

TO: BOARD OF DIRECTORS
FROM: LISA BOGNUDA ^{LSB}
ACTING GENERAL MANAGER
DATE: NOVEMBER 24, 2101

**AGENDA ITEM
E-1
DECEMBER 1, 2010**

**JACK READY PARK LETTER OF SUPPORT
TO COUNTY OF SAN LUIS OBISPO**

ITEM

Jack Ready Park Letter of Support to County of San Luis Obispo [EDIT AND APPROVE LETTER]

BACKGROUND

On September 22, 2010, David Pedrotti of San Luis Obispo County made a presentation on Jack Ready Park to Your Honorable Board. The September 22, 2010 Staff Report and attachments are included for reference.

Attached is a draft letter of support from Nipomo Community Services District for your review and consideration. It is expected that this item will be before the Board of Supervisors on December 14, 2010.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends that the Board edit and approve letter and direct the Board President to sign the letter.

ATTACHMENTS

- Draft Letter of Support (including attachments)
- NCSD Staff Report and attachments from September 22, 2010 Board Meeting

t:\board matters\board meetings\board letter\2010\101201 jack ready park staff report.doc

NIPOMO COMMUNITY

SERVICES DISTRICT

BOARD MEMBERS

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LISA BOGNUDA, ACTING GENERAL MANAGER
PETER SEVCIK, P.E., DISTRICT ENGINEER
JON SEITZ, GENERAL COUNSEL

Celebrating 45 Years of Service 1965-2010

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December ____, 2010

Via Hand Delivery

Board of Supervisors
County of San Luis Obispo
Room D-430, County Government Center
San Luis Obispo, CA 93408

**Re: Agenda Item _____, December __, 2010
Hearing to consider a request to amend the General
Plan/Jack Ready Park**

Dear Chairman Mecham, Vice-Chairman Hill, Supervisor Achadjian, Supervisor Gibson and Supervisor Patterson:

Please accept this letter as providing comment and the recommendations of the Nipomo Community Services District ("District") to the proposed General Plan Amendment to allow the development and construction of the Jack Ready Park.

The District Board of Directors received a quick presentation on the proposed General Plan Amendment from Brian Pedrotti during the September 08, 2010 District meeting as part of the public comment period and a full presentation on the proposed General Plan Amendment as part of the District's September 22, 2010, Regular Agenda. The District Board of Directors, as an Agenda item, approved this letter at a Special Meeting held on December 1, 2010.

The District Board of Directors supports the development of Jack Ready Park. However, there is also strong opposition to any General Plan Amendment that is contrary to the Rules, Regulations and Prohibitions established by County Ordinance 3090 (attached). The District Board of Directors' position is not to approve any General Plan Amendment by way of exceptions to avoid the limitations of Ordinance 3090, but instead to provided a narrow amendment to Ordinance 3090 (change the rule) that would allow the Jack Ready Park to proceed. Therefore, the District supports the resolution found in Exhibit "I" to the draft staff report (attached).

In addition and to offset anticipated water usage at the Jack Ready Park, the District requests that the Nipomo Community Park irrigation system be retrofitted, if not already done so, with the following water conservations measures prior to irrigating turf at the Jack Ready Park:

- Turf area irrigation system be retrofitted with sprinklers that have a precipitation rate of one inch or less per hour.
- The irrigation system be retrofitted to include automatic, "Smart" controllers equipped with historic weather data, satellite link or other external sensors.
- The irrigation system be retrofitted to include rain sensors.

Further, the District appreciates the efforts of the County Planning Department in updating the District regarding the potential development of Jack Ready Park. In particular the District recognizes Brian Pedrotti for his presentation at the District's September 22, 2010 Board meeting.

Thank you for considering this letter in your deliberations.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

James Harrison
Board President

Enclosures

Cc: Jon Seitz, District Legal Counsel

EXHIBIT I

Revise Chapter 22.112.020.F (Article 9 of the County Land Use Ordinance, South County Plan Area, Rural Area; Page 9-266), by adding new standards as follows:

- F. **Nipomo Mesa Water Conservation Area.** The following standards apply to all land in the Nipomo Mesa Water Conservation Area shown in Figure 112-4:

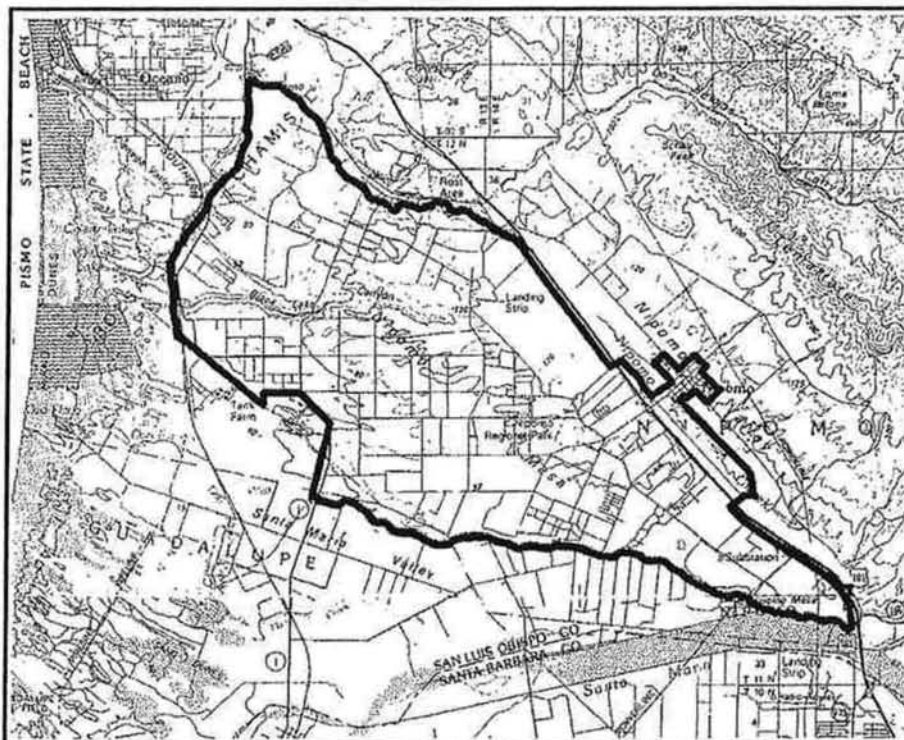


Figure 112-4 – Nipomo Mesa Water Conservation Area

1. **General Plan Amendments and land divisions.** Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area shall include documentation regarding estimated existing and proposed non-agricultural water demand for the land division or development that could occur with the General Plan Amendment. If this documentation indicates that the proposed non-agricultural water demand exceeds the demand without the requested amendment or land division, the application shall include provisions for supplemental water as follows:
 - a. **General Plan Amendments.** Where the estimated non-agricultural water demand resulting from the amendment would exceed the existing nonagricultural demand, the application shall not be approved unless supplemental water to offset the proposed development's estimated increase in nonagricultural demand has been specifically allocated for the exclusive use of the development resulting from the general plan amendment, and is available for delivery to the Nipomo Mesa Water Conservation Area. This requirement does not apply to General Plan Amendments changing the land use category to Public Facilities for the purposes of a public park and equestrian facilities and related accessory uses for APNs 092-031-024 and 092-031-025.

- b. **Land Divisions.** Where the estimated non-agricultural water demand resulting from the land division would exceed the existing non-agricultural demand, a supplemental water development fee shall be paid for each dwelling unit or dwelling unit equivalent, at the time of building permit issuance, in the amount then currently imposed by county ordinance, not to exceed \$13,200. If the development resulting from the land division is subject to payment of supplemental water development fees to an entity other than San Luis Obispo County, the amount of these other fees shall be deducted from the County fee.
2. **Landscape standards.** The standards in Chapter 22.16 apply to the following projects within the Nipomo Mesa Water Conservation Area (NMWCA). Only exceptions, as set forth in Subsection 22.16.020.B.2, 4, 6, and 7, are allowed within this area:
- a. **Public projects.** Development projects completed by a public agency that require a land use permit.
 - b. **Other projects.** All development projects not included in subsection 2a in and outside of urban and village reserve lines.
 - c. **Irrigation Systems.** Irrigation systems shall include the following components:
 - 1) **Smart controllers.** Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 - 2) **Drip Irrigation.** Drip irrigation systems shall be utilized for all landscape plant material with the exception of turf.
 - 3) A separate meter for outdoor water; and
 - 4) An operating manual to instruct the building occupant how to use and maintain the water conservation hardware.
 - d. **Turf area limits.**
 - 1) **Multi Family dwellings:** The site's total irrigated landscape area shall be limited to 300 square feet per unit.
 - 2) **All other projects:** The maximum amount of turf (lawn) area shall not exceed twenty percent of the site's total irrigated landscape area. In all cases, the site's total irrigated landscape area shall be limited to 1,500 square feet. The review authority may approve exceptions to this requirement in order to allow the minimum amount of irrigated landscaped or turf area needed for schools, parks and other uses that typically require larger irrigated landscape areas when the applicant can demonstrate the need for the additional irrigated landscaped area based on the characteristics of the use and the site.
3. **Building Permits.** Building permits issued for construction in the Nipomo Mesa Water Conservation Area shall comply with Section 19.07.042.

TO: BOARD OF DIRECTORS

FROM: DON SPAGNOLO
GENERAL MANAGER 

DATE: SEPTEMBER 15, 2010

AGENDA ITEM

E-2

SEPTEMBER 22, 2010

REVIEW DEVELOPMENT PROPOSAL FOR JACK READY PARK

ITEM

Review development proposed for Jack Ready Park [RECEIVE REPORT AND PROVIDE DIRECTION TO STAFF]

BACKGROUND

A report has been prepared by the County Department of Planning and Building to be presented to the Planning Commission on September 30, 2010 regarding the development of the proposed Jack Ready Park located at the south end of Illinois Way along the Nipomo Mesa bluff. The proposed project would require an amendment to the County General Plan. The report lists the proposed park elements, project history and environmental determination. The report also contains information related to the County's General Plan considerations and consistency, general goals of the Land Use Element and proposed planning area standards.

The project is located in an area designated for agricultural use. The proposed use of the site is a park with playground equipment which is not allowed in an agricultural land use area and requires a general plan amendment to the Public Facilities land use category. County Ordinance 3090 requires delivery of supplemental water to the Nipomo Mesa Conservation Area prior to approval of any General Plan amendments.

It is anticipated that County staff will make a presentation to the Board at the meeting.

FISCAL IMPACT

The specific proposal is not expected to have a significant fiscal impact to the District.

RECOMMENDATION

Staff recommends that your Honorable Board review the development proposal for Jack Ready Park and provide comments to staff.

ATTACHMENTS

- County Planning Commission Staff Report for September 30, 2010 meeting
- Schematic Site Plan
- Section 22.06.040 – Exemptions from Land Use Permit Requirements of County Title 22 Land Use Ordinance



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

*Promoting the wise use of land
Helping build great communities*

MEETING DATE September 30, 2010	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Jack's Helping Hand Inc.	FILE NO. LRP2009-00003
SUBJECT A request by Jack's Helping Hand, Inc. to: 1) amend the South County Area Plan of the Land Use Element by changing the land use category of approximately 30 acres from Agriculture to Public Facilities, 2) amend Section 22.112.040 of the County Land Use Ordinance (Title 22) to add planning area standards for the site, and 3) amend the Conservation and Open Space Element land use map designation of the site from Agriculture to Multi-Use Public Land. The proposed project is within the Agriculture land use category and is located at the south end of Illinois Way along the Nipomo mesa bluff, southwest of the community of Nipomo. The site is in the South County (Inland) planning area. The purpose of the request is to develop a new community park focusing on universal accessibility.			
RECOMMENDED ACTION Recommend to the Board of Supervisors: 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approval of this general plan amendment as shown in the attached Exhibits LRP2009-00003B and LRP2009-00003C based on the recommended findings contained in this report.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 23, 2010 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, noise, public services and utilities, recreation, transportation and circulation, wastewater, water, and land use, and are included as part of the project description and proposed planning area standards.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-031-024, 092-031-025	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Section 22.112.020 – Areawide Standards Section 22.112.040 – Rural Standards			
EXISTING USES: Undeveloped			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural / single-family residences <i>East:</i> Residential Rural / undeveloped <i>South:</i> Agriculture / undeveloped <i>West:</i> Agriculture / undeveloped			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, County Parks, Cal Fire, South County Advisory Group, Nipomo Community Services District, APCD, Cal Trans	
TOPOGRAPHY: Nearly level to steeply sloping	VEGETATION: Grasses, forbs, coastal scrub
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: N/A

DISCUSSION

The applicant, Jack's Helping Hand, is requesting to: 1) amend the South County Area Plan of the Land Use Element by changing the land use category of approximately 30 acres from Agriculture to Public Facilities, 2) amend Section 22.112.040 of the County Land Use Ordinance (Title 22) to add planning area standards for the site, and 3) amend the Conservation and Open Space Element land use map designation of the site from Agriculture to Multi-Use Public Land. The purpose of the request is to develop a new community park focusing on universal accessibility. Construction of the park and associated facilities was included in the Mitigated Negative Declaration (ED09-157) and will require Conditional Use Permit approval if the General Plan Amendment is approved.

The proposed park includes the following elements:

- 15,500 square-foot universally-accessible playground with themed play structures and sand play area
- Three (3) restroom buildings, a shelter, and gazebo
- Surface parking areas for 61 vehicles
- Therapeutic horse riding center with 30,000 square foot covered arena, 8 horse stalls, hay storage, 100 square-foot office, and 1,200 square foot caretaker's residence
- An 18,400 square-foot horse trailer parking area
- A 41,800 square-foot grass sports field area
- A 3,500 square foot sand volleyball court, and a 3,500 square foot paved basketball court.
- Bicycle and pedestrian trails
- Community garden
- Picnic and barbeque areas
- Events of up to approximately 200 people
- Water well for domestic and irrigation
- Water storage tank

The park is proposed on land owned by San Luis Obispo County which will be leased, constructed and maintained by Jack's Helping Hand, Inc., a non-profit organization. The project includes off-site road improvements to Illinois Way, an unimproved road. The project is anticipated to be developed in phases with initial site grading and infrastructure improvements, playground, active play and sports area, and passive recreation and trails improvements in the

first phase, and the arena and stables as a later phase. If funding is not available for all portions of a phase, the development may be broken down further and developed as funding is available.

PROJECT HISTORY

In April 2010, the Board of Supervisors authorized the processing of the applicant's request to amend the South County Area Plan of the Land Use Element by changing the land use category on a 30-acre parcel from Agriculture to Public Facilities.

The proposed park has been anticipated at the site for a number of years. The project is shown in the County Parks and Recreation Element, which identifies the Jack Ready Park as an undeveloped 30-acre park in the March 2006 County Parks Inventory list. The County has taken several actions in the implementation of the park, including a General Plan conformity report in 2005 (DTM2004-00001) for the donation of the 30 acres of property to the County of San Luis Obispo for a future park, a Public Lot determination in 2005 (PL 05-0375/SUB2005-00114) for the acquisition of the property for the purpose of a park, and a General Plan conformity report in 2008 (DTM2008-00014) for the long-term lease agreement for the proposed park.

The project site is on the top of a prominent bluff, which is the southern edge of the Nipomo Mesa. The property includes both the area along the top of the bluff, as well as the steeply sloping bluff face. The portion along the top of the bluff gently slopes back from a ridge at the south edge to a low point near the center of the property, then begins to rise again at the northern property boundary. The site is undeveloped and site vegetation includes grasses, forbs, and patches of coastal dune scrub. The site is within the "Edge of Nipomo Mesa" area described in the South County Area Plan, which requires a 50-foot setback from the top of the bluff for structures, and a 150-foot setback from the top of the bluff for leach fields.

ENVIRONMENTAL DETERMINATION

Following project submittal and authorization by the Board of Supervisors in 2010, an initial study was completed for the project and the Environmental Coordinator determined that a Mitigated Negative Declaration (MND) per CEQA should be prepared. The MND identifies a number of potential environmental impacts along with mitigation measures that reduce the severity of the impacts to a level of insignificance. The MND will be available following the Nipomo Community Services District (NCSD) meeting on September 22, 2010 to ensure that any of their recommendations can be incorporated, if appropriate. The MND will be distributed to your Commission under separate cover as soon as possible after the NCSD meeting.

Water Resources

The subject site is currently in the Agriculture land use category. Since the proposed use of a playground and park is not allowed in Agriculture, the project necessitates a general plan amendment to the Public Facilities land use category. Per Section 22.102.040 of Title 22 (County Land Use Ordinance), general plan amendment applications on the Nipomo Mesa require the applicant to obtain supplemental water if the proposed non-agricultural water demand exceeds the current non-agricultural water demand. Staff has determined that due to the history of the project, the unique nature of the proposed use, and the water conservation measures included in the project description, the general plan amendment is consistent with Title 22 of the LUO.

It has been recognized that additional park and recreation facilities are needed to serve the Nipomo area. The County Parks and Recreation Element identified the proposed facility in the list of projects anticipated to be developed to serve the community in the South County. Due to the fact that the specific location of the proposed park requires a land use category change from Agriculture to Public Facilities, strict interpretation and implementation of the requirements of the Nipomo Mesa Water Conservation Area standards (which are planning area standards) would require the provision of supplemental water in order for the park to be developed. An exception to this provision may be considered if it is found that, while a general plan amendment is required, the development of park facilities at this location was anticipated by the General Plan (by serving existing residents) and the Parks and Recreation Element, including public hearings for General Plan conformity reports for the property transfer to County ownership and the lease to the project sponsors, as well as approval of a public lot determination (PL 05-0375/SUB2005-00114) for the site.

Additionally, the proposed project represents a unique use of water, in that the primary use of water is for irrigated ball fields, a use that is historically lacking in this part of the Nipomo Mesa. In comparison to other water users, such as residential uses, water use for a park can be adjusted drastically downward during times of drought, thereby representing a potential reserve of water. The construction of a regional public ball field area has the added benefit of mitigating the impact of higher water use for local individual property owners developing their own play fields at their private residences.

Finally, water conservation measures have been incorporated into the project description. The ball field will have a dual purpose, operating as a drainage basin during the wet months of the year, which will percolate and be used to water on-site landscaping. A Drought Management Water Plan will also be required. The applicant has included a proposal for cisterns to access water from the roofs of structures on the site.

AUTHORITY

Land Use Element Amendment

The Land Use Element sets forth the authority by which the General Plan can be amended. The following factors should be considered by the Commission and the Board in making their decision, pursuant to the Land Use Element:

- a. **Necessity.** *Relationship to other existing LUE policies, including the guidelines for land use category amendments in Chapter 6 (see Exhibit C), to determine if those policies make the proposed amendment unnecessary or inappropriate.*
- b. **Timing.** *Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.*
- c. **Vicinity.** *Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.*

Issues

This requested amendment raises the following issues:

1. Is the request consistent with applicable Land Use Element policies relating to the purpose and character statements for the requested Public Facilities land use category?
2. Is this category consistent with the surrounding land uses?
3. Is there a need to designate land in the Public Facilities category in this area of the County?

GENERAL PLAN CONSIDERATIONS AND CONSISTENCY

Necessity - Land Use Element Amendment

The stock of existing Public Facilities (PF) land was considered within the general vicinity of the site. Few properties are within the Public Facilities land use category in the South County area, and each are primarily dedicated to specific public buildings or uses. For example, a portion of the Nipomo Regional Park as well as a number of schools are within the PF land use category.

The amendment meets the Guidelines for Land Use Category Amendments, as set forth in the Land Use Element, since the proposed map change is consistent with the following:

1. Existing goals and policies in the general plan,
2. Consistent with the applicable purpose and character statements,
3. Character of the general area,
4. Convenient access to a road system in the area that is adequate to accommodate the traffic generated,

General Goals of the Land Use Element

The following general goals describe the fundamental purposes for the Land Use Element and Circulation Element. These general goals provide the basis for defining the 13 land use categories and for determining the land areas to which they are applied. More detailed goals, objectives and policies that address specific planning issues are presented in the other chapters of this report and in the area plans. The provisions of the Land Use and Circulation Elements are designed to carry out these goals. Proposed amendments to specific policies or the land use category maps should also carry out these goals. The policies and provisions of the Land Use Element should:

- Preserve and protect the air quality of the county by seeking to attain and maintain state and federal ambient air quality standards.
- 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.

- Locate new and additional public service facilities on existing public lands where feasible, allowing for sufficient buffers to protect adjacent rural and agricultural areas.

A complete listing of the General Goals of the Land Use Element is included in Exhibit E.

Changing the site from Agriculture to Public Facilities to allow a park appears to be consistent with a number of the general goals listed above. Potential air quality impacts have been addressed and mitigations will be included as conditions of approval at the Conditional Use Permit stage. This type of public facility (regional park) is lacking in both the South County area as well as Countywide. Expansion of the Public Facilities land use category is implementing the overall vision in the General Plan to incorporate a park at this location. Neighborhood compatibility and service levels for the proposed park have been addressed in the Mitigated Negative Declaration.

Purpose and Character Statements

The statements of purpose and character in Framework of Planning, Part I of the Land Use Element of the general plan are to be used as criteria for evaluating whether a general plan amendment is appropriate for a specific site (See Exhibit C). These statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

The purpose statements for the Public Facilities land use category include: to identify lands and structures committed to public facilities and public agency uses that benefit the public, to provide areas for development of public facilities to meet public needs, to identify adequately sized facility locations that satisfy both community and regional needs relating to the population levels being served, and to identify facility sites based on the character of the area being served and also compatible with and supportive of the comprehensive plans of agencies within the facility service area.. The character statements describe areas with existing public or quasi-public facilities and uses, or publicly-owned lands intended for development with public facilities, areas that satisfy the specialized site location requirements of public agencies, where facilities will be visible and accessible to their users, and areas without known natural or man-made hazards.

The site generally meets these definite purpose and character statements. The site is located where there will be a definitive benefit to the public, both at a local and regional level. The property is publicly-owned and has been acquired specifically for the purpose of a playground and park. Future development will be set back from the Nipomo Mesa to ensure there will be no impact to the natural slope at the mesa edge.

Timing

The proposed amendment to the site from Agriculture to Public Facilities is not premature as the park has been contemplated in the Parks Element of the General Plan for a number of years. The change to Public Facilities became appropriate in 2005 when the ownership of the property was transferred to the County through a public lot determination.

Vicinity

Residential Rural and Agriculture land use categories surround the site. Rural residences are primarily located along the top of the bluff, while agricultural operations exist at the bottom of the bluff. The agricultural operations are significantly separated from the site due to topography. The rural residential areas to the north and west are located on large lots with significant open space between uses. The Public Facilities land use category provides uses that are generally compatible with the surrounding area in terms of aesthetics, traffic generation, and noise impacts.

COMMUNITY ADVISORY GROUP COMMENTS: The project was referred to the South County Advisory Group (SCAC) for comments. The SCAC unanimously supported the project.

PROPOSED SOUTH COUNTY AREA PLAN STANDARDS

To implement to proposed General Plan Amendment, Chapter 22.112.040.B (Article 9 of the County Land Use Ordinance, South County Plan Area, Rural Area, Agriculture) would be changed by adding new standards that are shown in Exhibit LRP2009-00003:B.

AGENCY REVIEW:

Cal Fire

The application was referred to Cal Fire for review. Their evaluation of the CUP for the park included conditions to improve Illinois Way, as well as structural and operational requirements to ensure fire safety is adequate. The site will be designated as a Safe Refuge Area "SRA" in the event of emergencies per the attached letter dated March 18, 2010.

Agriculture Department

The application was referred to the Agricultural Commissioner for review. Their review included measures to maintain consistency with County Agriculture Policy 24, including fencing (to be required by the CUP) and minimization of groundwater use to ensure the protection of agricultural supplies (see attached letter dated June 15, 2010).

Nipomo Community Services District

The application was referred to the NCSD and staff has had multiple discussions with NCSD staff regarding the project. Planning staff initially presented the project informationally at the September 8, 2010 NCSD meeting, and the NCSD have agendaized the project for their meeting on September 22, 2010. Planning staff will forward and incorporate their recommendations into the MND, where appropriate.

Attachments

- Exhibit A -- Findings
- Exhibit B -- LRP2009-00003:B - Proposed Planning Area Standards
- Exhibit C -- LRP2009-00003:C – Proposed Land Use Category Map and Conservation and Open Space Element Map Changes
- Exhibit D -- Mitigated Negative Declaration (to be provided under separate cover)
- Exhibit E -- General Goals of the Land Use Element
- Exhibit F -- Guidelines for Land Use Category Amendments
- Exhibit G -- Purpose and Character Statements for Public Facilities

Staff report prepared by Brian Pedrotti and reviewed by Bill Robeson

EXHIBIT A – FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 23, 2010 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, noise, public services and utilities, recreation, transportation and circulation, wastewater, water, and land use, and are included as part of the project description and as proposed planning area standards.

Land Use Ordinance/Land Use Element

- B. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan because all proposed uses, as limited by the proposed planning area standard, are allowed under Table N for the Public Facilities land use category.
- C. The proposed amendment is consistent with the guidelines for amendments to land use categories as the site is a logical extension of the Public Facilities land use category consistent with applicable policies of the general plan, and the site can physically accommodate the use.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area in conformance with the existing and proposed planning area standards.
- E. The proposed amendment is consistent with the purpose and character statements in the Land Use Element of the general plan for the Public Facilities land use category as the site is located where there will be a definite benefit to the public, both at a local and regional level. The property is publicly-owned and has been acquired specifically for the purpose of a playground and park. Future development will be set back from the Nipomo Mesa to ensure there will be no impact to the natural slope of the mesa edge.
- F. The proposed amendment is consistent with Section 22.102.040 of the County Land Use Ordinance because:
- a. The proposed project at this location was anticipated by the General Plan and the Parks and Recreation Element, including public hearings for General Plan conformity reports for the property transfer to County ownership and the lease to the project sponsors, as well as approval of a public lot determination (PL 05-0375/SUB2005-00114) for the site.
 - b. The proposed project represents a unique use of water, in that the primary use of water is for irrigated ball fields, a use that is historically lacking in this part of the Nipomo Mesa. In comparison to other water users, such as residential uses, water use for a park can be adjusted drastically downward during times of drought, thereby representing a potential reserve of water. The construction of a

regional public ball field area has the added benefit of mitigating the impact of higher water use for local individual property owners developing their own play fields at their private residences.

- c. The proposed project includes water conservation measures have been incorporated into the project description, including a dual purpose ball field/retention basin, cisterns to capture roof water, and low-flow fixtures in all facilities.

**EXHIBIT B - Proposed Planning Area Standards
LRP2009-00003:B**

Revise Chapter 22.112.040.B (Article 9 of the County Land Use Ordinance, South County Plan Area, Rural Area; Page 9-329), by adding new standards as follows, and adding new Figure 112-45 and renumbering all existing Figures as appropriate:

J. Public Facilities (PF). The following standards apply within the Public Facilities land use category.

1. **Jack Ready Property.** The following standards apply only to land shown in Figure 112-21 at the south end of Illinois Way along the Nipomo mesa bluff.

- a. **Limitation on use.** Land uses identified by Section 22.06.030 as allowable, permitted, or conditional uses within the PF land use category may be authorized in compliance with the permit requirements of that Section except: mines and quarries, petroleum extraction, recycling, swim and racquet clubs, schools, residential care, outdoor retail sales, cemeteries and columbariums, correctional institutions, health care services, lodging, waste disposal site, airfields and heliports, and vehicle storage.

EXHIBIT C
LRP2009-00003:C

Proposed LUE Land Use Category Map and Conservation
and Open Space Map Changes

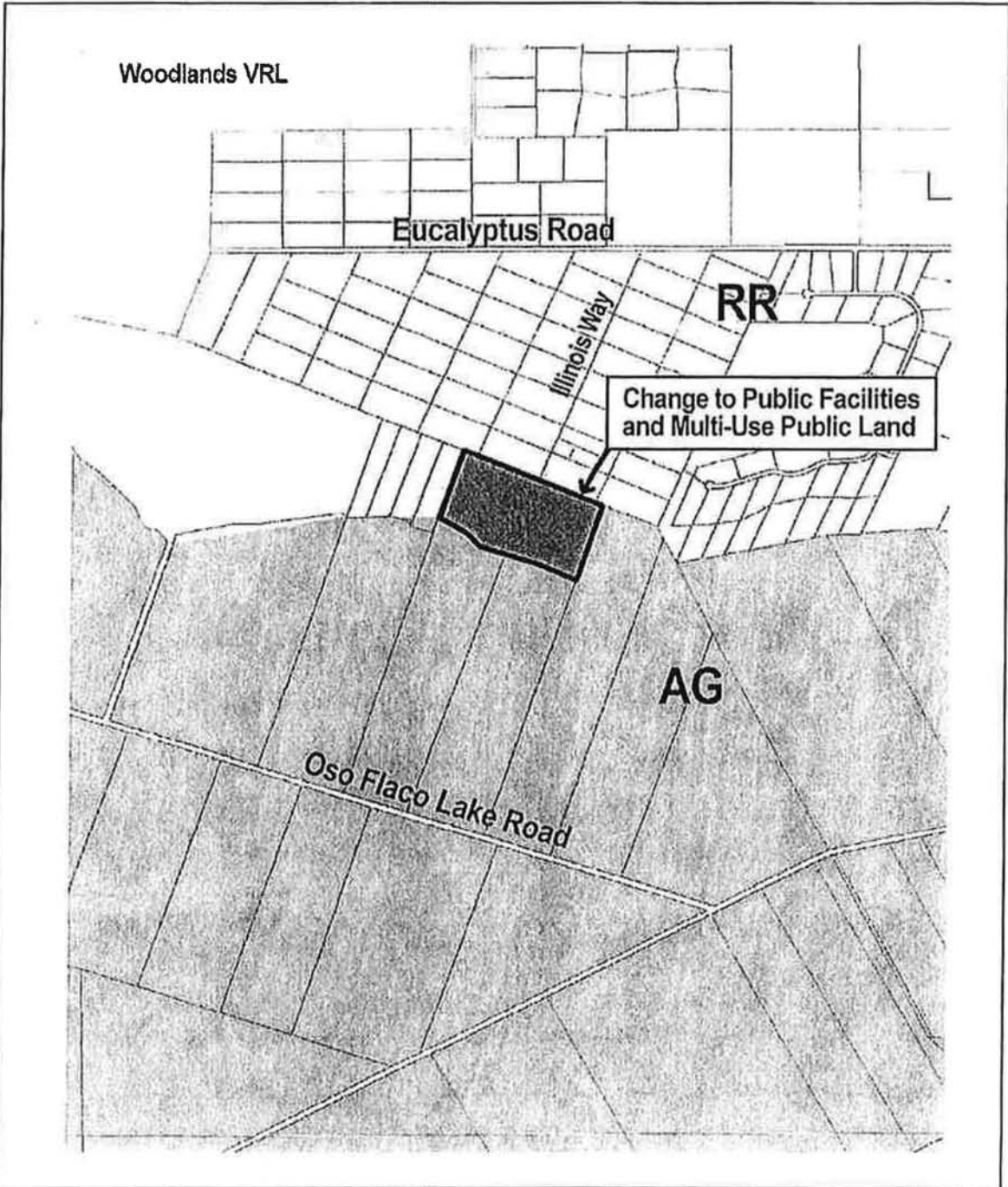


EXHIBIT LRP2009-00003:C

**INITIATING A PRECISE LAND USE DESIGNATION AS SHOWN ON THE:
 A - LUE LAND USE CATEGORY MAP DESIGNATION BOUNDARY AMENDMENT FROM AGRICULTURE TO PUBLIC FACILITIES
 B - CONSERVATION AND OPEN SPACE ELEMENT MAP BOUNDARY AMENDMENT FROM AGRICULTURE TO MULTI-USE PUBLIC LAND**

EXHIBIT D

Mitigated Negative Declaration (to be provided under separate cover)

EXHIBIT E

General Goals of the Land Use Element

A. GENERAL GOALS

The following goals describe the fundamental purposes for the Land Use Element and Circulation Element. These general goals provide the basis for defining the 13 land use categories and for determining the land areas to which they are applied. More detailed goals, objectives and policies that address specific planning issues are presented in the other chapters of this report and in the area plans. The provisions of the Land Use and Circulation Elements are designed to carry out these goals. Proposed amendments to specific policies or the land use category maps should also carry out these goals. The policies and provisions of the Land Use Element should:

Environment

1. Maintain and protect a living environment that is safe, healthful and pleasant for all residents by conserving nonrenewable resources and replenishing renewable resources.
2. Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.

Air Quality

3. Preserve and protect the air quality of the county by seeking to attain and maintain state and federal ambient air quality standards.
4. Determine, and mitigate where feasible, the potential adverse air quality impacts of new development.
5. Minimize the generation of air pollutants from projected growth by implementing land use policies and programs that promote and encourage the use of transportation alternatives to the single-passenger vehicle and minimize travel distance and trip generation.

Population Growth

6. Provide for a sustainable rate of orderly development within the planned capacities of resources and services and the county's and citizens' financial ability to provide them.

Distribution of Land Uses

7. Encourage an urban environment that is an orderly arrangement of buildings, structures and open space appropriate to the size and scale of development for each community.
8. Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities.
9. Identify important agricultural, natural and other rural areas between cities and communities and work with landowners to maintain their rural character.
10. Encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities.

Phasing of Urban Development

11. Design and maintain a land use pattern and population capacity that is consistent with the capacities of existing public services and facilities, and their programmed expansion where funding has been identified.
12. Encourage the phasing of urban development in a compact manner, first using vacant or underutilized "infill" parcels and lands next to existing development.

Residential Land Uses

13. Locate urban residential densities within urban or village reserve lines near employment areas, while protecting residential areas from incompatible and undesirable uses.

Commercial and Industrial Land Uses

14. Designate a pattern of strategically located commercial and/or industrial areas compatible with overall land use that is convenient to patrons, realistically related to market demand and the needs of the community, and near areas designated for residential use.

Public Services and Facilities

15. Provide additional public resources, services and facilities to serve existing communities in sufficient time to avoid overburdening existing resources, services and facilities.
16. 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.
17. Finance the cost of additional services and facilities from those who benefit by providing for dedications, in-lieu fees or exactions.
18. Locate new and additional public service facilities on existing public lands where feasible, allowing for sufficient buffers to protect adjacent rural and agricultural areas.

Circulation

19. Integrate land use and transportation planning in coordination with cities to ensure that traffic and transportation demands can be safely and adequately accommodated.
20. Design a transportation system that provides safety within feasible economic and technical means, preserves important natural resources and features, promotes the esthetic quality of the region and minimizes adverse environmental changes.

Administration

21. Work toward minimizing administrative delays and costs to fee payers in the administration of the Land Use Element. Simplify development review procedures and provide incentives for development to locate where plan policies encourage it to occur.
22. Work closely with cities to provide continuity between city and county land use planning and to achieve common land use goals through reciprocal agreements.

EXHIBIT F

GUIDELINES FOR LAND USE CATEGORY AMENDMENTS FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT

1. Existing planning policies. Whether the proposed land use category is consistent with the following:
 - a. Applicable policies in the various elements of the General Plan (Land Use, Open Space, Conservation, Circulation, Housing, Safety, Noise);
 - b. The general goals in Chapter 1 of Framework for Planning (Part I of the Land Use Element);
 - c. The purpose and character statements for land use categories in Section B, description of land use categories;
 - d. Uses listed in Table 2.2, list of allowable uses; and
 - e. The text, standards and maps of the area plans (Part II of the Land Use Element).
2. Area character. Whether the proposed land use category is compatible with allowed land uses in surrounding land use categories. Whether the potential types of development resulting from a proposed amendment would adversely affect the existing or planned appearance of the countryside, neighborhood and style of development in the surrounding area.
3. Environmental impacts. The proposed amendment should not enable development that would cause potential significant adverse environmental impacts as determined through an environmental determination prepared by the Office of the Environmental Coordinator, unless such impacts can be adequately mitigated or a statement of overriding considerations can be adopted in accordance with the California Environmental Quality Act.
4. Accessibility/circulation. Whether the site of the proposed amendment is located with convenient access to a road system in the vicinity that is adequate to accommodate the traffic generated by the type and intensity of development allowed by the amendment.
5. Soils classification. Whether the proposed amendment gives consideration to protecting prime agricultural soils (SCS Class I and II, irrigated) for potential agricultural use. Proposals in other soil classifications should be reviewed together with other site features to determine if the proposed amendment could unnecessarily limit, reduce or eliminate potentially viable agricultural uses.
6. Slope and other terrain characteristics. Whether site terrain would be predominantly retained in its existing configuration by development enabled by the proposed amendment? Whether development resulting from the proposed amendment would retain the overall contour of a site such that more intensive development occurs on flatter land and low-density development is accommodated by steeper terrain.
7. Vegetation. Whether the proposed amendment enables development that would retain significant vegetation such as oak woodlands or other mature tree forests and native

plant communities that provide wildlife habitat or include rare and endangered plant or animal species.

8. Hazards. Whether the proposed amendment has been evaluated with respect to potential building limitations due to flood, fire or geologic hazards, so that subsequent development will be feasible in relation to the uses allowed by the proposed amendment.
9. Existing parcel size and ownership patterns. Whether the proposed amendment enables development of a type and scale consistent with surrounding parcel sizes and ownership patterns.
10. Availability of public services and facilities. Whether the proposed amendment is located in an area with demonstrated availability of needed public services and facilities and, where applicable, whether it is suitable for on-site sewage disposal and has an adequate groundwater supply. To the extent that proposed amendments will create a demand for services, amendments in the urban and village areas should demonstrate that services for water supply, sewerage, streets, public safety, schools and parks are planned to be available within the horizon year of the applicable area plan, or a capital improvement program is in effect to provide for any such services that are currently deficient, or such services and facilities will be provided as a result of approved development following the amendment.
11. Land inventory. Whether the amendment, with the uses it would allow, is needed to provide a sufficient supply of land for the population of the community or area that is projected within planned resources, services and facilities.

EXHIBIT G

PURPOSE AND CHARACTER STATEMENTS FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT PUBLIC FACILITIES

Purpose and Character Statements

The purpose and character statements for the Public Facilities land use category are:

Purpose

- a. To identify lands and structures committed to public facilities and public agency uses that benefit the public. For proposed public facilities, where site selection has not occurred, site selection criteria are included in the chapter entitled "Combining Designations and Proposed Public Facilities," with development guidelines for establishing the uses.
- b. To provide areas for development of public facilities to meet public needs.
- c. To identify adequately sized facility locations that satisfy both community and regional needs relating to the population levels being served.
- d. To identify facility sites based on the character of the area being served and also compatible with and supportive of the comprehensive plans of agencies within the facility service area.

Character

- a. Areas with existing public or quasi-public facilities and uses, or publicly-owned lands intended for development with public facilities.
- b. Areas that satisfy the specialized site location requirements of public agencies, where facilities will be visible and accessible to their users.
- c. Areas without known natural or man-made hazards.

3. Determinations that specific unlisted uses are equivalent to listed uses will be recorded by the Department, and will be considered for incorporation into the this Title through amendment as soon as is practical.
4. At the discretion of the Director, allowable use interpretation requests may be forwarded to the Commission for determination. Determinations by the Director may be appealed to the Commission in compliance with Section 22.70.050.
5. If a proposed use is found by the review authority to not be equivalent to any listed use, the proposed use shall be deemed not allowed.

[22.01.041.d]

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
AGRICULTURE, RESOURCE, AND OPEN SPACE USES							
Ag Processing	A2	A2	CUP				22.30.070
Agricultural Accessory Structures	P	P	P	P			22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP			22.30.100
Animal hospitals & veterinary medical facilities	MUP	MUP	CUP				22.30.100
Beef and dairy feedlots	CUP	CUP					22.30.100
Fowl and poultry ranches	MUP	MUP	MUP	MUP			22.30.100
Hog ranches	CUP	CUP					22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP	CUP		22.30.100
Kennels (6)	A1	A1	A1	A1	A1(7)		22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.30.090
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
Electricity generation - Except WECF	A2	A2	A2				22.32
Electricity generation - Wind energy conversion	MUP	MUP	MUP				22.32.050
Fisheries and Game Preserves	A1	A1	A1				
Forestry	A1	A1	A1	A1			
Mines and quarries	A2	A2	A2				22.36
Nursery Specialties	A2	A2	A2	A2			22.30.310
Petroleum Extraction	A2	A2	A2	A2			22.34

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is In Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
AGRICULTURE, RESOURCE, AND OPEN SPACE USES								
Ag Processing			A2	A1				22.30.070
Agricultural Accessory Structures			P	P	SP(5)	P	P	22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP		CUP	CUP	22.30.100
Animal hospitals & veterinary medical facilities	A1	A1	A1	A1		MUP	A1	22.30.100
Beef and dairy feedlots				CUP				22.30.100
Fowl and poultry ranches	MUP			MUP			MUP	22.30.100
Hog ranches	MUP			MUP				22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Kennels (6)	A1	A1	A1	A1		A1(7)	A1	22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Zoos - Open to public						CUP	CUP	22.30.100
Animal Keeping		A2	A2	A2	A2	A2	A2	22.30.090
Crop Production and Grazing	A2	A2	A2	A2	A1	A1	A1	22.30.200
Electricity generation - Except WECF			A2	A2	A2		A2	22.32
Electricity generation - Wind energy conversion			MUP	MUP	MUP		MUP	22.32.050
Fisheries and Game Preserves					SP(5)	A1		
Forestry					SP(5)	A1		
Mines and quarries					SP(5)	A2	A2	22.36
Nursery Specialties		A2	A2	A2				22.30.310
Petroleum Extraction			A2	A2	SP(5)	A2	A2	22.34

NOTES (The following notes apply only to these two facing pages)

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Licensing of all kennels by the County Tax Collector is required by Section 9.04.120 of this Code.
- (7) Use limited to non-commercial kennels as defined by Section 9.04.110(t) of this Code.

See KEY TO PERMIT REQUIREMENTS on previous page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
INDUSTRY, MANUFACTURING & PROCESSING USES							
Apparel Products							
Chemical Products Manufacturing							22.30.160
Corrosive, Toxic, Explosive & Gaseous Product							22.30.160
Concrete, Gypsum & Plaster Products	SP(6)	SP(6)					
Electronics, Equipment & Appliances							
Food and Beverage Products	A1(11)	A1(11)					
Furniture & Fixture Products, Cabinet Shops							
Glass Products							
Lumber & Wood Products							
Machinery Manufacturing							
Metal Industries, Fabricated							
Metal Industries, Primary							
Motor Vehicles & Transportation Equipment							
Paper Products							
Paving Materials	SP(6)	SP(6)					
Petroleum Refining & Related Industries							22.32.050
Plastics and Rubber Products							
Printing and Publishing							
Recycling - Collection stations	SP	SP	SP	SP		SP	22.30.390
Recycling - Scrap & dismantling yards	CUP	CUP					22.30.380
Small Scale Manufacturing	MUP	MUP					22.30.550
Stone & Cut Stone Products	SP(6)	SP(6)					
Structural Clay & Pottery-Related Products	SP(6)	SP(6)					
Textile Products							
Warehousing, Wholesaling & Distribution	SP(10)	SP(10)				MUP(7)	22.30.640

KEY TO PERMIT REQUIREMENTS

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SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

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TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	GR	CS	IND	OS	REC	PF	
INDUSTRY, MANUFACTURING & PROCESSING USES								
Apparel Products			A1	A1				
Chemical Products Manufacturing				A2				22.30.160
Corrosive, Toxic, Explosive & Gaseous Product				CUP				22.30.160
Concrete, Gypsum & Plaster Products				CUP	A1			
Electronics, Equipment & Appliances			A1	A1				
Food and Beverage Products		A1 (8)	A1	A1				
Furniture & Fixture Products, Cabinet Shops			A1	A1				
Glass Products				A1				
Lumber & Wood Products				A1				
Machinery Manufacturing				A1				
Metal Industries, Fabricated			A1	A1				
Metal Industries, Primary				CUP				
Motor Vehicles & Transportation Equipment				CUP				
Paper Products				A1				
Paving Materials				A1				
Petroleum Refining & Related Industries				A2				22.32.050
Plastics and Rubber Products				CUP				
Printing and Publishing		A1 (9)	A1	A1				
Recycling - Collection stations	SP	SP	SP	SP	SP(5)	SP	SP	22.30.390
Recycling - Scrap & dismantling yards			A2	A2			CUP	22.30.380
Small Scale Manufacturing		A1	A1	A1				22.30.550
Stone & Cut Stone Products			A1	A1				
Structural Clay & Pottery-Related Products				A1				
Textile Products				A1				
Warehousing, Wholesaling & Distribution			A1	A1			A1	22.30.640

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- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Allowable use limited to manufacturing operations for which the raw materials are extracted on-site.
- (7) Allowable use limited to personal storage ("mini-storage"), primarily serving residents in the same land use category.
- (8) Allowable use limited to bakeries, ice cream and candy shops, and other similar uses, where the majority of production is for on-site retail.
- (9) Allowable use limited to "quick printing" services and newspaper publishers.
- (10) Use limited to facilities that support approved agricultural production or processing on the same site.
- (11) Allowable use limited to the processing of raw materials grown on the site of the processing facility or on adjacent parcels.

See KEY TO PERMIT REQUIREMENTS on previous page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Clubs, Lodges, and Private Meeting Halls	SP(6)					MUP	
Indoor Amusement & Recreation Facilities							22.30.240
Libraries and Museums	MUP	MUP	MUP				22.30.250
Marinas							
Off-Road Vehicle Courses		CUP					
Outdoor Sports and Recreational Facilities							22.30.340
Amusement Parks							22.30.340
Golf Driving Ranges			CUP	CUP	CUP	CUP	22.30.340
Outdoor Athletic Facilities			CUP	CUP	CUP	CUP	22.30.340
Public Parks and Playgrounds			SP	SP	SP	SP	22.30.340
Recreation Equipment Rental - Motorized							22.30.340
Recreation Equipment Rental - Non-motorized							22.30.340
Swim and Racquet Clubs			CUP	CUP	CUP	CUP	22.30.340
Swim and Racquet Clubs with spectator facilities			CUP	CUP	CUP	CUP	22.30.340
Swimming Pools (public or membership)							22.30.340
Public Assembly & Entertainment Facilities							
Religious Facilities	CUP	CUP	CUP	CUP	CUP	CUP	22.30.400
Rural Recreation and Camping							22.30.520
Camping, Incidental, 10 or fewer units	SP	SP					22.30.520
Camping, Incidental, 11 or more units	MUP	MUP					22.30.520
Camping, Organizational		CUP					22.30.520
Dude Ranches	CUP	CUP					22.30.520
Health Resorts and Bathing	CUP(8)	CUP	CUP				22.30.520
Hunting and Fishing Clubs	SP	SP					22.30.520
Sport Shooting Facilities	CUP	CUP					22.30.520
Schools - College & University							
Schools - Elementary & Secondary		CUP	CUP	CUP	CUP	CUP	22.30.540
Schools - Specialized Education & Training	UP	A1	A1	A1			22.30.540
Sports Assembly							
Temporary Events	A2	A2	A2				22.30.610

KEY TO PERMIT REQUIREMENTS

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A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MCUP	Conditional use - Minor Use Permit required. (4)	22.62.050
UP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES								
Clubs, Lodges, and Private Meeting Halls	SP	SP	SP	SP		MUP		
Indoor Amusement & Recreation Facilities	A2	A2	A2			A2	MUP	22.30.240
Libraries and Museums	A1	A1				A1	A1	22.30.250
Marinas			CUP			CUP	CUP	
Off-Road Vehicle Courses						CUP		
Outdoor Sports and Recreational Facilities								22.30.340
Amusement Parks			CUP			CUP	CUP	22.30.340
Golf Driving Ranges			CUP			CUP	CUP	22.30.340
Outdoor Athletic Facilities			SP			SP	SP	22.30.340
Public Parks and Playgrounds		SP	SP			SP	SP	22.30.340
Recreation Equipment Rental - Motorized			CUP			CUP		22.30.340
Recreation Equipment Rental - Non-motorized		A1	A1			A1		22.30.340
Swim and Racquet Clubs			SP			SP	SP	22.30.340
Swim and Racquet Clubs with spectator facilities			CUP			CUP	CUP	22.30.340
Swimming Pools (public or membership)								22.30.340
Public Assembly & Entertainment Facilities	A1	A1	A1			A1	A1	
Religious Facilities	CUP	A1	A1			CUP		22.30.400
Rural Recreation and Camping								22.30.520
Camping, Incidental, 10 or fewer units						SP	SP	22.30.520
Camping, Incidental, 11 or more units						MUP	MUP	22.30.520
Camping, Organizational						CUP	CUP	22.30.520
Dude Ranches					CUP(5)	CUP	CUP	22.30.520
Health Resorts and Bathing						CUP	CUP	22.30.520
Hunting and Fishing Clubs					SP(5)			22.30.520
Sport Shooting Facilities							CUP	22.30.520
Schools - College & University	A1						A1	
Schools - Elementary & Secondary	CUP(7)					UP	UP	22.30.540
Schools - Specialized Education & Training	A1	A1	A1	A1		A1	A1	22.30.540
Sports Assembly			UP	UP		UP	UP	
Temporary Events	A2	A2	A2	A2		A2	A2	22.30.610

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- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Use limited to organizations related to agriculture, including grange halls and farm bureaus.
- (7) Allowable use limited to high schools.
- (8) Use may be allowed only where facility is dependent upon a natural on-site resource such as a lake or hot springs.

See KEY TO PERMIT REQUIREMENTS on previous page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
RESIDENTIAL USES							
Caretaker Quarters	P	P	P	P			22.30.030,430
Farm Support Quarters	A2	A2					22.30.480
Home Occupations	P	P	P	P	P	P	22.30.030,230
Mobile Home Parks			CUP(7)	CUP(7)	CUP(7)	CUP(7)	22.30.440
Mobile Homes	P	P	P	P	P	P	22.30.450
Multi-Family Dwellings						A1	22.30.490,500
Nursing & Personal Care				CUP		CUP	22.30.320
Organizational Houses						CUP	22.30.460
Residential Accessory Uses	P(8)	P(8)	P(8)	P(8)	P(8)	P(8)	22.30.030,410
Residential Care - 6 or fewer boarders	P(6)	P(6)	P(6)	P(6)	P(6)	P(6)	22.30.420
Residential Care - 7 or more boarders	CUP	CUP	CUP	CUP	CUP	CUP	22.30.420
Secondary Dwellings			P	P	P		22.30.470
Single-Family Dwellings	P	A1	A1	A1	A1	A1	22.30.490,500
Temporary Construction Trailer Parks	CUP(7)	CUP(7)	CUP(7)				22.30.590
Temporary Dwellings	P	P	P	P	P	P	22.30.600

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MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
RESIDENTIAL USES								
Caretaker Quarters	P	P	P	P	SP(5)	P	P	22.30.030,430
Farm Support Quarters								22.30.480
Home Occupations	P	P	P	P		P	P	22.30.030,230
Mobile Home Parks						CUP(7)		22.30.440
Mobile Homes						P	P	22.30.450
Multi-Family Dwellings	A2	A2				A2		22.30.490,500
Nursing & Personal Care	A1	CUP					A1	22.30.320
Organizational Houses	CUP	CUP						22.30.460
Residential Accessory Uses	P(8)	P(8)	P(8)	P(8)	SP(5)(8)	P(8)	P(8)	22.30.030,410
Residential Care - 6 or fewer boarders							P(6)	22.30.420
Residential Care - 7 or more boarders	CUP						A1	22.30.420
Secondary Dwellings								22.30.470
Single-Family Dwellings	A2	A2				A2		22.30.490,500
Temporary Construction Trailer Parks				CUP(7)				22.30.590
Temporary Dwellings	P	P	P	P		P	P	22.30.600

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- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) No land use permit required for Residential Care facilities with 6 or fewer clients.
- (7) Use also requires authorization from the California Department of Housing and Community Development.
- (8) Residential antennas may have different permit requirements. See Section 22.30.410.

See KEY TO PERMIT REQUIREMENTS on previous page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	

RETAIL TRADE USES

Auto, Mobile Home & Vehicle Dealers - Indoor							22.30.110
Auto, Mobile Home & Vehicle Dealers - Outdoor							22.30.330
Automobile Service Stations/Gas Stations							22.30.130
Building Materials and Hardware with retail "ready-mix" concrete sales							22.30.140
Convenience & Liquor Stores							22.30.570
Farm Equipment & Supplies Sales	A2	A2	A2				22.30.210
Fuel Dealers							22.30.220
Furniture, Home Furnishings & Equipment							
General Retail							
Medical Marijuana Dispensaries							22.30.225
Grocery Stores			CUP	CUP	CUP	CUP	22.30.570
Mail Order & Vending							
Outdoor Retail Sales	A2	A2	A2				22.30.330
Restaurants	CUP		CUP	CUP		CUP	22.30.570
Roadside Stands - Permanent	SP	SP	SP(6)				22.30.510
Roadside Stands - Temporary	P	P	SP	SP			22.30.510
Sales Lots							22.30.530
Swap Meets							22.30.530

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is In Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C., (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
RETAIL TRADE USES								
Auto, Mobile Home & Vehicle Dealers - Indoor		A1	A1	A1				22.30.110
Auto, Mobile Home & Vehicle Dealers - Outdoor		MUP(5)	MUP	MUP				22.30.330
Automobile Service Stations/Gas Stations		MUP	SP	SP		MUP		22.30.130
Building Materials and Hardware		A1	A1	A1				22.30.140
with retail "ready-mix" concrete sales			CUP	A1				22.30.140
Convenience & Liquor Stores	MUP	A1	A1	SP		CUP		22.30.570
Farm Equipment & Supplies Sales			A1	A1				22.30.210
Fuel Dealers			A1	A1				22.30.220
Furniture, Home Furnishings & Equipment		A1	A1					
General Retail		A1	A1			CUP		
Grocery Stores	MUP	A1	A1	SP		CUP		22.30.570
Mail Order & Vending		A1	A1	A1				
Outdoor Retail Sales	A2	A2	A2	A2		A2	A2	22.30.330
Restaurants	MUP	A1	A1	MUP		CUP		22.30.570
Roadside Stands - Permanent						SP(6)		22.30.510
Roadside Stands - Temporary						SP(6)		22.30.510
Sales Lots			A2	A2				22.30.530
Swap Meets			MUP	MUP				22.30.530

NOTES (The following notes apply only to these two facing pages)

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use not allowed within a central business district.
- (6) Minor Use Permit approval required if a public hearing is requested in compliance with Section 22.30.510.B.

See **KEY TO PERMIT REQUIREMENTS** on previous page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMP	
SERVICES							
Auto & Vehicle Repair & Service							22.30.120
Banks & Financial Services							
Business Support Services							
Car wash - Full Service							
Car wash - Self-Service							
Cemeteries and Columbariums			CUP	CUP			22.30.150
Child Day Care - Family Day Care Homes		A2	A2	A2	A2	A2	22.30.170
Child Day Care Centers		CUP	CUP	CUP	CUP	CUP	22.30.170
Construction Contractors							
Consumer Product Repair Services							22.30.190
Correctional Institutions		CUP					
Health Care Services							
Laundries & Dry Cleaning Plants							
Lodging - Bed & Breakfast Inns, 3 or fewer units	P	P	P	P		P	22.30.260
Lodging - Bed & Breakfast Inns, 4 or more units	MUP	MUP	MUP	MUP		MUP	22.30.260
Lodging - Homestays				P	P		22.30.270
Lodging - Hotels & Motels, 39 or fewer units							22.30.280
Lodging - Hotels & Motels, 40 or more units							22.30.280
Lodging - Hotels & Motels, condominium							22.30.290
Lodging - Recreational Vehicle Parks							22.30.300
Offices							
Offices - Temporary during construction	P	P	P	P	P	P	22.30.600
Offices - Temporary in advance of construction	MUP	MUP	MUP	MUP	MUP	MUP	22.30.600
Personal Services					CUP	CUP	22.30.350
Public Safety Facilities	CUP	CUP	CUP	CUP	CUP	CUP	
Social Service Organizations							
Storage - Accessory	A1	A2	A2	A2	A2	A2	22.30.040
Storage - Outdoor Storage Yards							22.30.560
Temporary Construction Yards (Off-Site)	MUP	MUP	MUP	MUP	MUP	MUP	22.30.620
Waste Disposal Sites	CUP	CUP					

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
SERVICES								
Auto & Vehicle Repair & Service			A1	A1				22.30.120
Banks & Financial Services	A1	A1				SP		
Business Support Services			A1	A1				
Car wash - Full Service			A1	A1				22.30.120
Car wash - Self-Service			A2	A2				22.30.120
Cemeteries and Columbariums							CUP	22.30.150
Child Day Care - Family Day Care Homes	A2					A2		22.30.170
Child Day Care Centers	CUP					CUP		22.30.170
Construction Contractors			A1	A1				
Consumer Product Repair Services		A1	A1	A1				22.30.190
Correctional Institutions							CUP	
Health Care Services	A1	A1				MUP	A1	
Laundries & Dry Cleaning Plants			A1	A1				
Lodging - Bed & Breakfast Inns, 3 or fewer units	P	P	P			P		22.30.260
Lodging - Bed & Breakfast Inns, 4 or more units	MUP	MUP	MUP			MUP		22.30.260
Lodging - Homestays								22.30.270
Lodging - Hotels & Motels, 39 or fewer units	MUP	MUP	MUP			CUP	MUP(6)	22.30.280
Lodging - Hotels & Motels, 40 or more units	CUP	CUP	CUP			CUP	UP(6)(6)	22.30.280
Lodging - Hotels & Motels, condominium	CUP	CUP	CUP			CUP		22.30.290
Lodging - Recreational Vehicle Parks		CUP(8)(8)	CUP(8)(8)			CUP(8)(8)		22.30.300
Offices	A1	A1	A1	A1			A1	
Offices - Temporary during construction	P	P	P	P		P	P	22.30.600
Offices - Temporary in advance of construction	MUP	MUP	MUP	MUP		CUP	CUP	22.30.600
Personal Services	A1	A1	A1			MUP		22.30.350
Public Safety Facilities	MUP	MUP	MUP	MUP	SP(5)	MUP	MUP	
Social Service Organizations	A1	A1	A1	MUP			MUP	
Storage - Accessory	A2	A2	A2	A2	SP(5)	A2	A2	22.30.040
Storage - Outdoor Storage Yards			A1	A1		A1(7)	A1	22.30.560
Temporary Construction Yards (Off-Site)		SP	SP	SP		MUP	MUP	22.30.620
Waste Disposal Sites				CUP			CUP	

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- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Allowable use limited to sites with public airport or port facilities
- (7) Allowable use limited to storage yards for recreational vehicles and boats.
- (8) Use also requires authorization from the California Department of Housing and Community Development.

See KEY TO PERMIT REQUIREMENTS on previous page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	

TRANSPORTATION, COMMUNICATIONS & UTILITIES

Airfields & Heliports	CUP	CUP	CUP				22.30.080
Broadcasting Studios							
Communications Facilities	CUP	CUP	CUP				22.30.180
Wireless Communication Facilities	A2	A2	A2	A2	A2	A2	22.30.180
Pipelines & Transmission Lines	A2	A2	A2	A2	A2	A2	22.30.360
Public Utility Facilities	CUP	CUP	CUP	CUP	CUP	CUP	22.30.370
Transit Stations & Terminals							
Truck Stops							
Vehicle & Freight Terminals							
Vehicle Storage							22.30.630

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See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
TRANSPORTATION, COMMUNICATIONS & UTILITIES								
Airfields & Heliports	CUP(6)(6)		CUP(6)(6)	CUP	SP(5)	CUP	CUP	22.30.080
Broadcasting Studios	A1	A1	A1	A1			A1	
Communications Facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	22.30.180
Wireless Communication Facilities	A2	A2	A2	A2	A2	A2	A2	22.30.180
Pipelines & Transmission Lines	A2	A2	A2	A2	SP(5)	A2	A2	22.30.360
Public Utility Facilities	CUP	CUP	A1	A1	SP(5)	CUP	CUP	22.30.370
Transit Stations & Terminals	SP	SP	SP	A1		SP	A1	
Truck Stops			A1	A1				
Vehicle & Freight Terminals			A1	A1				
Vehicle Storage	SP	SP	A1	A1		SP	A1	22.30.630

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- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Allowable use limited to heliports.

See **KEY TO PERMIT REQUIREMENTS** on previous page.

22.06.040 - Exemptions from Land Use Permit Requirements

The land use permit requirements of this Title do not apply to the activities, uses of land and/or structures identified by this Section. However, nothing in this Section shall be construed as exempting construction activities from the necessity of obtaining grading, building, and/or other construction permits prior to starting any work.

- A. County projects.** Public works projects constructed by the county or its contractors;
- B. Repairs.** Ordinary repairs to buildings, provided that such repairs shall not include any change in the approved land use of the site or building, or increase in the total floor area of the building; or
- C. Walls and fences:**
 - 1. Walls or fences of 6'-6" or less in height, located in compliance with Section 22.10.080 (Fencing and Screening); or
 - 2. Open wire fences of any height in the Agriculture and Rural Lands land use categories; or
- D. Minor construction.** The erection, construction, enlargement, removal or conversion of any building or structure, where:
 - 1. The total valuation of work does not exceed \$1,500 as determined by the county fee ordinance, and both the building or structure and the proposed expansion or modification are in conformity with all applicable provisions of this Title; or
 - 2. A one time expansion of the structure does not exceed 10 percent of the total floor area, and both the building or structure and the proposed expansion or modification are in conformity with all applicable provisions of this Title.
- E. Agricultural uses:**
 - 1. **Agricultural accessory buildings.** Structures designed and built to store farming implements, hay, grain, poultry, livestock, or horticultural products (not including commercial greenhouses or buildings associated with agricultural processing activities (Section 22.30.060)), in which there is no human habitation and which is not used by the public, are not required to have a land use permit unless the structure meets one or more of the following criteria:
 - a. The structure is proposed in an area designated other than Agriculture or Rural Lands by the Land Use Element; or
 - b. Is located within an airport review or flood hazard area combining designation; or
 - c. Is located on a site of less than 20 acres; or

TO: BOARD OF DIRECTORS
FROM: LISA BOGNUDA (LSB)
ACTING GENERAL MANAGER
DATE: NOVEMBER 24, 2010

AGENDA ITEM
E-2
DECEMBER 1, 2010

BALLOT FOR LAFCO SPECIAL DISTRICT MEMBER

ITEM

Ballot for LAFCO Special District Member [PROVIDE DIRECTION TO STAFF]

BACKGROUND

David Church, Executive Officer of LAFCO, has requested this matter be considered by the Board of Directors as soon as possible. The ballot is due no later than December 23, 2010.

Special District Member David Brooks from Templeton CSD has resigned. His term expires in December 2012. Three candidates are seeking to replace Mr. Brooks. Attached are letters from each candidate for your consideration.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends that the Board provide direction to Staff.

ATTACHMENTS

- LAFCO Ballot and Letters from Candidates



LAFCO - San Luis Obispo - Local Agency Formation Commission
SLO LAFCO - Serving the Area of San Luis Obispo County

TO: EACH INDEPENDENT SPECIAL DISTRICT
FROM: DAVID CHURCH, EXECUTIVE OFFICER
DATE: NOVEMBER 18, 2010
DUE DATE: DECEMBER 23, 2010
SUBJECT: BALLOT FOR LAFCO SPECIAL DISTRICT MEMBER

Three individuals have been nominated to fill the unexpired term of Special District Member David Brooks (TCSD) on the San Luis Obispo Local Agency Formation Commission (LAFCO). This term expires in December 2012. The nominees are:

- Muril Clift, Cambria CSD
- Brian Kreowski, Port San Luis Harbor District
- Marshall Ochylski, Los Osos CSD

Date of Action: _____

The Government Code (56332 (c)(1)) states that "at the end of the nomination period, the Executive Officer shall prepare and deliver, or send by certified mail, to each independent special district one ballot and voting instructions." The Government Code also allows for the ballot and instructions to be sent electronically if the special district selection committee agrees and written evidence of receipt of the ballot and instructions is retained by the executive officer. At the CSDA chapter meeting on September 17, 2010 the District's agreed that completing the election electronically would be appropriate.

Ballot Instructions. Each Independent Special District may vote for one nominee. The vote by a District must be considered by the District's Board of Directors as an item on its agenda. Please schedule this matter for a vote at your Board of Directors meeting as soon as possible. The District's selection should be returned to the LAFCO office no later than **December 23, 2010** via one of the following ways: **1) An email indicating the date the item was on the Board's agenda and the selected nominee, 2) A scanned pdf of this ballot attached to an email with one of the nominees selected and the date it was considered on the Board's agenda, or 3) A fax sent to LAFCO with one of the nominees selected and the agenda date of the Board's decision.**

Please contact me at 781-5795 or Dchurch@slolafco.com if you have any questions.

COMMISSIONERS

DUANE PICANCO
Chair, City Member

RICHARD ROBERTS
Vice Chair,
Public Member

KATCHO ACHADJIAN
County Member

DAVID BROOKS
Special District Member

Ed EBY
Special District Member

BRUCE GIBSON
County Member

KRIS VARDAS
City Member

ALTERNATES

MURIL CLIFT
Special District Member

Roberta Fonzi
City Member

TOM MURRAY
Public Member

JAMES R. PATTERSON
County Member

STAFF

DAVID CHURCH
Executive Officer

RAYMOND A. BIERING
Legal Counsel

MIKE PRATER
Analyst

DONNA J. BLOYD
Commission Clerk

Muril N. Clift
1011 Suffolk St.
Cambria, Ca. 93428

As the current Special District Alternate Representative to LAFCO I am seeking the position of Special District Representative vacated by David Brooks. I was elected to the Alternate position in June and have attended every meeting since that date. I desire to represent the county's Special Districts as I believe the Special District is the most direct form of government and deserves to be protected. You can see my commitment to Special Districts in my qualifications to serve.

Currently I serve the community in the following organizations:

- Special District Alternative Representative to LAFCO
- Vice President – Cambria Community Service District
- Elected Director – Special Districts Risk Management Authority, Sacramento
- Member – Legislative Committee of California Special Districts Association
- 2nd Supervisor District Representative to Citizens Transportation Advisory Committee of SLOCOG

Previous Service on Special Districts:

- Elected Director – Santa Maria Public Airport District
- Elected Trustee – Kern County High School District

LAFCO is the place Special Districts go to take on additional powers. LAFCO is the place which determines the Sphere of Influence of Districts and Cities. These are important powers and you need someone with experience in Special Districts watching out for your interests. With my experience in Special Districts I believe I am best qualified to represent your interest at LAFCO and promise to do all I can to protect and enhance the roles of Special Districts.

I respectfully ask for your support and vote.



BOARD OF COMMISSIONERS

CAROLYN MOFFATT
JIM BLECHA
JACK SCARBROUGH
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STEPHEN A. McGRATH *Harbor Manager*
THOMAS D. GREEN *Legal Counsel*
PHILLIP J. SEXTON, CPA *Treasurer*

Commissioner Brian Kreowski, known to his family and friends by his middle name "Craig", is a graduate of Arroyo Grande High School and his family has resided in San Luis Obispo County for more than 30 years. In the 80's, while attending Cuesta College and Cal Poly, Commissioner Kreowski worked at Port San Luis as a Sport Launch Operator and Maintenance Worker for the District.

Brian is one of the founding members of the Central Coast Aquarium Society, and helped facilitate the establishment and continuation of a mobile, interactive sea life educational program *Tidepool Treasures*, which has served in educating countless children and adults about our Ocean environments. He has participated in fostering many collaborative activities and programs with other marine organizations and was instrumental in facilitating the initial discussions for the Cal Poly take over of the Unocal Pier at Port San Luis.

In 1996, Brian was appointed to the Dinosaur Caves Task Force for the City of Pismo Beach. He served for over one year as vice-chairperson and was instrumental in the formulation of the Task Force recommendation to establish the property as an "open space" park.

Following the dissolution of the Task Force, Brian, and three other members created the Dinosaur Caves Preservation Society (DCPS), a non-profit 501(c)(3) organization, dedicated to preserving the Dinosaur Caves Property. He continues to serve as vice president of the society. Together with the City of Pismo Beach, the society has raised close to \$900,000 to develop the park.

In addition to practicing law, Commissioner Kreowski has taught at Cuesta College for the past 15 years and was the first part-time professor to receive the prestigious M'may Diffley Teaching award.

In 2003, Brian was appointed as a Commissioner to the Port San Luis Harbor Commission, by his fellow Commissioners, and then subsequently affirmed in his position as a Commissioner by an election of the people of the District. Since becoming a Commissioner, Brian has traveled to Washington, DC to represent the District and assist in the lobbying effort to acquire Federal Funding for the District's breakwater, which suffered earthquake damage in 2003. In 2008, Brian became President of the San Luis Obispo County Historical Society, and currently serves in that capacity, as well as a Commissioner for the Port San Luis Harbor District, Professor of Political Science at Cuesta College and managing member of the Shell Beach Law Group.

Marshall Ochylski

President, Los Osos Community Services District

Occupation: Land Use and Environmental Attorney

I am running for election as the Special District representative to LAFCO because my multi-faceted background as a college professor, land planner, land use and environmental attorney gives me the unique experience and ability to serve the constituents of our Special Districts and the residents of the County of San Luis Obispo.

I have devoted many years of my life dealing with the complexities of the issues that arise due to the split in jurisdiction over the County's authority over land use decisions in those areas within and adjacent to our Special Districts and the provision of public services by the Special Districts in those areas.

After my college graduation with a Master's Degree, my first employment was as a Landscape Architect/Planner. After several years, I entered the teaching profession as an Assistant Professor. After receiving tenure at Cal Poly, I decided to resume my career as a Landscape Architect/Planner and founded my own firm, LANDPLANS, which provided Landscape Architectural and Planning Services for both the private and public sectors. As my practice morphed from providing basic design services to providing project representation and interfacing with governmental agencies and interested stakeholders, I decided to pursue my law degree to be able to better handle the increasing complexity of governmental regulations and environmental issues. After passing the bar, I formed my own law firm which specializes in land use planning and environmental law.

This mixture of educational, planning and legal backgrounds gives me a unique perspective that will allow me to make decisions that foster orderly growth and development, and promote the most efficient use of our limited natural resources and infrastructure capacity, while providing for the interests and concerns of our Special Districts and our constituents.

Selected Experience:

President of San Luis Obispo County Special Districts Association, 2010.

President of the Los Osos Community Services District, 2010.

Chair of the Los Osos Community Services District Financial Advisory Committee, 2010.

Member of the Executive Committee of the Morro Bay National Estuary Program, 2010.

Chair of the Los Osos Community Services District's Emergency Services Advisory Committee, 2009.

Alternate to the San Luis Obispo County Water Resources Advisory Committee, 2009.

Vice President of the Los Osos Community Services District, 2009.

Los Osos Community Services District Board of Directors, 2008 - Present.

Member of the Environmental Working Group, Technical Advisory Committee, Los Osos Waste Water Project, San Luis Obispo County, 2007 - 2008.

Chairperson of the San Luis Obispo Downtown Association Beautification Awards Committee, 1986 - Present.

Member of the South Bay (Los Osos) Advisory Council, 1983-1986.

TO: BOARD OF DIRECTORS
FROM: LISA BOGNUDA (SB)
ACTING GENERAL MANAGER
DATE: NOVEMBER 24, 2010

**AGENDA ITEM
E-3
DECEMBER 1, 2010**

CALPERS CONTRACT VALUATION REQUEST

ITEM

Consider requesting an actuarial valuation from CalPERS to amend future employee retirement benefits [PROVIDE DIRECTION TO STAFF]

BACKGROUND

The Personnel Committee met on October 4, 2010 to review regular employee and/or retiree benefits. The Personnel Committee made a recommendation to the Board of Directors to prepare a RFP to update the Salary and Benefits Study a year in advance of the recommended date in the strategic Plan 2010 update.

On October 13, 2011, the Board of Directors directed Staff to prepare an RFP to hire a consultant to review employee benefits only.

Staff contacted Georg Krammer of Koff & Associates, Inc. to discuss the feasibility of acquiring the services of a consultant to review and modify the benefits of new employees by March 2011, as requested by the Board. In order to meet the March 2011 deadline, Mr. Krammer suggested the District forego hiring a consultant at this time and request actuarial valuations from CalPERS as soon as possible.

The process to request actuarial valuations is attached. It takes approximately 90-120 days to complete a CalPERS contract amendment and the cost is \$200.00 per actuarial valuation. There are two CalPERS benefits that can be amended for new employees. The remaining CalPERS benefits are mandated by our risk pool and cannot be amended. A CalPERS contract amendment would create a second tier of benefits for new employees.

CalPERS Benefits Eligible for Amendment for New Hires

CalPERS Benefit	Employee benefit for current employees	Request Actuarial Valuation for Employee benefit for new employees (lowest possible benefit offered) (1)
Retirement Coverage	3% @ 60	2% @ 60
Final Compensation	12 months	36 months

(1) Other formulas available are 2% @55 and 2.7% @ 55

FISCAL IMPACT

The cost for the two actuarial valuations is \$400.00 and would be charged against the Administrative Budget.

RECOMMENDATION

Staff recommends the Board of Directors direct Staff:

1. Request CalPERS actuarial valuation for Retirement Coverage and Final Compensation, or
2. Proceed with previous direction and prepare an RFP to hire a consultant to review benefits

ATTACHMENT

- CalPERS Contract Amendment Procedures

T:\documents\board matters\2010 board letters\101201 EMPLOYEE BENEFITS REVIEW.doc

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM CONTRACT AMENDMENT PROCEDURES

REQUESTING AN ACTUARIAL VALUATION

The Optional Benefits Listing (PERS-CON-40) provides basic information on the optional benefits available to contracting agencies and employer cost information. For some optional benefits the employer cost varies and an actuarial valuation is required.

If the proposed benefit requires an actuarial valuation, an authorized representative of the agency or employee organization may mail or fax the written request for an actuarial valuation. The cost analysis furnished for each valuation requested will provide the expected increase to the employer contribution rate if the contract is amended. To request an actuarial valuation, the following information is needed:

1. The Government Code Section number and the title as it appears in the Optional Benefits Listing; and
2. The member groups to which the benefits are to apply, e.g., miscellaneous members, all safety members, police members only, fire members only, county peace officers only, or sheriffs only.

An agency cannot provide different retirement benefits for any subgroup, including, but not limited to bargaining units or non-represented groups within the membership classifications listed above (Section 20479), with the exception of Employer Paid Member Contributions Converted to Payrate During the Final Compensation Period (Section 20692).

Agencies and Employee Organizations – direct the request to:

California Public Employees' Retirement System
Employer Services Division
Contract Maintenance Unit
P.O. Box 942709
Sacramento, CA 94229-2709 Telephone (888) CalPERS (or 888-225-7377)
FAX (916) 795-3005

Actuarial valuations for public agency contract amendments cost \$200 each. Actuarial valuations for the establishment of new public agency contracts with CalPERS cost \$700 each. The agency or employee organization will be sent an invoice after the valuation is completed. *Payment should not be submitted prior to receipt of the billing invoice.*

Agencies requesting amendment or new agency valuations must provide the applicable employee organization or organizations with a copy of each valuation within five days of receipt. Likewise, employee organizations requesting amendment or new agency valuations must provide the agency with a copy of each valuation within five days of receipt.

AMENDING THE CONTRACT

Contract Maintenance Unit will provide the documents for adoption by the agency's governing body. If the agency attempts to expedite the amendment process by proceeding without the documents provided by CalPERS, legal review would be required which could delay the anticipated effective date of the amendment.

If an actuarial valuation is not required for the optional benefit, contact the **Employer Contact Center** at (888) CalPERS (or 888-225-7377). The Employer Representative assigned to your agency will prepare the initial documents and will provide them to you within 30 days of your request. If an actuarial valuation is required, a contract amendment request form to complete and return will be provided with the valuation report. The initial documents will be provided to you within 30 days of receiving the completed contract amendment request form.

The initial set of documents includes a Resolution of Intention declaring the agency's intent to amend the contract, an exhibit copy of the amended contract, various certification forms, ballots when required, and detailed instructions.

Follow the instructions precisely, call if you have questions and return the necessary documents promptly.

The final set of documents includes two original contracts as amended for execution by the governing body and any other forms necessary to complete the amendment. The completed documents will be reviewed for compliance with the Government Code and one of the two original contracts signed by the agency will be returned to the agency after it has been executed by CalPERS.

EMPLOYEE ELECTIONS

An amendment to the contract, which changes the employees' rate of contribution, requires a secret ballot election among the employees affected. The contract cannot be amended if a majority of the affected members vote to disapprove the proposed plan. This election must follow adoption of the Resolution of Intention and precede adoption of the final documents.

PUBLICATION OF COSTS

Government Code Section 7507 requires the future annual costs of the proposed contract amendment be made public at a public meeting at least two weeks prior to adoption of the final documents.

FINAL ACTION

Government Code Section 20471 requires adoption of the final documents (final reading of the ordinance – counties, cities or towns; final resolution – districts or other agencies) be no earlier than 20 days after adoption of the Resolution of Intention to amend the contract.


AMENDMENT EFFECTIVE DATE

No change in employee or employer contribution rates – the effective date of the amendment may be as early as the day following the effective date of the final action of the governing body.

Change in employee or employer contribution rates – the effective date of the amendment cannot be earlier than the first day of a payroll period following the effective date of the final action of the governing body.

OPERATIVE DATE

Amendments which require an adjustment to the retiree/beneficiary monthly benefit payments shall become operative the first of the month following the date which is 30 days after receipt of the final documents in the CalPERS Sacramento office.

TO: BOARD OF DIRECTORS
FROM: LISA BOGNUDA 
ACTING GENERAL MANAGER
DATE: NOVEMBER 24, 2010



**APPROVE CONTRACT WITH MICHAEL LEBRUN
FOR THE POSITION OF INTERIM GENERAL MANAGER**

ITEM

Approve contract with Michael LeBrun for the position of Interim General Manager [APPROVE CONTRACT]

BACKGROUND

The General Manager position is currently vacant. The Board of Directors desires to hire an Interim General Manager. Attached is the Interim General Manager Employment Agreement. Mr. LeBrun has signed the agreement.

RECOMMENDATION

Staff recommends that the Board approve the Interim General Manager Employment Agreement.

ATTACHMENTS

- Interim General Manager Employment Agreement

**NIPOMO COMMUNITY SERVICES DISTRICT
INTERIM GENERAL MANAGER
EMPLOYMENT AGREEMENT**

Attachment:
Exhibit "A" – Interim General Manager Job Description

This Agreement (sometimes referred to herein as "Contract"), is made and entered into by and between the Nipomo Community Services District, (herein referred to as "District"), and Michael S. LeBrun, (herein referred to as "Temporary Contract Employee") with reference to the following recitals:

RECITALS

A. District is a Community Services District organized and operating pursuant to Section 61000 et. seq., of the California Government Code.

B. Temporary Contract Employee has read the Job Description for the Interim General Manager (Exhibit "A") and possesses the required knowledge, education/experience and licenses/certificates described in the Job Description.

C. District desires to enter into a Contract Employment relationship with Michael S. LeBrun as Interim General Manager;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION 1. DUTIES

A. District hereby agrees to employ Michael S. LeBrun as Interim General Manager. A general description of the duties and responsibilities of the Interim General Manager are set forth in the Job Description, attached hereto as Exhibit "A" and incorporated herein by this reference.

B. Michael S. LeBrun agrees to perform the function and duties of the position of Interim General Manager and to perform other duties specified by statute and any additional duties as may be assigned from time to time by the District Board of Directors.

SECTION 2. TERM

A. Subject to approval by Board of Directors and providing District with proof of insurance as required by Section 9, this Contract shall take effect on December 13, 2010, at 8:00 a.m. or the first day Temporary Contract Employee reports to work prior to December 13, 2010 ("Commencement Date").

B. Subject to the provisions set forth in Section 3, below, this Contract shall automatically terminate one (1) week after the permanent District General Manager starts employment with District ("Termination Date")

C. Nothing in this Contract shall prevent, limit or otherwise interfere with the right of Temporary Contract Employee to resign at any time from his position with District, subject only to the provisions set forth in Section 3 of this Contract.

SECTION 3. TERMINATION AND SEVERANCE PAY.

A. Temporary Contract Employee understands and expressly agrees that he has no constitutionally protected property or other interests in his employment as Interim General Manager. Temporary Contract Employee understands and expressly agrees that he serves at the will and pleasure of the District Board of Directors and that he may be terminated or asked to resign at any time by the District Board of Directors, with or without cause.

B. Termination Without Cause: Temporary Contract Employee serves at the will and pleasure of the District's Board of Directors, and may be terminated without cause. In the event the District terminates Temporary Contract Employee without cause, Temporary Contract Employee shall receive a lump sum cash payment (severance pay) equal to two (2) weeks of employment. The District shall deduct all normal withholdings required by law and District normal payroll deductions with respect to any amounts paid under this section. Temporary Contract Employee shall not be entitled to any other compensation, including without limitation, accumulated but unused sick leave.

C. Termination For Cause: In the event Temporary Contract Employee is terminated for good cause, Temporary Contract Employee shall be entitled to all salary earned, but not paid as of the date of termination only. Temporary Contract Employee shall not be entitled to any other compensation, including, without limitation, any severance compensation. For purpose of this Agreement, "good cause" shall include, but not necessarily be limited to, any of the following:

- (1) Any material breach by Temporary Contract Employee of any term or provision of this Agreement;
- (2) Temporary Contract Employee's failure to perform his duties in a professional and responsible manner consistent with generally accepted standards of the profession;
- (3) Temporary Contract Employee's misfeasance;

- (4) Temporary Contract Employee's malfeasance;
- (5) Conduct unbecoming the position of Interim General Manager or likely to bring discredit or embarrassment to the District;
- (6) Insobriety;
- (7) Conviction of a misdemeanor involving moral turpitude;
- (8) Conviction of a felony;
- (9) Engaging in illegal business practices in connection with the District's business;
- (10) Misappropriation of the District's assets;
- (11) Excessive unexcused absences of Temporary Contract Employee from his employment during usual working hours; or
- (12) Failure to perform or habitually neglecting the duties which he is required to perform under this Agreement.

D. Temporary Contract Employee may terminate this Contract at any time by giving District twenty-one (21) calendar days written notice in advance, unless the parties otherwise agree in writing. Should Temporary Contract Employee fail to give such notice, Temporary Contract Employee shall pay to the District as liquidated damages the sum of one hundred dollars (\$100) per working day (not to exceed a maximum of five (5) days per week), for the difference between the number of actual days of prior notice and twenty-one (21) calendar days. Temporary Contract Employee agrees that the liquidated damages may be deducted from his final paycheck.

E. If this Agreement is terminated by District for cause pursuant to Section C, above and it is later determined that the termination was wrongful, such termination automatically shall be converted and treated as a Termination Without Cause under Section B, above, and Temporary Contract Employee shall be entitled to receive only the amounts payable hereunder in the event of a Termination Without Cause.

SECTION 4. SALARY AND WORKING HOURS

Subject to the time off provisions of Section 5, the following shall apply to Temporary Contract Employee.

A. Salary. From and after the Commencement Date District agrees to pay Temporary Contract Employee for his services rendered, a monthly salary based on an annual salary of one hundred forty-six thousand dollars (\$146,000.) per year with

normal withholdings deducted as required by law, payable in equal installments at the same time as other employees of the District are paid.

B. Hours per week. Temporary Contract Employee shall work a minimum of forty (40) hours during normal District business hours per week.

SECTION 5. LEAVES

A. Vacations: Provided that Temporary Contract Employee's duties are duly delegated and the President of the Board of Directors has been provided with a minimum of 10 (ten) calendar days prior notice, Temporary Contract Employee may take four (4) unpaid vacation days per month not to exceed two (2) consecutive days of vacation. Temporary Contract Employee's monthly compensation shall be proportionally reduced for vacation time off.

B. Sick Leave: Commencing on the Commencement Date of employment, Temporary Contract Employee shall accrue, and have credited to his personal account, sick leave at the rate of one (1) paid working day per month.

C. Holidays: Subject to job constraints, Temporary Contract Employee may take the following days as paid holidays: New Year's Day, Martin Luther King, Jr. Birthday, President's Day (third Monday in February), Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the Friday in November immediately following the day designated as Thanksgiving Day, the four (4) regularly scheduled District hours immediately preceding the day designated as Christmas Day, Christmas Day, the four (4) regularly scheduled District hours immediately preceding the day designated as New Year's Day. Temporary Contract Employee is not entitled to the floating holiday.

SECTION 6. BENEFITS

Temporary Contract Employee shall not receive District benefits such as health insurance, health care benefits of any nature, retirement, or paid vacations. Temporary Contract Employee shall not be credited for leave for jury duty.

SECTION 7. EXPENSES

The District shall reimburse Temporary Contract Employee for incurred expenses as follows:

A. Automobile.

1. The District will supply an automobile for Temporary Contract Employee's use in performing services for the District.

2. In the event Temporary Contract Employee is required to use his own automobile in performing services for the District than District shall reimburse Temporary Contract Employee for automobile expenses at the prevailing IRS per diem mileage rate for expenses incurred.

B. Payment. Temporary Contract Employee shall invoice District on a monthly basis for automobile expenses referenced in this Section A(2) which shall be considered for approval as part of the monthly Warrant Register prior to payment.

SECTION 8. EMPLOYMENT STATUS

A. Temporary Contract Employee understands and agrees that he is not entitled to be paid compensation comparable to a regular District employee performing similar work, but that the compensation received herein is negotiated for services rendered by Temporary Contract Employee.

B. Temporary Contract Employee understands and agrees that the terms of his employment is governed only by this Contract and that no other right of regular employment is created hereby.

SECTION 9. AUTOMOBILE INSURANCE

A. General Manager shall procure and maintain automobile insurance coverage, on an "occurrence basis", with companies authorized to do business in the State of California, with coverage of no less than five-hundred thousand dollars (\$500,000) per accident.

B. The automobile insurance policy shall be endorsed to include the District, its officers, directors, employees and agents as Additional Insureds.

C. Prior to commencing work under this Contract, Temporary Contract Employee shall provide District with a Certificates of Insurance evidencing compliance with the foregoing requirements, accompanied by copies of the required endorsements. Certificates of Insurance shall specify that the insurer shall give District thirty (30) days advance written notice by the insurer prior to cancellation of the policy except ten (10) days for nonpayment of premium.

D. The automobile insurance coverage required hereunder shall be kept in full force and effect for the term of this Contract. Certificates of Insurance evidencing renewal of the required coverage shall be provided within ten (10) days of the expiration of any policy at any time during the period such policy is required to be maintained by

Temporary Contract Employee hereunder. Any failure to comply with this requirement shall constitute a material breach of this Contract.

SECTION 10. PERSONNEL POLICIES

Temporary Contract Employee has read and agrees to be bound by the following District Policies:

- A. INJURED ON DUTY
- B. SAFETY
- C. USE OF DISTRICT VEHICLES AND PROPERTY
- D. APPEARANCE AND CONDUCT
- E. SUBSTANCE ABUSE
- F. SEXUAL HARASSMENT
- G. HARASSMENT
- H. FITNESS FOR DUTY

SECTION 11. CONFLICT OF INTEREST.

Temporary Contract Employee, in the performance of his/her duties pursuant to this Contract, agrees to at all times avoid conflicts of interests as referenced in the Political Reform Act (the "Act") and the Fair Political Practices Commission's Regulations implementing the Act contained in California Code of Regulations, Title 2, Division 6 (Sections 18110-18997). The District requires Temporary Contract Employee to file a Form 700 Statement of Economic Interests pursuant to the Act.

SECTION 12 NOTICES.

A. Notices pursuant to this Contract shall be in writing and shall be deemed received at the earlier of either (a) actual receipt, or (b) three (3) days following deposit in the U.S. Mail as provided below. Notices delivered by U.S. or private mail shall be directed to the addresses shown below, provided that a party may change addresses by giving written notice to the other party in accordance with this subsection:

- 1. District:
Nipomo Community Services District
148 S. Wilson Street, Nipomo, CA 93444
Attn: President of the Board of Directors

- 2. Temporary Contract Employee:
Michael S. LeBrun
2268 Callender Road, Arroyo Grande, CA 93420

- B. Notices under this section may be:
- (1) Served personally; or
 - (2.) Sent by facsimile (provided a hard copy is mailed within one (1) business day); or
 - (3) Delivered by first class U.S. Mail, certified, with postage prepaid and a return receipt requested; or
 - (4) Sent by Federal Express or equivalent private mail delivery service.

SECTION 13. GENERAL PROVISIONS.

A. Temporary Contract Employee shall comply with all local and state requirements regarding conflicts of interest and shall avoid personal involvement in situations which are inconsistent or incompatible with a position of Interim General Manager or give rise to the appearance of impropriety.

B. Subject to the provisions of Sections 995 et seq. of the Government Code and upon request of Temporary Contract Employee, District shall provide for the defense of any civil action or proceeding brought against him, in his official or individual capacity or both, on account of an act or omission in the scope of his employment as an employee of the District.

C. The terms of this Contract are intended by the parties as the final expression of their agreement and may not be contradicted by evidence of any prior agreement or contemporaneous oral agreement. The parties further intend that this Contract constitutes the complete and exclusive statement of its terms and that no extrinsic evidence whatsoever may be introduced in any judicial or arbitration proceeding, if any, involving this Contract. Any amendments to this Contract must be in writing and executed by both parties.

D. In the event of Temporary Contract Employee's death, Temporary Contract Employee's heirs, legatees, devisees, executors or legal representatives shall be entitled to all salary earned, but not paid. Temporary Contract Employee and his heirs, legatees, devisees, executors or legal representatives shall not be entitled to any other compensation, including, without limitation, any severance compensation.

E. If any term, covenant, condition or provision of this Contract is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

F. This Contract shall be governed by the laws of the State of California. Temporary Contract Employee and the District agree that venue for any dispute shall be in San Luis Obispo County, California.

G. The parties acknowledge that they understand the significance and consequences of this Contract. The parties also acknowledge that they have been given full opportunity to review and negotiate this Contract and execute it only after full reflection and analysis, and that they have had an opportunity to review this document and its application and meaning with their respective attorneys and advisors. This Contract shall not be interpreted against the party who prepared the initial draft because all parties participated in the drafting of this Contract by having ample opportunity to review and submit suggested changes or corrections for incorporation into the final version of this Contract.

H. Temporary Contract Employee may not assign this Contract in whole or in part.

I. This Contract may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument, and shall be governed by the laws of the State of California.

J. This Contract shall become effective on the date the Contract is approved by the District Board of Directors.

IN WITNESS WHEREOF, District and Temporary Contract Employee have executed this Contract on the day and year first set forth above.

I have read this Contract and agree to be employed by the District under the terms and condition herein stated. I understand and agree that no representative of the District has the authority to enter into any agreement, expressed or implied, that would modify the terms and conditions of this Contract.

Michael S. LeBrun
Michael S. LeBrun,
Temporary Contract Employee

11/23/10
Date

James Harrison, President
Board of Directors
Nipomo Community Services District

Date

**EXHIBIT "A" TO
INTERIM GENERAL MANAGER'S EMPLOYMENT CONTRACT
JOB DESCRIPTION
NIPOMO COMMUNITY SERVICES DISTRICT**

1. GENERAL

Under policy direction of the Board of Directors, plans, organizes, coordinates and supervises all District functions and activities related to the production and distribution of potable water within the District and the collection, treatment and disposal of wastewater within the Town division and Blacklake division and other functions of the District including contract administration for solid waste services. Additionally, the Interim General Manager provides policy guidance and program evaluation to staff and the Board of Directors; fosters cooperative working relationships with intergovernmental and regulatory agencies, the public, various public and private organizations and District staff; performs related work as assigned. This position FLSA exempt.

2. EXAMPLES OF DUTIES (Illustrative Only)

A. Plans, organizes, coordinates and administers, either directly or through subordinate supervisors, the work of the District in accordance with the adopted goals and objectives of the Board of Directors and applicable laws and regulations.

B. Provides ongoing Project Administration for the all the District projects including, but not limited to, the Santa Maria Intertie Project, the Southland Waste Water Treatment Upgrade Project, the development of Park services, the Urban Water Management Plan Update and the Willow Road Waterline Project.

C. Prepares and administers the budget for the District; reviews all District expenditures; provides financial management for the District.

D. Prepares Agendas, with the cooperation of the President, for all meetings of the Board of Directors.

E. Assures that appropriate notice of Board meetings is posted and that other legal notification requirements are met.

F. Responsible for the preparation of Staff Reports for Agenda items.

G. Prepares for and attends all regular and special meetings of the Board of Directors and other meetings as directed by the Board of Directors.

H. Represents the Board and the District in contacts with governmental agencies, community groups and various business, professional and legislative organizations and District customers; acts as a District liaison with the media.

I. Directs and reviews special studies; provides for contract services as required and administers various service contracts.

J. Administers discipline as required; provides guidance and direction to staff regarding policies and procedures.

K. Prepares a variety of correspondence, policies, procedures, reports, minutes and other written materials.

L. Maintains and directs the maintenance of official District files.

M. Assures that the Board is kept informed of the financial status of District programs and activities.

N. In concert with the District Counsel, monitors changes in the law and operational process changes that may affect District operations; implements operational and procedural modification as required.

3. LICENSING AND CERTIFICATION

A. Must possess a valid California Class C driver's license and have a satisfactory driving record.

B. Must be bondable by District's fidelity bond insurer.