

## AGENDA



### **SAN SIMEON COMMUNITY SERVICES DISTRICT WATER COMMITTEE MEETING**

**Wednesday, October 9, 2019  
4:30 PM**

**CAVALIER Banquet Room  
250 San Simeon Avenue  
San Simeon, CA**

#### **1. REGULAR SESSION**

- A. Roll Call
- B. Pledge of Allegiance

#### **2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**Public Comment** - Any member of the public may address and ask questions of the Committee relating to any matter within the Committee's jurisdiction, provided the matter is not on the Committee's agenda. Presentations are limited to three (3) minutes or less with additional time at the discretion of the Committee Chair. Your comments should be directed to the Committee as a whole and not directed to individual Committee members. The Brown Act restricts the Committee from taking formal action on matters not published on the agenda.

#### **3. BUSINESS ITEMS:**

**Public Comment** - Members of the public wishing to speak on business items may do so when recognized by the Committee Chair. Presentations are limited to three (3) minutes or less with additional time at the discretion of the Committee Chair.

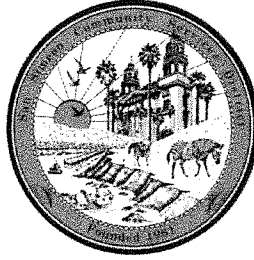
- A. **Approval of Water Committee Meeting minutes March 13, 2019.**
- B. **Approval of Water Committee Meeting minutes September 11, 2019.**
- C. **Discussion regarding property owner's request for water allocation on a vacant lot.**
- D. **Discussion regarding the water moratorium, as it relates to water quality.**



#### **4. ADJOURNMENT**

All staff reports or other written documentation, including any supplemental material distributed to a majority of the Committee within 72 hours of a regular meeting, relating to each item of business on the agenda are available for public inspection during regular business hours in the District office, 111 Pico Avenue, San Simeon. If requested, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for a disability-related modification or accommodation, contact the District Administrator at 805-927-4778 as soon as possible and at least 48 hours prior to the meeting date. This agenda was prepared and posted pursuant to Government Code Section 54954.2.

# MINUTES



## SAN SIMEON COMMUNITY SERVICES DISTRICT WATER COMMITTEE MEETING

Wednesday, March 13, 2019  
5:00 PM

CAVALIER Banquet Room  
250 San Simeon Avenue  
San Simeon, CA

### 1. REGULAR SESSION

#### A. Roll Call

Mike Hanchett – Present

General Manager, Charles Grace

John Russell– Present

Gwen Kellas – Present

Leroy Price – Present

Daniel De la Rosa - Present

### 2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public Comment – None

### 3. CONSENT AGENDA ITEMS:

Public Comment – None

A motion was made to approve the August 8, 2018 meeting minutes.

Motion by: Leroy Price

2<sup>nd</sup>: Daniel De La Rosa

All in: 5 /0

### 4. BUSINESS ITEMS:

Public Comment - None

#### A. Appointment of a Committee Chairperson.

A motion was made to appoint Gwen Kellas as the water committee chairperson.

Motion by: Leroy Price

2<sup>nd</sup>: Mike Hanchett

All in: 5/0

**B. Progress report on water storage tank and distribution system Phase One project(s).**

Charlie Grace introduced the item and provided information on the 100% design process. A update was provided regarding what drives the costs associated with the distribution system filter cartridges.

There was a discussion between the committee members and Charlie Grace related to Oliveira's report and Phoenix Engineering's report.

No action was taken on this item.

**C. Discussion regarding water & sewer capacity charge study.**

There was a discussion between the committee members and Charlie Grace related to the capacity fee study with a general update provided.

No action was taken on this item.

**5. ADJOURNMENT @ 5:57 PM**

# MINUTES



## SAN SIMEON COMMUNITY SERVICES DISTRICT WATER COMMITTEE MEETING

Wednesday, September 11, 2019  
5:00 PM

CAVALIER Banquet Room  
250 San Simeon Avenue  
San Simeon, CA

### 1. REGULAR SESSION

#### A. Roll Call

Mike Hanchett – Present

General Manager, Charles Grace

John Russell– Present

Leroy Price – Present

Daniel De la Rosa - Present

### 2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

**Public Comment** - None

### 3. BUSINESS ITEMS:

**Public Comment** – None

Charlie Grace stated that Gwen Kellas had resigned from the committee.

A motion was made to add the appointment of a new committee Chairperson to the agenda as an emergency item.

Motion: John Russell

2<sup>nd</sup>: Leroy Price

All in: 4/0

A motion was made for Mike Hanchett as the committee Chairperson.

Motion: John Russell

2<sup>nd</sup>: Leroy Price

All in: 4/0

**A. Review of draft Mitigated Negative Declaration for District water tank project.**

Jeff Oliveira was present and discussed the Mitigated Negative Declaration and the process of adoption, etc. He asked the committee if they had any concerns, questions, etc.

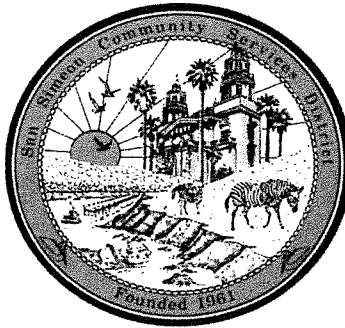
**B. Discussion regarding property owner's request for water allocation on a vacant lot.**

Sherry Brajcich spoke regarding her request for water allocation on her vacant lot.

John Russell stated that this matter should be handled with more information provided by the attorney. Mike Hanchett agreed that the attorney needed to research the new information the property owner had provided.

A consensus was reached to direct staff to gather more information and return to the water committee

**4. ADJOURNMENT @ 5:52 PM**



**San Simeon Community Services District  
111 Pico Avenue, San Simeon CA. 93452**

October 2, 2019

John and Sherry Brajcich  
[REDACTED]

Dear Mr. and Mrs. Brajcich:

Thank you for your letters dated August 15, 2019 and September 10, 2019 with information regarding your recent purchase of 9170 Castillo Drive, San Simeon. As you are probably aware, in or around January of 1986, the San Simeon Community Services District established a moratorium on the issuance of water and sewer connections, and it continues to this day. Based on the information you provided in your letters, we do not believe that the Subdivision Map Act, the County's General Plan or your purported "grand fathered" status entitles you to an intent to serve letter during the moratorium. If you have additional facts or law that you would like the District to consider on this matter, please provide it to the District office for review.

Sincerely,

Charles Grace,  
General Manager  
San Simeon Community Services District

cc: District Counsel

RECEIVED

Tuesday, September 10, 2019

San Simeon Community Services District (SSCSD)  
Attention: Board of Directors  
111 Pico Road  
San Simeon, CA 93452

SEP 11 2019

BY: CM

**RE: Request for 0.4 EDU Water Meter and Sewer Connection -  
9170 Castillo Drive, San Simeon, CA 93452, APN 013-071-017**

Dear Board of Directors:

My husband John and I are the proud new owners of 9170 Castillo Drive, the site formerly known as the "House of Jade."

We are requesting that the San Simeon Community Services District approve a 0.4 EDU allocation for a retail shop. The basis for this request is that the Subdivision Map Act requires conformity with the general plan, meaning that utilities should have been connected to the existing structure at the time that the parcel was legally created in 1972. Since this was not done, we are asking for it now.

To support our request, please consider the following code sections:

- 1) **SMA can only be enforced for legal parcels**, Reference G. Code 66412.7: A legal parcel was created on 3/14/1972 under the Sub Division Map Act in a Deed 1483, O.R. 90 and a Survey recorded with the County of San Luis Obispo (Attachments A & B).

[During this general time period, the General Plan was mandated by the State Legislator as the governing point of reference for all division of lands. RE: Stats. 1971, CHAP 1446.] (*Source cacities.gov*)

- 2) **SMA requires code conformity**, Reference G. Code 66473.5: "...bars local agencies from approving a tentative [and, thus a final] map where the subdivision has been found inconsistent with the adopted general plan or any specific plan."
- 3) **SMA utility rights are preemptive**, Reference G. Code 66413(a) "When any area in a subdivision as to which a final map has been finally approved by a board of supervisors and filed for record pursuant to this division is thereafter annexed to a city, the final map and any agreements relating to the subdivision shall continue to govern the subdivision."
- 4) **SMA Requires Water**, Reference G. Code 66473.7: Water Supply Verification Required as a Condition of Map Approval



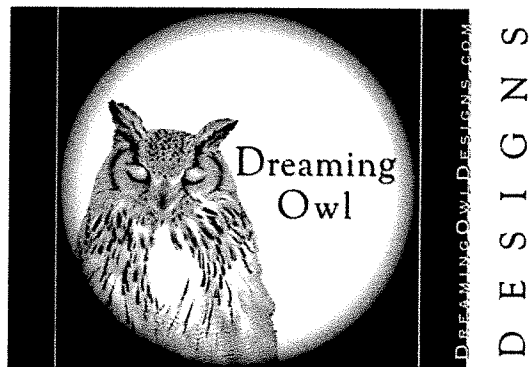
These four references validate that our parcel was created legally, but not in accordance with the requirements of the Division Map Act for utilities. We have the opportunity to correct this with your vote to grant a water meter and sewer connection for our property. Your votes will support the intent of the law.

We realize that several Developers are on the wait list for water, but we believe that the sub division of this property in 1972, prior to the moratorium in 1986, creative a preemptive right to utilities in accordance with the General Plan.

We appreciate your time and consideration regarding this request, and welcome the opportunity to be part of the San Simeon community. We plan on continuing the artisanal nature of the property with a small store featuring the work of local Artists. We are calling our venue Dreaming Owl Designs. John and I hope that you will help us make our dream come true!

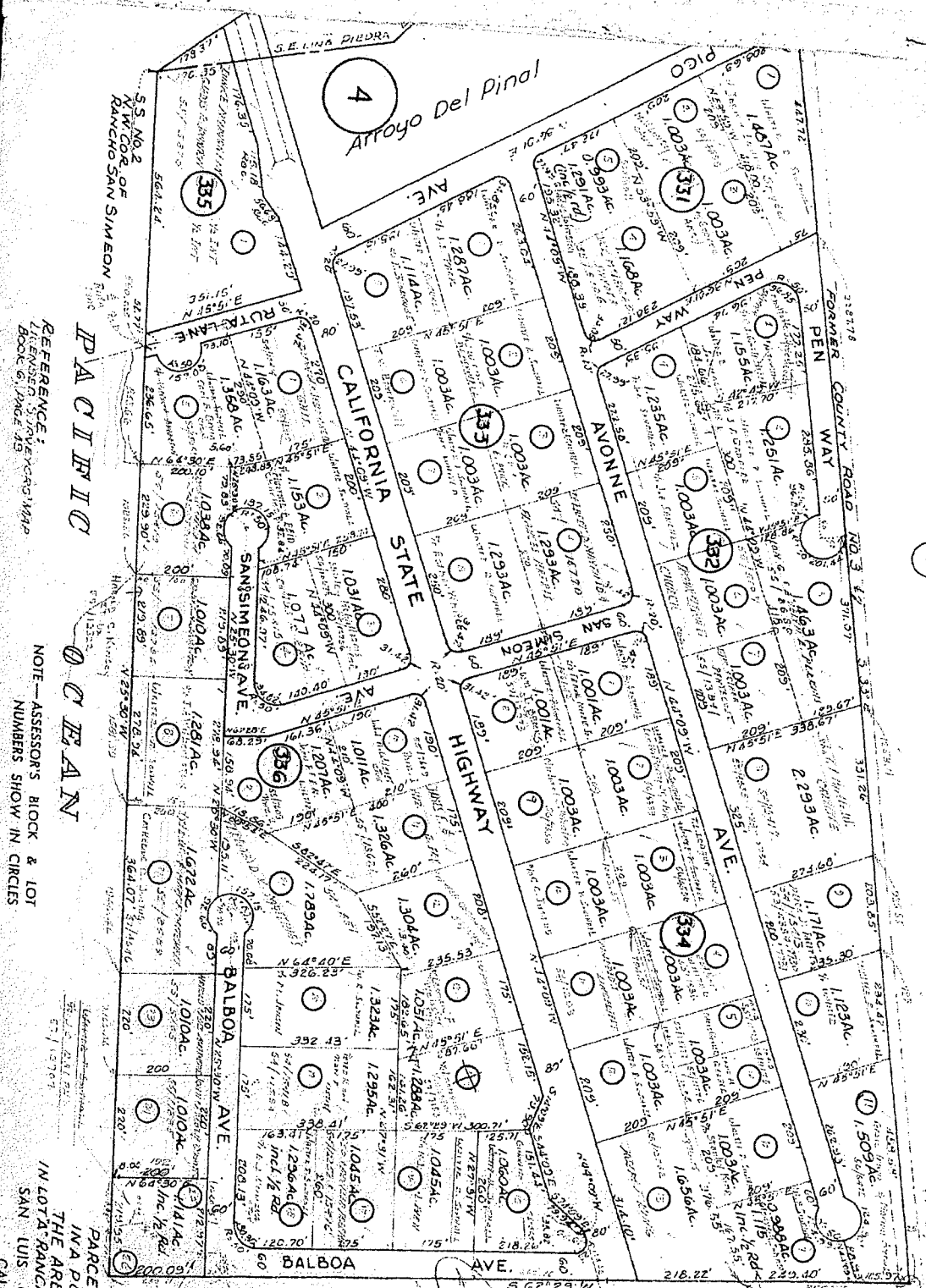
Best Regards,

John and Sherry Brajcich



Dreaming Owl Designs | 9170 Castillo Drive | San Simeon, CA 93452 |  
805.216.3700





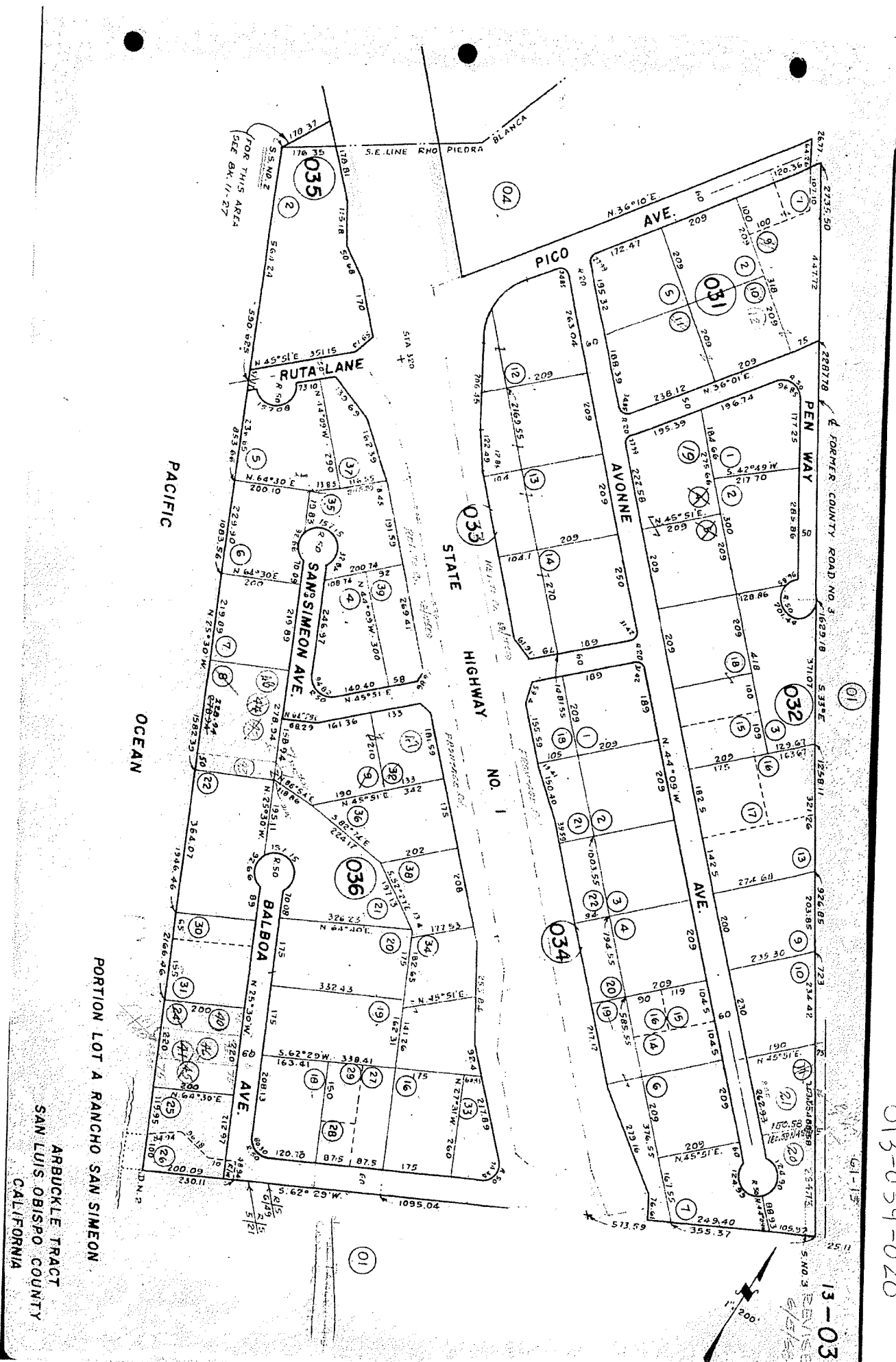
REFERENCE: LICENSED SURVEYOR 1444  
BOOK 6, PAGE 49

NOTE—ASSESSOR'S BLOCK & LOT  
NUMBERS SHOW IN CIRCLES

PARCELS OF LAND  
IN A PORTION OF  
THE ARGUCKLE TRACT  
IN LOT A, RANCHO SAN SIMON  
SAN LUIS OBISPO COUNTY  
CALIFORNIA

TAX AREA CODE NO. 13-03

1952



013-034-020

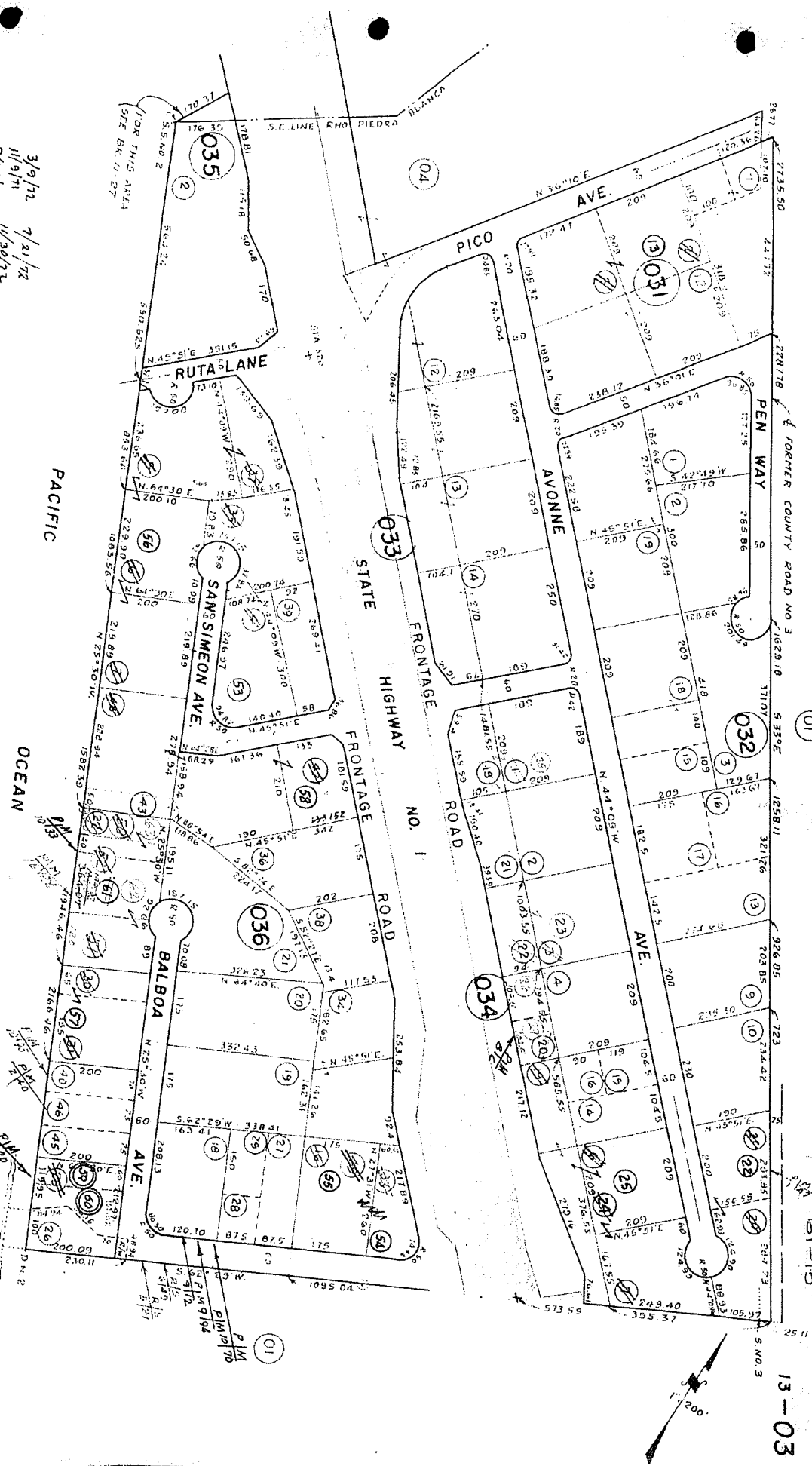
13-03

PORTION LOT A RANCHO SAN SIMEON  
 ARBUCKLE TRACT  
 SAN LUIS OBISPO COUNTY  
 CALIFORNIA

ARBuckle TRACT  
 SAN LUIS OBISPO COUNTY  
 CALIFORNIA

PORTION LOT A RANCHO SAN SIMEON

3/9/72 7/21/72  
 11/9/71 1/30/72  
 9/28/71 2/27/73  
 7/22/71 1/15/74  
 4/11/71 1/15/74  
 MEV 4/11/71  
 3/29/72



13-03

61-19







Attachment B

RECORDERS OFFICE  
SAN LUIS OBISPO COUNTY

VOL 1483 PAGE 9

Exhibit "A"  
31358

That portion of Lot A of the Partition of that Part of the San Simeon Rancho owned by Ira Van Gordon, Sr., in the County of San Luis Obispo, State of California, according to Map recorded July 27, 1899, described as follows:

Beginning at a point S. No. 3, being the Southeast corner of the Arbuckle Tract, in said Lot A of the San Simeon Rancho as shown on Licensed Surveyors Map recorded May 22, 1952 in Book 6, at Page 49 of Record of Surveys; thence South 62° 29' West, 355.37 feet to a 2" x 2" redwood stake; thence North 44° 09' West, 585.55 feet to a 2" x 2" redwood stake; said point being the true point of beginning; thence continuing North 44° 09' West, 209 feet to a 2" x 2" redwood stake; thence South 45° 51' West, 209 feet to a 2" x 2" redwood stake; thence South 44° 09' East, 209 feet to a 2" x 2" redwood stake; thence North 45° 58' East, 209 feet to the true point of beginning.

Except therefrom that portion thereof conveyed to the State of California by deed recorded September 6, 1960 in Book 1082 at Page 486 of Official Records.

SAN SIMEON COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 91  
AN ORDINANCE RELATING TO WATER CONSERVATION

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT ("SSCSD") as follows:

SECTION 1: That Ordinances 85 and 87 are hereby repealed.

SECTION 2: There is hereby re-established the SSCSD Comprehensive Water Conservation Plan.

A. DECLARATION OF POLICY.

It is hereby declared that, because of the conditions prevailing within the SSCSD boundaries, the general welfare requires that the water resources available to SSCSD be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the SSCSD and for the public welfare.

The current water situation within the SSCSD is as follows:

1. Present water supplies are limited;
2. The chloride constituent of the SSCSD water fluctuates to undesirable levels periodically;
3. Long-term water supply projects are in process but not readily available;
4. SSCSD needs to conserve its available supplies to provide water to its existing customers.

Based upon the water situation within the SSCSD, the Board finds that an emergency water situation exists necessitating the immediate re-implementation of comprehensive water conservation measures.

B. APPLICATION.

The provisions of this Ordinance shall apply to all persons, customers and property served by the SSCSD wherever situated. No customer of SSCSD, or any employee or

invitee of any customer of the SSCSD, shall knowingly make, cause, use or permit the use of SSCSD water for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Ordinance, or in an amount in excess of that use permitted by the following conservation measures. The term "SSCSD water," as used herein, shall not include reclaimed wastewater.

C. MANDATORY COMPLIANCE - WATER EMERGENCY.

The following restrictions shall apply to all persons effective immediately:

- (1) All outdoor irrigation of vegetation with SSCSD water shall be prohibited.
- (2) The washing of automobiles, trucks, trailers, boats, mobile homes, and other types of mobile equipment with SSCSD water shall be prohibited.
- (3) The use of SSCSD water for the filling, refilling or adding of water to swimming pools, wading pools, ornamental fountains, or spas shall be limited to the amount necessary to keep pool or fountain equipment operative and to refill for evaporative losses; and may be prohibited in the event that the SSCSD General Manager determines that further water conservation is necessary.
- (4) Use of water from fire hydrants shall be limited to fire fighting and/or other activities immediately necessary to maintain the health, safety and welfare of the SSCSD.
- (5) Restaurants are prohibited from serving SSCSD water to their customers except when specifically requested by the customers.
- (6) SSCSD water shall not be used to wash down sidewalks, driveways, parking areas, buildings or other structures, except to alleviate immediate fire or sanitation hazards.
- (7) All sales of SSCSD water outside of the SSCSD limits shall be discontinued.

D. PENALTY.

Any violation of any provision of this Ordinance shall constitute an infraction on the first offense and a misdemeanor for each subsequent violation. The violation of each provision, and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly; provided, however, compliance may be further sought through injunctive relief in the Superior Court.



If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances if for any reason is held to be unconstitutional, void or invalid, the invalidity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the Board of Directors in adopting this Ordinance that no portion thereof, or provisions, or regulation contained herein, shall become inoperative, or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 3: This Ordinance shall take effect and be in force immediately after its passage.

SECTION 4: This Ordinance shall be posted for one (1) week in three (3) public places in the District.

This Ordinance was INTRODUCED, READ, PASSED and ADOPTED on this 22 day of August, 1997, on the following roll call vote, to-wit:


AYES: 4 Andresen, Morgan, May, Mirabal-Boubion

NOES: 0

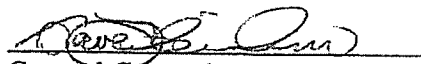
ABSENT: 1 seat vacant

  
Chairman, Board of Directors

ATTEST:

  
District Secretary

APPROVED AS TO FORM:

  
General Counsel