

# NIPOMO COMMUNITY SERVICES DISTRICT AGENDA

JUNE 2, 1999 7:00 P.M.  
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

*John B*

57  
22  
11  
40  
12  
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72  
50

## BOARD MEMBERS

ROBERT BLAIR, PRESIDENT  
GENE KAYE, VICE PRESIDENT  
AL SIMON, DIRECTOR  
RICHARD MOBRAATEN, DIRECTOR  
ALEX MENDOZA, 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

1. ROLL CALL

## PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

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

3. CEQA REVIEW OF THE WATER LINES AND STORAGE FACILITY PROJECT  
Recommend approval and filing a Negative Declaration on the water lines and storage project
4. EASEMENT FOR STORAGE SITE  
Authorization of legal counsel to proceed with Eminent Domain to acquire an easement
5. CONSTRUCTION OF TEFFT STREET WATER LINE & STORAGE FACILITY  
Award bid to Sansone Co. to construct the water line & storage facilities
6. PHASE II SEWER PLANT EXPANSION BIDS RECEIVED  
Review bid results and make a selection to send to the State for approval
7. REQUEST TO PAY FEES FROM ESCROW - TRACT 1658 (KENGEL)  
Developer is requesting the District Capacity Fees be paid from escrow
8. REQUEST TO ABANDON EASEMENT - TRACT 1658 (KENGEL)  
Abandonment of District easement on APN 092-130-004
9. BLACK LAKE STREET LIGHTING CHARGES (PUBLIC HEARING)  
Establishing the annual charge to be put on the tax rolls to maintain the street lighting
10. DISTRICT 1999-2000 FISCAL YEAR BUDGET (PUBLIC HEARING)  
Adoption of the 1999-2000 FY Budget and Appropriation Limitation
11. **CONSENT AGENDA** *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the consent agenda and will be considered separately. Questions of clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*
  - a) BOARD MEETING MINUTES (APPROVE)  
Approval of minutes of the May 19, 1999 Regular Board meeting.
  - b) TRACT 1647 (KENGEL) - ACCEPT WATER AND SEWER IMPROVEMENTS (APPROVE)  
Improvements completed, resolution to accept completion

## FINANCIAL REPORT

12. APPROVAL OF WARRANTS

## OTHER BUSINESS

13. MANAGER'S REPORT
  1. Letter and articles on affordable housing and planning
  2. Cluster development across from Galaxy Park - 40 half-acre lots
14. DIRECTORS COMMENTS

## CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL (a) and (b) GC§54956.8
- a. NCSD vs. Shell Oil, et. al. Case No. CV 077387
  - b. SMVWCD vs NCSD Case No. CV 770214
  - c. Real Property Neg, Dist. Rep. Gen. Mgr., Prop rep. Dana Estates, acquisition of tank site easement at Dana-Foothill & Tefft
  - d. Koch California LTD. vs. NCSD Case No. CV 990266

## ADJOURN

JUN 02 1999

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 2, 1999

CEQA REVIEW OF THE TEFFT STREET WATER LINE  
AND  
STORAGE FACILITY SITE

**ITEM**

Environmental Determination of the Water Line and Storage Facility Project

**BACKGROUND**

The District's Water and Sewer Master Plan developed by Boyle Engineering calls for additional water lines improvements and the installation of a one-million gallon storage facility at the location of the existing tanks at the intersection of the Dana-Foothill Road and Tefft Street. Part of the process is making an environmental determination of the project. Garing, Taylor and Assoc. have prepared the initial study and check list for your Honorable Board to review and to make a determination. Based on the environmental evaluation, the recommendation is that a Negative Declaration would be appropriate for this project.

The initial study is attached for the Board's review.

**RECOMMENDATION**

It is staff's recommendation that your Honorable Board pass the attached resolution adopting a Environmental Negative Declaration for the Tefft Street water line and storage project and authorize the General Manager to file the Notice of Determination.

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**RESOLUTION NO. 99- Neg Dec**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AN ENVIRONMENTAL NEGATIVE DECLARATION AND  
AUTHORIZING THE GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION FOR THE  
TEFFT STREET WATERLINE AND STORAGE FACILITIES**

**WHEREAS**, the Nipomo Community Services District is in the process of implementing its water Master Plan by constructing the Tefft Street Waterline and Storage Facilities to meet the community's needs (herein "the Project"); and

**WHEREAS**, the Project is located at Sea Street, Thompson Ave. and Tefft Street for Water Line and Intersection of Dana Foothill Road and Tefft Street for 1 mg Storage Tank, Nipomo, California; and

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

**WHEREAS**, Garing Taylor & Associates, Inc. have prepared an initial study for this Project which proposes that a Negative Declaration be approved. The analysis and findings of said study are incorporated herein by reference; and

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

**WHEREAS**, a hearing on this Project has been appropriately noticed under the Brown Act and the California Environmental Quality Act; and

**WHEREAS**, on Wednesday, June 2, 1999, the District held a Public Hearing on the proposed Negative Declaration, reviewed written comments, and accepted public testimony regarding the proposed Negative Declaration; and

**WHEREAS**, the Nipomo Community Services District, based on information contained in the initial study prepared for this Project, the staff report and the testimony received, the District, using its own independent judgement and review, finds that there is no substantial evidence that the Project may have a significant effect on the environment that was not otherwise considered by Environmental Impact Reports referenced in the initial study;

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED THAT THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT** does hereby adopt the Negative Declaration for the Tefft Street Waterline and Storage Facilities Project and authorize the General Manager to file a Notice of Determination in compliance with Section 21108 or 21152 of the Public Resource Code and the State Department of Fish & Game, Certificate of Fee Exemption.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this 2<sup>nd</sup> day of June, 1999, on the following roll call vote:

AYES: Directors \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Robert C. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

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

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

## Notice of Determination

**TO:** County Clerk  
San Luis Obispo County  
Government Center Room 385  
San Luis Obispo, CA 93408

**FROM:** Nipomo Community  
Services District  
P O Box 326  
Nipomo, CA 93444-0326

**SUBJECT:** Filing of Notice of Determination in compliance with  
Section 21152 of the Public Resources Code.

**PROJECT TITLE:** Tefft Street Water Line and Storage Project

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

**PROJECT LOCATION:** Nipomo

**PROJECT DESCRIPTION:** Construction of water lines in Sea, Thompson and Tefft Streets  
and construction of one million water storage tank at Dana-Foothill Road and Tefft Street.

This is to advise that the **NIPOMO COMMUNITY SERVICES DISTRICT** has approved the  
above described project and has made the following determinations regarding the above  
described project on June 2, 1999.

1. The Project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to  
the provisions of CEQA.
3. The Negative Declaration and record of project approval may be  
examined at:

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

4. A Statement of Overriding Considerations was not adopted for this project.

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

C:\W\WATER\DETERMINATION

## Environmental Checklist Form

**Project Location:** Nipomo, County of San Luis Obispo, CA,

**Project Address:** Sea Street, Thompson Ave. and Tefft Street for Waterline and Intersection of Dana Foothill Rd. and Tefft Street for 1 mg Storage Tank, Nipomo, CA

**Description of Project:** Construct 10,375 l.f. of new waterline and 1 mg storage tank for NCSD.

In 1995 Boyle Engineering prepared a Water and Sewer Master Plan for the District (a copy on file at District offices for public review). According to the study 2.76 mg is the recommended storage volume necessary to meet the existing needs of the District. The District currently has 2.0 mg of storage in place. An additional 0.76 mg of storage is recommended to reliably meet the needs of existing customers for fire protection; during peak demand periods; and for enhanced distribution of water.

The remaining 0.24 mg storage capacity will be used to meet the needs of future customers and fire protection.

In addition, the Water and Sewer Master Plan recommended that the water lines within the District be upgraded to meet existing and future demands.

### Environmental Impacts

Explanations of all answers to the Initial Study are on attached sheets.

### Discussion of environmental evaluation

The purpose of this project is to meet the recommendations of the Boyle report and Title 22 of the California Code of Regulations. The project is within the scope, and is consistent with, the South County Area Plan and its updates, which are summarized in the context of this project as follows:

The adopted South County Area Plan consists of text and maps describing and delineating land use categories and density. It also contains a detailed land use category map for the Nipomo Community Service District depicting land use categories within the District ranging from open-space through residential single-family, residential multiple-family and office and commercial. As such, the South County Area Plan sets forth and predicts future population density, land use, water use and wastewater generation throughout the entire District.

CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

The Plan indicates existing population within Nipomo at approximately 7,000 persons, estimated by the Planning Department as of February 21, 1989. The buildout population for Nipomo, according to the Plan is shown to be 18,438 persons which is an increase in population over existing population of 11,438 persons. While the Plan indicates that buildout population is substantially greater than existing population, the Plan mitigates the ultimate buildout population for Nipomo by reducing the total by 6,881 persons. Absent this Plan update, the buildout population for Nipomo would have been 25,319 persons.

The FEIR for the South County Area Plan Update also analyzes water balance calculations for low density single-family, medium density single-family, high density multi-family, and typical industrial development on the mesa. Summarizing the impacts of this development on the mesa, the report indicates "The impact scenario developed above indicate that medium-to-low density residential development can be accommodated on the mesa with essentially no significant impact on water resources. High density multi-family and most industrial developments will have a beneficial impact on water resources due to the elimination of use by existing natural vegetation and the very low consumption of water by these land uses."

With regard to providing water service, the FEIR for the South County Area Plan Update indicates that "Continued buildout under the proposed plan may require expansion of facilities of the NCSD.... to provide service in the Nipomo Urban Area... ."

There currently are no restrictions on growth in the District due to water supply. The construction of this storage tank and extension of the waterline will not lead to an increased population of the area and is consistent with current demands of the District and the population densities established by the South County Area Plan.

Provision of additional transmission facilities and storage facilities is necessary in order to provide adequate fire flow and domestic peaking capability. The need to provide these facilities has also been forecast by the 1995 Boyle Engineering Water and Sewer Master Plan for the District.

### **Conclusions:**

The South County Area Plan Update establishes land use and future growth within the Nipomo Community Services District and the Final Environmental Impact Report for the South County Area Plan Update analyzes the water resource impact of that growth and concludes that the impacts of accommodating that growth are mitigable. Growth which is framed by the South County Area Plan Update requires Nipomo Community Services District to expand facilities. Other mitigations (mandating ultra-low flow fixtures in new development and mandating draught resistant landscaping in all new development) have been implemented. In addition, the Nipomo Community Services District has its own water use reducing measures which have been implemented. Considering all of the above, I believe that environmental impact of a storage tank and transmission main for the Nipomo Community Services District is not significant.

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

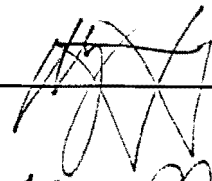
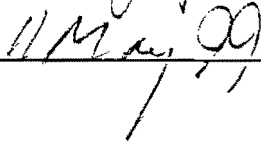
There will be no negative cumulative effects due to the construction or operation of the project.

Both the South County Area Plan - Inland Area and the Final Environmental Impact Report for that Plan (certified by the Board of Supervisors on March 15, 1994) are hereby incorporated by reference and are on file and available for public review at the District offices.

Initial Study for Tefft Street Water Line and Storage Facility  
Nipomo Community Services District

**Determination:**

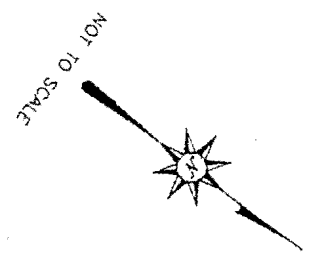
On the basis of this initial evaluation I find that the proposed project **could not** have a significant effect on the environment and that a **negative declaration** will be prepared.

Signature   
Date 

Print Name R. James Garing  
District Engineer



# Location Map



PIPELINE LOCATION

Existing Tank Site  
Don Footitt Road  
PROPOSED STORAGE FACILITY LOCATION



JUN 02 1999

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 2, 1999

**EASEMENT FOR WATER STORAGE FACILITY SITE**

**ITEM**

Acquiring an easement which includes the expansion of the water storage facilities area to include an additional one-million gallon storage facility.

**BACKGROUND**

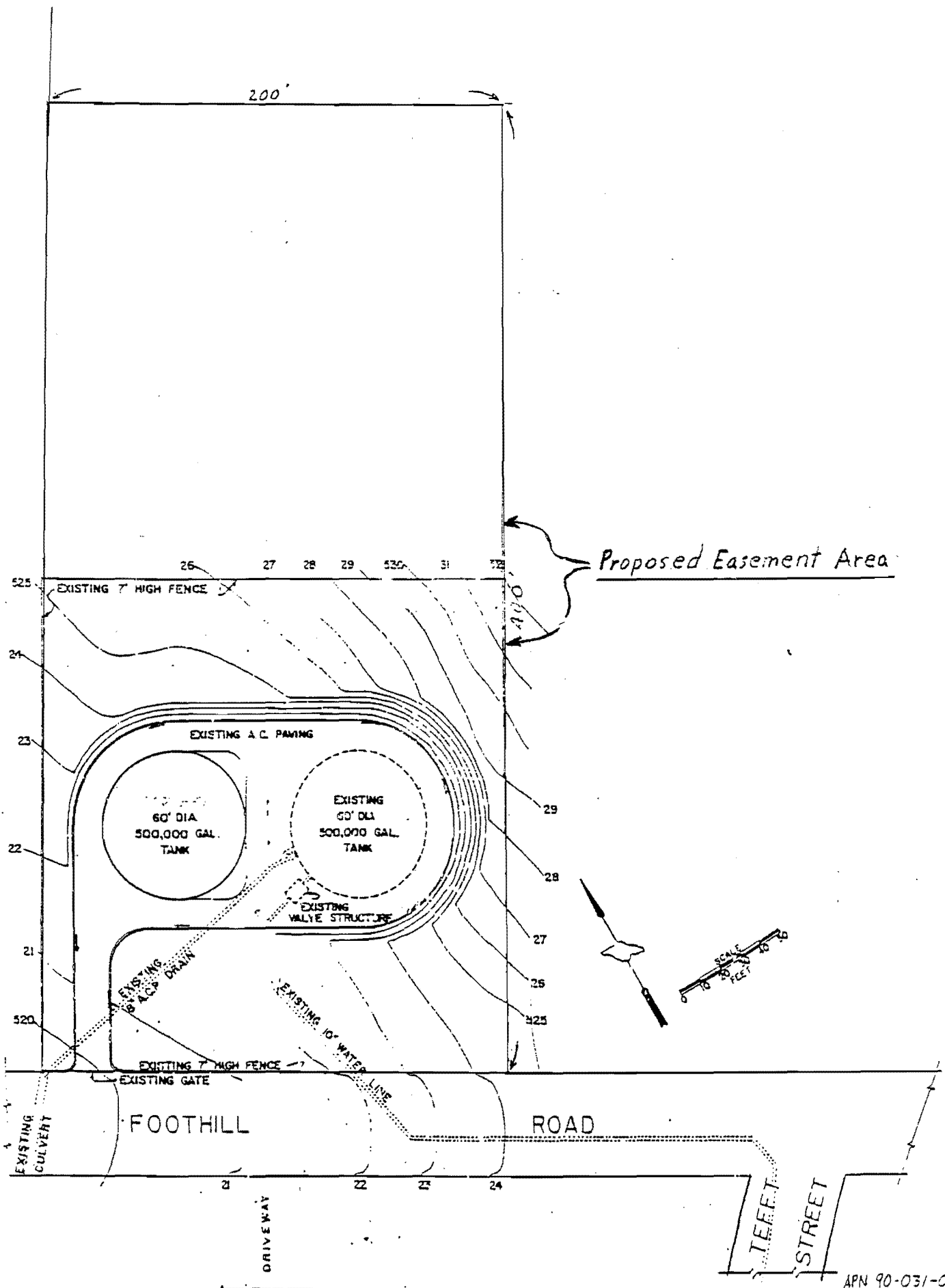
The District has been negotiating with representatives of the Dana Estate to acquire a Right-of-Entry to the proposed easement in which the District may proceed to construct a new one-million gallon storage facility. The District presently has a lease agreement with Dana Estate for the existing one-acre parcel which holds two half-million gallon storage tanks. The District is in the process of converting the lease to an easement and acquiring an additional acre easement to build a one-million gallon storage facility.

The Dana's have been cooperative in trying to acquire all the signatures for the Right-of-Entry Agreement and wish to continue negotiating the value of the proposed easements. If signatures are not obtained by the Board meeting of June 2, 1999, the Board should proceed with Eminent Domain procedures.

**RECOMMENDATION**

Staff recommends that if the Right-of-Entry is not executed, your Honorable Board authorize legal counsel to proceed with the Eminent Domain proceeding which the Board previously adopted on March 19, 1999.

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Proposed Easement Area

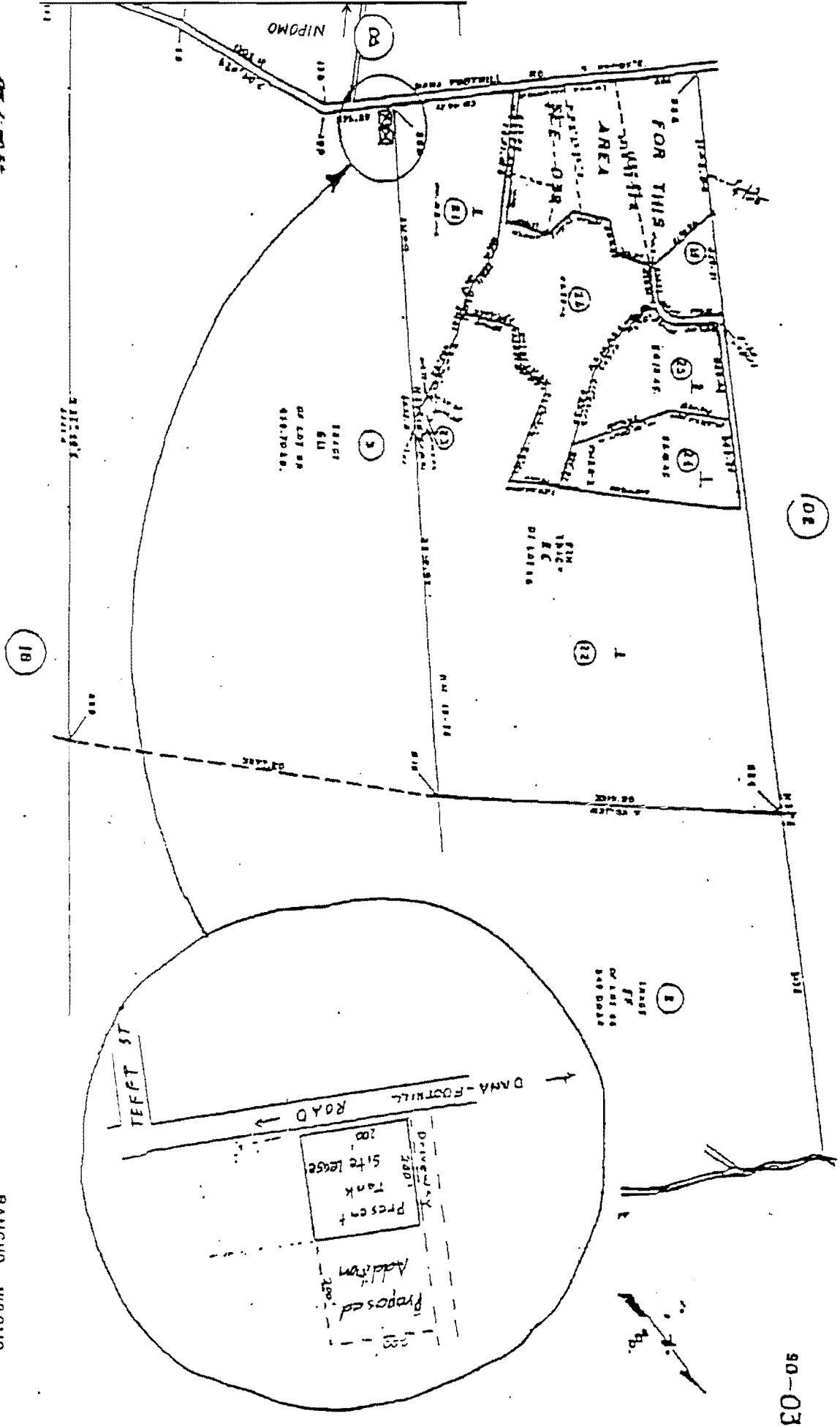


APN 90-031-003

COASTAL VALLEY ENGINEERING, INC. 180 GUNSH STREET SAN LUIS OBISPO, CALIF. 95401 PHONE (805) 344-6030	WIPONG COMMUNITY SERVICES DISTRICT EXISTING AND PROPOSED STORAGE TANKS PLATE 2
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NOTE—ASSESSOR'S BLOCK & LOT  
NUMBERS SHOWN IN CIRCLES

RANCHO HIPOMO  
SAN LUIS OBISPO COUNTY  
CALIFORNIA



JUN 02 1999

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 2, 1999

**CONSTRUCTION OF TEFFT STREET  
WATER LINE AND STORAGE FACILITY**

**ITEM**

Construction of new water lines and a storage facility.

**BACKGROUND**

The District advertised for bids to construct the Tefft Street Water Line and Storage Facility as proposed in the District's Master Water Plan. The bids were opened on March 29, 1999 at 2:00 p.m. at the District office. The following thirteen bids were received.

1	Sansone Co., Inc.	\$807,101.50
2	Spiess Constr. Co.	816,200.00
3	Souza Constr. Co.	847,585.00
4	DeChance	888,715.00
5	Whittaker Constr., Inc.	933,938.00
6	R. Burke Corp	944,766.00
7	W A Rasic Const. Co.	962,780.00
8	Wysong	964,915.44
9	HPS	977,477.25
10	Madonna Const. Co.	981,214.00
11	R. Baker, Inc.	989,289.00
12	Special Services	989,748.00
13	Maino Const. Co.	1,080,000.00

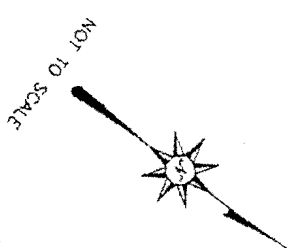
The bids have been reviewed by Garing, Taylor and Associates. The lowest responsible bidder for the installing the water lines and storage facility is Sansone Co., Inc. in the amount of \$807,101.50.

**RECOMMENDATION**

Approve the attached resolution awarding the contract to Sansone Co., Inc. in the amount of \$807,101.50.



# Location Map



PIPELINE LOCATION

Teffl Street

Thompson Street

Sea Street

Dona Foothill Road

Existing Tank Site

PROPOSED STORAGE FACILITY LOCATION

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 99-WATERLINES**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AWARDING THE CONTRACT TO SANSONE CO. INC.  
FOR CONSTRUCTION OF NEW WATER LINES AND  
ONE MILLION GALLON STORAGE FACILITY**

**WHEREAS**, the Board of Directors of the Nipomo Community Services District ("DISTRICT") is desirous to construct new water lines and a water storage facility; and

**WHEREAS**, the DISTRICT has requested bids to construct water lines and a storage facility and said bids were open on March 29, 1999 at 2:00 p.m.; and

**WHEREAS**, thirteen (13) bids were received and the apparent responsive and reliable low bid for the water lines and a water storage facility was from Sansone co., Inc. in the amount of \$807,101.50; and

**WHEREAS**, a Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

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

- 1) Finds that the District has complied with CEQA Guidelines in adopting a Negative Declaration.
- 2) Finds the Staff Report to be in order and attached hereto.
- 3) The contract for construction water lines and a one-million gallon water storage facility be awarded to Sansone Co., Inc. in the amount of \$807,101.50
- 4) The President is instructed to execute the contract in behalf of the District.

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

AYES: Directors \_\_\_\_\_

NOES:

ABSTAIN:

ABSENT:

the foregoing resolution is hereby adopted this 2<sup>nd</sup> day of June 1999.

\_\_\_\_\_  
Robert L. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Jon S. Seitz  
General Counsel

TO: BOARD OF DIRECTORS  
 FROM: DOUG JONES  
 DATE: JUNE 2, 1999

AGENDA ITEM  
 JUN 02 1999



PHASE II SEWER PLANT EXPANSION BIDS RECEIVED

**ITEM**

Review bids for the Southland Wastewater Treatment Plant Expansion received May 20, 1999, and make a selection to send to the State for approval.

**BACKGROUND**

The District advertised for bids for Phase II of the Southland Wastewater Treatment Plant Expansion. Bids were opened May 20, 1999 at 2:00 p.m. The following bids were received:

Engineer's Estimate	\$939,426.50	Bid Submitted
<u>CONTRACTOR</u>	<u>BID</u>	With Attachment B
R. Baker, Inc.	\$737,326.75	No
Sansone	769,519.80	Yes
Wysong	783,166.60	Yes
Whitaker	854,978.50	Yes
Spiess	886,528.00	Yes
HPS Plumbing	925,190.00	No
Mauldin-Dorfmeier	949,637.00	Yes
Merco	999,233.00	Yes
RMR	1,046,225.50	Yes
John Madonna	1,156,195.00	Yes
M J Ross	1,169,773.35	Yes

The low bidder, R. Baker, Inc., failed to submit the Attachment B, which was the Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) forms. The bid specifications, which included the boiler-plate information from the State and the EPA, states that if the Attachment B is not included in the bid, the bid will be rejected as a non-responsive bid. Based upon the recently passed California Proposition 209 and recent U.S. Supreme Court decisions, it is questionable that the MBE/WBE are constitutional.

The District is processing a zero percent loan through the State which includes Federal funding. The Federal Funding Program presently states that the Attachment B must be included in the bid documents, otherwise, it is classified as a non-responsive bid. The apparent lowest responsible bid would then be Sansone Construction Co. in the amount of \$769,519.80. This bid is \$32,193.05 above the bid submitted by R. Baker, Inc. Before your Honorable Board can award a contract to a construction company, it must be sent to the State for their approval.

Board Of Directors

June 2, 1999

Phase II Sewer Plant Expansion Bids Received

The following options are presented to the Board for consideration:

1. Submit to the State R. Baker, Inc.'s bid for approval. Based on the bid documents, the State would not approve the funding because it is non-responsive according to the MBE/WBE requirements.
2. Submit to the State the Sansone bid for approval of funding.  
It is anticipated that since Sansone met the Attachment B, MBE/WBE requirements, the State would approve the funding, as established by the State and EPA.
3. Reject all bids and re-advertise the project.

The Board may reject all bids and re-bid the project. It is unknown if re-bidding the project would generate lower or higher bids than the present bids. Also, the project would be delayed a minimum of 60 days by going out to bid and processing the necessary documents. Due to the possibility of the re-bids being higher and the existing percolation ponds being in an overload state, a delay in the project may not be warranted.

**RECOMMENDATION**

Staff recommends that the bid submitted from R. Baker, Inc. be rejected as a non-responsive bid based on the State and EPA requirements and that the Board authorize the bid from Sansone Const. Co. in the amount of \$769,519.80 be sent to the State for approval.

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JUN 02 1999

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 2, 1999

REQUEST TO PAY FEE THROUGH ESCROW  
TRACT 1658 (KENGEL)

**ITEM**

Mr. William Kengel, developer of Tract 1658, is requesting that the District's water and sewer capacity fees be paid from an escrow account. (Attached is his written request.) Other developers have made similar requests in the past or will be making similar requests in the near future.

**BACKGROUND**

NCSD District Code Section 3.04.050(D) states the following:

The applicant shall pay the water capacity charge, sewer capacity charge, installation fee, meter fee and account set-up fee prior to the issuance of a Will-Serve Letter.

Mr. Kengel's request deviates from the District's existing policy.

Mr. Kengel is requesting to set up an escrow account whereby a Letter of Credit will be deposited into escrow for the amount of the District's water and sewer capacity fees. The District will deliver to escrow a Will-Serve Letter. Escrow instructions will be written to ensure the delivery of the Letter of Credit to the District upon the recordation of the Tract map.

The following options are available to the Board:

1. Maintain existing ordinance and require fees to be paid prior to the issuance of a Will Serve Letter.
2. Modify the ordinance to allow the payment of fees through escrow upon the recordation of the map provided the developer provides adequate security to the District. (It is anticipated the District would receive full payment of fees within 5 days of recordation of the map).

Board of Directors  
June 2, 1999  
Will-Serve Letter Through Escrow  
Tract 1658 (Kengel)

3. Modify ordinance to provide for delay in payment of all fees until physical connection to the system provided that full payment is adequately secured. (The developers would pay the capacity fees that are in effect at the time of the actual connection, plus interest.)
4. Modify ordinance to provide for hardship standards for delay of payment of connection charges. This scenario is not recommended by staff because of the difficulty in establishing hardship standards for subdivision developers.

### **DISCUSSION**

1. Maintaining existing ordinances in paying the fees prior to issuance of Will-Serve Letter has been the District policy and is simplest for staff administration.
2. The Board policy could be modified to allow fees paid through escrow, through a Letter of Credit. All the legal and staff costs should be paid for by the developer requesting this method of payment, along with interest paid between the time the Will-Serve Letter is presented to escrow and the District receives its fees.
3. The paying of fees at the end of the project has never been allowed by the District. The District collects the fees up front to ensure that any infrastructure that may need to be built by the District is in place prior to providing service to the development.
4. The Board has reviewed hardships on an individual basis in the past. If a developer requests a hardship and requests to pay the fees after the issuance of a Will-Serve, staff would recommend the Board establish a hardship policy. The policy could include the developer submitting a current financial statement and supporting documentation. These documents could then be submitted to a third party for independent review and determination of hardship. The developer should pay the associated costs.

### **RECOMMENDATION**

It would be staff's recommendation that the existing ordinance be maintained and that the process of paying fees through an escrow account be reserved for hardship cases documented by a third party.

William G. Kengel

133 Castaic Avenue, Pismo Beach, CA 93449 (805) 773-4474

May 6, 1999

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

**Re: Tract 1658 "Will Serve" Letter**

Honorable Board Members,

The following letter of request is in reference to payment of water and sewer fees for Tract 1658, which I am developing on the south side of Tefft Street, just east of Pomeroy. The fees to be paid are for 19 building sites and will total approximately \$105,690. Since this is a sizeable amount of money, I wish to finance this sum through Mid-State Bank's construction loan program.

A "Catch 22" condition is created in that the bank will not actually issue their standard letter of credit until the final subdivision map is recorded. The subdivision map cannot be recorded until a final "Will Serve" letter is issued and I am told by the N.C.S.D. staff that such a letter cannot be issued until the fees are paid.

To solve the above problem, Mid-State Bank has the ability to issue their standard letter of credit to the N.C.S.D. guaranteeing that said fees will be paid as agreed if I am unable to pay them. The Bank sets this up by placing a Deed of Trust on the property as their collateral. However, I want to emphasize that the arrangement between Mid-State Bank and the N.C.S.D. is totally independent of the ownership and/or the development of Tract 1658. The fees are payable upon demand regardless.

I can understand the N.C.S.D.'s desire to protect itself by not issuing a "Final Will Serve" letter without a guarantee of payment. I can also understand the bank's desire to protect itself by not issuing a standard stand-by letter of credit until it is guaranteed that the Tract map has been recorded by the County of San Luis Obispo. I understand that the County of San Luis Obispo will be reluctant to approve the map until it has a "Will Serve" letter. Therefore, I propose that to protect all interests, that an impartial escrow be established at Chicago Title Company. All parties (N.C.S.D., Mid-State Bank, and the County of San Luis Obispo) would deliver to escrow their required documents with their own instructions on what is to be accomplished before their documents can be utilized to

Page 2,  
N.C.S.D. letter.

complete the escrow. The County would then deliver its approved map to escrow to insure that consideration is given to all parties. I will pay for the cost of said escrow.

At this time, I am requesting the board to allow me to go forward with this arrangement with Mid-State Bank and to actually pay the water and sewer fees in their entirety at the point that I obtain the first house construction permits from the County of San Luis Obispo.

This would require the board to accept a letter of credit from Mid-State Bank for the period of time after the subdivision map is recorded and before the first houses are started. (approx. six mos.) First public use of water and sewer facilities would be approx. five additional months after that time.

As additional security, to prevent myself or any future owner of the above subdivided lots from selling lots without the payment of N.C.S.D. fees, I am willing to record a separate trust deed on each lot indicating the amount payable to N.C.S.D.

I realize the above proposal may be somewhat contrary to normal N.C.S.D. policy, but I feel it is reasonable and fair especially in light of the fact that I have been a local builder in San Luis Obispo County for over thirty years and still find it exceedingly difficult to produce large sums of personal cash!

Thank you for your consideration.

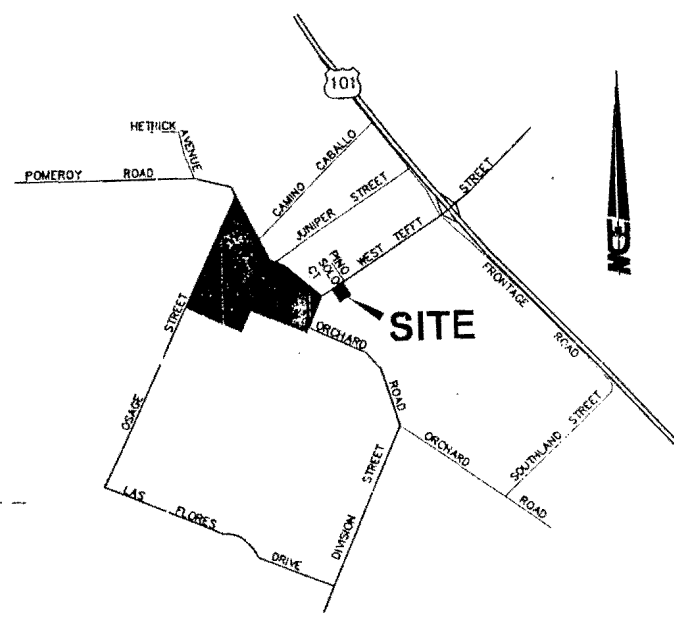
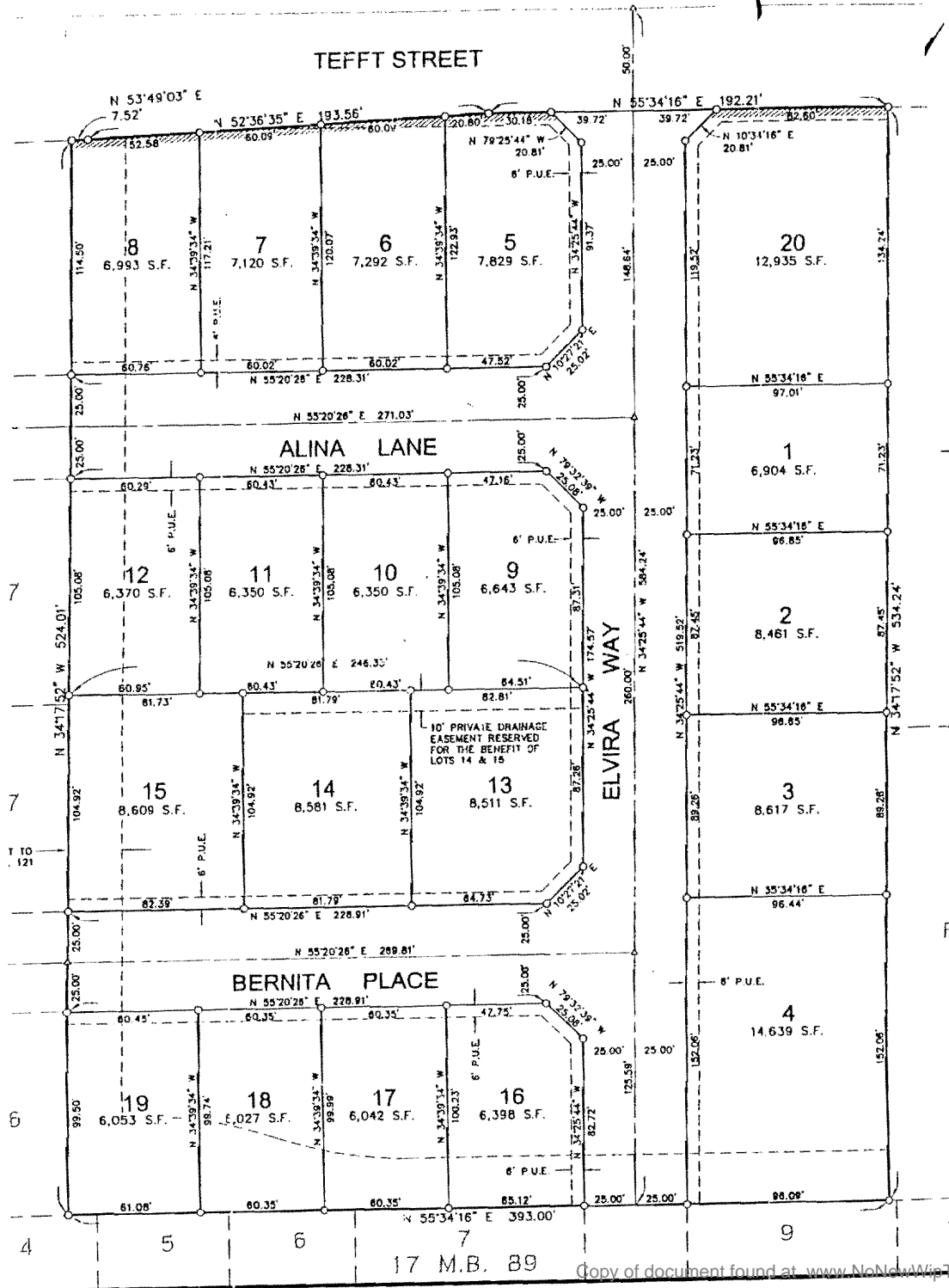
A handwritten signature in cursive script, appearing to read "William G. Kengel".

William G. Kengel.

TEFFT STREET

LEGEND

- SET 5/8" REBAR "RCE 29743"
- △ SET STANDARD WELL MONUMENT
- ▨ ACCESS DENIAL



VICINITY MAP  
NO SCALE

PRELIMINARY  
**TRACT NO. 1658**

IN UNINCORPORATED TERRITORY OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA  
BEING A SUBDIVISION OF A PORTION OF LOT 2 OF THE RESUBDIVISION OF THE WESTERLY PART OF LOT 25 OF H.C. WARD'S SUBDIVISION OF THE NIPOMO FANCHO ACCORDING TO THE MAP RECORDED IN BOOK "A" OF MAPS AT PAGE 19, RECORDS OF SAID COUNTY.

**NCE** NORTH COAST ENGINEERING INC.  
725 Creston Rd Suite B, Paso Robles, 239-3127

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 2, 1999

AGENDA ITEM  
JUN 02 1999



ABANDONMENT OF EASEMENT  
TRACT 1658

**ITEM**

Mr. William Kengel, developer of Tract 1658, is requesting that an old water line easement be abandoned in Tract 1658.

**BACKGROUND**

In January 1985, Mr. Hampton, a previous property owner dedicated an easement to the District for waterline improvements for a four-parcel development, which is now Tract 1658. The present owner of this property is the Mesa Dunes Investment Inc. with William Kengel as the corporate official. He is requesting that the District abandon the old easement for servicing the previous four-parcel development. The District has not used the old easement, therefore there is no objection to abandoning the easement. The new tract is a 16-lot development and the proposed utilities and easements will be placed in the proposed roadways.

The legislative body of a public agency may vacate (abandon) a public service easement if any of the following exists:

- A. The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
- B. The date of the acquisition or dedication is less than 5 years, and more than one year, immediately preceding their proposed vacation and the easement was not used continuously since that date.
- C. The easement has been superseded by relocation and there are no other public utilities located within the easement.

Attached for the Board's review are the following:

- 1. Individual Grant Deed recorded January 17, 1985, giving the easement to the District.
- 2. Preliminary Title Report indicating that Mesa Dunes Investment Corp is the present owner of Tract 1658.
- 3. Articles of Incorporation of Mesa Dunes Investment, Inc. indicating William D. Kengel as the corporate official.

**RECOMMENDATION**

Since the District has not used this easement for its purposes and the new development has adequate easements for providing service to the property, the Board may proceed with abandoning the original easement recorded January 17, 1985 by adopting the attached resolution with the condition that the applicant pay all legal and associated costs with this abandonment.

RECORDING REQUESTED BY:  
NIPOMO COMMUNITY SERVICES DISTRICT

AND WHEN RECORDED RETURN TO:  
NIPOMO COMMUNITY SERVICES DISTRICT  
P.O. BOX 326  
NIPOMO, CA 93444-0326

---

APN 092-130-004

**RESOLUTION NO. 99-Vacate**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
VACATING A PUBLIC SERVICE EASEMENT**

**WHEREAS**, on December 26, 1984, Janet A. Glen and Richard E. Hampton (herein "Grantors") granted the Nipomo Community Services District (herein "District") an easement (herein "Public Service Easement") for waterline and appurtenances. Said Public Service Easement was recorded on January 17, 1985 in Book 2670 at Page 121 of the Official Records of San Luis Obispo County. A true and correct copy of said deed with exhibits is attached hereto as Exhibit "A" and incorporated herein by reference; and

**WHEREAS**, Mesa Dunes Investments, Inc. a California Corporation, the successor in interest to Grantors, has requested District to vacate said Public Service Easement; and

**WHEREAS**, based on the staff report, staff presentation and public comment, the Board of Directors of District finds as follows:

- A. This vacation is made pursuant to Chapter 4 of the California Streets and Highway Code.
- B. The Public Service Easement has not been used for the purpose for which it was acquired for five consecutive years immediately preceding the enactment of this Resolution.
- C. The Public Service Easement is unnecessary for present or prospective District purposes.
- D. That from and after the date this Resolution is recorded, the Public Service Easement vacated no longer constitutes a public service easement.

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

1. The above Recitals are true and correct and are incorporated herein by reference.
2. That the Public Service Easement herein before described be vacated for District purposes.
3. The District Secretary of the Nipomo Community Services District cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of the County of San Luis Obispo, State of California.

**RESOLUTION NO. 99-Vacate**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
VACATING A PUBLIC SERVICE EASEMENT  
PAGE TWO**

4. That the General Manager is hereby authorized to execute all other documents necessary to vacate the Public Service Easement.

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

AYES: Directors

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby adopted this 2<sup>nd</sup> day June 1999.

\_\_\_\_\_  
Robert L. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Jon S. Seitz  
General Counsel

C:\W:\RES\99-Vacate.doc



William G. Kengel  
133 Castiac Ave.  
Pismo Beach, CA 93449  
May 6, 1999


Board of Directors  
N.C.S.D.  
Nipomo, CA 93444

Honorable Board Members:

This correspondence is in regards to the attached described "Water Line Easement" granted to N.C.S.D. and filed for record January 17, 1985, Official Records, San Luis Obispo County, CA. which is appurtenant to the property described in the attached legal description.

The easement described herein is of no value to subdivision Tract 1658, tentatively approved for the above mentioned property, nor is it of any value to N.C.S.D. Therefore, I respectfully request the Board abandon this easement in favor of the current owner of record of said property.

Thank you.

  
William G. Kengel, President  
Mesa Dunes Investments, Inc.

775-4424

RECEIVED

MAY 6 1999

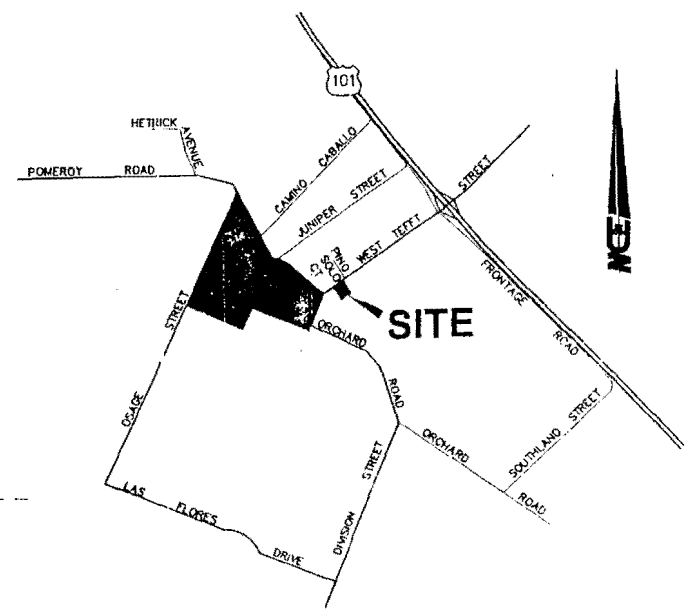
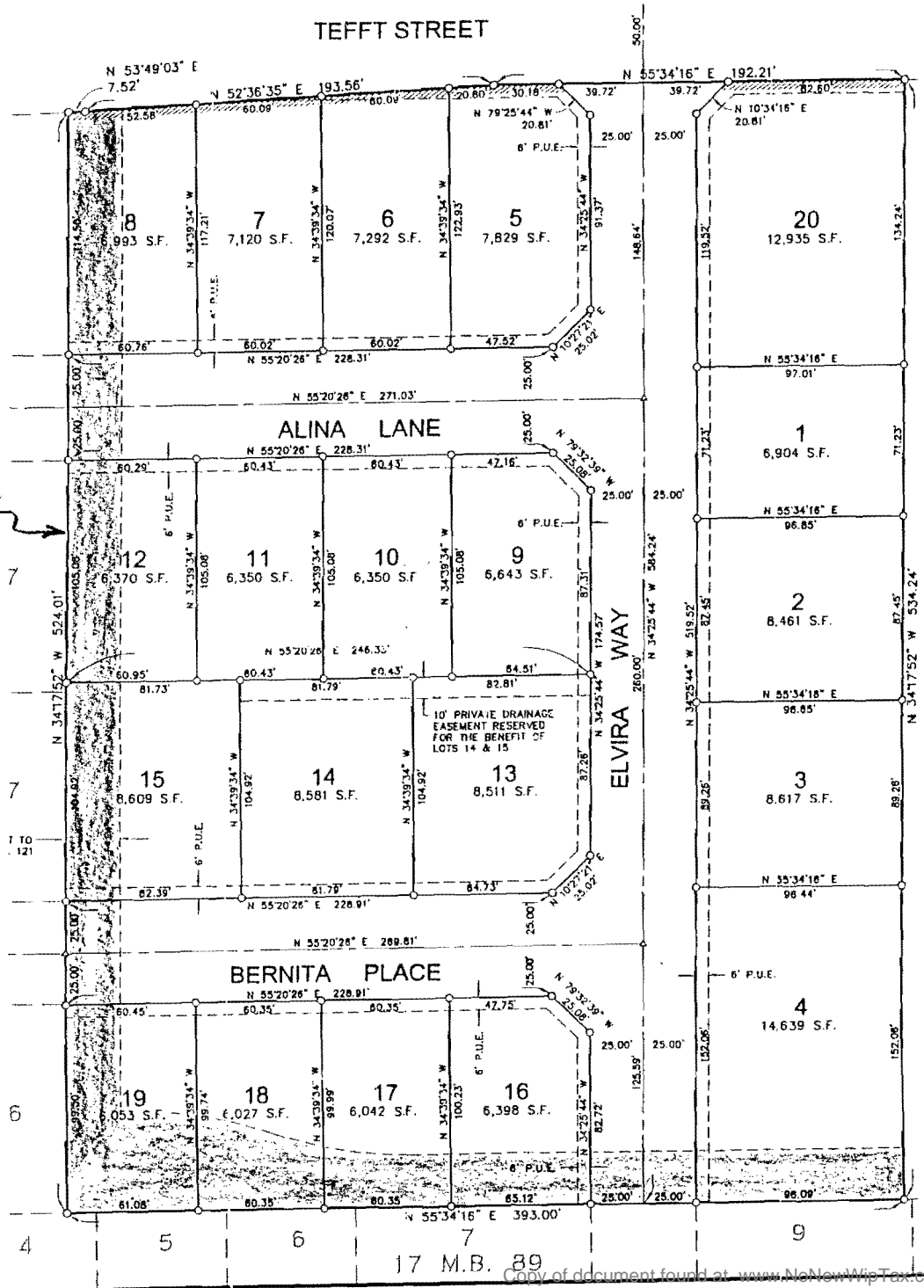
NIPOMO COMMUNITY  
SERVICES DISTRICT

4:00 PM  
B

TEFFT STREET

LEGEND

- SET 5/8" REBAR "RCE 29743"
- △ SET STANDARD WELL MONUMENT
- ▨ ACCESS DENIAL



VICINITY MAP  
NO SCALE

PRELIMINARY  
**TRACT NO. 1658**

IN UNINCORPORATED TERRITORY OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA  
BEING A SUBDIVISION OF A PORTION OF LOT 2 OF THE RESUBDIVISION OF THE WESTERLY PART OF LOT 25 OF H.C. WARD'S SUBDIVISION OF THE NIPOMO RANCHO ACCORDING TO THE MAP RECORDED IN BOOK "A" OF MAPS AT PAGE 19, RECORDS OF SAID COUNTY.

**NCE** NORTH COAST ENGINEERING INC.  
725 Creston Rd Suite B, Paso Robles, 239-3127

RECORDING REQUESTED BY  
~~Woodland Engineering Company~~  
~~1037 Mill Street~~  
~~San Luis Obispo, CA 93401~~  
 Nipomo Community Services District  
 P.O. Box 326, Nipomo, CA 93444  
 AND WHEN RECORDED MAIL TO

3423

Tr-1658

Name ~~Woodland Engineering Company~~  
 Street ~~1037 Mill Street~~  
 Address ~~San Luis Obispo, CA 93401~~  
 City & State ~~NIPOMO COMMUNITY SERVICES DISTRICT~~  
~~P.O. Box 326, Nipomo, CA 93444~~

DOC. NO. 2851  
 OFFICIAL RECORDS  
 SAN LUIS OBISPO CO., CAL

MAIL TAX STATEMENTS TO  
 Name  
 Street Address  
 City & State

JAN 17 1985  
 FRANCIS M. COONEY  
 County Clerk-Recorder  
 TIME 4:05 PM

EASEMENT SPACE ABOVE THIS LINE FOR RECORDER'S USE  
**Individual Grant Deed**  
 THIS FORM FURNISHED BY TIGOR TITLE INSURERS

CAT. NO. NN00582  
 TO 1923 CA (2-83)

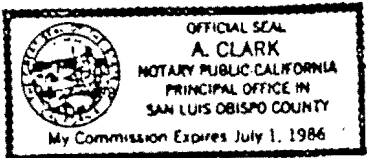
ALL	PTN.	The undersigned grantor(s) declare(s): Documentary transfer tax is \$ <u>NONE</u> <input type="checkbox"/> computed on full value of property conveyed, or <input type="checkbox"/> computed on full value less value of liens and encumbrances remaining at time of sale. <input type="checkbox"/> Unincorporated area: ( ) City of _____, and
		FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Janet A. Glenn and Richard E. Hampton
		hereby GRANT(S) to Nipomo Community Services District
		the following described real property in the County of San Luis Obispo, State of California:
		See Exhibit "A" and "B" attached.
		Dated: <u>12-26-84</u>
		STATE OF CALIFORNIA } COUNTY OF <u>San Luis Obispo</u> } SS. On <u>Dec 26, 1984</u> before me, the undersigned, a Notary Public in and for said State, personally appeared <u>Richard E. Hampton</u> <u>Janet A. Glenn</u> personally known to me or proved to me on the basis of sat- isfactory evidence to be the person whose name <u>see</u> subscribed to the within instrument and acknowledged that <u>they</u> executed the same. WITNESS my hand and official seal.
		Signature <u>A. Clark</u>
		
		(This area for official notarial seal)
		Title Order No. _____ Escrow or Loan No. _____

EXHIBIT "A"

EASEMENT FOR WATER LINE AND APPURTENANCES

Being a portion of Lot 2 of the resubdivision of the westerly part of Lot 25 of H.C. Ward's subdivision of the Rancho Nipomo as shown on map recorded in Book A of Maps at Page 19 recorded in the County Recorder's Office of the County of San Luis Obispo, State of California, being more particularly described as follows:

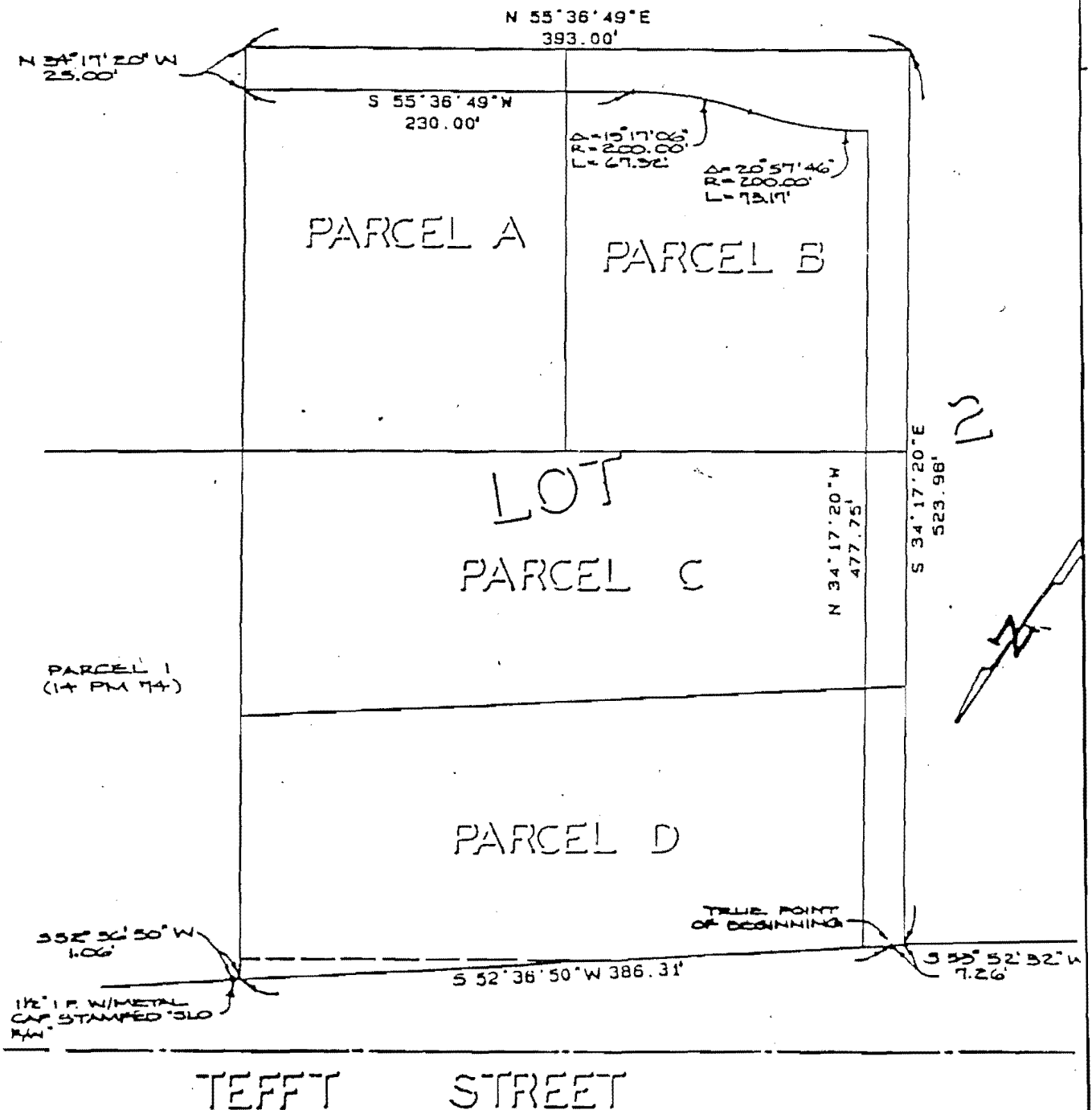
Beginning at a point on the easterly line of said Lot 2, said point lying at the intersection of the southerly right-of-way of Tefft Street, said point also lying South 52° 36' 50" West 1.06 feet from a 1 1/2" iron pipe with metal cap stamped "SLO R/W", being an angle point in the southerly right-of-way of Tefft Street; thence from said point westerly along said southerly right-of-way line, South 52° 36' 50" West, 386.31 feet to the True Point of Beginning; thence continuing along said southerly right-of-way, South 53° 52' 32" West, 7.26 feet to the westerly line of that parcel of land shown on Parcel Map Co-82-80; thence southerly along said westerly line, South 34° 17' 20" East, 523.96 feet to the southerly line of said parcel; thence easterly, North 55° 36' 49" East, 393.00 feet to the easterly line of said parcel; thence northerly along the easterly line of said parcel, North 34° 17' 20" West, 25.00 feet; thence leaving said easterly line, South 55° 36' 49" West, 230.00 feet to the beginning of a 200 foot radius curve concave northwesterly; thence along the arc of said curve through a central angle of 19° 17' 06", an arc distance of 67.32 feet to a point of compound curvature with a 200 foot radius curve which is concave to the southeasterly; thence westerly along the arc of said curve through a central angle of 20° 57' 46", an arc distance of 73.17 feet to a point which lies 25.00 feet from the westerly line of said parcel; thence northerly and parallel to said westerly line, North 34° 17' 20" West, 477.75 feet to the intersection with the southerly right-of-way of said Tefft Street; thence along the right-of-way of said Tefft Street, South 52° 36' 50" West, 17.77 feet to the True Point of Beginning.

EXHIBIT "B"  
EASEMENT PLAT

for water line and appurtenances, being a portion of Lot 2 of the resubdivision of the westerly part of Lot 25 of H.C. Ward's subdivision of the Rancho Nipomo as shown on map recorded in Book A of maps at Page 19 in the County Recorder's Office of the County of San Luis Obispo, State of California.

Requested by: Jim Forrest

Prepared by: WESTLAND ENGINEERING COMPANY  
1037 Mill Street  
San Luis Obispo, CA 93401





CHICAGO TITLE COMPANY

PRELIMINARY REPORT

Dated as of: April 12, 1999 at 7:30 AM

Reference: MESA DUNES

Order No.: 250525 - TB

Regarding: TRACT 1658, Tefft Street  
Nipomo, CA 93444

CHICAGO TITLE COMPANY hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception in Schedule B or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in the attached list. Copies of the Policy forms are available upon request.

Please read the exceptions shown or referred to in Schedule B and the exceptions and exclusions set forth in the attached list of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

THIS REPORT (AND ANY SUPPLEMENTS OR AMENDMENTS HERETO) IS ISSUED SOLELY FOR THE PURPOSE OF FACILITATING THE ISSUANCE OF A POLICY OF TITLE INSURANCE AND NO LIABILITY IS ASSUMED HEREBY. IF IT IS DESIRED THAT LIABILITY BE ASSUMED PRIOR TO THE ISSUANCE OF A POLICY OF TITLE INSURANCE, A BINDER OR COMMITMENT SHOULD BE REQUESTED.

The form of policy of title insurance contemplated by this report is:

California Land Title Association Standard Coverage Policy

Title Department:



Escrow Department:

CHICAGO TITLE COMPANY  
104 TRAFFIC WAY  
ARROYO GRANDE, CA 93420  
(805)481-5228 fax: (805)473-1329

CHICAGO TITLE COMPANY  
104 Traffic Way  
Arroyo Grande, CA 93420  
(805) 481-5228 fax: (805) 473-1329

TERRIE BULLITT  
TITLE OFFICER

YOUR COPY

MARY JANE PONDER  
ESCROW OFFICER

RECEIVED

MAY 7 1999

RECEIVED

TITLE REPORT  
SCHEDULE A

Order No: 250525 TB

Your Ref: MESA DUNES

1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

2. Title to said estate or interest at the date hereof is vested in:

MESA DUNES INVESTMENTS, INC., a California corporation

3. The land referred to in this report is situated in the State of California, County of San Luis Obispo and is described as follows:

The Easterly 393 feet of the North 554.24 feet of Lot 2 of the resubdivision of the Westerly part of Lot 25 of H. C. Ward's subdivision of Nipomo Rancho, in the County of San Luis Obispo, State of California, according to map recorded November 12, 1887 in Book A, Page 19 of Maps, in the office of the County Recorder of said County.

Except therefrom an undivided one-half interest in and to all minerals, oil, gas and other hydrocarbon substances in, on or under said land, as reserved by Steve C. Soares and Angelina G. Soares, his wife, in Deed recorded April 4, 1949 in Book 516, Page 250 of Official Records.

A Quitclaim Deed, executed by Angelina G. Soares, was recorded November 16, 1982 under Recorder's Series Number 48648 and provides the following:

"This Deed is given to relinquish all surface entry rights in the reservation of oil and minerals, and does not relinquish oil, gas and mineral rights lying below 500 feet of the surface of said real property."

SCHEDULE B  
(continued)

Order No: 249754 WRB

Your Ref: MESA DUNES INVESTMENTS

Purpose: road  
Affects: a portion of said land

G 7. The fact that a portion of said land is included within Unit No. 14 of the streets and highways plan being a part of the master plan of the County of San Luis Obispo, as disclosed by a map filed in Book 1 at page 11 of Plan Line Maps, in the Office of the County Recorder of said County.

H	8. An easement for the purpose shown below and rights incidental thereto as set forth in a document (No representation is made as to the present ownership of said easement).
	Granted to: <u>Nipomo Community Services District</u>
	Recorded: January 17, 1985 in Book 2670 at page 121 of Official Records
	Purpose: water line and appurtenances
	Affects: a portion of said land

I 9. A Memorandum of Option to Purchase Real Property

Optionors: Joseph Politi, Sandra Politi and Joseph F Bumpus Trust  
Optionee: Willliam G. Kengel  
Dated: September 1, 1997  
Recorded: November 25, 1997 as Document No. 1997-066767 of Official Records

J Among other things, said document provides:

An option-plus-sale period of up to one year after date of recording deed to Optionors, and prohibit the encumbering of said property during that time.

M 10. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount: \$341,250.00  
Dated: November 16, 1998  
Trutor: MESA DUNES INVESTMENTS, INC.  
Trustee: MSB Properties, Inc.  
Beneficiary: Mid-State Bank  
Recorded: December 1, 1998 as Document No. 1998-079749 of Official Records

O END OF SCHEDULE B



1489727

ARTICLES OF INCORPORATION  
OF  
MESA DUNES INVESTMENTS, INC.

ENDORSED  
FILED  
In the office of the Secretary of State  
of the State of California

I

NOV 14 1990

The name of this corporation is:  
  
MESA DUNES INVESTMENTS, INC.

MARCH FONG EU, Secretary of State

II

The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

III

The name and address in the State of California of this corporation's initial agent for service of process is:

William G. Kengel  
1386 Third Street  
Los Osos, California 93402

IV

This corporation is authorized to issue only one class of stock; and the total number of shares which this corporation is authorized to issue is 100,000.

Dated: November 13, 1990

/s/ RONALD WYSE  
RONALD WYSE, Incorporator

1400/Doc8

JUN 02 1999

TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: JUNE 2, 1999

BLACK LAKE STREET LIGHTING CHARGES

NCSD provides street lighting to the Black Lake Golf Course Development. In order to maintain the street lighting, an annual charge is assessed on each parcel for the service rendered. The existing Black Lake street lighting assessment is exempt from the compliance requirements of Prop. 218. Any future increases in the assessment would need voter approval of the property owners. The proposed annual charge of \$34.00 will remain the same as last year. It should be noted that the County of SLO adds \$2.00 per parcel handling fee, making the total annual fee billed to each parcel \$36.00. Below is a history of the charge per parcel:

<u>Year</u>	<u>Charge</u>	<u>County Fee</u>	<u>Total</u>
1992-93	\$48.00	\$2.00	\$50.00
1993-94	\$50.00	\$2.00	\$52.00
1994-95	\$48.00	\$2.00	\$50.00
1995-96	\$40.00	\$2.00	\$42.00
1996-97	\$34.00	\$2.00	\$36.00
1997-98	\$34.00	\$2.00	\$36.00
1998-99	\$34.00	\$2.00	\$36.00
1999-00	\$34.00	\$2.00	\$36.00

The budget the Street Lighting Fund for 1999-00 is as follows:

<u>Revenues</u>		
Street lighting charges		\$18,258
<u>EXENDITURES</u>		
Insurance	\$ 1,000	
Public & Legal Notice	100	
Electricity	18,850	
Wages-Office	500	
Total expenditures		(20,450)
Difference		( 2,192)
Interest earnings		3,000
Net sources from operations		<u>\$ 808</u>
Estimated cash balance 7/1/99		\$51,000
Net sources from operations		808
Estimated cash balance 6/30/00		<u>\$51,808</u>

Attached is a listing of Assessor Parcel Numbers with the proposed 1999-00 street lighting charges. Tracts 1779 (Wittstrom) and Tract 2264 (The Legends) have been added to the list.

Now is the time and place for the public hearing for the Board to confirm the report for collection of the charges on the 1999-00 tax roll and to give opportunity for filing objections and for the presentation of testimony or other evidence concerning said report. The attached Resolution is presented for the Board's review, approval and adoption.

Bd99/bl street light.doc

**RESOLUTION NO. 99-BLSTLIGHT**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON  
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND  
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE  
BLACK LAKE DEVELOPMENT (GOLF COURSE AREA)**

**WHEREAS**, on October 15, 1992 LAFCO approved Resolution No. 92-19 "A RESOLUTION MAKING DETERMINATION APPROVING THE REORGANIZATION INVOLVING DETACHMENT OF TERRITORY FROM COUNTY SERVICE AREA NO. 1-G AND ANNEXATION NO. 7 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (BLACK LAKE GOLF AND COUNTRY CLUB), and

**WHEREAS**, Condition 3A provides that the NCSD will provide all three services currently provided by CSA No. 1-G; water, sewer, and street-lighting, and

**WHEREAS**, Condition 3F provides that NCSD succeed to all rights, duties and obligations of CSA No. 1-G with respect to the enforcement of performance or payment of any outstanding contracts and obligations of CSA No. 1-G; and

**WHEREAS**, Condition 3H authorizes the NCSD to continue to levy, fix and collect any special, extraordinary or additional taxes, assessments, service charges and rates which were levied, fixed and/or collected by CSA No. 1-G, and

**WHEREAS**, public notice has been given in accordance with Section 6066 of the Government Code as specified under CSA No. 1-G Assessment procedures of this public hearing concerning collection of service charges on the 1999-00 property tax bills; and

**WHEREAS**, written reports specifying each parcel (attached as Exhibit "A") receiving extended service and the amount of the charge for that service have been prepared and filed with the staff report; and

**WHEREAS**, based on the Staff Report and public testimony, the Board finds:

- A. That the proposed charges do not exceed the reasonable costs of providing the services.
- B. That the assessment district was formed pursuant to a petition signed by the owners of the Black Lake Specific Plan.
- C. The written report does not recommend an increase in the current assessment.

**WHEREAS**, based on the above findings, the assessments for fiscal year 1998-1999 are unaffected by Proposition 218; and

**WHEREAS**, this is the time and place for the public hearing for the Board to confirm the reports for collection of service charges on the 1999-00 tax bills as specified in the staff reports and to give opportunity for filing objections and for presentation of testimony or other evidence concerning said report; and

**WHEREAS**, it is in the public interest that the owners of property in said Black Lake Development pay the cost of said service therein.

**RESOLUTION 99-BLSTLIGHT  
PAGE TWO**

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

- Section 1. That the recitals set forth are true, correct and valid.
- Section 2. The Board of Directors of NCSD fixes the street lighting charge at \$34.00 and a SLO County Administrative charge of \$2.00 for a total charge of \$36.00 per year.
- Section 3. That said service charges are directly proportionate to the benefit to each parcel from the services rendered.
- Section 4. That the charges as confirmed shall appear as separate items on the tax bill of each parcel of real property listed in said staff report, and such charges shall be collected at the same time and in the same manner as ordinary ad valorem taxes are collected, and are subject to the same penalties and the same procedures and sale in case of delinquency as provided for such taxes.
- Section 5. The Tax Collector of the San Luis Obispo County is hereby authorized to collect the street lighting charges on the property tax bill.
- Section 6. This resolution is adopted by a majority of all members of the Board of Directors of the District.

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

AYES: Directors  
NOES: None  
ABSENT: None  
ABSTAIN: None

the foregoing resolution is hereby adopted this 2nd day of June, 1999.

\_\_\_\_\_  
Robert L. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Jon S. Seitz  
General Counsel

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## BLACK LAKE STREETLIGHTING CHARGES TAX YEAR 1999-00

A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
091243001	\$34.00	091244006	\$34.00	091410023	\$34.00	091412012	\$34.00
091243002	\$34.00	091244007	\$34.00	091410024	\$34.00	091412013	\$34.00
091243003	\$34.00	091244008	\$34.00	091410025	\$34.00	091412014	\$34.00
091243004	\$34.00	091244009	\$34.00	091410026	\$34.00	091412015	\$34.00
091243005	\$34.00	091244010	\$34.00	091410027	\$34.00	091412016	\$34.00
091243006	\$34.00	091244011	\$34.00	091410028	\$34.00	091412017	\$34.00
091243007	\$34.00	091244012	\$34.00	091410029	\$34.00	091412018	\$34.00
091243008	\$34.00	091244013	\$34.00	091410030	\$34.00	091412019	\$34.00
091243009	\$34.00	091244014	\$34.00	091410031	\$34.00	091412020	\$34.00
091243010	\$34.00	091244015	\$34.00	091410032	\$34.00	091412021	\$34.00
091243013	\$34.00	091244016	\$34.00	091410033	\$34.00	091413001	\$34.00
091243014	\$34.00	091244017	\$34.00	091410034	\$34.00	091413002	\$34.00
091243015	\$34.00	091244018	\$34.00	091410035	\$34.00	091413003	\$34.00
091243016	\$34.00	091244019	\$34.00	091410036	\$34.00	091413004	\$34.00
091243017	\$34.00	091244022	\$34.00	091410037	\$34.00	091413005	\$34.00
091243018	\$34.00	091244023	\$34.00	091410038	\$34.00	091413006	\$34.00
091243019	\$34.00	091244024	\$34.00	091410039	\$34.00	091413007	\$34.00
091243020	\$34.00	091244025	\$34.00	091410040	\$34.00	091413008	\$34.00
091243021	\$34.00	091244026	\$34.00	091410041	\$34.00	091413009	\$34.00
091243022	\$34.00	091244027	\$34.00	091410042	\$34.00	091413010	\$34.00
091243023	\$34.00	091244028	\$34.00	091410043	\$34.00	091413011	\$34.00
091243024	\$34.00	091244029	\$34.00	091410044	\$34.00	091413012	\$34.00
091243025	\$34.00	091244030	\$34.00	091410045	\$34.00	091413013	\$34.00
091243026	\$34.00	091244031	\$34.00	091410046	\$34.00	091413014	\$34.00
091243027	\$34.00	091410001	\$34.00	091410047	\$34.00	091413015	\$34.00
091243028	\$34.00	091410002	\$34.00	091410048	\$34.00	091413016	\$34.00
091243029	\$34.00	091410003	\$34.00	091410049	\$34.00	091413017	\$34.00
091243030	\$34.00	091410004	\$34.00	091410050	\$34.00	091413018	\$34.00
091243031	\$34.00	091410005	\$34.00	091410051	\$34.00	091413019	\$34.00
091243032	\$34.00	091410006	\$34.00	091410052	\$34.00	091413020	\$34.00
091243033	\$34.00	091410007	\$34.00	091410053	\$34.00	091413021	\$34.00
091243034	\$34.00	091410008	\$34.00	091410054	\$34.00	091413022	\$34.00
091243035	\$34.00	091410009	\$34.00	091410055	\$34.00	091413023	\$34.00
091243036	\$34.00	091410010	\$34.00	091410058	\$34.00	091413024	\$34.00
091243037	\$34.00	091410011	\$34.00	091411006	\$34.00	091413025	\$34.00
091243038	\$34.00	091410012	\$34.00	091412001	\$34.00	091413026	\$34.00
091243039	\$34.00	091410013	\$34.00	091412002	\$34.00	091413027	\$34.00
091243040	\$34.00	091410014	\$34.00	091412003	\$34.00	091413028	\$34.00
091243041	\$34.00	091410015	\$34.00	091412004	\$34.00	091413029	\$34.00
091243042	\$34.00	091410016	\$34.00	091412005	\$34.00	091413030	\$34.00
091243043	\$34.00	091410017	\$34.00	091412006	\$34.00	091413031	\$34.00
091244001	\$34.00	091410018	\$34.00	091412007	\$34.00	091413032	\$34.00
091244002	\$34.00	091410019	\$34.00	091412008	\$34.00	091413033	\$34.00
091244003	\$34.00	091410020	\$34.00	091412009	\$34.00	091413034	\$34.00
091244004	\$34.00	091410021	\$34.00	091412010	\$34.00	091413035	\$34.00
091244005	\$34.00	091410022	\$34.00	091412011	\$34.00	091413036	\$34.00

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

## BLACK LAKE STREETLIGHTING CHARGES TAX YEAR 1999-00

A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
091413037	\$34.00	091415008	\$34.00	091416021	\$34.00	091419035	\$34.00
091413038	\$34.00	091415009	\$34.00	091416022	\$34.00	091419036	\$34.00
091413039	\$34.00	091415010	\$34.00	091416023	\$34.00	091419037	\$34.00
091413040	\$34.00	091415011	\$34.00	091416024	\$34.00	091419038	\$34.00
091413041	\$34.00	091415012	\$34.00	091416025	\$34.00	091419039	\$34.00
091413042	\$34.00	091415013	\$34.00	091416026	\$34.00	091419040	\$34.00
091413043	\$34.00	091415014	\$34.00	091416027	\$34.00	091419041	\$34.00
091413044	\$34.00	091415015	\$34.00	091416028	\$34.00	091419042	\$34.00
091413045	\$34.00	091415016	\$34.00	091416029	\$34.00	091419043	\$34.00
091413046	\$34.00	091415017	\$34.00	091416030	\$34.00	091419055	\$34.00
091414001	\$34.00	091415018	\$34.00	091416031	\$34.00	091419056	\$34.00
091414002	\$34.00	091415019	\$34.00	091416032	\$34.00	091419057	\$34.00
091414003	\$34.00	091415020	\$34.00	091416033	\$34.00	091419058	\$34.00
091414004	\$34.00	091415021	\$34.00	091416034	\$34.00	091440001	\$34.00
091414005	\$34.00	091415022	\$34.00	091416035	\$34.00	091440002	\$34.00
091414006	\$34.00	091415023	\$34.00	091416036	\$34.00	091440003	\$34.00
091414007	\$34.00	091415024	\$34.00	091419001	\$34.00	091440004	\$34.00
091414008	\$34.00	091415025	\$34.00	091419002	\$34.00	091440005	\$34.00
091414009	\$34.00	091415026	\$34.00	091419003	\$34.00	091440006	\$34.00
091414010	\$34.00	091415027	\$34.00	091419004	\$34.00	091440007	\$34.00
091414011	\$34.00	091415028	\$34.00	091419005	\$34.00	091440008	\$34.00
091414012	\$34.00	091415029	\$34.00	091419006	\$34.00	091440009	\$34.00
091414013	\$34.00	091415030	\$34.00	091419007	\$34.00	091440010	\$34.00
091414014	\$34.00	091415031	\$34.00	091419008	\$34.00	091440011	\$34.00
091414015	\$34.00	091415032	\$34.00	091419009	\$34.00	091440012	\$34.00
091414016	\$34.00	091415033	\$34.00	091419010	\$34.00	091440013	\$34.00
091414017	\$34.00	091416001	\$34.00	091419011	\$34.00	091440014	\$34.00
091414018	\$34.00	091416002	\$34.00	091419012	\$34.00	091441001	\$34.00
091414019	\$34.00	091416003	\$34.00	091419013	\$34.00	091441002	\$34.00
091414020	\$34.00	091416004	\$34.00	091419014	\$34.00	091441003	\$34.00
091414021	\$34.00	091416005	\$34.00	091419015	\$34.00	091441004	\$34.00
091414022	\$34.00	091416006	\$34.00	091419016	\$34.00	091441005	\$34.00
091414023	\$34.00	091416007	\$34.00	091419017	\$34.00	091441006	\$34.00
091414024	\$34.00	091416008	\$34.00	091419018	\$34.00	091441007	\$34.00
091414025	\$34.00	091416009	\$34.00	091419019	\$34.00	091441008	\$34.00
091414026	\$34.00	091416010	\$34.00	091419020	\$34.00	091441009	\$34.00
091414027	\$34.00	091416011	\$34.00	091419021	\$34.00	091441010	\$34.00
091414028	\$34.00	091416012	\$34.00	091419022	\$34.00	091441011	\$34.00
091414029	\$34.00	091416013	\$34.00	091419023	\$34.00	091441014	\$34.00
091414030	\$34.00	091416014	\$34.00	091419028	\$34.00	091441015	\$34.00
091415002	\$34.00	091416015	\$34.00	091419029	\$34.00	091441016	\$34.00
091415003	\$34.00	091416016	\$34.00	091419030	\$34.00	091441017	\$34.00
091415004	\$34.00	091416017	\$34.00	091419031	\$34.00	091441018	\$34.00
091415005	\$34.00	091416018	\$34.00	091419032	\$34.00	091441019	\$34.00
091415006	\$34.00	091416019	\$34.00	091419033	\$34.00	091441020	\$34.00
091415007	\$34.00	091416020	\$34.00	091419034	\$34.00	091441022	\$34.00

## BLACK LAKE STREETLIGHTING CHARGES TAX YEAR 1999-00

A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
091441023	\$34.00	091443016	\$34.00	091444048	\$34.00	091445028	\$34.00
091441024	\$34.00	091444001	\$34.00	091444049	\$34.00	091445029	\$34.00
091441028	\$34.00	091444002	\$34.00	091444050	\$34.00	091445030	\$34.00
091441029	\$34.00	091444003	\$34.00	091444051	\$34.00	091445031	\$34.00
091442001	\$34.00	091444004	\$34.00	091444052	\$34.00	091446001	\$34.00
091442002	\$34.00	091444005	\$34.00	091444053	\$34.00	091446002	\$34.00
091442003	\$34.00	091444006	\$34.00	091444054	\$34.00	091446003	\$34.00
091442004	\$34.00	091444007	\$34.00	091444055	\$34.00	091446004	\$34.00
091442005	\$34.00	091444008	\$34.00	091444056	\$34.00	091446005	\$34.00
091442006	\$34.00	091444009	\$34.00	091444057	\$34.00	091446006	\$34.00
091442007	\$34.00	091444011	\$34.00	091444058	\$34.00	091446007	\$34.00
091442008	\$34.00	091444012	\$34.00	091444059	\$34.00	091446008	\$34.00
091442009	\$34.00	091444013	\$34.00	091444060	\$34.00	091446009	\$34.00
091442010	\$34.00	091444014	\$34.00	091444061	\$34.00	091446010	\$34.00
091442011	\$34.00	091444015	\$34.00	091444062	\$34.00	091446011	\$34.00
091442012	\$34.00	091444016	\$34.00	091444063	\$34.00	091446012	\$34.00
091442013	\$34.00	091444017	\$34.00	091444064	\$34.00	091446013	\$34.00
091442014	\$34.00	091444018	\$34.00	091444067	\$34.00	091446014	\$34.00
091442015	\$34.00	091444019	\$34.00	091444068	\$34.00	091446015	\$34.00
091442016	\$34.00	091444020	\$34.00	091445001	\$34.00	091446016	\$34.00
091442017	\$34.00	091444021	\$34.00	091445002	\$34.00	091446017	\$34.00
091442018	\$34.00	091444022	\$34.00	091445003	\$34.00	091446018	\$34.00
091442019	\$34.00	091444023	\$34.00	091445004	\$34.00	091446019	\$34.00
091442020	\$34.00	091444024	\$34.00	091445005	\$34.00	091446020	\$34.00
091442021	\$34.00	091444025	\$34.00	091445006	\$34.00	091446021	\$34.00
091442022	\$34.00	091444026	\$34.00	091445007	\$34.00	091446022	\$34.00
091442023	\$34.00	091444027	\$34.00	091445008	\$34.00	091446023	\$34.00
091442024	\$34.00	091444028	\$34.00	091445009	\$34.00	091446024	\$34.00
091442025	\$34.00	091444029	\$34.00	091445010	\$34.00	091446025	\$34.00
091442026	\$34.00	091444030	\$34.00	091445011	\$34.00	091446026	\$34.00
091442027	\$34.00	091444031	\$34.00	091445012	\$34.00	092441027	\$34.00
091443001	\$34.00	091444033	\$34.00	091445013	\$34.00	537	\$18,258.00
091443002	\$34.00	091444034	\$34.00	091445014	\$34.00		
091443003	\$34.00	091444035	\$34.00	091445015	\$34.00		
091443004	\$34.00	091444036	\$34.00	091445016	\$34.00		
091443005	\$34.00	091444037	\$34.00	091445017	\$34.00		
091443006	\$34.00	091444038	\$34.00	091445018	\$34.00		
091443007	\$34.00	091444039	\$34.00	091445019	\$34.00		
091443008	\$34.00	091444040	\$34.00	091445020	\$34.00		
091443009	\$34.00	091444041	\$34.00	091445021	\$34.00		
091443010	\$34.00	091444042	\$34.00	091445022	\$34.00		
091443011	\$34.00	091444043	\$34.00	091445023	\$34.00		
091443012	\$34.00	091444044	\$34.00	091445024	\$34.00		
091443013	\$34.00	091444045	\$34.00	091445025	\$34.00		
091443014	\$34.00	091444046	\$34.00	091445026	\$34.00		
091443015	\$34.00	091444047	\$34.00	091445027	\$34.00		

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 2, 1999

AGENDA ITEM  
JUN 02 1999



FISCAL YEAR 1999-2000 BUDGET  
ADOPTION

**ITEM**

To hold a Public Hearing and to adopt the 1999-2000 Fiscal Year District Budget.

**BACKGROUND**

The Draft 1999-2000 Fiscal Year Budget was presented to your Honorable Board on April 21, 1999. The Board's Financial Committee reviewed the Budget and recommended a few minor changes. The Black Lake Advisory Committee reviewed the Black Lake Budget and recommended an increase of \$1.50 for the Black Lake Sewer Operation Fund to cover expenses. The Town Division Water rate is increased an average of \$3.00 per month to cover the legal costs associated with the suit filed by the Santa Maria Valley Water Conservation District to adjudicate the groundwater basin. These changes were reviewed by your Honorable Board at the May 5, 1999 meeting, at which time the Board recommended that this item be put on the June 2, 1999 meeting for adoption.

The Appropriation Limitation, which limits the expenditures with respect to population and revenue increases, is usually approved with the budget. The Appropriation limitation has not affected the District's budget.

**RECOMMENDATION**

1. Receive public comments on Budget
2. Approve the FY 99-00 District Budget by adopting Resolution 99-Budget

Resolution 99-Budget  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE 1999-2000 FISCAL YEAR BUDGET

3. Approve the Appropriation Limitation for the FY 99-00

Resolution 99-Approp  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
DETERMINING THE APPROPRIATION LIMITATION  
FOR THE 1999-2000 FISCAL YEAR



AGENDA ITEM  
JUN 02 1999



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 2, 1999

### CONSENT AGENDA

*The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the consent agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendation for each item is noted in parentheses.*

- a) BOARD MEETING MINUTES (APPROVE)  
Approval of Regular Board Meeting Minutes of May 19, 1999
- b) TRACT 1647 (KENGEL)- ACCEPT WATER & SEWER IMPROVEMENTS (APPROVE)  
Improvements completed, resolution to accept completion

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**NIPOMO COMMUNITY SERVICES DISTRICT  
MINUTES**

**AGENDA ITEM**

**11**  
a

MAY 19, 1999 7:00 P.M.

JUN 02 1999

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

**BOARD MEMBERS**

ROBERT BLAIR, **PRESIDENT**  
GENE KAYE, **VICE PRESIDENT**  
AL SIMON, **DIRECTOR**  
RICHARD MOBRAATEN, **DIRECTOR**  
ALEX MENDOZA, **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**

President Blair called the May 19, 1999 meeting to order at 7:03 p.m.

1. **ROLL CALL**

At Roll Call, all Board members were present.

**PUBLIC COMMENTS PERIOD**

2. **PUBLIC COMMENTS**

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board.

**Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.**

President Blair opened the meeting to Public Comments.

There were none.

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

3. **SECOND READING AND ADOPTION OF AN ORDINANCE TO ADJUST/CLARIFY FEE**

An ordinance increasing Town Division water fees, to cover legal costs, Black Lake sewer fee, to cover O&M costs, clarify Sewer Capacity Fee and Reimbursements

Mr. Jones explained the changes to adjust fees and clarify fees and requirements for reimbursement agreements. Upon motion of Director Kaye and seconded by Director Simon, the Board unanimously approved Ordinance No. 99-88. Vote 5-0.

**ORDINANCE NO. 99-88**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING TITLE 3, TITLE 4 AND TITLE 5 OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO:**

1. **ADJUST MONTHLY WATER RATES FOR THE TOWN DIVISION;**
2. **ADJUST MONTHLY SEWER RATES FOR THE BLACK LAKE DIVISION;**
3. **CLARIFY CALCULATIONS FOR ESTABLISHING SEWER CAPACITY CHARGES; AND**
4. **CLARIFY REQUIREMENTS FOR REIMBURSEMENT AGREEMENTS**

4. **FOLKERTS OAKS SEWER - CONNECTION TO DISTRICT SYSTEM**

Review procedures to connect the sewers and resolving the Sewer Maintenance Benefit Area

Mr. Jones explained the procedures involved in connecting the Folkerts Oaks Subdivision to the District's area-wide sewer system. Mr. Seitz explained further. This was an information item only. There was no Board action necessary. There were no public comments.

**MINUTES SUBJECT TO BOARD APPROVAL**

5. ADDENDUM TO NEGATIVE DECLARATION-SOUTHLAND WASTEWATER TREATMENT PLANT EXP  
Review the addendum - construction of infiltration basins

Mr. Jones explained that an addendum to the Negative Declaration is needed for the expansion of the Southland Wastewater Treatment Facility. Jim Garing, District Engineer, explained further. Director Mendoza would like a tour of the sewer plant. There were no public comments.

Upon motion of Director Kaye and seconded by Director Simon, the Board unanimously adopted Resolution 99-689. Vote 5-0

**RESOLUTION NO. 99-689  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AN ADDENDUM TO THE NEGATIVE DECLARATION  
OF THE SOUTHLAND WASTEWATER TREATMENT FACILITY  
EXPANSION DATED OCTOBER 2, 1996**

6. **CONSENT AGENDA** *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the consent agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parentheses.*

- a) BOARD MEETING MINUTES (APPROVE)  
Approval of Regular Board Meeting Minutes of May 5, 1999
- b) NOTICE OF COMPLETION - SOUTHLAND WASTEWATER FACILITY (APPROVE)  
Approve Notice of Completion of construction of Phase I of the sewer plant improvements
- c) LOCAL MATCH STATE REVOLVING FUND LOAN PHASE II (APPROVE)  
Resolutions approving Local Match State Revolving Fund Loan for Phase II
1. Requesting a Local Match State Revolving Fund Loan  
**RESOLUTION NO. 99-690  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
REQUESTING A LOCAL MATCH STATE REVOLVING FUND LOAN**
2. Establishing the Southland Wastewater Capital Reserve Fund  
**RESOLUTION NO. 99-691  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ESTABLISHING THE SOUTHLAND WASTEWATER CAPITAL RESERVE FUND**
3. Dedicating a source of revenue for the repayment of the Local Match State Revolving Fund Loan  
**RESOLUTION NO. 99-692  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
DEDICATING A SOURCE OF REVENUE FOR THE  
REPAYMENT OF THE LOCAL MATCH STATE REVOLVING FUND LOAN**
4. Authorizing the General Manager to execute documents for the Local Match State Revolving Fund Loan  
**RESOLUTION NO. 99-693  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AUTHORIZING THE GENERAL MANAGER TO EXECUTE  
DOCUMENTS FOR THE LOCAL MATCH STATE REVOLVING FUND LOAN**

There were no public comments. Upon motion of Director Simon and seconded by Director Mobraaten, the Board unanimously approved all items on the Consent Agenda. Vote 5-0.

**MINUTES SUBJECT TO BOARD APPROVAL**

**FINANCIAL REPORT**

7. APPROVAL OF WARRANTS

Upon motion of Director Kaye and seconded by Director Mobraaten, the Board approved the Warrants presented at the May 17, 1999.

**OTHER BUSINESS**

8. MANAGER'S REPORT

Manager, Doug Jones, presented information on the following items:

1. CSDA ANNUAL CONFERENCE
2. DWR WATER FACTS - MANAGING GROUNDWATER
3. SCHOOL DISTRICT SALE OF REAL PROPERTY
4. WSJ - LETTER TO EDITOR "THIRSTY FARMS"

9. DIRECTORS COMMENTS

The School Committee (Directors Mendoza and Mobraaten) will meet May 27, 1999 with representatives of the Lucia Mar School District.

President Blair expressed desire to see the District's EIR shared with the school to save the school some money. Mr. Jones said he had offered it to the school.

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session to discuss the following item.

**CLOSED SESSION**

- CONFERENCE WITH LEGAL COUNSEL (a) and (b) GC§54956.8
- a. NCSD vs. Shell Oil, et. al. Case No. CV 077387

The Board came back into open session and had no reportable action.

**ADJOURN**

President Blair adjourned the meeting at 7:43 p.m.

**MINUTES SUBJECT TO BOARD APPROVAL**

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 2, 1999

AGENDA ITEM

11

JUN 02 1999

b

ACCEPTING WATER AND SEWER IMPROVEMENTS FOR  
TRACT 1647 (KENGEL)

Upon completion of a developer's project, the District accepts improvements of the project when all requirements are met. The developer (Kengel) for Tract 1647, a 36 - lot development on Tefft Street has installed water and sewer improvements and has met the District's conditions of installing the improvements, paid associated fees and provided the necessary paperwork, including the Offer of Dedication and the Engineer's Certification. Attached is a resolution accepting the water and sewer improvements for Tract 1647.

It is staff's recommendation that your Honorable Board approve Resolution 99-Tract 1647.

C:\w:Bd99\Accept Tr 1647.DOC

RESOLUTION NO. 99-TR 1647

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS  
FOR TRACT 1647 (KENGEL)**

**WHEREAS**, on October 6, 1988, the District Board of Directors did conditionally approve water and sewer improvements for Tract 1647 (Kengel), a 36-lot development on Tefft Street; and

**WHEREAS**, the District approved and signed the construction plans on June 11, 1993, for the water and sewer improvements to be constructed; and

**WHEREAS**, the water and sewer improvements have been constructed and said improvements are complete and certified by their engineer; and

**WHEREAS**, on May 24, 1999, the Owner offered the water and sewer improvements to the Nipomo Community Services District; and

**WHEREAS**, this District has accepted such offer without obligation except as required by law, and

**WHEREAS**, all water & and sewer fees for service, required in conformance with District Ordinances, have been paid in full for Tract 1647.

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

That the water and sewer improvements constructed to serve the thirty six (36) lots created by Tract 1647 are accepted by this District.

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

AYES: Directors

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby adopted this 2<sup>nd</sup> day of June 1999.

\_\_\_\_\_  
Robert L. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Jon S. Seitz  
General Counsel

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 2, 1999

MANAGER'S REPORT

1. CORRESPONDENCE TO SUPERVISOR ACHADJIAN  
Low cost housing and articles on planning and urban sprawl
  
2. TRACT 2336 MAP  
A cluster development of 40 half-acre lots on 40± acres across from Galaxy Park.  
This is outside the District boundary and is in Cal. Cities service area.

C:\W:\Bd99\MR060299.DOC

Mr. Katcho Achadjian  
County Administrative Office, Rm. 370  
County Government Center  
San Luis Obispo, CA 93408

May 18, 1999

Dear Mr. Achadjian,

I am writing this letter to voice my concern specifically regarding a 122-unit low-income apartment complex proposed for Grande Avenue and Blume Streets in Nipomo, and more generally regarding the rapid growth in this community.

I have lived on the Central Coast for twenty-three of my thirty-one years and have seen enormous changes take place here. I am not opposed to growth because it is inevitable in an area as beautiful as ours. What I am opposed to is rampant growth with little or no regard to overcrowding schools, traffic congestion or degradation of natural resources.

There have been many large projects recently approved by the Board of Supervisors. Many more are in the planning process awaiting approval. One such project is a low-income apartment complex on Grande and Blume Streets. I am not opposed to a low-income housing complex, because it is needed, but I am opposed to locating it in an area that already has six low-income housing projects within a mile of each other. I am also concerned about this project because of the impact to existing school resources with no immediate plans for the construction of a new elementary school. Where will these 200-300 new students go to school when the existing schools are overburdened with the population that exists today?

Traffic congestion along the south frontage road is also a concern. A 50-unit apartment complex was recently approved along the frontage road. With the 122-unit apartment project and the shopping center/theater project proposal, traffic along the frontage road could be severely impacted.

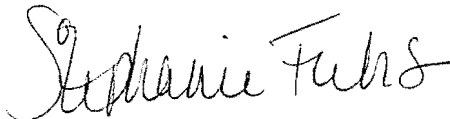
I know that no member of the Board lives in the community of Nipomo, therefore there may be little reason to be concerned about the growth that happens here. I urge you to visit this town and realize that there are many



families here that really like this area and do not want to see it become a dumping ground for low-income projects for San Luis Obispo County. We want schools that we are proud to send our children to, roads that are relatively uncongested, and adequate natural resources to provide for a good quality of life (that does not include wall-to-wall concrete.).

Thank you for your time and consideration of my letter. I will be watching the developments and will encourage my neighbors to do the same.

Sincerely,



Stephanie Fuhs

cc: Harry Ovitt, 1<sup>st</sup> District Supervisor  
Shirley Bianchi, 2<sup>nd</sup> District Supervisor  
Peg Pinard, 3<sup>rd</sup> District Supervisor  
Michael Ryan, 5<sup>th</sup> District Supervisor  
Doug Jones, Manager, Nipomo Community Services District  
Donna Mills, Nipomo Area Advisory Committee

RECEIVED

7/19/10

NIPOMO COMMUNITY SERVICES DISTRICT

Despite an economic upturn, affordable housing remains beyond the reach of millions of Californians.

# Give Me Shelter

By Jesse Martinez

To optimize current economic developments and to support their welfare reform strategies, counties should know more about selected housing assistance and some of HUD's many available resources.



Jesse Martinez  
HUD Community  
Builder Fellow

Having charted a course of economic prosperity over the past few years, state officials are claiming success. In his State of the State address, Governor Gray Davis announced that Cali-

fornia is the "... leading state in the union in manufacturing, we are home to one-fourth of all those employed in computer and related equipment manufacturing in America." He continued by noting that "We have emerged from recession. We are growing. We are leading America into the 21st century."

According to many economists, California is experiencing an economic boom, so why talk about a "housing crisis?" Some skeptics have suggested that the "crisis" is simply disguised advertising for government programs.<sup>1</sup> So why increase funding to assist low- and moderate-income residents, if the economy is doing so well?

Harvard University's Joint Center for Housing Studies recently concluded that despite a booming economy, a great need for affordable housing still exists. Housing that is "affordable" should not consume more than 30 percent of gross income. The center's director, Nicolas Retsinas, stated

that "as good as it gets... several unmet housing needs still exist."<sup>2</sup>

## Rising Tide Not For All

In March, the United States Department of Housing and Urban Development (HUD) released a report called "Waiting in Vain: An Update on America's Housing Crisis." According to the report, the energetic economy that has improved the lives of most Americans has harmed some of the poorest families by worsening the crisis-level shortage of affordable housing.

"The rising economic tide is raising many boats, but it is also drowning some," HUD Secretary Andrew Cuomo said in releasing the report. "As an unintended consequence of this amazingly strong economy, there is less affordable housing stock, and the prices are beyond the reach of those at the bottom of the income spectrum."<sup>3</sup>

## Key Findings

The new report provides data that reveal the ongoing shortage of affordable housing in America from 1996 to 1998:

- The time that people spent on waiting lists to get into HUD-assisted housing increased substantially between 1996 and 1998.

- The number of families on waiting lists for HUD assistance increased. Notwithstanding California's prosperous economy, a record 5.3 million households with very low incomes—including growing numbers of working poor and suburban, as well as urban families—have a desperate need for housing assistance because they face a crisis of unaffordable rents and substandard living conditions.

- Housing units that rent for less than \$300, adjusted for inflation, declined from 6.8 million in 1996 to 5.5 million in 1998, a drop of 1.3 million units, or 19 percent. The affordable housing shortage is caused partly by growing losses of low-rent apartments from the private market. From 1993 to 1995, the number of such apartments affordable to families with very low incomes dropped by 900,000 to 9.5 million—a 9-percent decrease. The number of units affordable to families with extremely low incomes dropped by 16 percent.

- Private landlords are "opting out" of HUD-assisted, project-based Section 8 subsidy contracts, threatening to worsen the housing crisis.

## Worst-Case Scenario

Impoverished California households have "worst-case" rental housing needs. Such low-income households earn less than 50 percent of the area median income and pay more than half their incomes for rent, live in severely substandard housing, or both, (see Chart 1, page 11).

Approximately 753,000 California households have worst-case status. These families qualify for HUD housing aid, but they cannot get it because the demand exceeds HUD's available funding. The HUD report found that households with extremely low incomes—below 30 percent of the area median—remain at greatest risk of having worst-case housing needs.

Affordable housing shortages have also hit the suburbs: 1.8 million suburban households had worst-case needs in 1995, which represents an increase of 146,000, or 9 percent, since 1991. This amounts to about one out of

CALIFORNIA'S AFFORDABLE HOUSING SHORTAGE							
	Metropolitan Areas		Urban			Suburban	
	Households with worst-case needs	% of very-low-income renters with worst-case needs	Households with worst-case needs	% of very-low-income renters with worst-case needs	HUD Housing Assistance Waiting List	Households with worst-case needs	% of very-low-income renters with worst-case needs
Anaheim	54,000	45%	18,000	45%	6,000	36,000	46%
Los Angeles	401,000	48%	216,000	43%	18,337	185,000	55%
Sacramento	33,000	41%	13,000	45%	8,579	19,000	38%
San Bernardino	68,000	47%	15,000	43%	10,665	53,000	48%
San Diego	74,000	48%	41,000	49%	17,711	34,000	47%
San Francisco	123,000	44%	61,000	46%	41,390	62,000	42%

Chart 1, courtesy of HUD

every three households with worst-case needs. In the United States between 1991 and 1995, the largest increases in worst-case needs occurred in the Northeast and the West, the two regions in which shortages of housing affordable to low-paid workers are most severe. Between 1993 and 1995, the number of renters with worst-case housing needs continued to increase in the West, while

dropping in other regions. In 1995, the West had the highest percentage of very-low-income renters with worst-case needs, 42 percent compared with 32 percent in the South, 33 percent in the Midwest, and 39 percent in the Northeast.

### The System is Stretched

Today, HUD provides housing assistance

from all its programs—primarily tenant-based and project-based Section 8 rental vouchers, along with public and Indian housing—for a total of about 4.5 million households, or more than 10 million individuals. The number of worst-case status households is greater than the number of households now assisted by HUD.

Despite these realities, Congress has

SEE "SHELTER" - PAGE 12

"SHELTER" - FROM PAGE 11

rejected requests to increase the number of HUD housing assistance vouchers since 1995, thus ending a six-decade bipartisan tradition of steady increases in the number of households receiving housing assistance.

### Effect on Welfare Reform?

The lack of affordable housing is pertinent to California's 58 counties, because they play a role in delivering state services to residents, including social services and housing programs. Although, welfare reform efforts are well underway in California's counties, HUD's report notes that, "Having a low-paid job is increasingly unlikely to lift a family out of poverty or resolve worst-case housing needs."<sup>4</sup>

The report found that families moving off the welfare rolls as a result of welfare reform are still likely to have worst-case needs for housing assistance when family members enter the workforce. Such individuals typically begin working at very low wage levels.

For this reason, the availability of affordable housing could be a key component in the

ultimate success of welfare reform by providing the stability people need to move permanently from welfare to work.

### Resources and Opportunities

HUD's fiscal year 1999 budget contains the following allocations:

**Housing Vouchers:** 50,000 new vouchers to assist in the move from welfare to work. Eligible individuals are those who are on welfare or have been on welfare in the past year and intended to move closer to available jobs. Indeed, two-thirds of new jobs are being created in suburbs, but three-quarters of welfare clients live in rural areas or central cities.

**Homeless Assistance:** We now have \$975 million to fight homelessness, an increase of more than 17 percent over fiscal year 1998. These funds are proposed for local communities that form "Continuum of Care" strategies, coordinated community responses that work to ensure that homeless persons move into jobs and permanent housing. Continuum of Care reflects a comprehensive approach that includes those living with mental illness, those in need of substance abuse treatment, and

those in need of job skills.

**Fair Housing:** Fair Housing activity is up 33 percent from last year, springing to \$40 million from fiscal year 1998. Targeted funds are designed to assist local nonprofit groups and local enforcement agencies monitoring activities.

**Community Development Block Grants (CDBG):** Funding of \$4.75 billion is up from the \$4.67 billion of fiscal year 1998. CDBG funds are flexible and used to rehabilitate housing, restore public infrastructure, furnish job training, and provide capital for revolving loan funds. These funds are allocated to states and urban counties based on estimates of need and poverty rates. Approved activities must meet one of three broad national objectives. They must benefit low- and moderate-income persons, aid in the prevention or elimination of slums and blight, and/or meet other particularly urgent community development needs.

**HOPE VI:** HUD has \$625 million for the department's HOPE VI program, an increase of \$75 million over fiscal year 1998 funding of \$550 million. The program is designed for the

rejuvenation of the nation's most beleaguered public housing by providing grants and regulatory pliability to demolish decaying developments and replace them with lower-density, mixed-income neighborhoods. In addition, funds can be used for education, job training, child care and transportation.

**Public Housing Capital Improvement Funds:** \$3 billion is available for the Public Housing capital fund, an addition of half a billion dollars over fiscal year 1998. Funds may be used to improve housing units, raze antiquated units, provide help to displaced families or build replacement units.

**Community Builder Fellowship Program:** Finally, counties should take advantage of Secretary Cuomo's new initiative, the Community Builder Fellowship program. This is a joint effort between HUD and Harvard University's Kennedy School of Government to explore new methods of defining and implementing community and economic initiatives. The major element of HUD's senior management reform plan calls for a new focus in urban and rural environments and new partnerships. Creative county managers should look for ways to take advantage of this new program.

### Leading the Struggle

The challenges are surely evident, from the "lack of funding" cries to the ever-present "not-in-my-backyard" clamor: The belief that a person's neighborhood has received more than its fair share of low- or moderate-income housing is common.

Californians have lined up to fight low-income housing projects, but apprehensions aren't always borne out by reality or statistics. Low-income or affordable housing comes in many forms and can be built by private developers under tax-credit programs or subsidized by government funds.

California's counties can take the lead in this struggle to assist citizens who need shelter but are in no position to assert political energy. Building houses for California's needy requires creative partnerships on all levels. To be successful, this comprehensive effort must include the collaboration of non-profits, the private financial sector, institutions of higher education, foundations, public agencies, and local government leaders.

For more information on HUD's resources and programs, visit the department's Web site at <http://www.hud.gov> or call Bill Bolton, senior community builder, 916/498-5220, ext. 322, or Jesse Martinez, 916/498-5220, ext. 382. ■

## New Housing Agenda Takes Shape

By Christine Minnehan

**G**overnor Gray Davis has signaled a strong interest in investing in affordable housing and not a moment too soon. Some counties are sending distress calls, predicting that their economic boom is threatened by the lack of affordable housing for the workers in the thousands of new jobs they are creating. Many other counties find themselves hamstrung in their welfare-to-work plans when recipients cannot locate apartments anywhere near job training sites. And every county is confronted with the need for more emergency shelters; affordable housing for seniors, disabled individuals, farm workers, first-time homebuyers, and families; and resources to rehabilitate existing neighborhoods.

Encouraged by the Governor's state budget housing plan and his new Task Force on Affordable Housing, housing advocates spearheaded by the Western Center on Law and Poverty have designed a four-year housing strategy, which the Legislature is considering:

- **Year 1, \$50 million housing package:** The Governor included \$12.5 million in his 1999-2000 budget for six successful housing programs. Anticipating a favorable May revision of the Governor's budget, housing advocates are asking to increase the \$12.5 million to \$50 million to preserve federally subsidized "at risk" rentals, "moving-to-work" housing, supportive housing to help people with health problems live productively without institutionalization, farm worker housing, and emergency and self-help housing.

- **Year 2, \$980 million General Obligation housing bond:** President pro Tempore John Burton, Senator Richard

Alarcón and Assembly Member Carole Migden are working on bills to place housing bonds before the electorate in the next four elections. The details of the bonds will be worked out over the next 12 to 15 months and will entail designing programs that respond to the widely divergent needs of the various parts of the state. In general, seniors, disabled individuals, families moving from welfare, farm workers and the homeless are in the greatest need of efficient, well-designed housing programs that rebuild communities and serve the individual and the community.

- **Years 3 and 4, a permanent source of state housing finance:** Building upon the successes of the housing package and the housing bond, the multi-year housing fund goal is to obtain substantial, sustained state funding of at least \$250 million per year for affordable housing.

Housing advocates are working on this housing policy package and simultaneously mounting the huge campaign necessary for success with the four-year plan. Already, realtors, chambers of commerce, banks and businesses are joining thousands of housing advocates and labor, church and women's and children's groups. We urge you to call Diane Wadsworth-Woolley, legislative assistant, Western Center of Law and Poverty, 916/442-0753, ext. 16 for an information sheet that explains how elected officials and county boards of supervisors can provide their support. ■

*Christine Minnehan, legislative advocate, Western Center on Law and Poverty, Inc., has developed housing policy in Sacramento for the past 25 years.*

1. Sowell, Thomas. "Human Events," Los Angeles Times, August 28, 1998, pg. 15.
2. Bowen, Laura. "Study highlights affordable housing needs," Real Estate Finance Today, July 6, 1998, pg. 3.
3. "New HUD Report Shows Strong Economy Worsens Housing Crisis for Poorest Families As Waiting Lists for HUD Housing Grows," HUD press release, March 8, 1999, HUD No. 99-48, pg. 1.
4. "Rental Housing Assistance: The Crisis Continues," HUD press release, April 28, 1998, HUD No. 98-178, pg. 3.

*Jesse Martinez has 20 years of experience as a practitioner in comprehensive community development and was recently associated with Harvard University as administrative staff and summer program faculty. He is presently a community builder fellow assigned to HUD's Sacramento office.*



Sprawling housing developments are expanding into productive agricultural land. Photo courtesy of University of California

According to the California Futures Network, counties have a sizeable stake in . . .

# Curbing Sprawl with "Smart Growth"

By Steve Sanders

California's population of 33 million people is projected to increase by 50 percent in the next 20 years. At the current rate, we are adding nearly 4 million people—or the entire city of Los Angeles—to the state's population every seven years.

Californians from all walks of life are worried about the potential impacts of this growth. Many fear that if low-density suburban sprawl continues unchecked, our quality of life will deteriorate drastically in the years ahead.

Californians are right to be concerned. Runaway sprawl causes traffic congestion, air pollution and long commutes. People have less time for their families and communities. Farmland and natural areas are paved over and destroyed. City centers, rural main streets and residential neighborhoods deteriorate as fiscally driven planning decisions stretch public services to the limit and drain the economic vitality from existing cities and towns.

## What "Smart Growth" Means

How can we reverse these trends before it is too late? The California Futures Network believes the key to California's future prosperity is "Smart Growth." This means

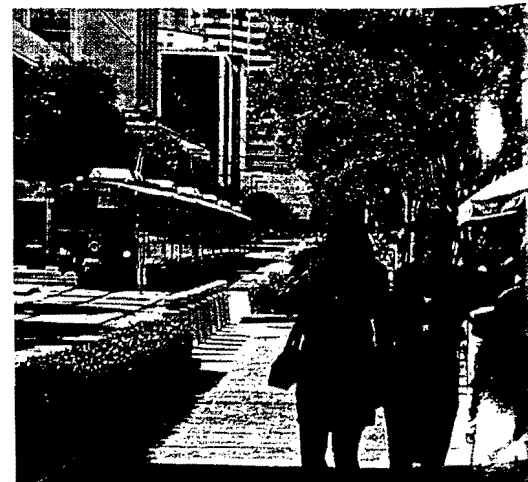
San Diego's light rail transit system offers an alternative to sitting in traffic congestion. Photo courtesy of the Local Government Commission

state policies to ensure that California has excellent schools, affordable housing near jobs, efficient transportation alternatives, safe neighborhoods, good libraries, parks and open space, and a clean and healthy environment.

The California Futures Network (CFN) was established in 1997 to make Smart Growth a reality. CFN is a statewide coalition of more than 50 business, labor, agricultural, environmental, urban, housing, social justice, and local government organizations from throughout the state.

The network educates and organizes at the state, regional and local levels to achieve land use policies that are fiscally, socially and environmentally sound. CFN affiliates believe that California should steer public and private investments toward existing devel-

As California's population skyrockets, the question of land use heats up. The following article explains what actions counties can take to promote Smart Growth in their areas.



oped areas, provide for increased social justice and economic and housing opportunities, and conserve the state's agricultural and natural lands.

**At the Summit**

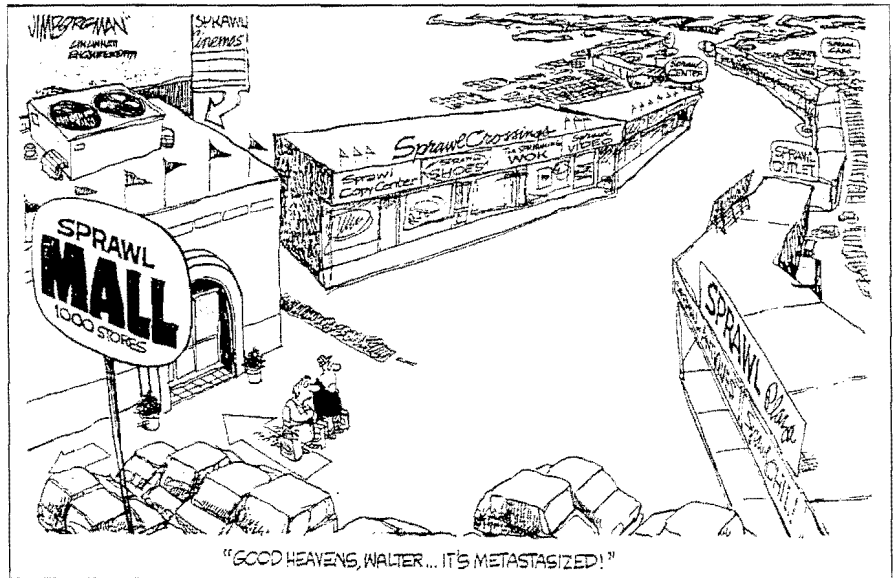
To raise the profile of land use issues, in January CFN sponsored a Smart Growth Summit in Sacramento. We expected about 250 people; 700 showed up from around the state. Participants heard from key stakeholders and top officials, including Lieutenant Governor Cruz Bustamante, Attorney General Bill Lockyer, State Treasurer Phil Angelides, Secretary for Environmental Protection Winston Hickox, and Secretary for Resources Mary Nichols.

They delivered a consistent message: The state needs to play an active role to better manage growth and development in California.

**Sprawl in Counties**

Counties have a huge stake in how the state chooses to address growth. Here are just three examples:

- **Farmland:** In California's Central Valley, more than 12 percent of the farmland has already been paved over. If the current pattern of low-density sprawl continues the valley will lose more than one million acres of farmland by the year 2040, much of it on the best soil for growing crops. This would cost farmers, ranchers, suppliers, processors and others involved in agriculture more than \$5 billion annually in lost business. At the same time, it would cost cities and counties in excess of \$1 billion more than they raise in revenues to provide the current level of public services, forcing local governments either to raise taxes or cut services to make ends meet. Why should counties care? Most of California's farmland is in unincorporated areas, and counties can least afford to build and maintain infrastructure and provide services to spread-out residential subdivisions.
- **Transportation:** Between 1970 and 1995, the state's population increased 60 percent, while the number of vehicle miles traveled (VMT) more than doubled, from 103 billion to 270 billion miles of travel per year. In the next two decades, VMT is projected to nearly double again to 488 billion miles. Why is travel outpacing population? In large part, it is because sprawl creates longer trips to work, school, shopping centers, recreation and other destinations. The result is increased traffic congestion, more wear-and-tear on



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roads and highways, and transit systems stretched to the breaking point. The imbalance between land use and transportation hits counties especially hard, as they have limited resources to invest in maintaining and improving the transportation system in unincorporated areas.

• **Housing:** Affordable housing (defined as housing that costs less than one-third of a family's income) is in short supply in California. In the state's seven major cities alone, the shortfall is estimated at 649,000 units. Employers are finding it costly to remain in areas where employees can't afford to live or must live far away. Many jobs are now locat-

ing in the suburbs, which are inaccessible to lower-skilled commuters who can't afford to live nearby, can't afford to operate cars, can't find convenient child care, and have little or no access to public transit. An adequate supply of affordable housing accessible to jobs and childcare is essential if county welfare-to-work programs are to succeed.


**Five Policy Suggestions**

The key to Smart Growth is good planning. That means directing growth away from productive farmland. It means building housing and jobs in reasonable proximity to one


SEE "SPRAWL" - PAGE 20


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
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"SPRAWL" - FROM PAGE 19

another. It means linking housing, jobs, schools and shopping with dependable, environmentally sound transportation and making walking, biking and transit real alternatives for everyday trips. It also means providing parks, open space and natural areas within communities, as well as protecting the environment outside the town limits. But local officials can't do it alone. The state has to be an active partner. Here are five ideas that CFN is pursuing with state policymakers this year:

- **Improve public education:** The most effective way to curb sprawl is to make existing communities more attractive places to live and raise a family. For most families, the biggest factor in choosing a home is the quality of local schools. The state should work with school districts, city and county officials, and community leaders to improve the performance and perception of public schools, particularly in existing urban areas. That will lay the foundation for an urban renaissance that will also conserve California's agricultural and natural landscapes. Because counties serve as the state's "social safety net," better public education directly affects a broad range of county programs, from welfare-to-work efforts, to child protective services, to maternal, pediatric and preventative health care.

- **Develop a Smart Growth infrastructure plan:** Investments in public facilities need to keep pace with our growing population and economy, but simply building new roads, bridges and canals without regard for the social or environmental consequences is neither economically sustainable nor politically sensible. A Smart Growth infrastructure plan should end subsidies to projects that accommodate sprawl and focus first on improving transit systems, roads, schools, parks, libraries, and sewer and water systems in existing developed areas. The definition of infrastructure should include affordable housing, open space and agricultural land, and natural areas that sustain wildlife and the environment—all crucial to California's quality of life.

- **Protect farmland, open space and natural resources:** Agriculture is the state's top industry, yet farmland faces ever-increasing pressure from housing, industrial and commercial development. The state infrastructure plan should include funding for the Williamson Act, the Agricultural Land Stewardship program, local land trusts and other programs that protect farmland, open space and natural resources. The state should also

strengthen resource protection requirements, such as ensuring that new development doesn't jeopardize water supplies needed for agriculture, existing urban areas or the environment. As the unit of government with the greatest direct stake in a viable agricultural economy, counties would benefit greatly from these measures. For example, increased funding for conservation easements would help relieve the fiscal pressure on rural counties that participate in the Williamson Act tax relief program.

- **Balance affordable housing, jobs and transportation:** Sprawl pushes affordable housing further from job centers, placing enormous strain on roads and transit systems that can't keep up. A better approach is to provide incentives for compact development near jobs and transportation. The Smart Growth infrastructure plan should provide a permanent source of funding for affordable housing and tie state investments in schools, parks, libraries, housing, transportation systems and other facilities to local plans that make housing more affordable, reduce traffic congestion, and foster community reinvestment and job creation. This would directly benefit counties by reducing the costs to build and maintain infrastructure and to provide local police, fire, library, parks and other services.

- **Promote better planning through fiscal reforms:** County officials understand why strip malls and auto dealers proliferate while affordable housing is hard to find. The state has shifted most of the property tax

away from cities and counties, leaving sales taxes as the most important source of new revenue. Local governments fiercely compete for retailers, yet often shun housing developments and industries that provide good jobs, but bring in little revenue. The state should stabilize local revenues, reducing local government's reliance on the sales tax and providing fiscal incentives to encourage more balanced land use planning. The benefits to counties of a rational fiscal system are obvious and compelling.

### Rebuild the Dream

State and local policymakers today face as great a challenge as did former Governor Pat Brown, who led the effort to build the schools, transportation, parks and universities that fueled two generations of postwar prosperity. California today is more socially and culturally diverse. We better understand the fragility of our environment. And we face real fiscal limits and a public skeptical of business-as-usual. Counties can be leaders in a Smart Growth movement that can rebuild the California Dream for a new generation and a new century. ■

*Steve Sanders is executive director of the California Futures Network, a broad-based statewide coalition with offices in Oakland, Los Angeles and Sacramento that promotes economically, socially and environmentally sustainable land use in California. For more information call 510/238-9762 or access the Network's Web site at [www.calutures.org](http://www.calutures.org).*



Communities and developers are successfully building attractive homes in existing neighborhoods that make efficient use of land. Sacramento's Southside Park Cohousing serves as an example. Photo courtesy of the Local Government Commission



# The Virtues of Suburban Sprawl

By WITOLD RYBCZYNSKI

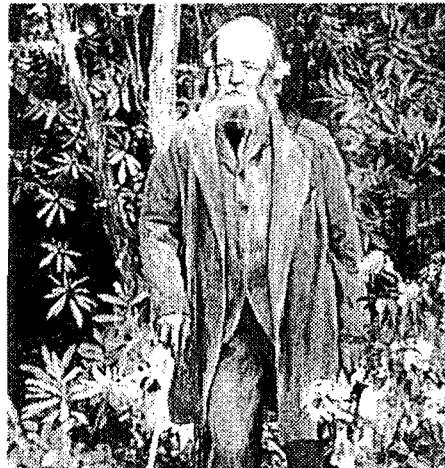
Vice President Al Gore's "livability agenda" for reducing commuting times, easing traffic gridlock and preserving open land may be vague, but it certainly has sparked a furor over suburban sprawl. In the by-now familiar process of vilification that passes for political discourse, sprawl has become the whipping boy for a variety of ills, including the destruction of nature, the decline of inner cities, the predominance of consumerism and the loss of civic consciousness. There have even been suggestions that the Littleton massacre was caused by suburban anomie.

Sprawl is nothing new; cities have always reached into the surrounding countryside. Philadelphia, the city in which I live, encompasses more than 130 square miles; the five boroughs of New York spread over more than 300 square miles. But this is not the kind of sprawl that critics have in mind. Rather, it is the new metropolitan landscape of planned communities, office parks and regional malls, linked by expressways, that enrages them. This is not the way things were supposed to be, we are told. Sprawl is a blight on the landscape, a mindless aberration, a deviant urban gene.

Yet simply demonizing the suburbs—and idealizing the traditional city—will not do. For one thing, sprawl was hardly mindless; the industrial American city, with its tenements and downtown factories, was a nasty place. In a country as large as the U.S., a horizontal form of urbanism was probably inevitable. Moreover, since considerably more than half of Americans presently live in the suburbs—or in the sprawling cities of the West and South that are suburban in all but name—it is unlikely

that any legislation that drastically undercuts this way of life will attract political support.

But whether or not Mr. Gore ends up being remembered as the man who reinvented sprawl, there is little doubt about who pointed the way to the suburbs. In 1868, Frederick Law Olmsted began laying out America's first large planned suburban



Frederick Law Olmsted

community, outside Chicago. Olmsted, with Calvert Vaux, is widely celebrated as the designer of Manhattan's Central Park, Brooklyn's Prospect Park, Franklin Park in Boston and such notable landscapes as the grounds of the U.S. Capitol and the Niagara Falls reservation. But Olmsted was also a city planner. With Vaux, he laid out parkways in Brooklyn and Buffalo, N.Y. He devised an ambitious plan for the Bronx that included a forward-thinking mass-transit system. He also oversaw one of the country's first regional plans, for Staten Island, whose suburban role he anticipated.

In Olmsted's view, the future of American cities definitely included suburbs: "No great town can long exist without great suburbs," he wrote.

Olmsted's Chicago suburb, Riverside, spread over 1,600 acres of Illinois prairie. The design included features that predated the master-planned communities of 100 years later: generous half-acre lots, houses set well back from the road, profuse naturalistic landscaping, deed restrictions, an architectural review board and a large area of common recreational land—not a golf course, but a riverside park. Olmsted, who lived most of his adult life in the suburbs, laid out the roads in gentle curves without sharp corners, "to suggest and imply leisure, contemplativeness and happy tranquility."

One thing was absent in Riverside: a town center. Olmsted assumed that Chicago, nine miles away, would continue to provide suburban dwellers with employment, shopping and the "essential, intellectual, artistic, and social privileges which specially pertain to a metropolitan condition of society." To that end he proposed augmenting the railroad link to the city by a landscaped approach road, a sort of suburban boulevard lined with houses, that would provide a pleasure drive, bridle paths and pedestrian walks as well as traffic lanes. In other suburban plans—Tarrytown Heights, N.Y., and Druid Hills in Atlanta—he likewise emphasized the link to the city, whether by railroad or streetcar.

Olmsted called Riverside a suburban village, but he was not a romantic. The suburb was not to be a retreat; suburbanites were to enjoy all the refinements of town life. At the same time, as his lifelong commitment to creating city parks demon-

strates, he believed that some of the advantages of the countryside—fresh air, open space, trees—could be introduced to the city. "There is a place for everything," he once said.

Much has changed since Riverside. The automobile and decentralizing communication technologies have accelerated and greatly expanded horizontal metropolitan growth. As suburbs grew, they attracted many of the elements of the city—shopping, employment, entertainment—often compromising their "happy tranquility." Meanwhile, as cities lost industrial jobs, city life coarsened. Downtowns lost much their central role; suburbs and cities drifted apart. It has been a messy divorce. Suburbs have withdrawn into a cocoon of smug autonomy; advocates of urban reform treat the suburbs as the enemy.

In this atmosphere, Olmsted's inclusive metropolitan vision is worth revisiting. Instead of attacking the straw man of suburban sprawl, we would do better to look for ways that make better suburbs *and* better cities, as their future is inextricably linked.

The jobs are in the suburbs, but much of the labor force is in the city. New transportation links are required between the two. Politicians need to break down the legislative barriers that currently hamper regional cooperation in areas such as transportation, environmental control, housing and policing. The renewal of many downtowns underlines the continued importance—economic as well as cultural—of vital, high-density city centers. At the same time, as Olmsted foresaw, the desire of the majority of Americans for homeownership and suburban life continues unabated. No amount of name-calling will change that.

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