

NIPOMO COMMUNITY SERVICES District

AGENDA

SEPTEMBER 16, 1998 7:00 P.M.
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ALEX MENDOZA, **PRESIDENT**
KATHLEEN FAIRBANKS, **VICE PRESIDENT**
AL SIMON, **DIRECTOR**
ROBERT BLAIR, **DIRECTOR**
GENE KAYE, **DIRECTOR**

STAFF

DOUGLAS JONES, **General Manager**
DONNA JOHNSON, **Secretary to the Board**
JON SEITZ, **General Counsel**

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

CALL TO ORDER AND FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. REGULAR MEETING OF SEPTEMBER 2, 1998

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

Members of the public, wishing to address the Board on matters other than scheduled items, may do so when recognized by the Chairperson. The Board will listen to all communications; however, in compliance with the Brown Act, the Board cannot act on items not on the agenda. **Presentations are limited to three (3) minutes.**

BOARD ADMINISTRATION (The following may be discussed and action may be taken by the Board.)

3. REQUEST FOR SERVICE - LUCIA MAR UNIFIED SCHOOL District
Request for water & sewer service outside the District for new high school
4. REQUEST FOR SERVICE - McCHEVRON
Request for renewal of Intent-to-Serve and Conditional Will-Serve
5. REQUEST FOR SERVICE - TRACT 1599
Request for water & sewer service for a 13 lot development at Division St. & Frontage Rd.
6. COUNTY WATER RESOURCES ADVISORY COMM-WATER PLANNING AREA #6 (NIPOMO)
County Flood Control funding a facilitator to discuss Nipomo Mesa water issues.
7. DISTRICT ORDINANCE REVISIONS
Introduction and first reading of revision of District ordinances regarding water, sewer & annexation regulations.

FINANCIAL REPORT

8. APPROVAL OF WARRANTS

OTHER BUSINESS

9. MANAGER'S REPORT
 1. ARTICLE ON CLIMATE CHANGES
 2. DWR'S NIPOMO MESA GROUND WATER STUDY
Presentation scheduled for October 21
 3. CA-NV SECTION AWWA CONFERENCE, OCT 6-9
 4. HOLDING NEXT BOARD MEETING ON SEPT. 30
 5. COUNTY SAFETY ELEMENT WORKSHOPS

10. DIRECTORS COMMENTS

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

- A. Existing litigation GC§ 54956.9
 1. NCSD vs. Shell Oil, et. al. Case No. CV 077387
- B. Conference with real property negotiator
District Negotiator-General Manager GC§ 54956.8
 1. Dana-Doty water line/tank easements

ADJOURN

**NIPOMO COMMUNITY SERVICES DISTRICT
MINUTES**

AGENDA ITEM

2

SEP 16 1998

SEPTEMBER 2, 1998 7:00 P.M.

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CALL TO ORDER AND FLAG SALUTE

President Mendoza called the Regular Meeting of September 2, 1998 to order at 7:08 p.m. and led the flag salute.

ROLL CALL

At Roll Call, the following Board members were present:

Directors Kaye, Simon, Fairbanks and Mendoza. Director Blair arrived at 7:12 p.m.

APPROVAL OF MINUTES

1. REGULAR MEETING OF AUGUST 19, 1998

Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the Minutes of the August 19, 1998 Regular Meeting. Director Blair was absent for the vote.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

President Mendoza opened the meeting to public comments. The following spoke.

Orrin Cocks - 1457 Deer Canyon Rd. Arroyo Grande -Presented some information to the Board concerning an idea from Sheila Boone to create a Butterfly Palace on the Nipomo Mesa. He felt that the District would be interested because she would be using water from the Nipomo Basin.

BOARD ADMINISTRATION (The following may be discussed and action may be taken by the Board.)

3. RESOLUTION OF NECESSITY

Possible adoption of a resolution to begin the process of eminent domain for public easements

President Mendoza postponed Item 3 until District Deputy Counsel Mike Seitz could arrive to speak with Mr. Weldon.

At 7:40 p.m., after Item 6 was completed, the Board returned to Item 3.

Mr. Mike Seitz spoke with Mr. Weldon, the Dana Family's attorney. Because not all signatures have been obtained, the Resolution of Necessity should be passed but possession should not be taken for a few more days. Upon motion of Director Simon and seconded by Director Blair, the Board unanimously approved Resolution 98-666.

RESOLUTION NO. 98-666

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
OF NECESSITY FOR CONDEMNATION OF EASEMENTS FOR THE
THOMPSON-TEFFT WATER MAIN AND STORAGE PROJECT**

Upon motion of Director Fairbanks and seconded by Director Kaye, the Board unanimously agreed to instruct to legal counsel not to file a law suit until Wednesday, September 9, 1998 at 8:00 a.m. in anticipation of the final signature being obtained.

4. **WAIVER OF WATER SERVICE**
Request for a waiver of ordinance requirements for a second water service

Rufus Ferguson requested a waiver to the requirements of District Code §3.12.050(b) (Ord. 84-47) An ordinance revision is in process which may answer his request. There were no public comments. Upon motion of Director Blair and seconded by Director Simon, the Board unanimously decided to table this item.
5. **OAKGLEN/MALLAGH WATER LINE BIDS**
Review bids received to construct Oakglen/Mallagh water line and award contract

Mr. Jones explained that six (6) bids were received for the construction of the Oakglen/Mallagh water line. The lowest responsible bidder was Sansone Company. One permit from the Corps of Engineers is still outstanding.

During this agenda item (Item #5) the following public spoke:
Richard Mobraaten - 704 Ridge Rd. - Red-legged frog not found in the area according to a report from the EIR for the School District.

Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved Resolution 98-664, subject to permit issued from the Corps of Engineers.
RESOLUTION 98-664
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO SANSONE COMPANY TO CONSTRUCT THE OAKGLEN/MALLAGH WATER LINE
6. **REVISION OF DISTRICT BY-LAWS**
Review revision to By-Laws and adopt resolution

Mr. Jones explained that SDRMA (District insurance carrier) requires a review of the Board By-Laws annually in order to receive credits toward premiums. Mr. Seitz explained that the Board By-Laws were adopted October 16, 1996. To update the By Laws, staff and counsel have reviewed and revised them. Mr. Seitz went over the changes. There was Board discussion. There were no public comments. Upon motion of Director Simon and seconded by Director Blair, the Board unanimously approved Resolution 98-665, revising the Board By-Laws.

RESOLUTION 98-665
RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING BOARD BYLAWS
7. **REVISION OF DISTRICT ORDINANCES**
Review of possible revisions of District ordinances (General Discussion)

Mr. Jones explained that staff has been reviewing the District ordinances. This item is for introduction to the Board for information only. It will be brought back to the Board at a future meeting for formal introduction and adoption.

During this agenda item (Item #7) the following public spoke:
John Snyder - 662 Eucalyptus Rd. - Questioned the annexation policy

FINANCIAL REPORT

8. **APPROVAL OF WARRANTS**

Director Kaye mentioned some possible ownership changes in AD 93-1 refunds. Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approved the Warrants presented at the September 2, 1998 meeting.

OTHER BUSINESS

9. MANAGER'S REPORT

Mr. Jones presented information on the following items:

1. CHC CORRESPONDENCE TO LAFCO
2. SLO-CSDA RECEPTION FOR MIKE GOTCH 9/11/98
3. NEWSPAPER ARTICLE ON NIPOMO GROWTH

10. DIRECTORS COMMENTS

Mr. Jones described some of the discussions at the WRAC meeting today.

Legal counsel, Jon Seitz, explained the need to go into Closed Session. President Mendoza adjourned the meeting to Closed Session.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

- A. Existing litigation GC§ 54956.9
 1. NCSD vs. Shell Oil, et. al. Case No. CV 077387
- B. Conference with real property negotiator-District Negotiator-General Manager GC§ 54956.8
 1. Dana-Doty water line/tank easements

The Board came back into open session with no reportable action.

ADJOURN

President Mendoza adjourned the meeting at 9:00 p.m.

SEP 16 1998

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: SEPT 16, 1998

REQUEST FOR SERVICE
LUCIA MAR SCHOOL DISTRICT

The Nipomo Community Services District (**District**) has received a letter from Sandra Davis, Lucia Mar School District Assistant Superintendent, Business, requesting the **District** to supply water and sewer service to the proposed new high school located just north of the **District** boundary on Thompson Rd.

There are numerous issues to be addressed and are outlined as follows:

OUTSIDE USER AGREEMENT/LAFCO

The School District is not requesting annexation to the **District** but an outside user agreement. Normally, the LAFCO Commission is required to approve District Outside User Agreements, however, Government Code §56133 exempts contracts between public agencies from LAFCO approval.

ANNEXATION, IF REQUESTED

If annexation were requested, the **District** would require the applicant to provide a water supply which may include one or a combination of the following:

1. A well(s) with a five (5) year historical pumping record.
2. Reduction in **District** water usage by retrofitting on a 2:1 basis (defined as 8 homes to be retrofitted to create one new home)
3. Provide a supplemental water supply.

ENVIRONMENTAL IMPACT REPORT

Sections from the "Lucia Mar Unified School District High School Number Two" Environmental Impact Report on water and sewer service are attached for the Board's review.

The review period ends October 14, 1998. If any Board member has comments on the EIR, they should be submitted to staff no later than, Tuesday, Sept. 22. Staff will compile the comments and place this item on the Sept. 30 agenda for Board consideration.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: SEPT 16, 1998

SEP 16 1998

REQUEST FOR SERVICE
LUCIA MAR SCHOOL DISTRICT
PAGE TWO

INFRASTRUCTURE UPDATE

In 1985, NCSD approved its first Water and Sewer Master Plan. The Master Plan addressed deficiencies in the system and recommended corrections to the system based upon the existing South County General Plan Update.

Since the school was not considered in the Master Plan, it is recommended that the **District** have the Master Plan updated. The update would specifically address the impact the new High School would have on **District** facilities.

Staff has contacted Boyle Engineering and requested a proposal to perform the update. Attached is the proposal for Board review.

WATER INFRASTRUCTURE

The **District** is in the process of adding infrastructure recommended by the 1985 Boyle Master Plan including

- Planning/designing the new water main to the Twin Tanks
- Additional million-gallon water storage tank (easement required)
- Construction of the creek crossing (easement required)
- Sun Dale Well is under construction

Acquisition of the easements for the above improvements is necessary to complete these projects. All of these projects must be completed, as well as any others recommended by Boyle's Master Plan Update prior to serving the new High School.

WASTEWATER INFRASTRUCTURE

Phase I of the Southland Treatment Plant Expansion is in process and Phase II is expected to be completed by the end of 1999. It is anticipated that the expansion will be completed and capacity in the treatment plant will be available to serve the school.

It is likely that the Tefft St. Lift Station will require upgrading. Again, the Boyle Master Plan Update for the High School will address this issue and any other sewer infrastructure related issues.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: SEPT 16, 1998

REQUEST FOR SERVICE
LUCIA MAR SCHOOL DISTRICT
PAGE THREE

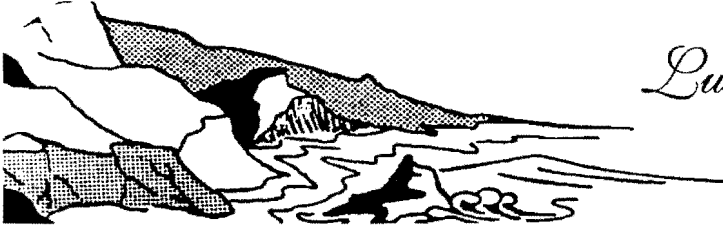
WATER RESOURCES

An outside user agreement will address the water requirements for the proposed High School. The Board may incorporate the **District's** annexation requirements into the outside user agreement.

RECOMMENDATION

Since there are many issues that need to be addressed, staff recommends that a Sub-Committee be formed. The Sub-Committee and District staff could review these issues and meet with representatives from Lucia Mar School District. The School District has offered to draft an outside user agreement. Staff recommends that they draft the agreement leaving spaces for **District** requirements for service, etc.

C:\W:\request-school.DOC



Lucia Mar Unified School District

602 Orchard Street ♦ Arroyo Grande, CA 93420
(805) 473-4312 ♦ Fax: (805) 473-1593

ARROYO GRANDE

NIPOMO

GROVER BEACH

OCEANO

PISMO BEACH

August 25, 1998

Mr. Doug Jones
Nipomo Community Services District
148 South Wilson Street
Nipomo, CA 93444-0326

Dear Mr. Jones:

Lucia Mar Unified School District is currently in the process of preparing an EIR for the proposed new high school site located on Thompson Road, north of Eve Street. On February 18, 1998, the proposed application for water and sewer services for the new high school site was presented to the NCSB Board of Directors for its consideration.

In order to expedite the application process, the school district is requesting that NCSB consider entering into an extraterritorial service agreement per Government Code Section 56133. If the NCSB Board of Directors agrees, please provide us with a will serve letter outlining your terms of service. The school district would be happy to draft a proposed agreement for your consideration.

Thank you for all your assistance in this matter. The new high school is very much needed in the South County and the school district wants to do everything possible to expedite getting the school built as soon as possible.

Very truly yours,

Sandra G. Davis
Assistant Superintendent, Business

SGD:mg

AUG 27 1998

NIPOMO COMMUNITY SERVICES DISTRICT

Draft

***Lucia Mar Unified
School District
High School #2***

***Environmental Impact
Report***

SCH # 98021018

PREPARED FOR:

Lucia Mar Unified School District

firma

*Landscape Architecture
Planning
Environmental Studies
Ecological Restoration*

*849 Monterey Street
San Luis Obispo CA
93401
805.781.9800*

F. PROJECT ELEMENTS AND PHASING

The basic core facility to be constructed in the first phase is comprised of about 98,172 square feet of permanent buildings. The campus will consist of a permanent core of the following buildings, with the remainder of basic classrooms being relocatable units:

Use	Approximate Square Feet
Administration/Counseling	12,200
Library/Media Center	8,000
Technology Control/Center	650
Multi-Use/Kitchen/Storage	17,860
Gym/Locker-Shower	27,700
Science Labs/Workroom	7,090
SDC Classroom	2,160
County MTU/Conference/Administration	7,700
Business Lab	1,600
Industrial Tech Lab	3,600
Music (Band/Choral Lab)	2,050
Fine Arts studio	1,500
Restrooms	5,568
Maintenance/Storage/Mechanical	5,644
Corridor (1/3 area)	4,000
Teacher Workroom, Restroom, Conference	1,500
Career Center Modular	1,440

Phase 1 relocatable units will be about 12,480 square feet. Phase 2 permanent classrooms would be about 27,840 square feet, with provision for up to 39,360 square feet of relocatable classroom to accommodate the expected enrollment of 1,800 students.

Building architectural elevations have not been developed. However, the approximate heights for most buildings would be 12-20 feet, with the exception of the gymnasium, library and administration buildings, which would be 40 feet, 35 feet and 26 feet respectively.

The preliminary site plan is shown on Map 4—Proposed Project Site Plan.

Site development will include the following elements:

- Roadways developed to County standards on two sides of the site (Thompson Road and Melschau Road).
- Parking for approximately 700 vehicles, divided into defined areas for students, faculty, and visitors.
- Vehicular circulation will be separated to reduce conflicts between buses, drop-off/pick-up service, students, faculty, emergency, etc.
- Emergency/maintenance/delivery access is required throughout the site on defined roadways on/around campus.
- Athletic play fields: paved, turf, tennis, swimming pool (future).
 - Football field with future bleachers for 4,000 capacity.
 - Future lighting for football, tennis, basketball, pool.
- Drainage structures to contain storm water and convey it off site in a manner required by law.

- Fire hydrant system.
- Fencing/gates to maintain campus as "closed" area.
- Landscape and irrigation.
- The entire site and buildings will be handicap accessible throughout.
- Connection to Nipomo Community Services District for sewer and water service.
- Connection to Pacific Gas and Electric for power and Southern California Gas for natural gas.

Under the proposed phasing, a freshman/sophomore class of about 850 students would attend in the initial year (2001). This class would graduate in 2005 at which time enrollment is expected to be about 1,090 students. Phase 2 facilities and certain site elements such as the stadium and stadium lighting, would be completed under a time frame yet to be determined.

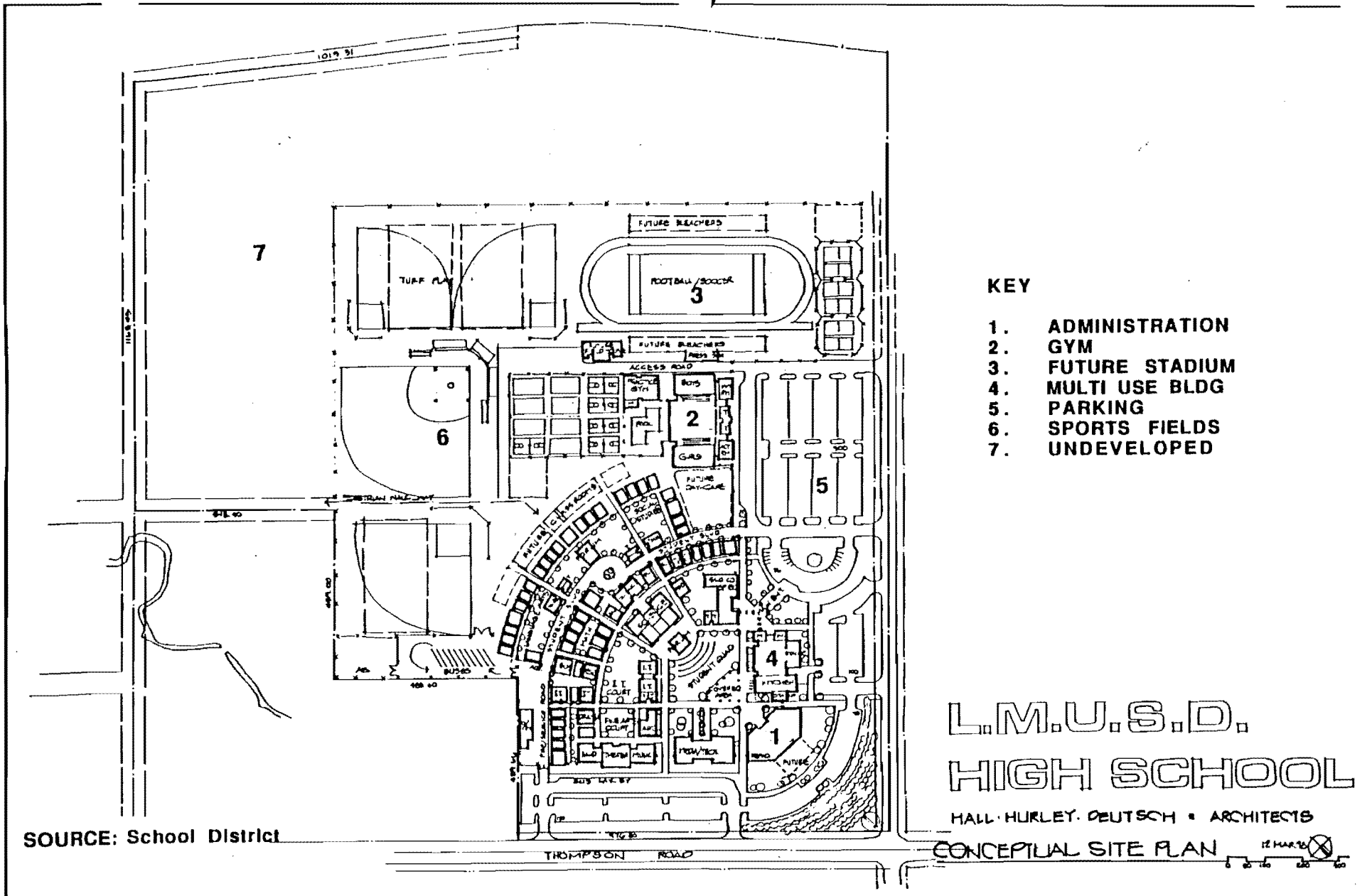
The high school will be a closed campus, meaning students are generally not permitted to leave the site during school hours, and the site will include fence, lighting and other security features.

For the purposes of this EIR the impact levels will be determined for full campus buildout, including 1,800 students and full stadium development.

G. DISCRETIONARY ACTIONS COVERED BY THE EIR

As discussed above, the purpose of the environmental review process is to provide a comprehensive, factual analysis of the environmental setting for the proposed project, the probable environmental consequences of development of the proposed project, and various alternatives to the project, as described in this EIR. This environmental information then provides the basis for the School District to consider and take discretionary action. The discretionary actions involved with the proposed project include, but may not be limited to:

- Approval and findings necessary to purchase the subject property for school development.
- Approval of the Preliminary High School Campus Site Plan.
- Approval of a resolution to override the agricultural zoning on the property and to allow development of a public facility, pursuant to the California Government Code section 53094.
- Approval of a resolution making findings pursuant to California Government Code section 51292 to locate a public facility in an agricultural preserve.

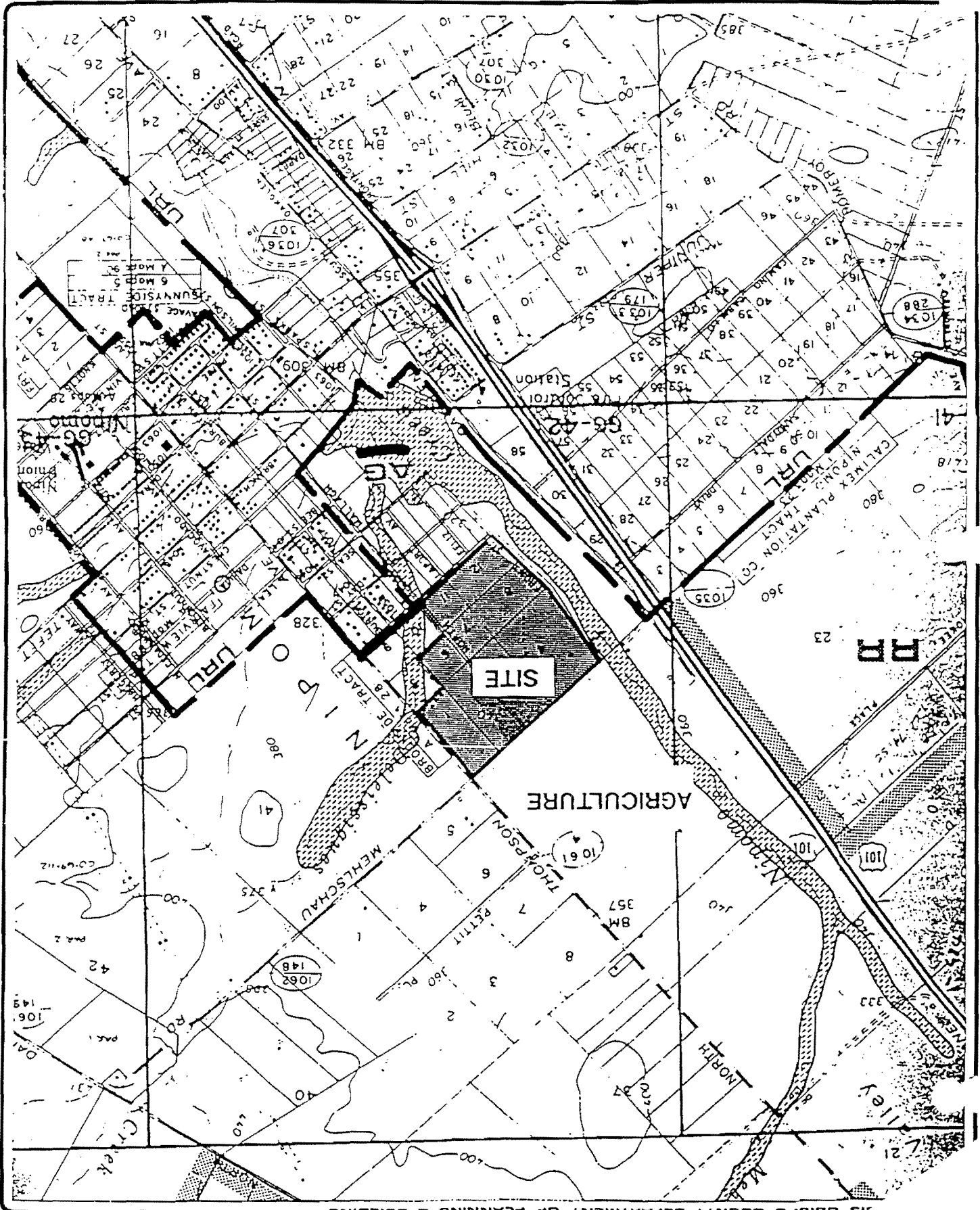


Title: PROPOSED PROJECT SITE PLAN

Scale
NTS

North
↑

Map
4



MISSOURI DEPARTMENT OF PLANNING & BUILDING

L. WATER AND SEWER SERVICE

SEWER

1. Environmental Issue

Sewage disposal will require the connection of the project to the NCSD sewer collection system or the installation of an on site septic system. The site is currently located outside the Nipomo Community Services District Boundary. The development of the school site will ultimately generate approximately 46,000 gallons of sewage per day. Connection to the NCSD system will impact existing NCSD facilities, while construction of a septic system may have detrimental effects on shallow ground water.

2. Environmental Setting

The site is currently adjacent to the northerly boundary of the Nipomo Community Services District. To obtain sewer service the high school site will require approval of annexation into the District by the Local Agency Formation Commission (LAFCO).

The site is located north of Eve Street and south of Thompson Road. The closest sewer main available to serve the site is an 8-inch main in Mallagh Street approximately 230-feet south of the Eve Street intersection. The sewage flows from the project will impact downstream sewer facilities including gravity collection mains, Tefft Street lift station, Main Lift Station and the wastewater treatment plant.

There is adequate capacity in NCSD gravity mains for current and future development in the eastern portion of the District. However, the capacity of the Tefft Street lift station per the NCSD water and sewer system master plan is currently inadequate for meeting future flows. The NCSD report states: "District Staff has observed that the existing wet well volume is inadequate, particularly to handle flows during power outages".

Construction of a septic system in this area of Nipomo is generally not a viable alternative. The soils in the area are classified as "severe" for septic systems due to very low permeability. The design of an on-site septic system will be required to meet the requirements of the Regional Water Quality Control Board's Basin Plan 83-12.

3. Environmental Impacts

Project Impacts

Construction of the high school will be in two phases. The first phase will generate approximately 22,000 gallons of sewage per day. The second phase will generate approximately 24,000 gallons per day, for a total project flow of 46,180 gallons per day.

The Nipomo Community Services District had a "Water and Sewer System Master Plan" prepared by Boyle Engineering in November 1995. In the report the Tefft Street Lift Station was identified as the only facility in the area of the proposed high school which would be undersized for the ultimate development of the area.

The existing peak daily wet weather flow is 250-gpm, and is projected to ultimately be 510 gpm. The current lift station has a capacity of 315 gpm.

The high school will initially generate a peak flow of approximately 77 gpm (average flow, based on 12 hours multiplied by a peaking factor of 2.5). The ultimate developed peak flow from the campus will be approximately 160 gpm.

Existing gravity sewer mains downstream of the campus have adequate capacity to serve the proposed campus.

Impact L1: The existing sewer lift stations downstream of the proposed campus also appear to have adequate capacity for the first phase of the high school campus. However the sewer flow from the ultimate development of the campus will exceed the capacity of the Tefft Street Lift Station.

Use of septic systems on this site is not feasible due to the clay soils and low permeability rates. The RWQCB Basin plan requires an application rate of 0.10 gallons/square foot/day, as well as a system designed for 200% of anticipated flow rates. The resulting system would need to provide a leachfield absorption area of 923,600 square feet of leachfield area. This size leachfield system could not be reasonably provided on this site.

Cumulative Impacts

The impact of this project and future development in the eastern portion of the NCSD service area will exceed the capacity of the Tefft Street Lift Station. The project would contribute fees to upgrade the lift station (see mitigation below). Development within the entire community will also exceed the capacity of the frontage road gravity mains near the sewer treatment plant and the Main Lift Station.

The Nipomo Community Services District collects connection fees and impact fees as property develops to fund system-wide improvements and capacity upgrades for such facilities as the wastewater treatment plants, lift stations and gravity main upgrades. If annexed to NCSD as proposed, the project would contribute impact fees to mitigate cumulative impacts. Therefore, this impact is less than significant.

4. Mitigation Measures

The following potential mitigation strategies for impacts on the sewer system are part of the project description:

1. Annex the proposed site into the Nipomo Community Services District to enable the project to receive sewer service.
2. Install an 8-inch sewer main extension in Mallagh Street from its current terminus between Day Street and Eve Street to the project site.

Mitigation L1: In order to accommodate campus buildout wastewater flows, if NCSD has not expanded the wet well and pumping capacity of the Tefft Street Lift Station prior to

the construction of Phase 2 campus improvements, the School District will construct the necessary lift station improvements and enter into a reimbursement agreement with the NCSD to recoup the construction costs in excess of the School Districts proportional share of the improved capacity.

Mitigation Implementation/Monitoring

- 1) Action to be Taken: District to enter into a reimbursement agreement with NCSD and construct Tefft Street Lift Station improvements when warranted.
- 2) Entity to Take Action: District to enter into agreement with NCSD.
- 3) Timing/Duration: Secure agreement prior to annexation into NCSD. Construct improvements concurrent with Phase 2 expansion.
- 4) Interested Agencies/Department: School District and NCSD.

Level of Significance After Implementation of the Mitigation Measure: Construction of additional capacity at the Tefft Street Lift Station will reduce potential impacts to less than significant.

WATER

5. Environmental Issues

The site is located outside of, but contiguous to, the Nipomo Community Services District (NCSD) boundary and water service area. The project site is located in an area of extremely limited groundwater. Future on-site wells may not, in the long term, produce sufficient amounts of irrigation water and may be detrimental to surrounding groundwater wells.

6. Environmental Setting

According to the recently released State Department of Water Resources (DWR) draft "Water Resources of the Arroyo Grande-Nipomo Mesa Area", dated April, 1998, the easterly boundary of the Santa Maria Groundwater Basin is located roughly along the alignment of U.S. Highway 101 in the area adjacent to the site. The water bearing alluvium on the East Side of U.S. Highway 101 is generally shallow and relatively unproductive in this area.

The County of San Luis Obispo South County Area Plan-Inland Land Use Element states in the "Water Supply (RMS)" portion of the document that groundwater extractions in the Nipomo area may equal or exceed current supplies and there is difficulty in managing the basin as a long-term supply.

Groundwater east of U.S. Highway 101 is so limited that local agricultural land owners have formed the "Nipomo Valley Mutual Water Company" and are currently in the process of obtaining a turn-out location to access water from the coastal branch of the State Water Project. The NVMWC has requested one acre-foot per year per acre of subscriber land, or 1400-1500 acre feet per year. It is unclear at this time if the school

district could be included in this group. Participation by the school district would require approval of current members and the San Luis Obispo County Flood Control and Water Conservation District.

The site is currently outside of the Nipomo Community Service District and would require an annexation approval by LAFCO. The project site is located immediately north of an 8-inch main in Thompson Road and a 6-inch main in Mallagh Street (see **Map 13—Water and Sewer Mains**).

The water wells of the District's Town Division have an operational pumping capacity of approximately 1,840 gal/min or 2,930 AFY. Based on the South County General Plan and an average consumption of one-half (1/2) acre foot per year per account, the projections of the District's water supply to the year 2010 would be approximately 2,600 AFY. This consumption corresponds with the 1995 Water and Sewer Master Plan developed by Boyle Engineering for the District. The Boyle Report indicates that the population would be approximately 15,000 by the year 2010 and that the District water needs would be approximately 2,582 AFY. The report also indicates that the District would need additional storage and well production to meet future peaking demands during summer months.

Fire hydrant flow test performed for Boyle's Master Plan Analysis measured fire flows between Thompson Road and Mallagh Street near Bee Street at approximately 1,300 gpm with a residual pressure of 69 psi. Fire flows and residual pressure on the proposed site can be expected to be slightly lower due to its higher elevation than the hydrant tested.

7. Environmental Impacts

Impact Significance Criteria

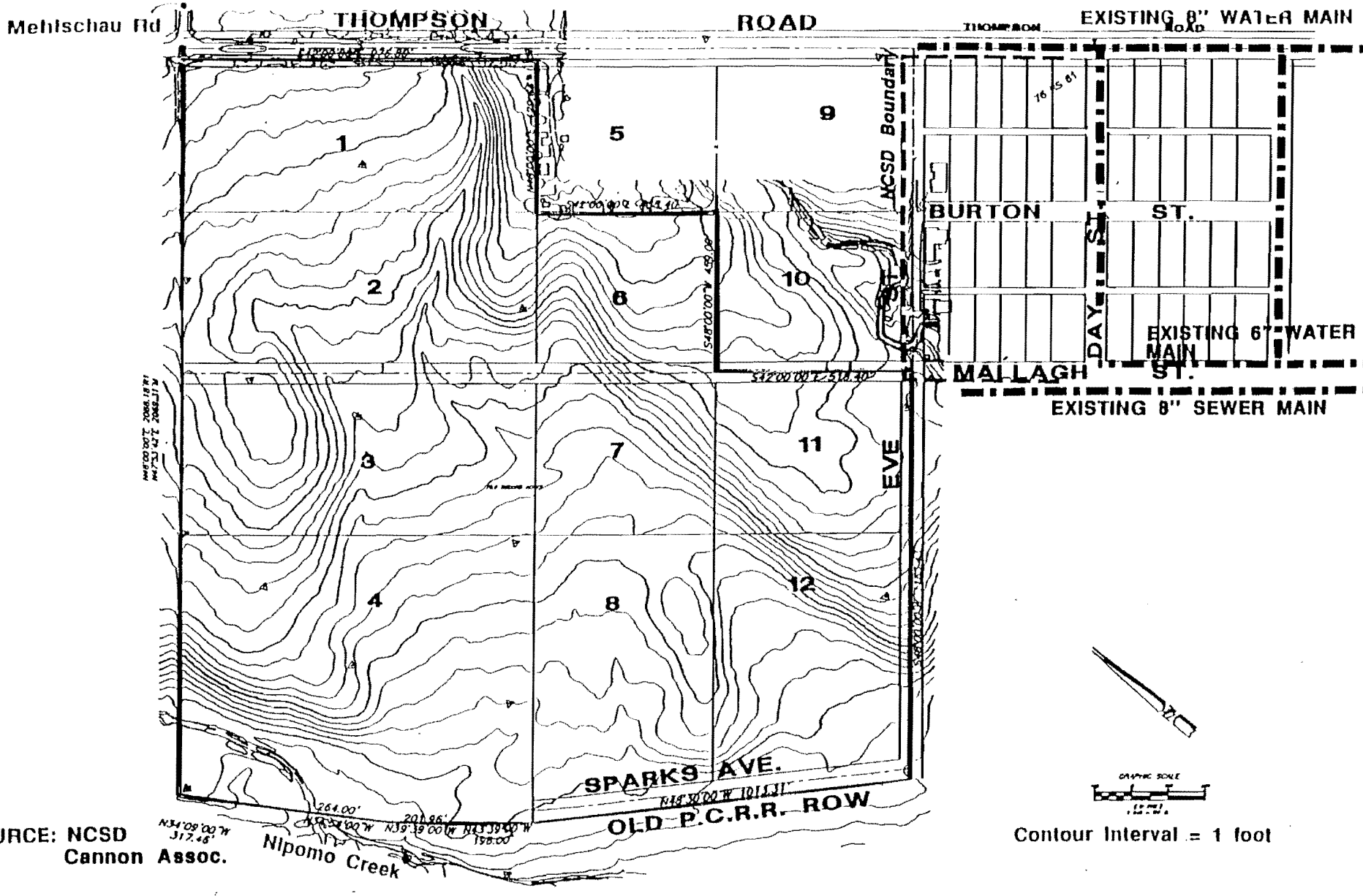
The project would have a significant impact on groundwater resources if groundwater areas in overdraft are affected, or if the project is unable to meet NCSA annexation requirements for offsetting mitigation for the annexed area.

Project Impacts

Water demand for the project will be 46,180 gallons per day for domestic consumption and 59,922 gallons per day for irrigation. Annual water consumption will be approximately 75 to 80 acre-feet per year.

Based on the findings contained in the DWR report and information from local well drillers the project site does not overlay a groundwater aquifer which can be expected to produce sufficient flow rate or volume for domestic and irrigation needs. There are also water quality concerns in the area.

Preliminary indications from the Nipomo Community Services District are that they are willing to annex the project site into the District, based on the project meeting District criteria. NCSA requires that all annexed property have its own water source, sufficient to



Title: WATER & SEWER SERVICE

Scale	North	Map
1"=400'		13

supply or offset its water needs so that no net increase in water demand on existing sources occurs. The District will consider existing wells, well sites, retrofit and State Water as potential options to meet this requirement.

NCSD has recently completed a new well in the westerly portion of the District to help meet peak summer water demand. However the well capacity is not considered available to support new development.

The project water demand would require a well source of approximately 100 gpm, pumped for a period of between 9 and 16 hours per day to supply the domestic and irrigation needs for the entire school year.

Lucia Mar Unified School District has two existing wells within the NCSD at Nipomo Elementary and Dana Elementary. These wells currently produce approximately 50 gpm each. According to School District Officials, the well at Nipomo Elementary was connected to the NCSD water system during an NCSD water shortage for approximately eight months. Once NCSD facilities were back to full production the connection was removed. The well at Dana Elementary is a small diameter well used for domestic and irrigation needs. This well is located in an area which has several wells producing 200 gpm or more for the Cal Cities Water Company.

According to the DWR report the groundwater levels west of the Dana school well site have steadily decreased over the past ten years, however, groundwater levels at the school site itself have not significantly changed. The installation and use of a larger diameter, higher production well at the Dana Elementary School site may impact wells in the surrounding area by creating a localized lowering of the water table and reducing water production. Prior to construction of the production well a test well and several piezometers should be installed and test pumped over several days to evaluate the impact on adjacent wells and water table levels.

Impact L2: The project would have a significant impact on groundwater resources if it relies on an on-site water well or does not meet NCSD annexation requirements for offsetting project water demand.

With respect to the overall capacity of the Santa Maria groundwater basin the impact of this project is not by itself significant. The Dana school well site is between two sub-areas of the Santa Maria Groundwater Basin which have exhibited different trends over the past ten years. According to the DWR report the "central portion of the Nipomo Mesa" has experienced declines in groundwater levels of up to 40 feet over the past ten years while the eastern portion has generally seen a slight increase in groundwater levels. The Dana Elementary site is between these two areas and likely experiences underflow of groundwater flowing from the eastern portion of the mesa towards the pumping depression in the central portion of the mesa. The groundwater levels at the Dana Elementary site would therefore not be expected to substantially decline unless additional wells or groundwater extraction in the central portion of the mesa cause groundwater levels to the east to decline.

Retrofitting of existing pre-1990 constructed homes is a potential source of water for the project. NCSD has an established list of 1500 potential retrofit sites available to the

project to help meet the water source requirements. The standard water use per single family residence in Nipomo is 10,700 gallons per month, or 357 gallons per day. The high school equates to 297 single-family residences. Based on NCSD criteria (2:1 retrofit rate) the School District would be required to retrofit 594 residential units (or equivalents).

Cumulative Impacts

Groundwater levels in the Nipomo area currently appear to be trending downward as development continues in the area according to the DWR report. The County of San Luis Obispo has in place a Resource Management System to monitor key resources in the county including water resources. Further efforts in the form of a groundwater management district are also being discussed for the area.

Although cumulative impacts on groundwater and water infrastructure are foreseeable they are related to potential future development and are not tangible until such time that potential development obtains required County approvals and development proceeds. On a project by project basis, the NCSD policy of requiring offsetting mitigation for annexation areas will forestall some cumulative effects by not increasing net water use within the NCSD service area.

8. Mitigation Measures

The following measures are incorporated into the project description and will avoid some impacts on water resources:

- Annex the proposed site into the Nipomo Community Services District to enable the project to receive community water service.
- Install an 8-inch water main extension in Mallagh Street from its current terminus at Eve Street looped through the project site to the Thompson Road water main. (The design consultant shall verify that the proposed main size provides adequate fire flows.)

The following additional mitigation measure is necessary to reduce impacts on water resources to less than significant.

Mitigation L2: To offset the increased water demand on NCSD water sources, the School District shall pursue the installation of a groundwater well to NCSD standards at the Dana Elementary School site for dedication to the NCSD in exchange for annexation and water service. The well shall be designed and tested to verify the ability of the well to produce a minimum of 100 gpm. If the well does not fully meet the production volumes needed, the School District shall enter into agreement with the NCSD to allow them to undertake a retrofit program to generate the remaining necessary water resources to allow annexation.

Mitigation Implementation/Monitoring

- 1) **Action to be Taken:** Project will include the annexation of the property into the NCSD to obtain water service and comply with NCSD requirements to provide an off-setting water supply in the form of groundwater and retrofitting.
- 2) **Entity to Take Action:** School District to submit annexation documents to the County of San Luis Obispo and local LAFCO for approval. School District shall develop water well and participate in retrofit program.
- 3) **Timing/Duration:** Annexation into NCSD with accompanying agreements to be approved prior to construction.
- 4) **Interested Agencies/Department:** County of San Luis Obispo Engineering Department, Nipomo Community Services District, LAFCO.

Level of Significance After Implementation of the Mitigation Measure: The measure would reduce the impact to less than significant by providing off-setting water resources for the project which are not derived from areas experiencing groundwater overdraft or would offset project demand by retrofitting existing land uses with water conserving devices, resulting in no net increase in water use within the NCSD service area.

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES (Cont.)**

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
<p>Impact L1 The existing lift stations downstream of the proposed campus also appear to have adequate capacity for the first phase of the high school campus. However the sewer flow from the ultimate development of the campus will exceed the capacity of the Tefft Street Lift Station.</p>	<p>Mitigation L1 In order to accommodate campus buildout wastewater flows, if NCSD has not expanded the wet well and pumping capacity of the Tefft Street Lift Station prior to the construction of Phase 2 campus improvements, the School District will construct the necessary lift station improvements and enter into a reimbursement agreement with the NCSD to recoup the construction costs in excess of the School Districts proportional share of the improved capacity.</p>	Less than significant
<p>Impact L2 The project would have a significant impact on groundwater resources if it relies on an on-site water well or does not meet NCSD annexation requirements for offsetting project water demand.</p>	<p>Mitigation L2 To offset the increased water demand on NCSD water sources, the School District shall pursue the installation of a groundwater well to NCSD standards at the Dana Elementary School site for dedication to the NCSD in exchange for annexation and water service. The well shall be designed and tested to verify the ability of the well to produce a minimum of 100 gpm. If the well does not fully meet the production volumes needed, the School District shall enter into agreement with the NCSD to allow them to undertake a retrofit program to generate the remaining necessary water resources to allow annexation.</p>	Less than significant

CLASS III. OTHER ENVIRONMENTAL IMPACTS WHICH ARE ADVERSE BUT NOT SIGNIFICANT

<p>Impact C1 Development of the project would not expose future users to chlorinated pesticides that may exist in groundwater at the project site. There were no detectable limits of chlorinated pesticides in the soil samples collected, although there may be detectable levels in the groundwater. The School District intends to connect to the public water supply. Therefore, the impact from potentially contaminated groundwater would not pose a potentially significant impact.</p>	<p>Mitigation C1 None required.</p>	Less than significant
--	--	-----------------------

LAFCO

REORGANIZATION ACT OF 1985
Title 5

~~§ 56132~~

~~(c) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, that is enacted prior to January 1, 2002, deletes or extends that date.~~

~~(Added by Stats.1996, c. 33 (S.B.862), § 1.)~~

Repeal

This section is repealed by its own terms operative Jan. 1, 2002.

Historical and Statutory Notes

Former § 56132, added by Stats.1991, c. 1229 (S.B.24), § 1, relating to the Broadmoor Police Protection District, was repealed by its own terms, operative Jan. 1, 1996. See this section.

Former § 56132, added by Stats.1965, c. 2043, § 2, amended by Stats.1970, c. 1249, § 6;

Stats.1983, c. 470, § 7, relating to filing fees, was repealed by Stats.1985, c. 541, § 4, eff. Sept. 9, 1985, operative Jan. 1, 1986.

Derivation: Former § 56132, added by Stats. 1991, c. 1229, § 1.

§ 56133. Provision of new and extended services by contract outside city and district jurisdictional boundaries

A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county. The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization. This section does not apply to contracts or agreements solely involving two or more public agencies. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water to agricultural lands for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section shall not apply to an extended service that a city or district was providing on January 1, 1994.

(Added by Stats.1993, c. 1307 (A.B.1335), § 2. Amended by Stats.1994, c. 654 (A.B. 3350), § 2, eff. Sept. 20, 1994.)

Historical and Statutory Notes

Former § 56133, added by Stats.1965, c. 2043, § 2, amended by Stats.1970, c. 1249, § 7 and Stats.1983, c. 470, § 8, relating to process-

ing fees, was repealed by Stats.1985, c. 541, § 4, eff. Sept. 9, 1985, operative Jan. 1, 1986.

~~**§ 56134.** Repealed by Stats.1970, c. 1249, p. 2254, § 8~~

~~**Historical and Statutory Notes**~~

~~The repealed section, added by Stats.1965, c. 2043, p. 4692, § 2, empowered the legislative~~

~~body to pay any fees established pursuant to §§ 56132, 56133.~~

Ⓢ

BOYLE ENGINEERING CORPORATION

Suite C
973 Higuera Street
San Luis Obispo, CA 93401

805 / 542 - 9840
FAX 805 / 542 - 9990

Doug Jones, General Manager
NIPOMO COMMUNITY SERVICES DISTRICT
P.O. Box 326
Nipomo, CA 93444

September 10, 1998

Extension of Water and Sewer Service to Proposed School Site

Dear Doug:

I understand that the District has been approached to provide water and sewer service to the proposed school site near the intersection of Eve and Mallagh Streets. Boyle Engineering Corporation proposes to define the impact of this additional user on both systems and to evaluate infrastructure needs to provide service to the school.

Specific services that we would provide are:

1. Review the proposed school site plan with regard to the location of on-site sewer and water utilities. Estimate water demand and sewer loading based on projected student population and extent of on-site amenities (cafeteria, sports facilities, extent of office space, etc.).
2. Discuss fire flow requirements with CDF. Establish whether structures are to be sprinklered and, if so, determine water system pressure available to support the sprinkler system.
3. Meet with District staff to define upgrades to the sewer and water systems since 1995. Amend the District's hydraulic computer models accordingly. Request that the District run several fire hydrant flow tests in the vicinity of the proposed school. Simulate the flow tests and adjust computer model as needed.
4. Simulate the anticipated sewer loads on the existing District sewer collection system model. Render an opinion as to the impact of additional flows on the collection system. Simulate school flows along with "build-out" sewage flows as defined in the 1995 Master Plan. Render an opinion as to the impact of school flows on future sewer system.
5. Simulate anticipated water demands (including fire flows) associated with the proposed school utilizing the District's water system computer model. Render an opinion regarding the impact on the existing and "build-out" water system. Consider impacts on storage volumes, too.

Doug Jones
Page 2

September 10, 1998

- 6. Prepare a draft letter report (three copies) documenting results of this evaluation. Tabulate sewer and water system upgrades recommended to provide service to the school. For build-out conditions, render an opinion as to the extent of utility upgrades associated with service to the school. Include our opinion of probable costs for the school's share of system upgrades. Meet with District staff to discuss our findings.
- 7. Incorporate District comments and issue final letter report. Submit six copies of the final report.

Regarding schedule, we will issue the draft report within four business days of receipt of notice to proceed (i.e. in time for the September 16th Board meeting). We will issue the final report within one week of receipt of comments on the draft.

Regarding information to be provided by the District, we expect the District to complete hydrant flow tests within three days of receipt of notice to proceed. We also expect the District to initiate the contact with the School District.

We will provide these services as part of our General Engineering Services Agreement dated November 1997. Anticipated fee is:

Senior Engineer	12 hrs
Student Assistant	16 hrs
Clerical	4 hrs
Other Direct Costs	<u>\$160</u>
Estimated Fee	\$2,500

If you find this to be in order, please sign both copies below and return one to me as notice to proceed.

Thank you for contacting Boyle, Doug. I suggest that we meet on Monday to initiate fire flows and to review the recent upgrades to the water and sewer systems.

Boyle Engineering Corporation

Authorized by:

Christine M. Ferrara
bc

Christine M. Ferrara, PE
Assistant Managing Engineer

Doug Jones, General Manager

Date: _____

Copy to: Dick Bardin/VT

TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: SEPT 16, 1998

REQUEST FOR SERVICE
McCHEVRON

The District received a letter from Keith White, RHL, Inc. requesting renewal of the Intent-to-Serve letter issued by the District Nov. 20, 1996. This Intent-to-Serve letter had a one-year expiration from issuance

It is recommended that your Honorable Board renew the Intent-to-Serve letter for McDonald's/Chevron project with the following conditions:

1. Enter into the District's Plan, Check and Inspection Agreement and pay the appropriate fees.
2. Install an 8" water line between Tefft St. and Kent St. in a utility easement.
3. Water meter sizes are to be determined by the Uniform Plumbing Code.
4. Install all appropriate backflow devices on the customer's side at the location of the water meter.
5. Install grease traps with appropriate capacity for the proposed restaurant.
6. Pay all appropriate District water, sewer, and other fees that may be associated with this development.
7. Place a 3/4-inch conduit between the meter and the phone jack on the house for future automatic meter reading.
8. The final Will-Serve letter to be issued after additional well production is on line.
9. Submit the following:
 - a) Reproducible as-builts
 - b) Offer of Dedication
 - c) Engineer's Certification
 - d) Summary of costs of water & sewer improvements

A ONE YEAR EXPIRATION DATE IS IN EFFECT

Upon review of this item, the Board may approve an Intent-to-Serve letter with the above conditions.

AGENDA ITEM
SEP 16 1998

4

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: SEPT 16, 1998

REQUEST FOR SERVICE
McCHEVRON
PAGE TWO

Mr. White also indicated that they would like to begin construction on this project as soon as possible. They are presently working on the design on the 8" waterline to be constructed between Tefft St. and Kent St. The County Building Dept. normally requires a "Will-Serve" letter to be issued by the District prior to the issuance of their building permit. If your Honorable Board wishes to consider issuing a conditional "Will-Serve" letter for this project, the following conditions should be considered:

1. Enter into the District's Plan, Check and Inspection Agreement and pay the appropriate fees.
2. Pay all appropriate District water, sewer, and other fees that may be associated with this development.
3. Receive a Letter of Credit in the amount of 200% of the estimated cost of the proposed 8" water line to insure its installation.

It is estimated that the construction cost for the 8" water line would be \$20,000-25,000. If the District were to install, it would have to hire an engineer to prepare plans and specifications, go out to bid, pay prevailing rates, etc. Therefore, the Letter of Credit of 200% of estimated costs is to cover any potential costs of installing this line.

After the Board has considered this matter, it may proceed to approve the "Intent-to-Serve" letter and if desired approved a conditional "Will-Serve" letter with the above conditions.



ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES

201 South Beach Blvd Suite 207, La Habra, CA 90631-6366 Telephone: (562) 902-8023 Facsimile: (562) 902-8026

September 2, 1998

Mr. Doug Jones
Nipomo Water Services
148 S. Wilson Street
Nipomo, CA 93444

Established 1966

BRUCE J. GREENFIELD
Managing Architect
Associate

RE: Chevron SS #09-5867
McDonald's Facility #04-2289
460 Tefft
Nipomo, CA
RHL Job #0994.00

JOHN W. JOHNSON
Architect
Co-President

BRIAN F. ZITA
Architect
Co-President

We acknowledge the requirement for an 8" water line running through our project property, as noted in the Intent to Serve letter of November 21, 1996, continuing on to join the existing water line on Kent Street. We are currently surveying the path and preparing the construction documents for this portion of the project. We expect the construction documents will be completed for your approval by September 11, 1998.

JOHN B. HICKS
Architect
Vice President

We acknowledge all requirements of the Intent to Serve letter. Due to the expiration of the letter, we hereby request the letter be reinstated with all the terms and agreements of the original letter included.

CECIL R. SPENCER
Architect
Vice President

We would like to commence construction on the store portion of the project as soon as possible. Toward that end we would like to obtain a building permit by next week, with the water line portion to be obtained as soon as the documents are completed and approved. If it is possible, we would appreciate you "clearing" the project with the Building Division that we would be able commence construction. I will contact you tomorrow morning to discuss our possibilities. Thank you for your help with this matter.

CHRIS LAWTON
Regional Manager
Associate

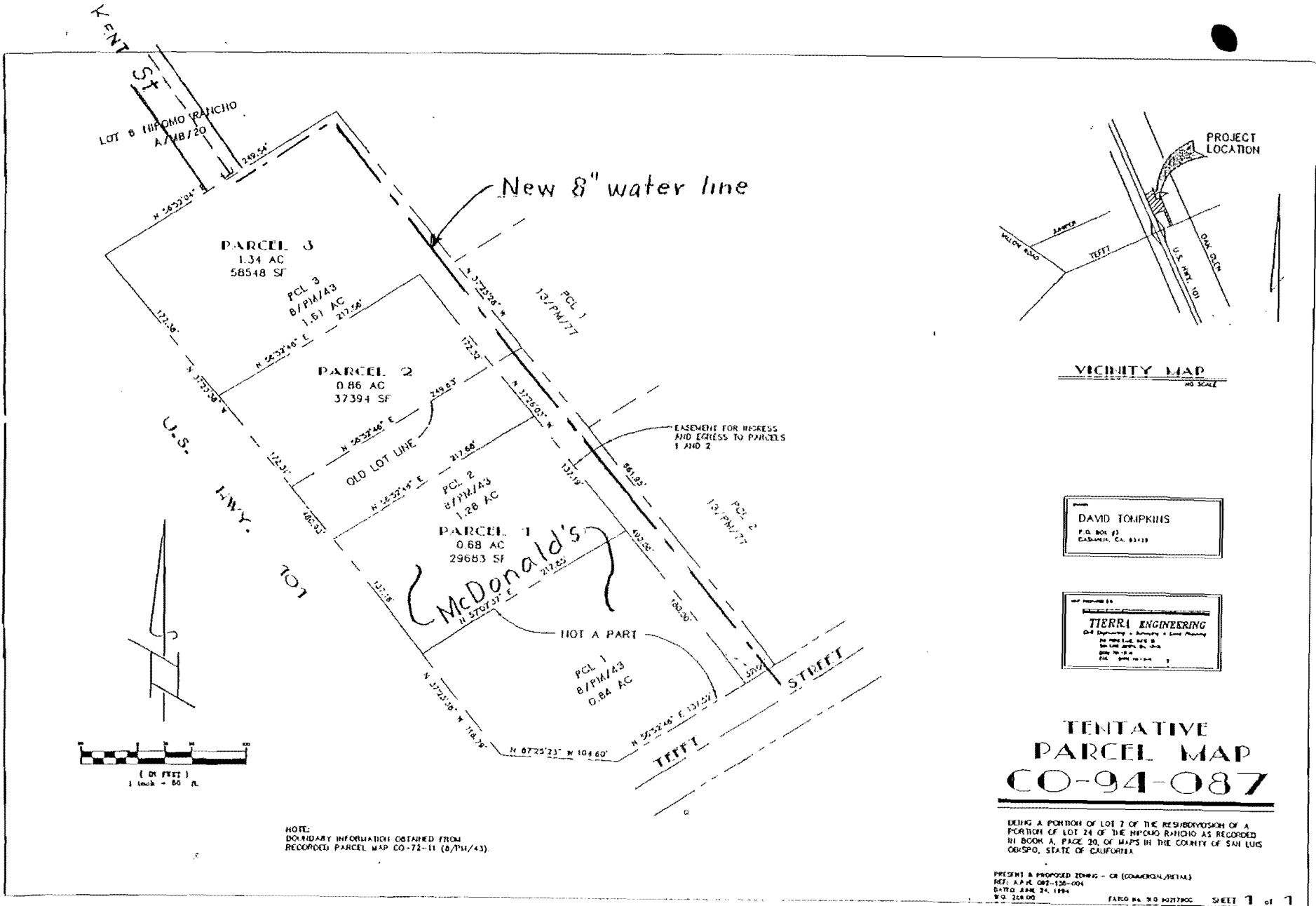
JAMES E. PRESTEN
Regional Manager
Associate

Sincerely,
RHL DESIGN GROUP, INC.

GARY M. SEMLING
Managing Architect
Associate

Keith Gordon White
Project Architect

BLYTHE R. WILSON
Managing Architect
Associate



SEP 16 1998

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: SEPT 16, 1998

REQUEST FOR SERVICE
TRACT 1599

The District received a letter from Ms. Terry Payne of EDA requesting an Intent-to-Serve letter for Tract 1599, a 13 lot plus one remainder lot located on South Frontage Rd. next to Division St. The attached tract map shows the layout of the proposed subdivision. The original Intent-to-Serve letter was issued in April of 1998 but was withdrawn. The configuration of the proposed improvements has changed substantially. Therefore, it is staff's recommendation that a new Intent-to-Serve be issued with the following conditions:

1. Enter into the District's Plan, Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans by a registered civil engineer to the District for approval and be prepared in accordance with the District's Standards and Specifications.
3. Pay all appropriate District water, sewer, and other fees that may be associated with this development.
4. Place a 3/4 inch conduit between the meter and the phone jack on the house for future automatic meter reading.
5. The final Will-Serve letter to be issued after additional well production is on line.
6. Submit the following:
 - a) Reproducible as-builts
 - b) Offer of Dedication
 - c) Engineer's Certification
 - d) Summary of costs of water & sewer improvements

A ONE YEAR EXPIRATION DATE IS IN EFFECT

A motion would be in order by your Honorable District with the above mentioned contions.

EDA

ENGINEERING
DEVELOPMENT
ASSOCIATES

August 28, 1998

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

Re: Tract 1599, 13 Residential Lots & 1 Remainder Parcel
[EDA 2-2235-000]

Please consider this a formal request for an **updated** "can and will serve" letter for Tract 1599, located at the Southeast corner of Division and Frontage Road in the community of Nipomo. The District originally approved the Intent To Serve in April 1988 and was in the process of reviewing the Public Improvement Plan, when the Developer requested that the project be put on hold. The Project has recently been reactivated, and we are requesting that the Board issue an updated Will Serve Letter.

Attached for your use is a copy of the Draft Final Map and PIP for your review.

Thank you for your consideration in presenting this to the Board. If you have any questions concerning this project; please contact our office.

Sincerely,

ENGINEERING DEVELOPMENT ASSOCIATES


Terry Payne

TP\bd\2235\ncsd.ltr (08/28/98 10:58AM)

RECEIVED
AUG 28 1998
NIPOMO COMMUNITY SERVICES DISTRICT

HWY

101

N40°15'52"W R3, R5

HWY R/W 2

FRONTAGE

N42°02'06"W 550.16' M/R/N42°03'02"W 550.28' F.T.
499.05' M

ROAD

N35°48'43"W 219.79' R-1
N35°50'22"W 219.56' R-2
N35°50'54"W 218.62' M/R/R4

REMAINDER
2.67 ac

ADINA

WAY

MARGIE

STORY STREET

DIVISION STREET

R

TR 458
8 MB 68

TR 607
R3

BASIS OF BEARINGS

The northeast line of Tract 458 bearing
N40°16'49"W per R-1.

LEGEND

- : Found monument as shown.
- : Set 1" pipe tagged LS3673.
- △ : Set street monument: LS3673.
- R-1 : A MB 14.
- R-2 : Div of Hwys R/W map 05-SLO-101, PM 41;
- CRelinquishment Map
- R-3 : 11 MB 16
- Access Denied
- R4 : No PM 12
- R5

EDA Engineering Develop
1320 NIPOMO ST., SLO, CA 93280

TRACT 1599

A subdivision of a portion of Lot 7
Resub of Lot 26 of the Rancho Nipomo
County of San Luis Obispo, California.

SEP 16 1998

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: SEPT 16, 1998

WATER RESOURCE ADVISORY COMMITTEE (WRAC)
WATER PLANNING AREA #6 - NIPOMO

On Sept 1, 1998 the WRAC Committee reviewed the County Master Water Plan which has created a number of Water Planning Areas based on water shed areas. (See attached map.) The committee recommended to hire a facilitator to assist communities in 3 or 4 of the water planning areas to discuss water issues. Nipomo Water Planning Area #6 was discussed. Because some WRAC representatives from this area expressed concerns with the hiring of a facilitator, this matter is being brought to the Board for review and direction.




A facilitator would be hired by the County Flood Control and Water Conservation District to assist interested groups and individuals within a water planning area to discuss water issues that affect that area. The object of WRAC is to have general discussions with groups in water planning areas to discuss what is known in the area, what is unknown in the area, review assumptions, may request future studies, establish goals and recommendations, and may set priorities. The object of a facilitator is discuss water issues, not do studies in water planning areas.

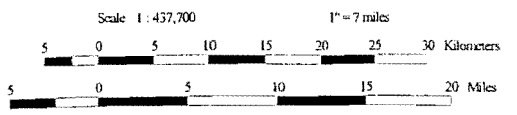
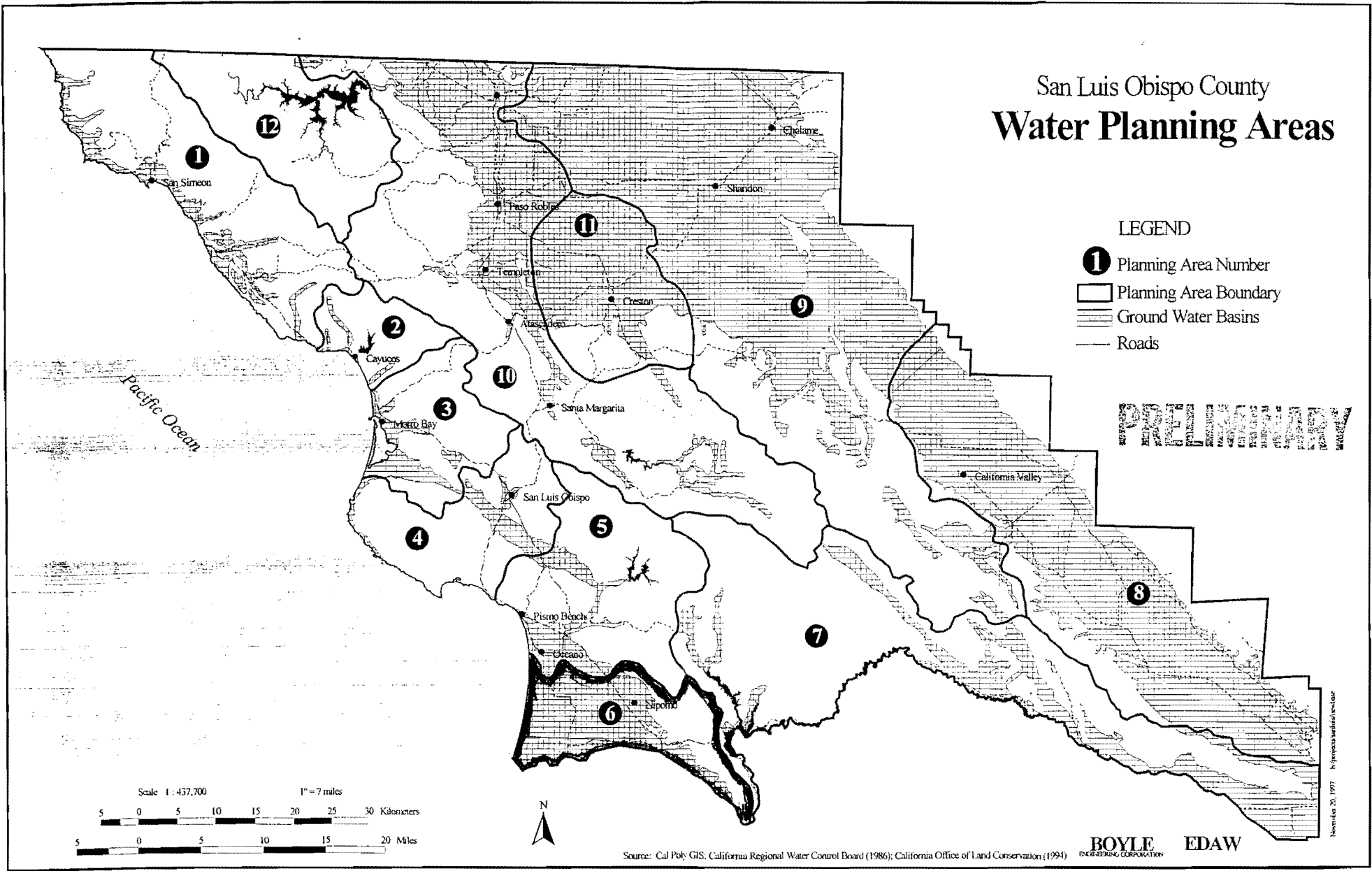
It would be staff's recommendation that the Board support the hiring of a facilitator through the County Flood Control and Water Conservation District to discuss general water matters in Water Planning Area #6 - Nipomo Mesa.

C:\W: WRAC-Planning area#6.DOC

San Luis Obispo County Water Planning Areas

LEGEND

- 1** Planning Area Number
-  Planning Area Boundary
-  Ground Water Basins
-  Roads



Source: Cal Poly GIS, California Regional Water Control Board (1986); California Office of Land Conservation (1994)

BOYLE **EDAW**
ENGINEERING CORPORATION

November 20, 1997 by jaypeters@earthlink.net

Exhibit 2 (page 2 of 4)
Summary by Water Planning Area

WPA	Demands (ac-ft)			Supply (ac-ft)		Comments	Supply Options
	Type	Existing	Future ¹	Grnd	Surface		
WPA #5, Five Cities	Urban	7,040	11,990	9,320	10,657	Edna Valley is experiencing rapid development of vineyards with some additional residential activity. South County cities have relatively large urban demand and some are projecting considerable growth, especially Pismo and Arroyo. Competition for limited ground water resources will intensify. Lopez Lake is currently under study for new yield estimates and the dam is slated for seismic improvements.	
	Ag	14,460	16,230				
	Rural	3,060	3,940				
	Enviro	---	---				
	TOTAL	24,560	32,160				
WPA #6, Nipomo Mesa	Urban	2,820	5,030	41,300	0	Urban demands may be understated. Nipomo will see considerable growth within the planning horizon. Competition for ground water is increasing. New DWR study indicates problems on the Mesa. Several mutual companies and development potential make management a challenge.	
	Ag	28,590	31,770				
	Rural	3,800	5,940				
	Enviro	---	---				
	TOTAL	35,210	42,740				
WPA #7, Cuyama	Urban	0	0	8,000	0	Cuyama is mostly agricultural. An important issue in this area is matching supply with demand.	
	Ag	7,010	8,030				
	Rural	420	490				
	Enviro	---	---				
	TOTAL	7,430	8,520				

¹ Urban demands are based on the ultimate buildout of cities and communities. Agricultural demands represent the "High" end of the range.

Agricultural demands are affected by a wide range of conditions, including lack of data, weather conditions, changes in commodities and differences in irrigation practices. It must be recognized that the agricultural demands presented here may be off by a certain percentage because of the unavailability of reliable water use data. Because of constant changes in farming practices, future projections may not reflect the actual future water use or need.



TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: SEPT 16, 1998

DISTRICT ORDINANCE REVISIONS

At the District's Regular Board Meeting held on Sept 2, 1998, the Board reviewed a number of revisions in updating the District's ordinances and codes presented by staff for input from the Board. These revisions and updated items have been incorporated into the ordinance which is presented to the Board for introduction and first reading.

The fees and charges in the ordinance are based on cost of providing these services and the ease of administration. The Plan Check and Inspection Fees for each development are associated with office and field staff's cost to check improvement plans, and field inspection of such improvements and general administration.

The existing water and sewer capacity charges have been established and are based on the District's infrastructure to provide these services. These charges are adjusted from time to time to reflect the current cost. The next adjustment will take place in 2001.

Water meter sizes are based on the capacity needed for the project. They previously had been based on the number of units.

After the Board's review of the proposed changes and public comments are taken, a motion would be in order to have the introduction and first reading of Ordinance 98-87.

C:\W:\Ordinance Rev.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 1998-_____**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT:
A: ESTABLISHING A NEW METHOD OF CALCULATING
CAPACITY CHARGES FOR CERTAIN MULTI-FAMILY UNITS;
AND B: AMENDING DISTRICT ADMINISTRATIVE PROCEDURES**

WHEREAS, based upon facts and analysis presented by Staff, the Staff Report, and public testimony received, the Board of Directors finds:

A. This public meeting has been properly noticed pursuant to Government Code Section 54954.2 (The Brown Act); and that the District has complied with the requirements of Government Code Section 66016; and

B. The fees, rates and charges that are the subject of this Ordinance do not exceed the estimated reasonable cost of providing the services for which the fees and/or charge or charges are imposed;

C. Amending the District Procedures as provided in this Ordinance is in the best interest of the District and its residents:

D. That the payment of capacity charges designated in Sections 5 and 35 of this Ordinance are a condition of development within the meaning of Article XIII.D, Section 1(b) of the California Constitution; and

E. All references to District Code herein refer to the Nipomo Community Services District Code:

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

Section 1: Authority.

This Ordinance is enacted pursuant to Government Code Sections 61600(a)(b), 61621, 61621.5, 61622, 66013, and 66016.

Section 2:

Section 2.12.010 of the District Code is hereby repealed in its entirety and replaced with the following:

ORDINANCE NO-1998-NEW
PAGE 2

2.12.010 Documents adopted by reference

A. The Nipomo Community Services District Standards and Specifications originally adopted by the Board of Directors on October 1st, 1997, as may be amended from time to time, are the official standards and specifications of the Nipomo Community Services District for all improvements to be owned, operated and/or maintained by the District.

B. There shall be maintained on file in the office of the District a current copy of said Standards and Specifications.

WATER SERVICE

Section 3:

Section 3.03.050 of the District Code is repealed in its entirety and replaced with the following:

3.03.050 Delinquent accounts.

Accounts not collected within twenty five days of billing are delinquent. Delinquent accounts shall incur a basic penalty of ten percent of the charge owing and shall accrue interest at the rate of one-half of one percent per month on the charge and basic penalty.

Section 4:

Section 3.03.060B of the District Code is repealed in its entirety and replaced with the following:

B. Commencing at 8:00 AM the day following the due date stated in the Second Notice, a non-payment fee of \$50.00 will be charged to the account. Further, a work order may be generated to discontinue service for failure to make payment pursuant to subsection A of this section.

Section 5:

Section 3.03.150 of the District Code is repealed in its entirety and replaced with the following:

3.03.150 Returned checks.

A charge of fifteen dollars will be charged against any person whose check is returned by the bank due to lack of funds. Returned checks are processed as delinquent payments for purposes of applying Section 3.03.060 et seq. of the District

ORDINANCE NO-1998-NEW
PAGE 3

Code.

Section 6:

Section 3.03.180B of the District Code is amended to read as follows:

B. Sewer rates shall be charged as follows:

- 1. Monthly sewer charges shall commence on the date the water meter is set.
- 2. District sewer charges are set forth in Appendix C to this chapter.

Section 7:

Section 3.04.010 of the District Code is repealed in its entirety and replaced with the language found in Section 3.04.030 of the District Code.

Section 8:

Section 3.04.020 is added to Chapter 3.04 of the District Code as follows:

Service Connections

~~A. A separate service connection shall be provided for each house, structure, or property under separate ownership, regardless of tenancy, requesting or receiving water service from the district. Any violation of this provision as to separate service connections or cross-connections between separate service connections on an applicant's property shall be sufficient cause for the district to discontinue water service until the violation is corrected.~~

~~B. The district reserves the right to limit the number of houses or buildings, or the area of the land under one ownership to be supplied by one service connection.~~

~~C. A service connection shall not be used to supply adjoining property of a different owner or to supply the property of the same owner on opposite sides of a public street or alley.~~

~~D. When a parcel or building receiving water through a separate service connection is subdivided into smaller lots, parcels, or units, capable of separate ownership, then the existing service connection shall be deemed appurtenant to the defined lot, parcel or building unit upon which it is situated or most immediately adjacent.~~

~~E. All service connections shall be constructed in accordance with the District's Plans and Specifications as amended from time to time.~~

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A. Each house or building under separate ownership shall be provided with its own service connection or connections.

B. Two or more houses or buildings (such as apartments) under one ownership and located on the same lot or parcel of land may be supplied through one service connection.

C. When a parcel or building receiving water service through one connection is subdivided into smaller lots, parcels, or units, capable of separate ownership, then the existing service connection shall be deemed appurtenant to the parcel or building unit upon which it is situated or most immediately adjacent.

D. The district reserves the right to limit the number of houses or buildings, or the area of the land under one ownership to be supplied by one service connection.

E. A service connection shall not be used to supply adjoining property of a different owner or to supply the property of the same owner on opposite sides of a public street or alley.

Section 9:

Section 3.04.030 of the District Code is repealed in its entirety and replaced with the following:

Section 3.04.030 Landscape Irrigation Connections

Except for connection to a single family residence, a separate service connection with backflow prevention device shall be provided to each parcel of property for landscape irrigation. A separate Landscape Connection Fee shall be computed pursuant to Section 3.04.050, and paid.

Section 10:

Section 3.04.040 is added to Chapter 3.04 of the District Code as follows:

Meter Size

A. Except as provided in Subsection B, below, The water meter size for each service connection shall be determined by the District pursuant to the Uniform Plumbing Code, Table 6-4 (see Appendix B to this Chapter).

B. The minimum water meter size for each service connection that serves a single family residence on one acre or larger parcel shall be one inch.

Section 11:

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Section 3.04.050 is added to Chapter 3.04 of the District Code as follows:

Section 3.04.050 Connection Fees

A. Fees. New connections shall be subject to water connection fees/capacity charges based on the estimated reasonable cost of the district facilities required to provide the service. The fees shall consist of five component parts (i.e., capacity charge, installation fee, meter fee, account set-up fee and supplemental charge (if applicable)). Said fees are established in Appendix "A" to this chapter.

B. Supplemental Charge.

(1) When a new service is connected to a district installed water line, the applicant shall be charged a front footage fee of twenty-one dollars per foot to each parcel fronting the improvements or one-half this amount when district service can be provided on both sides of the water line. Where the frontage has been subdivided, rear and front parcels are to share on a per parcel basis the frontage of the subdivision creating the parcels.

(2) When a new service is connected to a developer-installed water line pursuant to Title V, the applicant shall pay a supplemental charge pursuant to that reimbursement agreement.

C. The installation fee, meter fee, and account set-up fee shall be established and amended by resolution of the Board of Directors with reference to this code section.

D. Payment of Fees for Connection. The applicant shall pay the water capacity charge, sewer capacity charge, installation fee, meter fee and account set-up fee prior to the district's issuance of a will-serve letter. The district shall not provide water service until all fees are paid in full and the project (if applicable) is accepted by the district.

Section 12:

Section 3.04.060 of the District Code is hereby repealed in its entirety and replaced with the following:

Resale of Water

No person shall resell any water received from the District to any other person, or for use on any other premises, or for any other purposes than specified in the application for service.

Section 13:

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Section 3.04.070B of the District Code is amended to read as follows:

B. Pressure Regulators and Special Facilities. Where the conditions of service are such that a pressure regulator, backflow devices, or other special facility, including but not limited to booster pumps, are required, the customer shall provide, install and maintain the necessary equipment.

Section 14:

Section 3.04.090 of the District Code is amended to read as follows:

Change in Size of Service

When a change in use of a building, premises or an area to be served, causes an increase in water use that exceeds the meter size, then a new water service shall be required or water service may be terminated. When a change in size of service is required, the following provisions shall apply:

- A. Unchanged
- B. Unchanged

Section 15:

Section 3.04.120 of the District Code is hereby repealed in its entirety.

Section 16:

Section 3.04.260 of the District Code is repealed in its entirety and replaced with the following:

Distribution Facilities

The minimum water main size in the District shall be 8 inches in diameter and if applicable shall be financed and installed by the Applicant in accordance with Title V of the District Code.

Section 17:

Section 3.04.280A of the District Code is amended to read as follows:

A. All water service pipes and equipment required to serve a customer up to and including the meter shall be owned by the District, whether installed:

1. On a public or private property; or
2. At applicant's or District's expense.

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Section 18:

Section 3.04.320 of the District Code is hereby repealed in its entirety.

Section 19:

Section 3.03.060 is added to Chapter 3.04 of the District Code as follows:

Violation a Misdemeanor

No person shall make, permit, approve or allow any water connections or extensions contrary to the provisions of this chapter. Any violation hereof shall constitute a misdemeanor punishable as provided by law.

Section 20:

Section 3.04.070 is added to Chapter 3.04 of the District Code to read as follows:

Violation a Public Nuisance

Any violation of the provisions hereof shall also constitute a public nuisance. In addition to criminal prosecution or judicial abatement procedures otherwise authorized, the district shall have authority, after due notice and public hearing, to abate any violations hereof by terminating water service to all properties associated with or involved in the violation, and by assessing all costs of abatement against all property owners allowing, permitting or otherwise authorizing the illegal connection, water use or other violation.

Section 21:

Chapter 3.08 and Chapter 3.12 of the District Code are hereby repealed in their entirety.

Section 22:

Chapter 3.16 is added to Title 3 the District Code to read as follows:

Water Service Outside District

3.16.010 When allowed.

3.16.020 Rates/Conditions.

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3.16.010 When allowed.

It is the general policy of the District that District water service is limited to parcels within the District boundaries. The District Board of Directors may authorize water service to parcels outside the District boundaries upon a finding that:

A. There exists an extreme hardship and there is excess capacity within the District system to serve said parcel; or

B. There is a benefit to the District or the community, such as the Applicant providing the District with a water resource.

3.16.020 Rates/Conditions.

The water usage rates and conditions for District water service outside the District boundaries shall be determined by resolution of the Board of Directors. ~~on a case-by-case basis.~~

SEWER SERVICE

Section 23:

Chapter 4.04 of the District Code is hereby repealed in its entirety.

Section 24:

Sections 4.08.020A(5 & 6) of the District Code are hereby repealed in its entirety.

Section 25:

Section 4.08.020B of the District Code is hereby amended to include Definitions 8, 9 and 10 as follows:

(8) Sewer lateral means the sewer line from the customer's residence to the "sewage collection system" located in the public right-of-way.

(9) "Grease" means a group of substances in wastewater, including fats, wax, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other fatty materials.

(10) "Grease trap" means a device for separation of grease from wastewater by flotation for surface removal.

Section 26:

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Section 4.08.030 of the District Code is hereby repealed in its entirety and replaced with the following:

4.08.030: Connection to District's sewage collection system.

A. District will provide sewage disposal service to the following properties:
Services District;

1. Properties within the boundaries of the Nipomo Community
2. Properties included in the Prohibition Zone established by the Regional Water Quality Control Board for the Nipomo Sewage Project.
3. Properties approved for outside user service, pursuant to Section 4.08.220 of the District Code.

B. In addition to the requirements of Subsection A of this section, new sewage disposal service will be conditioned on:

1. Adequate capacity exists in the wastewater treatment plant and sewage collection system.
2. The applicant entering into District's Plan Check and Inspection Agreement prior to commencing construction;
3. All construction shall be in accordance with District's standards and specifications as amended from time to time;
4. The prior availability of adequate sewage facilities immediately adjacent to the property to be served;
5. Final approval pursuant to Section 4.08.040B of the District Code;
6. Final inspection and approval of street connections and payment of sewer inspection fee.
7. The District's receipt and approval of As-Built Plans, offers of dedication (when appropriate), easements (when appropriate), and engineer's certificates.

C. The District ~~assumes no obligation~~ is not responsible for the maintenance and operation of developer-installed sewer facilities until said facilities are formally accepted by the District.

Section 27:

Section 4.08.040 of the District Code is repealed in its entirety and replaced with the following:

4.08.040 Tentative and final approval letters.

A. Tentative Approvals. The District's tentative consideration of any project will be based upon the review of project plans prepared in sufficient detail to allow the evaluation of service requirements, determination of impacts upon district facilities and an estimate of the total value of the improvements which will be required. After the

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completion of the district's evaluation of the proposed project, tentative letters of approval may be issued as follows:

1. Volunteers. The general manager shall issue a tentative letter of approval.

2. Nonvolunteers. After evaluation of the proposal at a public meeting, the board of directors may grant a tentative letter of approval, but only after finding that there is now, or will reasonably be in the future, sufficient sewerage system capacity available to serve the project for which approval is being sought without jeopardizing the capacity which the board reserves for voluntary project participants.

No tentative approval shall be issued by the district prior to payment in full of the estimated plan check and inspection fees as determined by the general manager.

B. Final Approvals. The board of directors shall grant a final letter of approval upon the recommendation of the general manager, and after review of final plans at a public meeting. All appropriate fees, including, without limitation, sewer capacity charges, annexation fees, water system fees, plan check and inspection fees, shall be paid in full before the board grants final approval.

Section 28:

Chapter 4.08 of the District Code is amended to include Section 4.08.045 as follows:

4.08.045 Maintenance of Sewer Laterals. The maintenance of sewer laterals as defined in Section 4.08.020B(8) is the responsibility of the property owners served by the sewer lateral.

Section 29:

Section 4.08.050B is repealed in its entirety.

Section 30:

Chapter 4.08 of the District Code is amended to include Section 4.08.131 as follows:

4.08.131 Grease traps or grease interceptors required.

Grease, oil and sand traps or grease interceptors shall be provided on all drain lines leading from kitchens in all eating establishments or as determined by the District. They shall be sized, located and constructed pursuant to Appendix H of the Uniform Plumbing Code which provides recommended procedures for sizing commercial kitchen grease interceptors. All grease traps and grease interceptors shall be so located as to be readily and easily accessible for cleaning and inspection.

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Section 31:

Chapter 4.08 of the District Code is amended to include Section 4.08.132, as follows:

4.08.132 Maintenance of grease traps and grease interceptors.

All grease, oil and sand traps and grease interceptors shall be maintained at the owner's expense, and shall remain in continuous effective operation at all times. The District may terminate District services to non-maintained traps and interceptors.

Section 32:

Section 4.08.160 of the District Code is hereby repealed in its entirety.

Section 33:

4.08.220 Sewer Service Outside District Boundary

The sewer usage rates and conditions for District sewer service outside the District boundaries shall be determined by resolution of the Board of Directors. ~~on a case-by-case basis.~~

Section 34:

Subsections C, D and E of Section 4.12.030 of the District Code are hereby repealed in their entirety.

Section 35:

4.12.080 Sewer capacity charge computation

Appendix A to Chapter 4.12 and Section 4.12.080 of the District Code is repealed in its entirety and replaced with the following:

A. Computation Method and Unit Cost. Except as limited elsewhere herein, the capacity charge shall be computed by multiplying the customer's dwelling unit equivalent (DUE) as determined by the district, times capacity charge.

B. Determination of Dwelling Unit Equivalent. The customer's dwelling unit equivalent (DUE) shall be calculated by consideration of the combination of the number of fixture unit equivalents installed, as defined by the most recent Edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials, and the rated capacity of any continuous flow discharged to the sewer, on the following basis:

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- 1. Each sixteen fixture unit equivalents rounded up to the closest multiple of sixteen, one DUE.
- 2. Fixture unit equivalents not included within said code shall be established by the district.

Section 36:

Section 4.12.260 of the District Code is hereby repealed in its entirety.

Section 37:

Section 4.16.030 of the District Code is repealed in its entirety.

Section 38:

Chapter 4.28 and Section 3.04.260 of the District Code are hereby repealed in its entirety and replaced with Title V, as follows:

TITLE 5

Sewer and Water Main Extensions and Appurtenant Facilities

CHAPTER 5.01

Reimbursement Agreements

5.01.10 Purpose and Applicability

A. This Chapter is intended to provide an equitable procedure for at least partial reimbursement to private parties who construct and dedicate District facilities to serve their private property, if such facilities are also used thereafter to directly serve and benefit private property owned by others.

B. Whenever an applicant is required as a condition of development, to construct and install any District water or sewer facilities, which will be dedicated to the District, and which has the future potential and capacity to provide service to real property parcels, not under the control or ownership of the applicant, the future reimbursement provisions of this Chapter shall apply, unless the District specifically provides otherwise by ordinance or resolution.

5.01.20 Definitions

As used in this Chapter the following words shall have the following meanings:

- 1. "District" means the Nipomo Community Services District.

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2. "District Facilities" means water lines, sewer mains, and sewer lift stations and appurtenant facilities.
3. "Applicant" means subdivider, developer and/or builder.
4. "Engineer" means District engineer.

5.01.030 Reimbursement of Excess Costs

1. Excess Costs equal the sum of the following:
 - a. Oversizing: The estimated cost of installing the size of line required to serve Applicant's needs **pursuant to District's Plans and Specifications** and the actual cost of installing a larger line at the direction of the District.
 - b. Off-Site Development: A pro rata share of the costs of installing District facilities and appurtenances pursuant to District plans and specifications beyond the property of the Applicant that are subject to probable future use by connectors other than Applicant.
2. Approval of Excess Costs: District shall have the right to audit the excess costs submitted by Applicant, and to approve for reimbursement only so much thereof it determines to be just and reasonable. Such excess cost, if any, shall be computed when said facilities are completed by Applicant and accepted by District, and said shall be paid as provided in the Reimbursement Agreement.
3. Proration of Costs:
 - A. The District's engineer shall prorate the approved excess costs against all lots or parcels which in the future may be served by direct connection thereto. The District shall send written notice of the prorated amount to the person shown on the latest county assessor's roll as the owner or agent of record for assessment purposes for each parcel. Such person may protest the prorations in writing within fourteen (14) days after the notice is mailed. If not protested within the fourteen (14) days, the proration shall become final for the purposes of this section.
 - B. A protest shall concerned only with the division or spread of the actual and necessary construction costs between or among the builder's property and all other properties to be included in the area subject to the proration procedure. A protest shall not be concerned with the actual construction costs unless the protester can demonstrate fraud or willful concealment of actual cost information as presented by the applicant or his agent to the District's engineer.
 - C. The District's Board of Directors shall hold a public hearing to consider all

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such written protests. All evidence in support of the protest shall be submitted in writing to the District at least ten days before the meeting. The engineer shall prepare a written report and recommendation to the board on each protest. A copy of the engineer's report shall be mailed, or otherwise delivered, to the concerned protester at least five days before the board meeting to consider the protest.

D. The Board's decision on the protest shall be in writing, and shall be final. If the Board's decision results in an increased proration amount for properties owned by anyone other than the protester or the applicant, a new notice and a new fourteen (14) day period shall be given for each such property.

E. If no protest is filed for a property within the fourteen (14) day period after the first or any subsequent notice of prorated amount is mailed for that property, the proration shall be come final as to the property.

5.01.040 Ten-Year Repayment Obligation

For a period of ten years from the date of official acceptance of any such sewer facility, the subdivider shall be eligible for reimbursement of the foregoing prorated amount from each parcel as the parcel, or portion thereof, connects to the facility.

5.01.050 District to Serve as Collection Agency

The District shall collect the prorated amount for each parcel before permitting the parcel to connect to the facility. It is the duty of the applicant to keep a current address on file with the District. Reimbursement amounts returned to the District and unclaimed within one year thereafter shall become the property of the District.

5.01.060 District Administrative Costs

As partial reimbursement to the district for its administrative and engineering costs associated with calculating reimbursement amounts, plus record keeping, collection and disbursement activities, the District shall charge, deduct and retain ten percent (10%) of all reimbursement amounts collected from subsequent builders.

5.01.070 District Connections

A. The District may make connections to the water and sewer facilities to serve public facilities without any obligation to pay any such refunds.

B. The District may also make or permit connections to the facilities to serve private property outside of the area of proration as determined by the engineer; provided, however, that the District Board reserves the right to determine at that time whether or not the owners of such private property shall be obligated to reimburse applicant as provided in this ordinance.

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5.01.080 All Other District Water and Sewer Charges in Effect

Nothing herein shall be construed or applied to affect or reduce any other District charges, fees, connection or other amounts payable to the District for water and sewer service.

5.01.090 District Liability

If for any reason the reimbursable cost is or becomes uncollectible, as determined by the District, the District shall not be liable to the Applicant for the excess costs in constructing the District Facilities.

CHAPTER 5.02

Design and Construction

5.02.010 Plans and Specifications

1. Water and sewer system improvement plans and specifications shall be prepared by a California Registered Civil Engineer.
2. Water and sewer system improvements shall be designed and constructed in conformance with the District's Standards and Specifications referenced in Section 2.12.010.
3. The District General Manager may require an applicant to enter into a plan check and inspection agreement.
4. The District's administrative costs referenced in the Plan Check and Inspection Agreement shall be paid by the Applicant. Said fees shall be established by separate agreement or ~~determined on a case-by-case basis by resolution of the Board of Directors.~~

Section 39:

Ordinance 80-36 is hereby repealed in its entirety.

Section 40:

Sections IV(B) and V(B) of the District Code pertaining to annexation policies

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Commission and the District; and

- (2) The lands should be immediately adjacent to Nipomo Community Services District facilities or the land owners must be willing to extend adequate facilities at no cost to Nipomo Community Services District; and
- (3) The proponents of such annexations must pay all applicable fees.

Section 41:

Section IV(C) and V(C) is added to the District Code pertaining to annexation policies to read as follows:

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

- (1) A well(s) with a historical 5 year pumping record; or
- (2) A reduction of District water usage by retrofitting on a 2:1 basis (i.e. eight residential units will be retrofitted for each new residential unit or equivalent); or
- (3) A supplemental water supply.

Section 42: CEQA Finding

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

Section 43: Repeal of Prior Ordinances and Resolutions

All ordinances, sections of ordinances and resolutions that are inconsistent with

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this ordinance are hereby repealed.

Section 44: Repeal Shall not Revive any Ordinances.

The repeal of ordinances and sections of ordinances herein shall not repeal the repealing clause of such ordinances or revive any ordinances which have been repealed thereby.

Section 45: Effect of Repeal on Past Actions and Obligations.

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

Section 46: Severance Clause.

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

Section 47: Effect of Headings in Ordinance.

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

Section 48: Effective Date.

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

Introduced at a regular meeting of the Board of Directors held on _____, and passed and adopted by the Board of Directors of the Nipomo Community Services District on the ____ day of _____, by the following roll call vote, to wit:

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AYES:

NOES:

ABSENT:

ABSTAINING:

ALEX MENDOZA
President of the Board
Nipomo Community Services District

ATTEST:

DONNA JOHNSON
Secretary to the Board

APPROVED AS TO FORM:

JON S. SEITZ
District Legal Counsel

TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: SEPT 16, 1998

MANAGER'S REPORT

1. ARTICLE ON CLIMATE CHANGES
Attached is an article on climate changes entitled "Natural variations likely cause of increased planetary temperatures."
2. DWR Report
Staff has contacted Vernon Knoop, Chief Water Supply Evaluation Section, Department of Water Resources, who has scheduled a presentation for the Nipomo Mesa ground water study for the October 21, 1998 Board Meeting.
3. CA-NV Section AWWA Conference
Enclosed is an outline of the technical program for the Fall Conference of the California-Nevada Section of the American Water Works Association to be held Oct. 6-9, 1998. Any Board members interested in attending may contact staff for arrangements.
4. Holding next Board Meeting on September 30, 1998.
The next regular Board meeting, which would regularly be held in three weeks, would fall on October 7, 1998. There may be a conflict if any of the Board members or staff wish to attend the AWWA Conference, Oct. 6-9. It is therefore suggested that the next Board meeting be held Sept. 30, 1998 and the following meeting would be held, three weeks later, on its regularly scheduled date of Oct. 21, 1998
5. COUNTY SAFETY ELEMENT WORKSHOP
Attached is the notice of times and places of workshops

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U.S. Water News



Natural variations likely cause of increased planetary temperatures

It's official, April 1998, was the hottest April recorded in the 100 years that records have been continuously kept for the Northern Hemisphere. Temperature departures from normal were 1.3 degrees F (0.71 degrees C). Nor according to Patrick Michaels of the University of Virginia, is there any question the temperature spike has been exaggerated by what is known as "urban heat island effect," the tendency of surface-measured temperatures to be inflated during the warmer months by the heat-tripping influence of asphalt, and concrete. Both temperatures measured

climate and human alteration of the atmosphere."

Causes for concern multiplied after Hansen's statements. Drought swept much of the U.S. and southern Canada. Wildfires raged in Yellowstone spewing out so much smoke that it was difficult to watch baseball in Wrigley Field in Chicago, half a continent away. But by 1989, temperatures dropped dramatically, and the chief concern in the nation was flooding of the upper Mississippi. Paradoxically, even this event was linked to greenhouse warming by some.

In an attempt to find answers about

well with fluctuations of the SOI.

Still, a questions remains to be answered about why the period January through June of 1998 is the warmest on record. The research of Charles Perry of the U.S. Geological Survey in Lawrence, Kansas, may point to a natural, rather than man-made cause.

Since the late 1980s, Perry has published a number of papers exploring the influence of solar variations on what is known as the Pacific Warm Pool — a section of the Pacific located northeast of New Zealand and approximately as large as the United States — and how warmed water in the pool effects climate in North America. In all of these papers, Perry's focus has been on precipitation patterns. Four years after an irradiance peak, which corresponds closely to peak sunspot count, precipitation increases dramatically in the U.S. West. Five years after such a peak, groundwater levels in Kansas also increase as does the flow of the Mississippi.

Perry's research allowed him to correctly forecast the end of a drought in the Northwest in 1993. It also allowed him to accurately forecast flooding of the Mississippi in the mid 1990s. Neither of these, of course explain the

It is not well understood how long it takes the Pacific Gyre to make a complete circuit. What is well understood is that it moves most rapidly in its eastern reaches near Japan, and for that reason, water from the tropical regions reaches the Gulf of Alaska in three to four years. Cooler water, conducive to drought conditions, currently predominates in the Gulf. It is also understood that the Gyre moves most slowly when it is off the coasts of Southern California and Mexico, and it moves even more slowly during El Nino events because these events essentially halt the east-to-west Pacific Counter Current.

The second consideration is the energy of the 1989 peak in solar irradiance. There is every evidence that the period from 1989 through 1991 was the warmest ever recorded on the sun. After the peak in 1989, both irradiance and sunspot count began to drop in 1990. But it increased again to reach a second peak, slightly lower than the 1989 peak, the only time that has ever been recorded since sunspots were first counted early in the 1700s. Increased irradiance of up to three watts per square meter at the top of the atmosphere lasted for



with surface instruments and satellite measured temperatures, which Michael's has long contended are more reliable than surface records, recorded the figures listed above.

Moreover, the entire winter, spring, and early summer were unusually warm. U.S. government climatologists report that the average temperatures from January through June were also the warmest ever recorded. And although the record for July is not in, given the record heat in much of the Southwest, we may be witnessing a seven-month record for heat. Does this mean we are finally witnessing the more dramatic effects of greenhouse warming?

Michaels thinks not. He traces the temperature spike to the recent El Nino/Southern Oscillation event. "Such temperature increases," he says, "happen every El Nino." The previous record, in fact, was an increase of almost one degree F (0.59 degrees C) during the 1988-1989 ENSO.

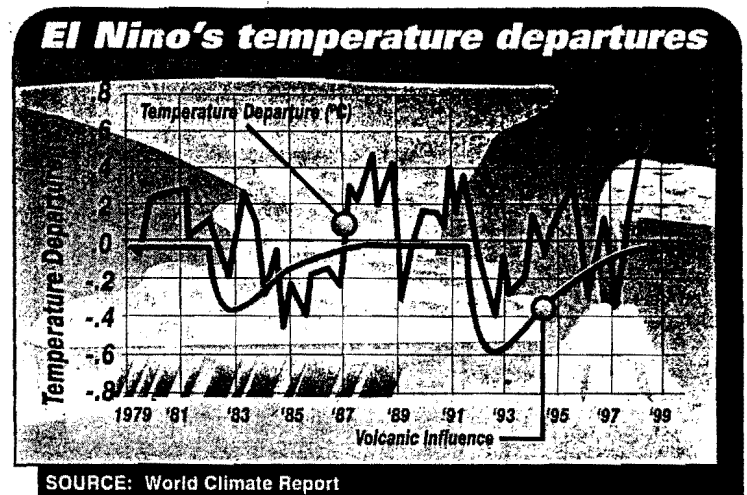
That temperature increase, the warmest January to April temperatures ever recorded to that date, more than any other was responsible for a heating up of the greenhouse warm-bate.

It was just 10 years ago, in fact, on June 23, 1988 that NASA scientist James E. Hansen told a congressional committee that he was "99 percent certain that climate had turned around." Hansen attributed this change to "a strong cause-and-effect relationship" between "the current

this year's record heat and why it surpasses the temperature spikes of two other major ENSO events, Michaels and his staff have included into the calculations the effect of major Plinian volcanic eruptions. This effect is calculable because sulfur dioxide aerosols blown high into the atmosphere reduce global temperature by about a degree F for up to two years.

This is defined as the "volcanic cooling contribution," calculated by the University of Alabama's John Christy, regarded by many as the guru of the satellite data. The eruption of El Chichon in Mexico in the spring of 1982 arrived at the perfect moment to blunt the warming effect of the El Nino. Another even greater eruption, that of Pinatubo in the Philippines in 1991 resulted in even more remarkable cooling, almost a degree and a half F (1 degree C) over two years.

By subtracting the volcanic cooling effect from the temperatures recorded by satellites, the University of Virginia researchers were able to find strong correlations between temperatures and what is known as the Southern Oscillation Index (SOI). The SOI is simply a record of wind direction at the climatic equator, which is north of the geographic equator. Negative numbers indicate a westerly wind that produces ENSO events. Positive numbers indicate an easterly wind that typically produces cool-water La Nina events, events that are defined as "normal." As shown in the illustration, Northern Hemisphere temperature fluctuations are strikingly at



SOURCE: World Climate Report

Global satellite-measured temperatures (black line) show April 1998 to have the highest temperature departure on record. The blue line represents the influence of volcanoes on these temperatures.

record heat. But two other factors, basic to his research, well might. One of these is the clockwise circulation of the Pacific Gyre of currents, the same gyre that transports warm water to the Gulf of Alaska and gives every evidence of significantly increasing the generation of storms. The other is the recorded intensity of the solar

three years, about twice as long as had ever previously been recorded.

Thus as an alternative explanation for greenhouse warming, variations in the solar output, variations in the Southern Oscillation, and variations in the speed of the Pacific Gyre very likely account for the record warmth. In other words, natural warming has been occurring.



STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

DRAFT/ Preliminary, Subject to Revision

WATER RESOURCES OF THE ARROYO GRANDE - NIPOMO MESA AREA

EXECUTIVE SUMMARY

MAY 1998

Douglas P. Wheeler
Secretary for Resources
The Resources
Agency

Pete Wilson
Governor
State of
California

David N. Kennedy
Director
Department of
Water Resources

"WATER RESOURCES PLANNING . . . IT TAKES MORE THAN LUCK"

1998 CA-NV Section, AWWA, Fall Conference, Reno

OCT. 6-9

Technical Programs at a Glance — by Divisions and Committee

Use this grid to quickly find when each committee presents their technical sessions.

	Business Administration Division	Operations & Maintenance Division	Water Distribution Division	Water Quality Division	Water Resources Division
WEDNESDAY TECHNICAL PROGRAM					
8:30am - 1:30 pm	Opening Session and Awards Luncheon				
1:30 p.m.	Human Resources	Safety & Environmental Compliance	Backflow Programs	System Water Quality	Water Conservation
3:30 p.m.	Public Information			Water Treatment	Energy Management
THURSDAY TECHNICAL PROGRAM					
8:00 a.m.	Information Mgmt.	Utility Equipment, Emergency Planning & Tanks, Reservoirs, Structures Maint.	Water System Controls	Research	Water Management
10:15 a.m.	Financial Mgmt.		Corrosion Control	Source Water Quality	Desalination
1:30 p.m.	Mgmt. Development and Training			Water Quality Analysis	Reclaimed Water
3:30 p.m.	Customer Service		Material Performance		
FRIDAY TECHNICAL PROGRAM					
8:00 a.m.	Mgmt. Development and Training		Pipeline Rehabilitation	Special Symposium — Going Public With Your ICR Results	Water Well Technology
10:15 a.m.					



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

SEP 08 1998

ALEX HINDS
DIRECTOR

BRYCE TINGLE
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

BARNEY MCCAY
CHIEF BUILDING OFFICIAL

DATE: SEPTEMBER 8, 1998
TO: INTERESTED AGENCIES, ADVISORY COMMITTEES AND INDIVIDUALS
FROM: WARREN HOAG, AICP, PRINCIPAL PLANNER
SUBJECT: SAFETY ELEMENT UPDATE -- PUBLIC WORKSHOP SCHEDULE

CORRECTED NOTICE

Three workshops will be held to discuss the public review draft of the proposed update of the Safety Element of the county general plan. Members of the project's consultant team and technical advisory committee will make a presentation on the major findings and policy recommendations contained in the draft, followed by a question and answer period.

The Safety Element establishes policies and programs to protect the community from risks associated with seismic, geologic, flood and wildfire hazards. It is a major tool for identifying hazards that should be considered before making land use decisions. This update would replace the county's 1977 Safety Element and 1975 Seismic Safety Element. The update addresses earthquake faults recognized since 1975, looks at new ways of dealing with natural disasters based on recent local and state events, and brings the existing elements into compliance with changes in state law.

The workshops will start at 7:00 pm and are expected to end at approximately 9:00 pm. The dates and locations of the workshops are:

- * **Wednesday, September 16, 1998, at the South County Regional Center, 800 West Branch Street, Arroyo Grande**
- * **Thursday, September 24, 1998, at the Library Community Room, City/County Library, 995 Palo Mesa Palm Street, San Luis Obispo (CORRECTED STREET NAME)**
- * **Tuesday, September 29, 1998, at the Templeton High School multi- purpose room, 1200 South Main Street, Templeton**

The public is invited to attend the workshops and contribute comments on the Safety Element public review draft and update process. Written comments may also be provided and the period for submitting them has been extended to October 9, 1998 to accommodate the workshop schedule.

After the workshops, comments received will be used to prepare the public hearing draft of the Safety Element update. A draft environmental impact report (DEIR) will also be prepared for the update. Although a precise hearing schedule will be announced before the hearings begin, Planning Commission hearings are expected to occur in January, 1999. The Planning Commission-recommended draft update will be prepared and forwarded to the county Board of Supervisors for another round of advertised hearings, beginning at least 60 days after that draft becomes available.

Copies of the public review draft are available for review at the Department of Planning and Building and branches of the San Luis Obispo County library. Copies may also be purchased for \$25.00 by contacting the Public Information section of the department. If you have any questions about the county's Safety Element update, please call Warren Hoag, Principal Planner, at (805) 781-5982.

g:\advance\warren\wrkshop3.saf

WARRANTS SEPTEMBER 16, 1998

HAND WRITTEN CHECKS

18088 T Monighetti & D Lewis \$431.50

VOIDS

10259
2558
2568

NET PAYROLL

CK# 2559-2567 \$12,479.14
2569 563.96

COMPUTER GENERATED CHECKS

10260	09/16/98	AVCO FIRE EXTINGUISHER CO.	\$117.98
10261	09/16/98	ROBERT BLAIR	\$100.00
10262	09/16/98	CALIFORNIA ELECTRIC SUPPLY	\$193.95
10263	09/16/98	EASTER RENTS	\$209.39
10264	09/16/98	FGL ENVIRONMENTAL ANALYTICAL CHEMIST	\$268.80
10265	09/16/98	KATHLEEN FAIRBANKS	\$100.00
10266	09/16/98	FARM SUPPLY COMPANY	\$15.97
10267	09/16/98	GARING, TAYLOR & ASSOCIATES, INC.	\$8,146.79
10268	09/16/98	GILLESPIE LANDSCAPE	\$2,192.00
10269	09/16/98	GTE CALIFORNIA	\$27.88
10270	09/16/98	GROENIGER & COMPANY	\$812.26
10271	09/16/98	IKON	\$129.91
10272	09/16/98	JOHNSON, DONNA	\$116.01
10273	09/16/98	GENE KAYE	\$100.00
10274	09/16/98	MCKESSON WATER PRODUCTS	\$19.45
10275	09/16/98	ALEX MENDOZA	\$100.00
10276	09/16/98	MISSION UNIFORM SERVICE	\$178.68
10277	09/16/98	NIPOMO ACE HARDWARE, INC.	\$149.17
10278	09/16/98	OPERATOR SERVICES	\$70.00
10279	09/16/98	PETTY CASH-MIDSTATE BANK	\$132.88
10280	09/16/98	POSTMASTER	\$500.00
10281	09/16/98	CARLOS J. REYNOSO, CPA	\$834.25
10282	09/16/98	SAN LUIS OBISPO COUNTY HEALTH DEPART	\$1,319.67
10283	09/16/98	ALBERT SIMON	\$100.00
10284	09/16/98	U S POSTAL SERVICE	\$85.00
10285	09/16/98	WIRSING GRAPHICS & TYPESETTING	\$79.21
10286	09/16/98	WYATT & BAKER, Lawyers	\$5,109.96



charges, fees, connection or other amounts payable to the District for water and sewer service.

5.01.090 District Liability

If for any reason the reimbursable cost is or becomes uncollectible, as determined by the District, the District shall not be liable to the Applicant for the excess costs in constructing the District Facilities.

CHAPTER 5.02

Design and Construction

5.02.010 Plans and Specifications

1. Water and sewer system improvement plans and specifications shall be prepared by a California Registered Civil Engineer.
2. Water and sewer system improvements shall be designed and constructed in conformance with the District's Standards and Specifications referenced in Section 2.12.010.
3. The District General Manager may require an applicant to enter into a plan check and inspection agreement.
4. The District's administrative costs referenced in the Plan Check and Inspection Agreement shall be paid by the Applicant. Said fees shall be established by separate agreement or ~~determined on a case-by-case basis by~~ resolution of the Board of Directors.

Section 39:

Ordinance 80-36 is hereby repealed in its entirety.

Section 40:

Sections IV(B) and V(B) of the District Code pertaining to annexation policies are repealed in their entirety and replaced with the following:

- B. In order to be considered for annexation:
 - (1) The lands must be located within those portions of the sphere of influence zone as provided by both the Local Agency Formation Commission and the District; and
 - (2) The lands should be immediately adjacent to Nipomo Community