from 2.3 to 1.8%.	20% of 10.58 (8.0 + 2.58), or 2.12 AF	Four (final allotment granted on 10/01/08)
Does not meet Low Income, reduced allocation limits.	20% of 8.0 AF, or 1.6 AF	Five (final allotment granted on 10/01/09)

Assuming the applicant can provide evidence all units of the proposed project meet County criteria for Low Income housing, staff is recommending allocation based on the first scenario.

### **RECOMMENDATION**

Staff recommends your Honorable Board direct staff to issue an Intent-to-Serve letter for the project with the following conditions:

- Will-Serve letters for the project will be issued in "phases" as follows:
    - No more than fifteen units (2.7 acre-feet) prior to September 30, 2006;
    - No more than thirty units (5.4 acre-feet), cumulative, prior to September 30, 2007;
    - Full allocation, forty units (7.2 Acre-feet), cumulative, available on or after October 1, 2007.
- This allocation schedule assumes all units of the project meet County criteria for Low Income. The project's allocation will be reduced accordingly if all or parts of the project do not meet the County criteria. The applicant will be required to provide proof of Low Income criteria being met prior to the issuance of Will-Serve letter(s).
- Water service for the entire project shall be served by a single master-meter for indoor uses and separate meter(s) for landscape areas.
  - On-site fire service (e.g. fire sprinklers) requires a dedicated service lateral. CDF of SLO County must approve the development plans prior to District approval. Fire capacity charges may be applicable.
  - Applicant shall provide the District with a copy of County application approval and County project conditions of approval. (See expiration conditions below)
  - Enter into a Plan Check and Inspection Agreement; provide a deposit.
  - Submit improvement plans in accordance with the District Standards and Specifications for review and approval. A sewer and water master plan review of project impacts, at the applicants expense, may be required by the District project design review engineer.
  - Project landscape plan shall incorporate best management water conservation measures and be approved by the District General Manager.
  - Easements required for water and sewer improvements, that will be dedicated to the District, shall be offered to the District prior to final improvement plan approval.
  - A Will-Serve letter for the project will be issued after improvement plans are approved and signed by General Manager.
  - Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a Will-Serve Letter in an amount equal to the then calculated Fees for Connection.
  - Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.
  - For improvements that will be dedicated to the District, submit the following:
    - Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
    - Offer of Dedication
    - Engineer's Certification
    - A summary of improvement costs
  - The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and that the District has accepted improvements to be dedicated to the District, if applicable.
  - This letter is void if land use is other than multi-family.

Intent-to-Serve conditions continued:

- Intent-to-Serve letters shall automatically terminate on the first to occur:
  - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
  - Two (2) years. However, applicant shall be entitled to a one-year extension upon proof of reasonable due diligence in processing the project.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.
- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.

**ATTACHMENTS**

Application  
Plot plans for project site.

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2005\SERVICE REQUEST APN 092-130-043.DOC



# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 328 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

Office use only:  
Date and Time Complete  
Application and fees received:  
\$ 50<sup>00</sup> 9-13-05  
DJ

## INTENT-TO-SERVE/WILL-SERVE APPLICATION

✓ Schedule for 10/26 meeting - spoke w/ Steve Grover

- This is an application for:  Sewer and Water Service  Water Service Only of
- SLO County Planning Department/Tract or Development No.: 2005-00011 Cedar Village
- Date submitted to County: 9/8/05 (\* Attach a copy of SLO County application)
- Project location: 764 GRANDE ST. NIPOMO, CA.
- Assessor's Parcel Number (APN) of lot(s) to be served: 092-130-043
- Owner Name: EG. OPAL PEARSON
- Business Address: -
- Mailing Address: 559 33RD ST. MANHATTAN BEACH, CA 90266
- Phone Number: (310) 545-7659 FAX #
- Agent's Information (Architect or Engineer):  
Name: GLOBAL PREMIER DEVELOPMENT, INC. Wayne@globalpremier.com  
Address: 1012 BRIOSO DR. #202 COSTA MESA, CA 92627  
Phone Number: (949) 722-8000 FAX # (949) 722-9014
- Type of Project: (circle as applicable)  
Single Family Residence Duplex Secondary (a.k.a Granny) Unit  
Multi-Family (under single roof) Commercial Mixed-Use (commercial & residential)
- Number of Dwelling Units 40 Number of Low Income units 40
- Does this project require a sub-division? (yes/no) no  
If yes, number of new lots created
- Site Plan:  
Submit six (6) standard size copies and one reduced copy (8 1/2" x 11") for projects requiring Board approval: e.g. projects with more than four dwelling units, projects requiring property sub-divisions, projects requesting higher than currently permitted housing density. All other projects, submit two (2) standard size and one reduced copy. Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable.

RECEIVED

SEP 13 2005

NIPOMO COMMUNITY SERVICES DISTRICT

**NIPOMO COMMUNITY SERVICES DISTRICT  
Intent to Serve/Will Serve Application**

15. **Water Demand Certification:**

A completed Water Demand Certification, signed by project engineer/architect, must be included for all residential and the residential-portion of mixed use.

16. **Commercial Projects Service Demand Estimates:**

Provide an estimate of yearly water (AFY) and sewer (MGD) demand for the project. Provide a "Fixture Schedule", for each parcel, to facilitate fee calculation. Please note: All commercial projects are required to use low water use irrigation systems and water conservation best management practices.

17. **Agreement:**

The Applicant agrees that in accordance with generally accepted construction practices, Applicant shall assume sole and complete responsibility for the condition of the job site during the course of the project, including the safety of persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and the Applicant shall defend, indemnify, and hold the District and District's agents, employees and consultants harmless from any and all claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities arising out of the performance or attempted performance of the work on this project; except those claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities resulting from the negligence or willful misconduct of the District.

Nothing in the foregoing indemnity provision shall be construed to require Applicant to indemnify District against any responsibility or liability or contravention of Civil Code §2782

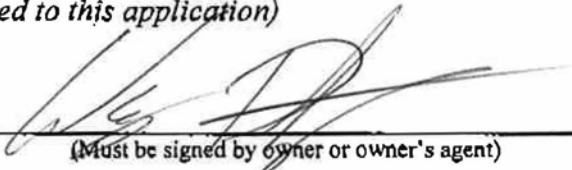
18. The undersigned acknowledges receipt of the Nipomo Community Services District Application for District Service Policy and Guidelines (attached).

19. **Application Fee:**

Application Processing Fee..... \$50.00

*(Non-refundable payment attached to this application)*

Date 9/8/05

Signed   
*(Must be signed by owner or owner's agent)*

Print Name Wayne Dantz



# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

## WATER DEMAND CERTIFICATION

Supplement to Intent-to-Serve/Will Serve Application

### Definitions

(Please note – these definitions do NOT reconcile with standard SLO County Planning department definitions)

**Multi-family dwelling unit** – means a building or portion thereof designed and used as a residence for three or more families living independently of each other under a common roof, including apartment houses, apartment hotels and flats, but not including automobile courts, or boardinghouses.

**Two-family dwelling units (duplex)** – means a building with a common roof containing not more than two kitchens, designed and/or used to house not more than two families living independently of each other.

**Single-family dwelling unit** – means a building designed for or used to house not more than one family.

**Secondary dwelling units** – means an attached or detached secondary residential dwelling unit on the same parcel as an existing single-family (primary) dwelling. A secondary unit provides for complete independent living facilities for one or more persons.

### Commercial Projects

Commercial projects are exempt from Water Demand Certification; however low water use irrigation systems and water conservation best management practices are required. The dwelling component of Mixed Use projects (e.g. commercial and residential), are required to provide Water Demand Certification for the dwelling unit portion of the project.

### Non-Commercial Projects

Water Demand Certification is required for all non-commercial projects and for the dwelling units of Mixed Use. Certification must be signed by a licensed Engineer/Architect.

- - - Go to next page for demand calculation and certification - - -

# NIPOMO COMMUNITY SERVICES DISTRICT Water Demand Certification

### Demand Calculation (for new dwelling units only)

Total project water demand (dwelling units including irrigation), by District standard, is as follows:

Number of Multi-family Units	<u>40</u>	X	0.18	=	<u>7.2</u>
Number of Duplexes/Secondary Units		X	0.3	=	
Number of Single Family Units with:					
Parcel less than 4,500 sq. ft.		X	0.3	=	
Parcel between 4,500 and 10,000 sq. ft.		X	0.45	=	
Parcel greater than 10,000 sq. ft.		X	0.55	=	
Total demand all dwelling units including irrigation					<u>7.2</u>

### Certification

I the undersigned do here by certify:

Project design incorporates low water use landscape and landscape irrigation systems.

The design maximum total water demand, including landscaping does not exceed the following:

- 0.18 AFY per Multi-Family Dwelling Unit;
- 0.3 AFY per Dwelling Unit for duplexes and Secondary Dwellings;
- 0.3 AFY per Single Family Dwelling Unit located on a parcel size of four thousand five hundred (4,500) square feet or less;
- 0.45 AFY per Single Family Dwelling Unit located on a parcel size between four thousand five hundred (4,500) and ten thousand (10,000) square feet.
- 0.55 AFY per Single Family Dwelling Unit located on a parcel size that exceeds ten thousand (10,000) square feet.

Note: "AFY" = acre-foot per year  
Parcel size is net area

Signed [Signature]  
Must be signed by project engineer/architect

Date 9-8-05

Title CIVIL ENGINEER

License Number 41102

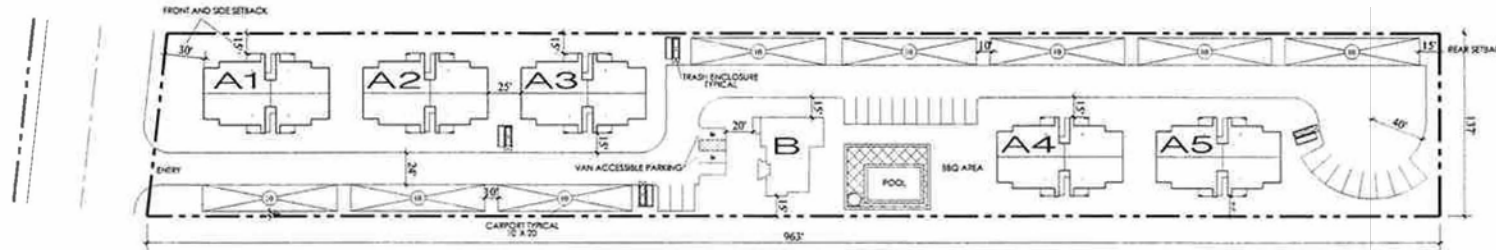
Project 072-130-43

(e.g. Tract Number, Parcel Map #, APN)





VICINITY MAP  
(Not to Scale)



**SITE INFORMATION:**  
 SITE AREA: 3.0 AC.  
 DENSITY: 13.3 DU/AC  
 APN: 092-130-043

**UNIT MIX:**  
 PLAN 2: 2BR / 2BA: 20 (50%)  
 PLAN 3: 3BR / 2BA: 20 (50%)  
 TOTAL 40 UNITS

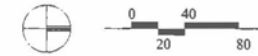
**PARKING:**  
REQUIRED-  
 COVERED 2.0 COVERED SPACES/UNIT  
 TOTAL 80  
PROVIDED-  
 COVERED: 80  
 OPEN: 25 (2 ACCESSIBLE SPACES)  
 TOTAL 105 SPACES

## CONCEPTUAL SITE PLAN

# Cider Village Family Apartments

NIPOMO, CALIFORNIA

GLOBAL PREMIER DEVELOPMENT  
 1012 Brioso Drive, Suite 202  
 Costa Mesa, California 92627  
 Tel: 949-722-8000 Fax: 949-722-9014





TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *ML*  
DATE: OCTOBER 26, 2005

**AGENDA ITEM  
E-4  
OCTOBER 26, 2005**

SERVICE REQUEST – APN 092-130-062/020

**ITEM**

Consider request to provide water and sewer service to a re-development plan at 601 West Tefft.

**BACKGROUND**

The District received application for service to the re-development of APN 092-130-062/020, located at 555-601 West Tefft Street on September 27, 2005. The Owner/Applicant is Village at Nipomo LLC. Mr. Ted Moore signed the application and is listed as the Manager of Village at Nipomo LLC. Mr. Bob Winslow of EDA in San Luis Obispo is the Agent for the project.

The project is Phase 2 of The Village at Nipomo. Phase 1 of the project is the existing Longs/Taco Bell center which has 33,914 square feet (SF) of commercial space. Phase 2 includes the Mary Avenue extension, demolition of some existing structures and the construction of five new commercial buildings totaling 38,638 SF. Both Phases currently receive some level of District sewer and water service.

The Phase 2 site covers 3.62 acres. The District's Water and Sewer Master Plan update, dated March 2002, Table 2 (attached), provides District specific water and sewer demand numbers for commercial retail and service property by acre. Using this data the estimated water demand for this project is 1.41 AFY. Sewer flow from the project is estimated to be approximately 1000 gallons per day.

As proposed, the Phase 2 project will require four 1.5" water meters and one 2" water meter. The site is currently served by four water meters of 1" or less. At current rates, and considering credit for current service, the water and sewer Connection Fee for the project would be approximately \$225,000.00. Supplemental water fee accounts for approximately \$180,000.00 of the total fee.

Actual fees for the project will be based on District-approved development plans of the final County-approved project. As outlined in the recommended conditions below, a 100% estimate of the fees will be paid prior to the issuance of a Will-Serve letter by the District. The final fee will be calculated and owing at the time the project is completed and meters are set.

The project is not subject to the District's residential development allocation limit.

**RECOMMENDATION**

Staff recommends your Honorable Board direct staff to issue an Intent-to-Serve letter for the project with the following conditions:

- Water service for each parcel/building shall be served by a single master meter for indoor uses and a separate meter(s) for landscape irrigation.
- On-site fire service (e.g. fire sprinklers) requires a dedicated service lateral. CDF of SLO County must approve the development plans prior to District approval. Fire capacity charges may be applicable.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement, provide a deposit.

- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. At the Applicant's expense, a sewer and water master plan review of project impacts may be required by the General Manager.
- Project landscape plan shall incorporate best management water conservation measures and be approved by the General Manager.
- Easements required for water and sewer improvements, which will be dedicated to the District, shall be offered to the District prior to final improvement plan approval.
- A Will-Serve letter for the project will be issued after improvement plans are approved and signed by General Manager.
- Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a Will-Serve Letter in an amount equal to the then calculated Fees for Connection.
- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.
- Construct the improvements required and submit the following:
  - Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
  - Offer of Dedication
  - Engineer's Certification
  - A summary of all water and sewer improvement costs
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and that the District has accepted improvements to be dedicated to the District, if applicable.
- This letter is void if land use is other than commercial.
- Intent-to-Serve letters shall automatically terminate on the first to occur:
  - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
  - Two (2) years. However, applicant shall be entitled to a one-year extension upon proof of reasonable due diligence in processing the project.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.
- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.

### **ATTACHMENTS**

Application

Plot plans

Table 2, Sewer Duty Factors and Existing Flows, Water and Sewer Master Plan 2001.



# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

Office use only:  
Date and Time  
Complete  
Application and  
fees received:  
check # 1117  
\$ 50.00 9/27/05

## INTENT-TO-SERVE/WILL-SERVE APPLICATION

1. This is an application for:  Sewer and Water Service  Water Service Only
2. SLO County Planning Department/Tract or Development No.: \_\_\_\_\_
- ✓ 3. Date submitted to County: 10/3/05 (\* Attach a copy of SLO County application)
4. Project location: 555 - 601 Tefft St., Nipomo, CA 93444
5. Assessor's Parcel Number (APN) of lot(s) to be served: 092-130-062
6. Owner Name: Village at Nipomo LLC
7. Business Address: C/O E. F. Moore & Co. 428 Bryant Cir., Ste. 225, Ojai 93023
8. Mailing Address: same
9. Phone Number: (805) 640-3438 FAX # (805) 646-4186
10. Agent's Information (Architect or Engineer):  
Name: Bob Winslow, EDA  
Address: 1998 Santa Barbara St., San Luis Obispo, CA 93401  
Phone Number: (805) 549-8658 FAX # (805) 596-5290
11. Type of Project: (circle as applicable)  
Single Family Residence Duplex Secondary (a.k.a Granny) Unit  
Multi-Family (under single roof) Commercial Mixed-Use (commercial & residential)
12. Number of Dwelling Units \_\_\_\_\_ Number of Low Income units \_\_\_\_\_
13. Does this project require a sub-division? yes (yes/no)  
If yes, number of new lots created 6
14. Site Plan:

Submit six (6) standard size copies and one reduced copy (8½" x 11") for projects requiring Board approval: e.g. projects with more than four dwelling units, projects requiring property sub-divisions, projects requesting higher than currently permitted housing density. All other projects, submit two (2) standard size and one reduced copy. Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable.

**RECEIVED**  
**SEP 27 2005**  
**NIPOMO COMMUNITY SERVICES DISTRICT**

15. **Water Demand Certification:**

A completed Water Demand Certification, signed by project engineer/architect, must be included for all residential and the residential-portion of mixed use.

16. **Commercial Projects Service Demand Estimates:**

Provide an estimate of yearly water (AFY) and sewer (MGD) demand for the project. Provide a "Fixture Schedule", for each parcel, to facilitate fee calculation. Please note: All commercial projects are required to use low water use irrigation systems and water conservation best management practices.

17. **Agreement:**

**The Applicant agrees that in accordance with generally accepted construction practices, Applicant shall assume sole and complete responsibility for the condition of the job site during the course of the project, including the safety of persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and the Applicant shall defend, indemnify, and hold the District and District's agents, employees and consultants harmless from any and all claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities arising out of the performance or attempted performance of the work on this project; except those claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities resulting from the negligence or willful misconduct of the District.**

**Nothing in the foregoing indemnity provision shall be construed to require Applicant to indemnify District against any responsibility or liability or contravention of Civil Code §2782**

18. The undersigned acknowledges receipt of the Nipomo Community Services District Application for District Service Policy and Guidelines (attached).

19. **Application Fee:**

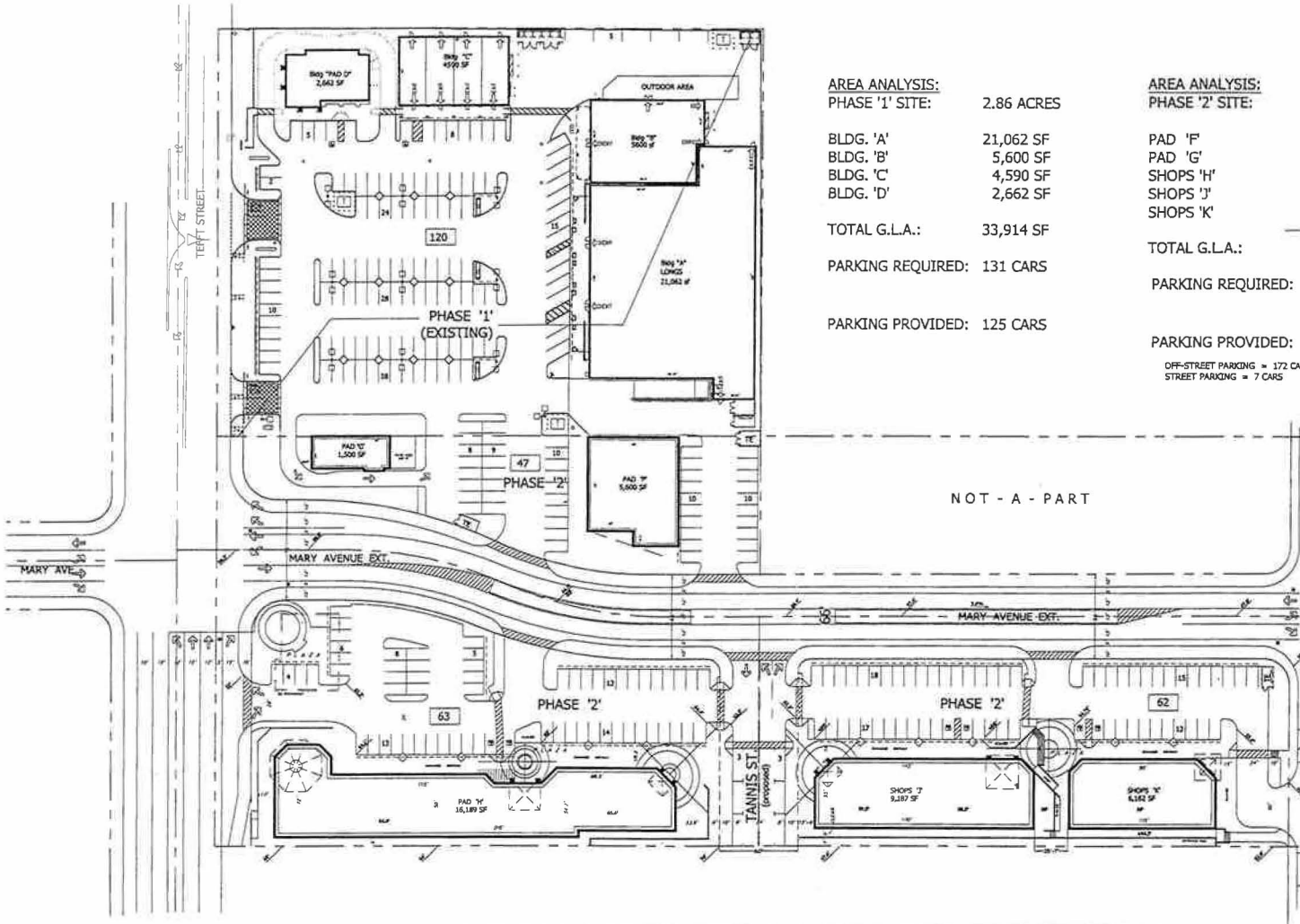
Application Processing Fee..... \$50.00

*(Non-refundable payment attached to this application)*

Date 7/28/05

Signed   
(Must be signed by owner or owner's agent)

Print Name Ted Moore, Manager  
Village at Nipomo LLC



**AREA ANALYSIS:**  
**PHASE '1' SITE:** 2.86 ACRES

BLDG. 'A'	21,062 SF
BLDG. 'B'	5,600 SF
BLDG. 'C'	4,590 SF
BLDG. 'D'	2,662 SF

TOTAL G.L.A.: 33,914 SF

PARKING REQUIRED: 131 CARS

PARKING PROVIDED: 125 CARS

**AREA ANALYSIS:**  
**PHASE '2' SITE:** 3.62 ACRES

PAD 'F'	5,600 SF
PAD 'G'	1,500 SF
SHOPS 'H'	16,189 SF
SHOPS 'J'	9,187 SF
SHOPS 'K'	6,162 SF

TOTAL G.L.A.: 38,638 SF

PARKING REQUIRED: 139 CARS

PARKING PROVIDED: 179 CARS (includes street parking)

OFF-STREET PARKING = 172 CARS  
 STREET PARKING = 7 CARS

**E.F. MOORE & CO.**  
 118 BRANTLEY CIRCLE ROAD  
 SUITE 212  
 OAKLAND, CA 94612

TEL: 818.216.3133  
 F: 818.546.4148

DEVELOPER

NOTE:  
 THIS PLAN AND PRELIMINARY PHASE 2 DEVELOPMENT PLAN SUBMITTED BY THE  
 OWNER AND WILL BE SUBJECT TO APPROVAL BY THE CITY OF NIPOMO.  
 A FEE FOR REVIEW AND APPROVAL IS REQUIRED.

**THE VILLAGE AT NIPOMO**  
 S.E.C. TEFFT AVENUE & MARY AVENUE  
 SITE PLAN

**NIPOMO, CALIFORNIA**

PROJECT # 0704  
 DATE: JUNE 20, 2008

**LHA**  
 ARCHITECTS

1813 VICTORY BOULEVARD  
 CLARKVILLE, CA 95021

TEL: 916.224.8800  
 F: 916.225.0440  
 WWW.LHAARCHITECTS.COM

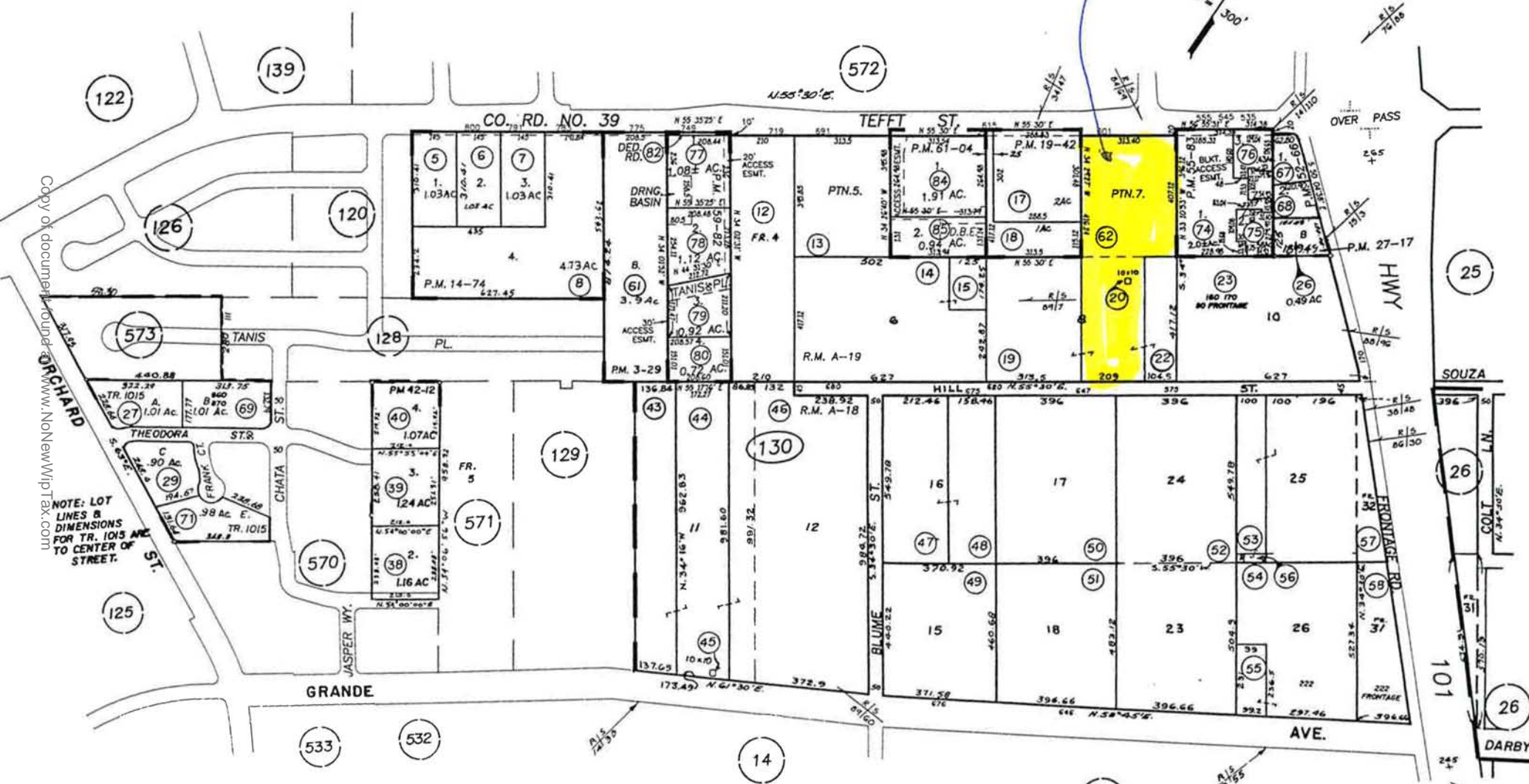
LEED-COOPER/DEWINTER & ASSOCIATES, INC.

PROJECT SITE

092-130

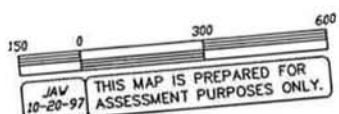


Copy of document found at www.NoNewWpTax.com



NOTE: LOT LINES & DIMENSIONS FOR TR. 1015 ARE TO CENTER OF STREET.

REVISIONS	I.S.	DATE
04-NA	07-02-03	
04-336	02-12-04	
04-383	03-04-04	
04-405	03-11-04	
04-336	04-19-04	
NA	06-01-04	
NA	06-17-04	
05-086	07-23-04	
NA	10-22-04	
NA	02-22-05	



STORY'S RESUB. (PTN. OF RHO. NIPOMO), R.M. Bk. A , Pg. 19  
 MESA GRANDE TRACT (PTN. OF RHO. NIPOMO), R.M. Bk. A , Pg. 18

NIPOMO ASSESSOR'S MAP COUNTY OF SAN LUIS OBISPO, CA BOOK 092 PAGE 130

**TABLE 2  
SEWER DUTY FACTORS AND EXISTING FLOWS**

<u>Land Use</u>	<u>% of Water Going to Sewer</u>	<u>Water Use gpd/du, or gpd/acre</u>	<u>Sewer Flow at % stated</u>	<u>WATER AFY/acre</u>
Res-Lg lot	0.36	Res. Lg. lot 551	198 gpd/unit	.62
Res-Sm lot	0.47	Res. Sm lot 408	192 gpd/unit	.45
Office/ Comm.	0.8	Comm. Retail 350	280 gpd/acre	.39
Pub. Facility	0.3	Comm. Service 310	248 gpd/acre	.35
RMF	0.75	Office/Prof. 230	184 gpd/acre	.26
		Public Facility 530	159 gpd/acre	.59
		Resid. Multi Family 1305	879 gpd/acre	1.46

**MAIN NIPOMO SEWER SYSTEM:**

TRIBUTARY AREA	NO. OF LARGE LOTS	NO. OF SMALL LOTS	Commercial Retail (acres)	Commercial Service (acres)	Office/ Professional (acres)	Public Facility (acres)	RMF (acres)	Est. Flow (gpd) (1)	Flow based on run time (gpd) (2)	Diff. (3)
Tefft Street Lift Station	6	436	10.75	0	4.25	8.5	10.5	100,218	93,700	-7%
Juniper Lift Station	0	165	0	0	0	0	0	31,640	32,685	3%
Bracken Lift Station	0	26	0	0	0	0	0	4,986	4,430	-13%
Gardenia Way Lift Station	2	117	0	0	0	19	0	25,854	18,808	-37%
North Oakglen Lift Station	0	18	0	0	0	1.5	0	3,690	7,685	52%
La Mirada Lift Station	0	93	0	0	0	0	0	17,834	28,737	38%
Nipomo Palms Lift Station	0	162	0	0	0	0	0	31,065	34,819	11%
Tejas Lift Station	0	15	0	0	0	0	0	2,876	1,664	-73%
Honey Grove Lift Station	6	0	0	0	0	0	0	1,190	1,215	2%
Gravily flow to Treatment Plant	44	442	41	8	9.3	0	22.5	130,683	130,663	N/A
CSA-1 (4)		342						65,582		56%
Galaxy Park									119,459	
People's Self Help Lift Station									29,410	
<b>Totals</b>	<b>58.00</b>	<b>1816.00</b>	<b>51.75</b>	<b>8.00</b>	<b>13.55</b>	<b>29.00</b>	<b>33.00</b>	<b>415,618</b>	<b>503,273</b>	
								<b>0.42</b>	<b>0.50</b>	
								<b>MGD</b>	<b>MGD</b>	

- (1) Estimated flow is average dry weather flow based upon number of tributary residential units at the sewer duty factors stated above and based upon the approximate number of acres of non-residential land use at the sewer duty factors stated above.
- (2) Tributary area flow based on lift station run time is the total number of hours of operation for each lift station per month during Oct. 2000-Sep. 2001 times the nominal lift station flow capacity for each station.
- (3) "Difference" is the percentage difference between calculated tributary area flow based on duty factors as compared to flow base on run time records.
- (4) Galaxy Park and Peoples Self Help Housing lift station flow estimates based on nominal lift station capacity times average station run time (4/00-4/01).

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *ML*  
DATE: OCTOBER 26, 2005



REVIEW WATER ALLOCATION ORDINANCE

**ITEM**

Review allocation ordinance, consider options for revision, direct staff.

**BACKGROUND**

The District adopted Ordinance 2004-100 on October 13, 2004. The Ordinance established a limit and procedure for water service allocation for residential development.

At the regular meeting of September 14, 2005, your Honorable Board reviewed the Districts current allocation ordinance and asked staff to do additional research into motel and hotel water demand factor, commercial to residential water usage in the District, and provide any additional information available on commercial development demands.

Staff was further directed to:

- Maintain the current allocation level at 51 acre-feet per year while including Motel/Hotel and assisted living units under this allocation limit.
- Increase the number of single family home classifications to include three new categories for larger (>.5 acre) home sites which are shown to use, on average, higher quantities of water than previously allocated.

To date, staff has made some progress on these tasks. Attached you will find commercial water and sewer demand numbers that were developed by Boyle Engineering as part of the District's Water and Sewer Master plan update performed in 2002. Additionally, staff is providing a comparison of the District's current residential versus commercial water demands and a(attached).

**RECOMMENDATION**

Consider staff report, provide direction.

**ATTACHMENTS**

Final 2004/2005 water year allocation accounting  
District commercial versus residential demand numbers  
Table 2, Water and Sewer Master Plan Update  
Recommendations from Commercial sub-committee.



### Nipomo Community Services District Water Allocation Accounting Summary

Water Year 2004-2005													
Project	Dwelling units per category						Water allotment (acre-feet)				Project Total	Tally	Notes:
	SFR > 10	SFR 4.5 - 10	SFR < 4.5/DUP	SEC	MF	Low I	SFR/DUP	SEC	MF	Low I			
							32.50	5.00	10.20	3.30		51.00	
835 San Ysidro, APN 091-292-032				1			0.00	(0.30)	0.00	0.00	(0.30)	50.70	Issued 10/26/04 by GM
504 Alegre, APN 092-551-037				1			0.00	(0.30)	0.00	0.00	(0.30)	50.40	Issued 10/25/04 by GM
CO 04-0573, Residential, 2 units		2					(0.90)	0.00	0.00	0.00	(0.90)	49.50	Issued 10/25/04 by GM
APN 092-142-018					12		0.00	0.00	(2.16)	0.00	(2.16)	47.34	Board approved on 11/17/04.
APN 091-293-063, 749 Live Oak				1			0.00	(0.30)	0.00	0.00	(0.30)	47.04	Issued 11/15/04 by GM
APN 091-292-048, Amber Way	1						(0.55)	0.00	0.00	0.00	(0.55)	46.49	Issued 1/5/5 by GM
APN 091-430-050, 941 Camino Cab.	0						0.00	0.00	0.00	0.00	0.00	46.49	REVOKED 2/11/5 lack of funds
APN 091-294-013, 979 Sweet Gum	1						(0.55)	0.00	0.00	0.00	(0.55)	45.94	Issued by GM
APN 090-371-050			1				(0.30)	0.00	0.00	0.00	(0.30)	45.64	Issued by GM
092-130-019, Hill Street - PHASED			21				(6.30)	0.00	0.00	0.00	(6.30)	39.34	Phased, 2- years, Board approved on 4/13/05
091-292-001, Pomeroy @ Hridge	6						(3.30)	0.00	0.00	0.00	(3.30)	36.04	Board approved on 5/11/05
CO 05-113, 1070 Evergreen	2						(1.10)	0.00	0.00	0.00	(1.10)	34.94	Issued 5/19/05 by GM
APN 091-426-026, 995 Blue Gum				1			0.00	(0.30)	0.00	0.00	(0.30)	34.64	Issued 5/17/05 by GM
APN 092-361-034, 745 Ashland	1						(0.55)	0.00	0.00	0.00	(0.55)	34.09	Issued 5/19/05 by GM
APN 092-083-009/010 - PHASED					13		0.00	0.00	(2.28)	0.00	(2.28)	31.81	Phased, 4- years, Board approved 5/25/05.
APN 092-572-042, CO 05-0176		3					(1.35)	0.00	0.00	0.00	(1.35)	30.46	Previously approved as CO 00-170 in 2002.
APN 092-241-010, CO 05-0135	1						(0.55)	0.00	0.00	0.00	(0.55)	29.91	Issued 7/15/05 by GM
APN 090-095-017		1					(0.45)	0.00	0.00	0.00	(0.45)	29.46	Issued 8/04/05 by GM
APN 090-095-016		1					(0.45)	0.00	0.00	0.00	(0.45)	29.01	Issued 8/04/05 by GM
APN 090-095-019		1					(0.45)	0.00	0.00	0.00	(0.45)	28.56	Issued 8/04/05 by GM
APN 090-095-018		1					(0.45)	0.00	0.00	0.00	(0.45)	28.11	Issued 8/04/05 by GM
APN 091-295-008				1			0.00	(0.30)	0.00	0.00	(0.30)	27.81	Issued 9/06/05 by GM
APN 092-572-035, 782 W. Tefft		1			6		(0.45)	0	(1.08)	0	(1.53)	26.28	BOD approval, 9/14/05
<b>Totals</b>	<b>12</b>	<b>10</b>	<b>22</b>	<b>4</b>	<b>25</b>	<b>0</b>	<b>(17.70)</b>	<b>(1.50)</b>	<b>(5.52)</b>	<b>0.00</b>	<b>(24.72)</b>		
							Percent of annual total	54%	30%	54%	0%	48%	
Abbreviations defined:													
	SFR = single family residence												
	SEC = secondary dwelling (a.k.a. Granny Unit)												
	DUP = Duplex												
	MF = multi-family development (e.g. multiple dwelling units sharing a common roof)												
	Low I = Low income housing in accordance with County housing definition.												
	Low I pulls from SFR/DUP and MF, proportional to their allotment.												
	Highlighted cells are pending Board approval and are NOT included in totals												

**NIPOMO COMMUNITY SERVICES DISTRICT**

NUMBER OF CONNECTIONS

	<u>2004</u>	<u>2003</u>	<u>2002</u>	<u>2001</u>	<u>2000</u>
SFR	3354	3116	3093	3047	2944
MFR	235	237	239	236	239
TOTAL RESIDENTIAL	<u>3589</u>	<u>3353</u>	<u>3332</u>	<u>3283</u>	<u>3183</u>
COMMERCIAL	<u>83</u>	<u>81</u>	<u>75</u>	<u>73</u>	<u>71</u>
TOTAL	<u>3672</u>	<u>3434</u>	<u>3407</u>	<u>3356</u>	<u>3254</u>
Total Residential %	97.74%	97.64%	97.80%	97.82%	97.82%
Commercial %	2.26%	2.36%	2.20%	2.18%	2.18%
	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>

WATER CONSUMED IN ACRE FEET

	<u>2004</u>	<u>2003</u>	<u>2002</u>	<u>2001</u>	<u>2000</u>
SFR	2119.87	1964.47	1839.45	1803.64	1729.25
MFR	110.75	95.98	85.19	101.65	98.81
TOTAL RESIDENTIAL	<u>2230.62</u>	<u>2060.45</u>	<u>1924.64</u>	<u>1905.29</u>	<u>1828.06</u>
COMMERCIAL	<u>94.28</u>	<u>92.5</u>	<u>85.7</u>	<u>85.01</u>	<u>63.72</u>
TOTAL	<u>2324.9</u>	<u>2152.95</u>	<u>2010.34</u>	<u>1990.3</u>	<u>1891.78</u>
Total Residential %	95.94%	95.70%	95.74%	95.73%	96.63%
Commercial %	4.06%	4.30%	4.26%	4.27%	3.37%
	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>

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**TABLE 2  
SEWER DUTY FACTORS AND EXISTING FLOWS**

<u>Land Use</u>	<u>% of Water Going to Sewer</u>	<u>Water Use gpd/du, or gpd/acre</u>	<u>Sewer Flow at % stated</u>
Res-Lg lot	0.36	Res. Lg. lot 551	198 gpd/unit
Res-Sm lot	0.47	Res. Sm lot 408	192 gpd/unit
Office/ Comm.	0.8	Comm. Retail 350	280 gpd/acre
Pub. Facility	0.3	Comm. Service 310	248 gpd/acre
RMF	0.75	Office/Prof. 230	184 gpd/acre
		Public Facility 530	159 gpd/acre
		Resid. Multi Family 1305	979 gpd/acre

**MAIN NIPOMO SEWER SYSTEM:**

<u>TRIBUTARY AREA</u>	<u>NO. OF LARGE LOTS</u>	<u>NO. OF SMALL LOTS</u>	<u>Commercial Retail (acres)</u>	<u>Commercial Service (acres)</u>	<u>Office/ Professional (acres)</u>	<u>Public Facility (acres)</u>	<u>RMF (acres)</u>	<u>Est. Flow (gpd) (1)</u>	<u>Flow based on run time (gpd) (2)</u>	<u>Diff. (3)</u>
Tefft Street Lift Station	6	436	10.75	0	4.25	8.5	10.5	100,218	93,700	-7%
Juniper Lift Station	0	165	0	0	0	0	0	31,640	32,665	3%
Bracken Lift Station	0	26	0	0	0	0	0	4,986	4,430	-13%
Gardenia Way Lift Station	2	117	0	0	0	19	0	25,854	18,808	-37%
North Oakglen Lift Station	0	18	0	0	0	1.5	0	3,690	7,685	52%
La Mirada Lift Station	0	93	0	0	0	0	0	17,834	28,737	38%
Nipomo Palms Lift Station	0	162	0	0	0	0	0	31,065	34,819	11%
Tejas Lift Station	0	15	0	0	0	0	0	2,876	1,664	-73%
Honey Grove Lift Station	6	0	0	0	0	0	0	1,190	1,215	2%
Gravity flow to Treatment Plant	44	442	41	8	9.3	0	22.5	130,683	130,683	N/A
CSA-1 (4) Galaxy Park People's Self Help Lift Station		342						65,582	119,459 29,410	56%
<b>Totals</b>	<b>58.00</b>	<b>1816.00</b>	<b>51.75</b>	<b>8.00</b>	<b>13.55</b>	<b>29.00</b>	<b>33.00</b>	<b>415,618</b>	<b>503,273</b>	
								<b>0.42</b> <b>MGD</b>	<b>0.50</b> <b>MGD</b>	

(1) Estimated flow is average dry weather flow based upon number of tributary residential units at the sewer duty factors stated above and based upon the approximate number of acres of non-residential land use at the sewer duty factors stated above.

(2) Tributary area flow based on lift station run time is the total number of hours of operation for each lift station per month during Oct. 2000-Sep. 2001 times the nominal lift station flow capacity for each station.

(3) "Difference" is the percentage difference between calculated tributary area flow based on duty factors as compared to flow base on run time records.

(4) Galaxy Park and Peoples Self Help Housing lift station flow estimates based on nominal lift station capacity times average station run time (4/00-4/01).

## Commercial Allocation Sub-Committee

### Commercial Allocation principles recommended:

- 1) Shift hotel and motel allocations to come from residential use.
- 2) Continue to keep the annual residential allocation at 51 AFY.
- 3) The current proportion of water for commercial use is about 4% of residential use in the District (including hotel/motel allocations, which are quite insignificant).
- 4) Conjunctive pumping for new commercial development within the District shall be allocated 2 AFY annually.
- 5) Water for new annexations shall come from supplemental sources, with no more than 4% of the new water to be for commercial consumption.
- 6) If a commercial development must be phased in over several years, its allocation will be given in the same manner as the District allocates for larger residential developments that are phased in over time.
- 7) In parallel with the County model that presupposes residential growth preceding commercial development, new annexations with both residential and commercial water consumption shall build residences no later than the commercial buildings. Phased plans shall include residences up front, not after commercial construction is completed. (The District will not allocate water for commercial use without a demonstrated demand, allowing speculation in permitting.)

TO: BOARD OF DIRECTORS  
 FROM: MICHAEL LEBRUN *MSL*  
 DATE: OCTOBER 26, 2005



INVESTMENT POLICY –THIRD QUARTER REPORT

**BACKGROUND**

The Board of Directors have adopted an Investment Policy for NCSD which states that the 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 Board of Directors.

Below is the September 30, 2005 Quarterly Report for your review. The Finance Officer is pleased to report to the Board of Directors that the District is in compliance with the Investment Policy and that the objectives of safety, liquidity, and yield have been met. The District has the ability to meet cash flow requirements for the next six months.

**INVESTMENT POLICY-THIRD QUARTER REPORT 9/30/05**

Investment	Institution	Amount of Deposit <u>9/30/05</u>	Rate of Interest	Quarterly Interest Earned or Accrued 9/30/05	Amount of Deposit <u>9/30/04</u>	Rate of Interest	Quarterly Interest Earned or Accrued 9/30/04
Money Market	Mid State Bank	\$61,221.07	0.25%	\$17.27	\$211,935.87	0.48%	\$18.25
Savings	Mid State Bank	\$892.66	0.50%	\$1.11	\$889.31	0.25%	\$1.12
Pooled Money Investment	Local Agency Investment Fund (LAIF)	\$16,366,284.12	3.18%	\$135,164.29	\$14,869,391.10	1.67%	\$61,903.58

**RECOMMENDATION**

After Board consideration and public comment, it is recommended that your Honorable Board accept the quarterly report by motion and minute order.

**ATTACHMENT**

None

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MLB*  
DATE: OCTOBER 26, 2005



QUARTERLY FINANCIAL REPORT-FIRST QUARTER

**ITEM**

Review and file quarterly financial report for the first quarter of fiscal year 2005-2006

**BACKGROUND**

This quarter staff is adding something new to the quarterly financial report-it is called the Quarterly Highlight Information Sheet. Included on this sheet will be a brief summary of financial information that usually attracts the most interest and questions. In addition, staff will continue to present the quarterly financial statements and graphs.

Staff welcomes Board of Director input on the format and content of this report.

Attached are the following:

- |           |  |
|-----------|--|
| Page 1    | Quarterly Highlight Information Sheet  |
| Page 2    | Summary of Revenues, Expenses and Cash Balances by Fund                              |
| Page 3    | Consolidated Balance Sheet   |
| Page 4-5  | Consolidated Income Statement  |
| Page 6-7  | Graphs for Consolidated Revenues and Expenses  |
| Page 8-11 | Graphs for major funds (Town Water, Town Sewer, Blacklake Water and Blacklake Sewer) |

Detailed information by fund is available in the office.

**RECOMMENDATION**

It is recommended that your Honorable Board accept and file the quarterly financial report for the first quarter of fiscal year 2005-2006.

**NIPOMO COMMUNITY SERVICES DISTRICT  
 QUARTERLY FINANCIAL REPORT-FIRST QUARTER  
 SEPTEMBER 30, 2005**

**QUARTERLY HIGHLIGHT INFORMATION SHEET**

**SUPPLEMENTAL WATER FUND CAPACITY FEES(FUND #500)**

Capacity Charges collected from developers	\$355,872.00
Accrued interest income	\$2,881.26
Balance as of 9/30/05	<u>\$358,753.26</u>

**CERTIFICATES OF PARTICIPATION (COP)**

Balance in COP Fund	\$2,177,961.55
Disbursements for active/future projects	
Hermreck Well	(\$400,000.00)
Pomeroy to Aden Way	(\$350,000.00)
Supplemental Water Project	
Feasibility Engineering-Cannon Assoc	(\$25,000.00)
CEQA-doug Wood & Assoc	(\$113,100.00)
Routes/Schedules/Prop 50-Cannon Assoc	(\$15,000.00)
Balance of COP funds available for Supplemental Water Project as of 9/30/05	<u>\$1,274,861.55</u>

**LEGAL FEES**

Shipsey and Seitz, Inc.	\$6,185.00
Richards, Watson & Gershon	\$14,173.30
Zimmer and Marcus	\$1,072.50
Expenditures 7/1/05 - 9/30/05	<u>\$21,430.80</u>

**ENGINEERING FEES**

Garing, Taylor & Assoc	
District Projects	\$2,998.10
PCI-Reimbursables	\$1,267.50
Boyle Engineering	
District Projects	\$1,984.50
PCI-Reimbursables	\$2,060.10
Wallace Group	
PCI-Reimbursables	\$1,092.15
Expenditures 7/1/05 - 9/30/05	<u>\$9,402.35</u>

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NIPOMO COMMUNITY SERVICES DISTRICT  
SUMMARY OF REVENUES AND EXPENSES BY FUND  
THREE MONTHS ENDING SEPTEMBER 30, 2005

FUND	FUND #	YTD REVENUES	YTD EXPENSES	FUNDED REPLACEMENT	YTD SUPRLUS/ (DEFICIT)
Administration	110	47,609	(47,609)	0	0
Town Water	120	665,562	(289,645)	(23,419)	352,498
Town Sewer	130	191,811	(96,380)	(50,184)	45,247
Blacklake Water	140	39,339	(50,386)	0	(11,047)
Blacklake Sewer	150	35,130	(35,746)	(8,500)	(9,116)
Blacklake Street Lighting	200	381	(5,095)	0	(4,714)
Street Landscape Maintenance	250	49	(2,011)	0	(1,962)
Solid Waste	300	21,115	(53,172)	0	(32,057)
Drainage Maintenance	400	512	0	0	512
Supplemental Water Capacity Fees	500	2,881	0	0	2,881
Property Taxes	600	34,550	(84,413)		(49,863)
Town Water Capacity Fees	700	37,770	(6,249)	0	31,521
Town Sewer Capacity Fees	710	41,357	(6,249)	0	35,108
Funded Replacement-Town Water	800	14,411	0	23,419	37,830
Funded Replacement-Town Sewer	810	18,241	0	50,184	68,425
Funded Replacement-BL Water	820	4,227	0	0	4,227
Funded Replacement-BL Sewer	830	1,267	0	8,500	9,767
<b>TOTAL</b>		<b>1,156,212</b>	<b>(676,955)</b>	<b>0</b>	<b>479,257</b>

CASH BALANCE OF EACH FUND  
AS OF SEPTEMBER 30, 2005

FUND	FUND #	CASH BALANCE 9/30/2005
Administration	110	20,397
Town Water	120	614,513
Town Sewer	130	613,303
Blacklake Water	140	(19,785)
Blacklake Sewer	150	31,140
Blacklake Street Lighting	200	44,787
Street Landscape Maintenance	250	5,099
Solid Waste	300	270,526
Drainage Maintenance	400	5,763
Supplemental Water Capacity Fees	500	355,875
Property Taxes (incl COP)	600	2,623,349
Town Water Capacity Fees	700	4,512,328
Town Sewer Capacity Fees	710	4,993,502
Funded Replacement-Town Water	800	1,793,188
Funded Replacement-Town Sewer	810	2,285,753
Funded Replacement-BL Water	820	514,681
Funded Replacement-BL Sewer	830	160,916
<b>TOTAL</b>		<b>18,825,335</b>

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NIPOMO COMMUNITY SERVICES DISTRICT  
BALANCE SHEET - CONSOLIDATED  
AS OF OCTOBER 31, 2005

ASSETS  
-----

Cash and Cash Equivalents	18,825,336.25
Accounts Receivable - Utility Billing	199,634.68
Unbilled Accounts Receivable	392,000.00
Property, Plant & Equipment	33,004,806.81
Accumulated Depreciation	(9,672,928.72)
Prepaid Expenses	26,826.53
Accrued Interest Receivable	151,686.19
Receivable - Other	48,753.00
Notes Receivable - MVI/MVII	2,352.48
Reservation Fee	37,500.00
Loan Fees - SRF Loan	256,834.00
Accumulated Amortization - SRF Loan Fees	(112,904.35)
Revenue COP's Bond Discount	178,100.60
Accumulated Amortization - Bond Discount	(12,615.36)
<b>Total Assets</b>	<b>43,325,382.11</b>

LIABILITIES  
-----

Accounts Payable	264,113.09
Other Payables	9,032.55
Refunds Payable	18,730.25
Construction Meter Deposits	12,500.00
Compensated Absences Payable	54,294.00
Accrued Interest Payable	56,275.00
Deposits	18,485.58
Payroll Taxes Payable	6,111.28
Retention Payable	34,440.75
Deposit - Pomeroy Rd Water Line	24,170.00
Deferred Revenue	6,300.00
Revenue Bonds - Current Portion	8,000.00
SRF Loan #110 - Current Portion	34,868.35
SRF Loan #120 - Current Portion	42,180.25
Revenue COP's-Current Portion	80,000.00
Revenue Bonds Payable - Long Term Portion	138,000.00
SRF Loan #110 Payable - Long Term Portion	453,288.55
SRF Loan #120 Payable - Long Term Portion	590,523.50
Revenue COP's - Long Term Portion	3,765,000.00
<b>Total Liabilities</b>	<b>5,616,313.15</b>

FUND EQUITY  
-----

Contributed Capital - Assets	8,741,013.78
Contributed Capital - Capacity Fees (CY)	33,704.00
Contributed Capital - Supplemental Water Fees (CY)	33,363.00
Contributed Capital - Capacity Fees (PY)	16,099,039.07
Contributed Capital - Supplemental Water Fees (PY)	355,872.00
Contributed Capital - Right of Way	70,100.00
Contributed Capital - Assessment Districts	1,393,086.00
Contributed Capital - Grants	3,045,222.66
Retained Earnings-Reserved (Debt Service)	15,600.00
Retained Earnings-Reserved (Emergencies)	50,000.00
Retained Earnings-Reserved (Sewer Grant)	270,000.00
Retained Earnings-Reserved (Funded Replacement)	4,860,968.13
Retained Earnings - Unreserved	2,261,845.31
CURRENT EARNINGS	479,255.01
<b>Total Fund Equity</b>	<b>37,709,068.96</b>
<b>Total Liabilities and Fund Equity</b>	<b>43,325,382.11</b>

NIPOMO COMMUNITY SERVICES DISTRICT  
 INCOME STATEMENT - CONSOLIDATED  
 FOR THE PERIOD ENDING OCTOBER 31, 2005

	YTD ACTUAL	ANNUAL BUDGET	% OF BUDGET
	-----	-----	-----
<b>REVENUES</b>			
<b>-----</b>			
Water - Fixed Charge	132,393.81	531,000.00	24.93 %
Water - Usage	520,964.91	1,448,000.00	35.98 %
Construction Water	31,429.85	10,000.00	314.30 %
Fire System Fee	1,011.00	4,000.00	25.28 %
Sewer Charges	221,115.67	920,000.00	24.03 %
Fees and Penalties	10,570.38	44,100.00	23.97 %
Meters	(2,400.00)	18,700.00	( 12.83) %
Plan Check & Inspection Fees	600.00	6,000.00	10.00 %
Franchise Fees	18,840.91	95,500.00	19.73 %
Miscellaneous Income	8,572.01	28,600.00	29.97 %
Street Lighting Charges	0	18,870.00	.00 %
Landscape Maintenance Dist Charges	0	9,938.00	.00 %
Operating Transfers In - Funded Administration	45,660.01	201,398.00	22.67 %
Operating Transfers In - Funded Replacement	82,103.97	529,814.00	15.50 %
	-----	-----	-----
Total Revenues	1,070,862.52	3,865,920.00	27.70 %
	-----	-----	-----
<b>OPERATIONS AND MAINTENANCE</b>			
<b>-----</b>			
Wages and Benefits	98,827.63	438,910.00	22.52 %
Electricity	123,385.14	561,105.00	21.99 %
Natural Gas	31,365.81	93,000.00	33.73 %
Water	344.28	2,675.00	12.87 %
Chemicals	2,914.63	27,400.00	10.64 %
Lab Tests	18,816.75	38,000.00	49.52 %
Operating Supplies	13,120.84	54,000.00	24.30 %
Outside Services	13,353.55	96,500.00	13.84 %
Permits and Operating Fees	1,306.76	17,630.00	7.41 %
Repairs and Maintenance	22,335.29	127,000.00	17.59 %
Engineering	2,190.50	27,000.00	8.11 %
Fuel	5,187.35	21,000.00	24.70 %
Paging Service	1,339.00	5,045.00	26.54 %
Meters - New Installation	5,782.23	10,000.00	57.82 %
Automatic Meter Reading Devices - New Installation	0	8,000.00	.00 %
Meters - Replacement Program	0	6,000.00	.00 %
Uniforms	928.72	4,500.00	20.64 %
Landscape Maintenance & Water	1,641.75	7,155.00	22.95 %
Clean Up	1,544.35	25,000.00	6.18 %
Operating Transfers Out - Funded Replacement	82,103.97	328,416.00	25.00 %
	-----	-----	-----
Subtotal - O & M	426,488.55	1,898,336.00	22.47 %
	-----	-----	-----
<b>GENERAL AND ADMINISTRATIVE</b>			
<b>-----</b>			
Wages and Benefits	71,516.98	355,748.00	20.10 %
Utilities	1,288.31	6,000.00	21.47 %
Audit	3,137.50	5,000.00	62.75 %
Bank Charges and Fees	138.25	1,530.00	9.04 %
Computer Expense	6,462.75	26,000.00	24.86 %

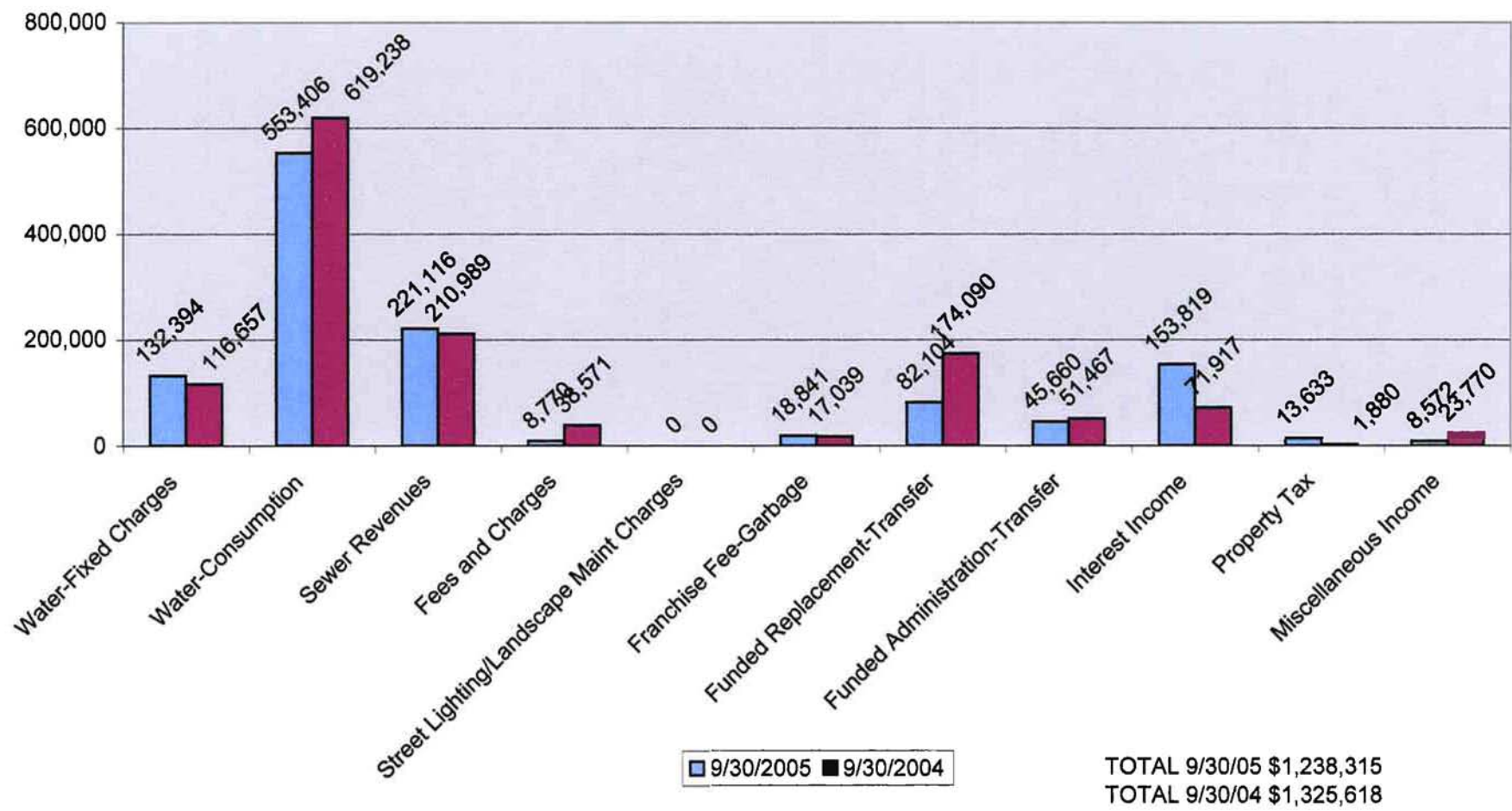
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NIPOMO COMMUNITY SERVICES DISTRICT  
INCOME STATEMENT - CONSOLIDATED  
FOR THE PERIOD ENDING OCTOBER 31, 2005

	YTD ACTUAL	ANNUAL BUDGET	% OF BUDGET
Director Fees	2,800.00	19,410.00	14.43 %
Dues and Subscriptions	266.40	7,000.00	3.81 %
Education and Training	1,041.08	8,000.00	13.01 %
Insurance - Liability	7,862.28	35,000.00	22.46 %
LAFCO Funding	12,148.00	13,000.00	93.45 %
Landscape and Janitorial	1,923.48	8,615.00	22.33 %
Legal - General Counsel	6,185.00	83,000.00	7.45 %
Legal - Special Counsel	390.00	0	.00 %
Legal - Water Counsel	14,173.30	250,000.00	5.67 %
Professional Services	1,764.00	50,000.00	3.53 %
Miscellaneous	227.00	4,500.00	5.04 %
Newsletters & Mailers	0	2,500.00	.00 %
Office Supplies	875.42	9,000.00	9.73 %
Outside Service	626.67	6,100.00	10.27 %
Postage	3,044.53	14,000.00	21.75 %
Public Notices	1,057.67	2,025.00	52.23 %
Repairs and Maintenance	610.84	5,000.00	12.22 %
Property Taxes	0	710.00	.00 %
Telephone	800.65	4,000.00	20.02 %
Travel and Mileage	1,660.92	11,600.00	14.32 %
Bond Administration	0	4,000.00	.00 %
Operating Transfer Out - Funded Administration	45,660.01	201,398.00	22.67 %
<b>Subtotal - G &amp; A</b>	<b>185,661.04</b>	<b>1,133,136.00</b>	<b>16.38 %</b>
<b>NON OPERATING INCOME</b>			
Interest Income	153,819.11	321,320.00	47.87 %
Property Tax Revenues	13,633.11	99,900.00	13.65 %
<b>Subtotal - Non Operating Income</b>	<b>167,452.22</b>	<b>421,220.00</b>	<b>39.75 %</b>
<b>NON OPERATING EXPENSES</b>			
Interest Expense	96,910.14	174,925.00	55.40 %
Other Expense	50,000.00	50,000.00	100.00 %
<b>Subtotal - Non Operating Expenses</b>	<b>146,910.14</b>	<b>224,925.00</b>	<b>65.32 %</b>
<b>Net Surplus/(Deficit)</b>	<b>479,255.01</b>	<b>1,030,743.00</b>	<b>46.50 %</b>

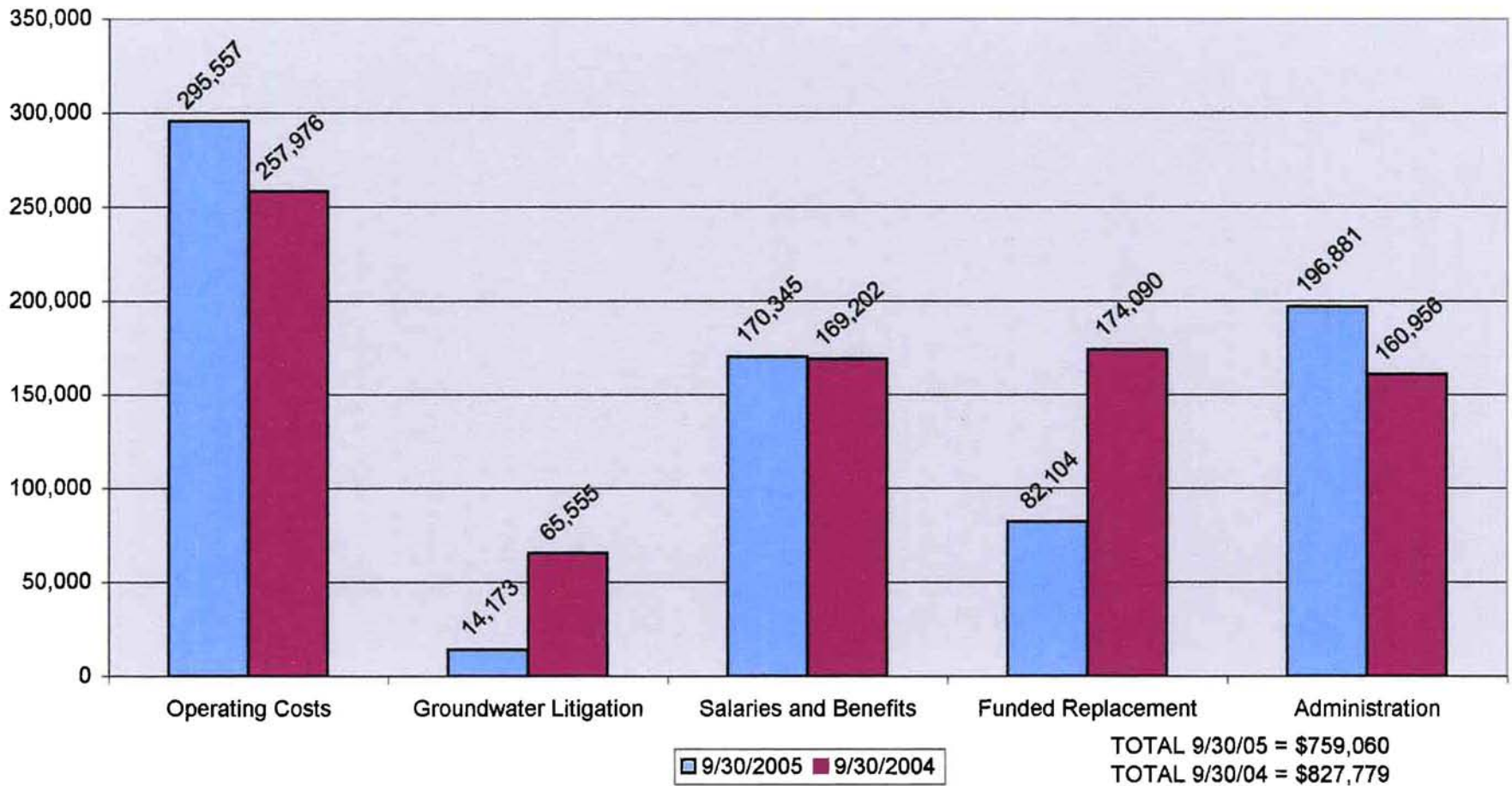
UNAUDITED

**NIPOMO COMMUNITY SERVICES DISTRICT  
 COMBINED REVENUES FOR ALL FUNDS  
 THREE MONTHS ENDED  
 SEPTEMBER 30, 2005 AND SEPTEMBER 30, 2004**



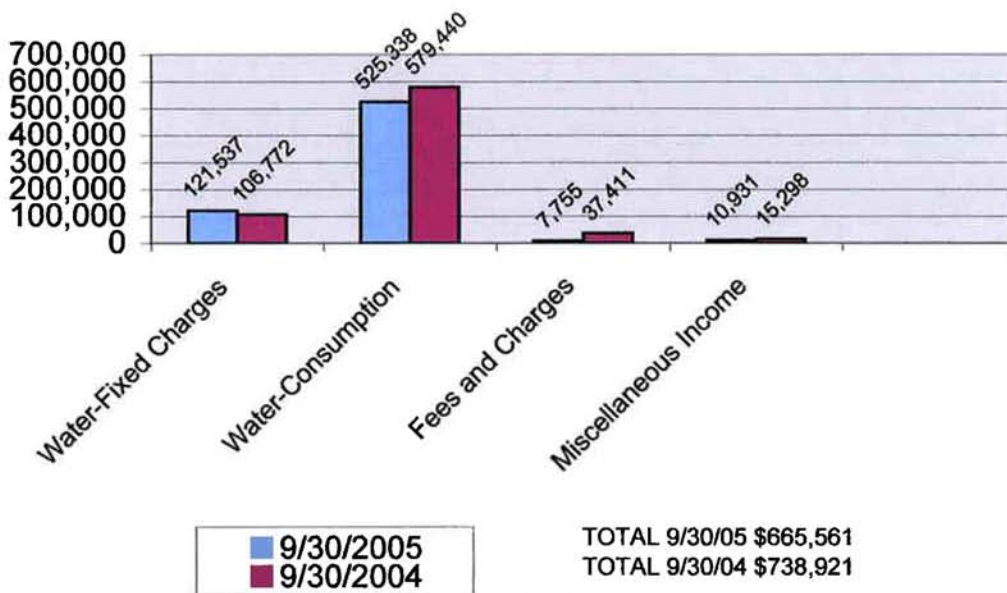
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**NIPOMO COMMUNITY SERVICES DISTRICT  
 COMBINED EXPENDITURES FOR ALL FUNDS  
 THREE MONTHS ENDED  
 SEPTEMBER 30, 2005 AND SEPTEMBER 30, 2004**

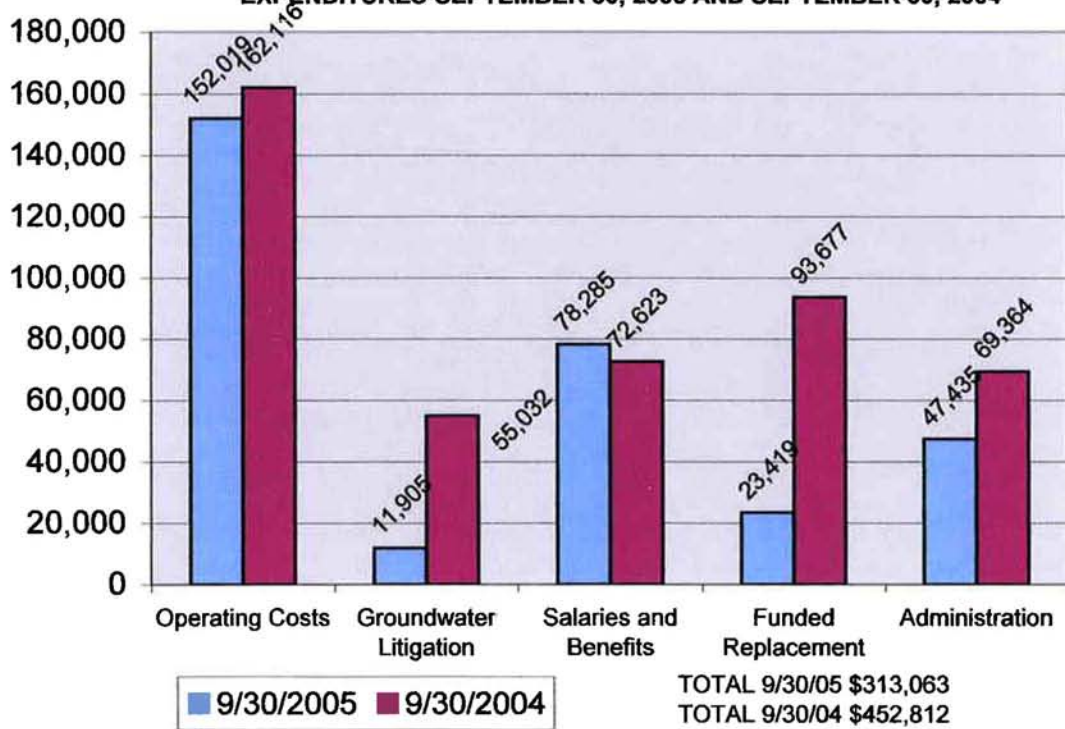


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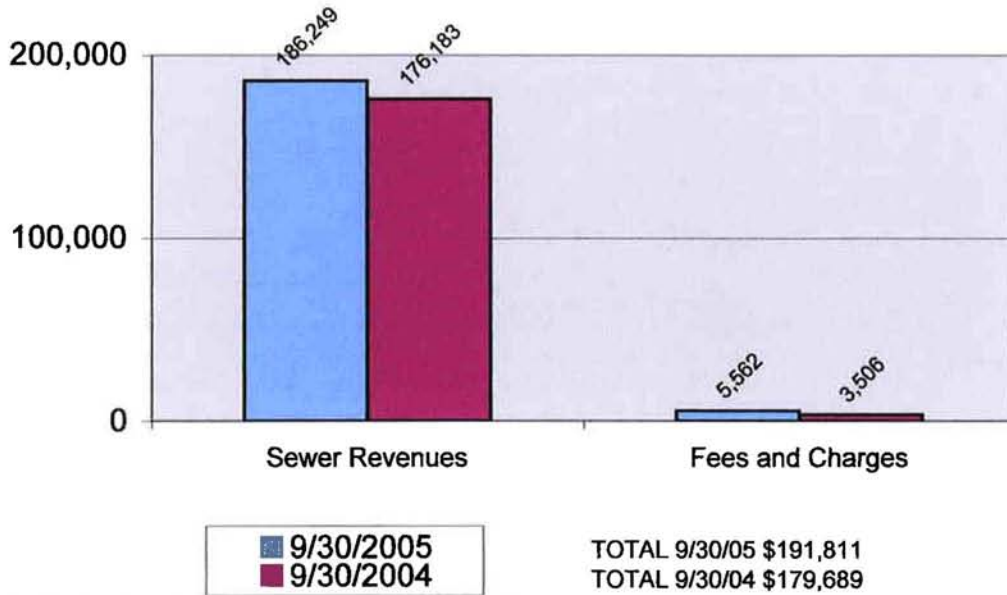
**NIPOMO COMMUNITY SERVICES DISTRICT  
TOWN WATER FUND #120  
REVENUES-SEPTEMBER 30, 2005 AND SEPTEMBER 30, 2004**



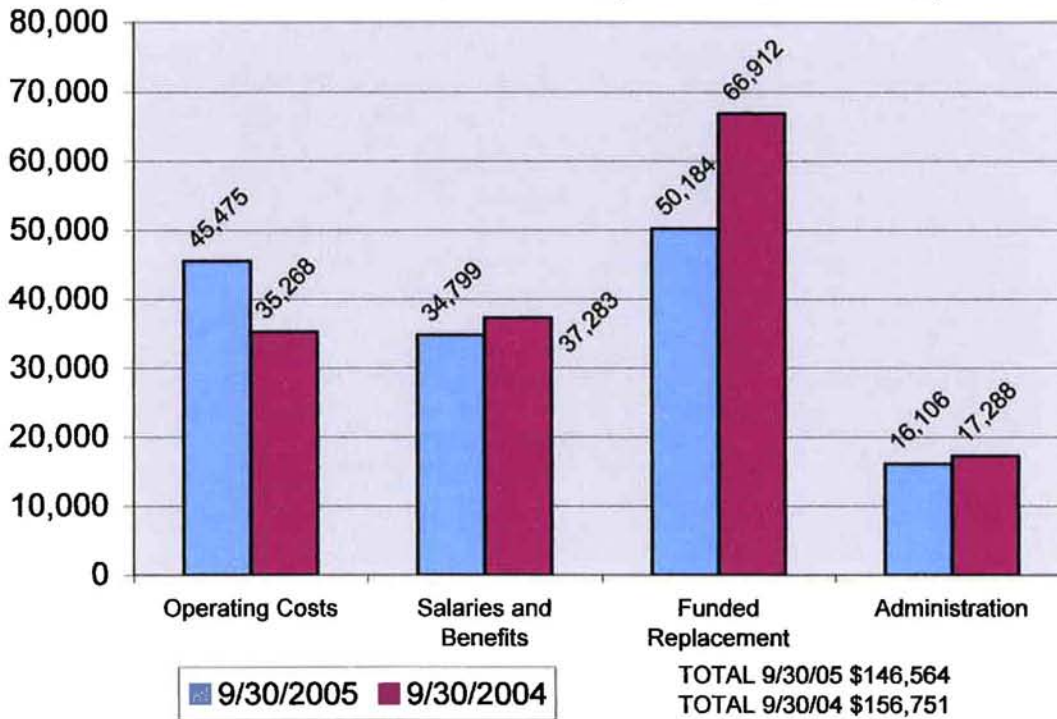
**NIPOMO COMMUNITY SERVICES DISTRICT  
TOWN WATER FUND #120  
EXPENDITURES-SEPTEMBER 30, 2005 AND SEPTEMBER 30, 2004**



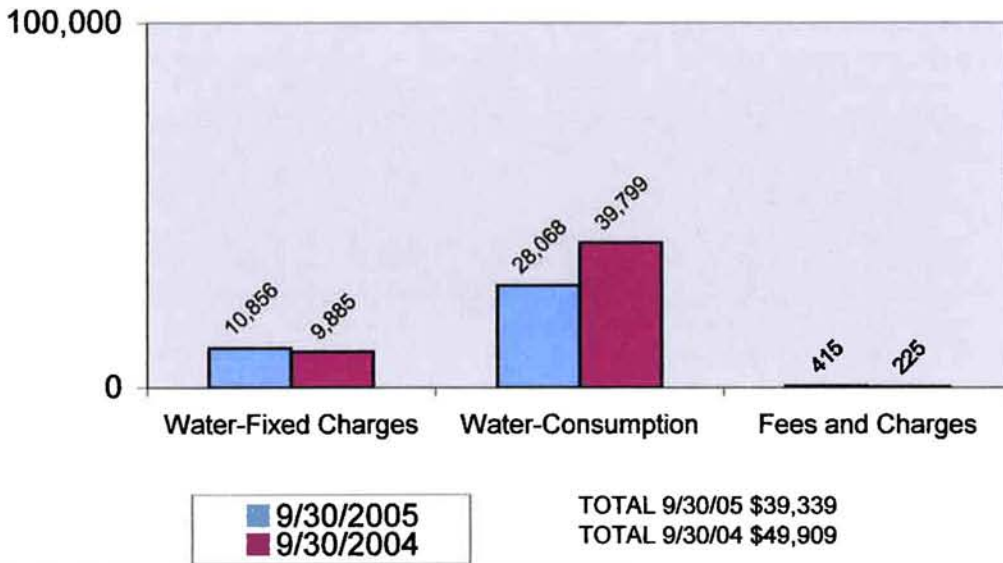
**NIPOMO COMMUNITY SERVICES DISTRICT  
TOWN SEWER FUND #130  
REVENUES-SEPTEMBER 30, 2005 AND SEPTEMBER 30, 2004**



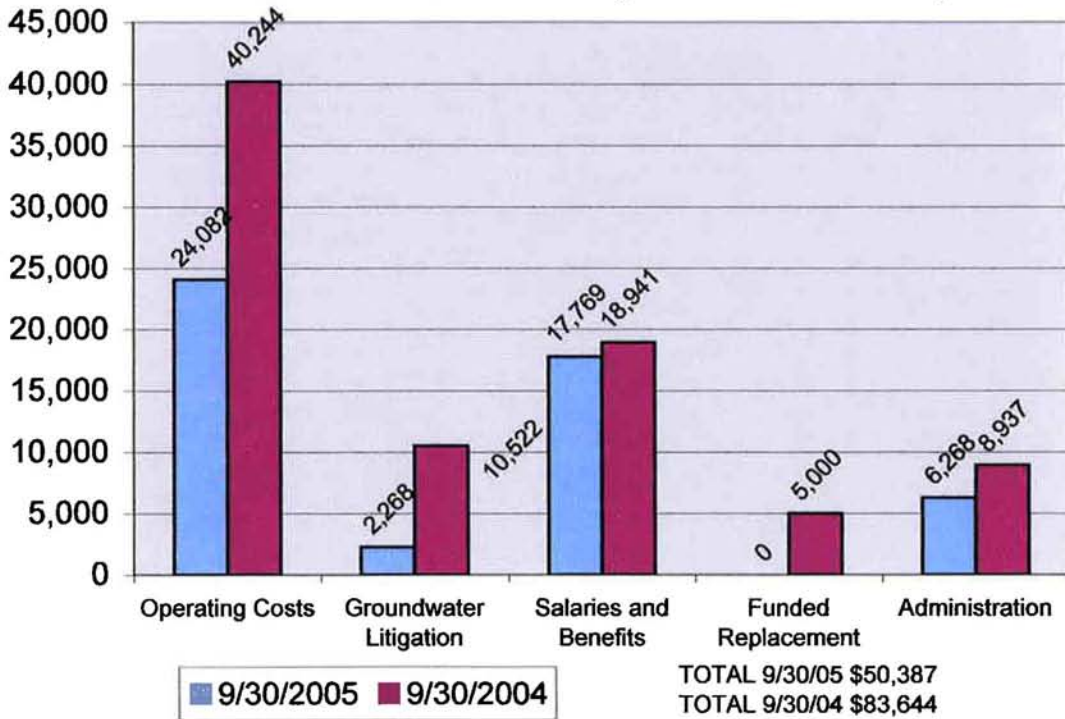
**NIPOMO COMMUNITY SERVICES DISTRICT  
TOWN SEWER FUND #130  
EXPENDITURES-SEPTEMBER 30, 2005 AND SEPTEMBER 30, 2004**



**NIPOMO COMMUNITY SERVICES DISTRICT  
BLACKLAKE WATER FUND #140  
REVENUES-SEPTEMBER 30, 2005 AND SEPTEMBER 30, 2004**

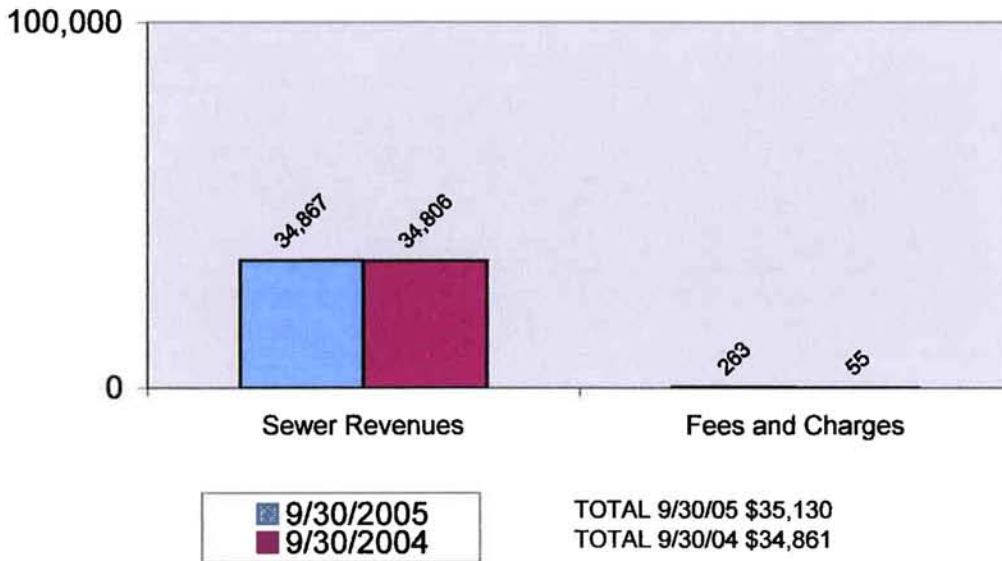


**NIPOMO COMMUNITY SERVICES DISTRICT  
BLACKLAKE WATER FUND #140  
EXPENDITURES-SEPTEMBER 30,, 2005 AND SEPTEMBER 30, 2004**





**NIPOMO COMMUNITY SERVICES DISTRICT  
BLACKLAKE SEWER FUND #150  
REVENUES-SEPTEMBER 30, 2005 AND SEPTEMBER 30, 2004**



**NIPOMO COMMUNITY SERVICES DISTRICT  
BLACKLAKE SEWER FUND #150  
EXPENDITURES-SEPTEMBER 30, 2005 AND SEPTEMBER 30, 2004**

