



## **Buildout Reduction Program Citizens' Committee (BRPCC)**

REGULAR MEETING  
Monday, December 12, 2016 - 10:00 AM  
2850 Burton Drive Cambria CA 93428

### **AGENDA**

- A. CALL TO ORDER
  - B. ESTABLISH QUORUM
  - C. CHAIRMAN'S REPORT
- 1. PUBLIC COMMENT**
- Members of the public may now address the Committee on any item of interest within the jurisdiction of the Committee but not on its agenda today. In compliance with the Brown Act, the Committee cannot discuss or act on items not on the agenda. Each speaker has up to three minutes. Speaker slips (available at the entry) should be submitted to the District Clerk.
- 2. REGULAR BUSINESS**
- A. Consideration to Approve the Minutes from the Regular Meeting held on November 28, 2016
  - B. Report on Subcommittee Review of Lot Retirement Methods:
    - 1. Review of Potential Local Taxes and Fees for Acquisition of Undeveloped Properties
    - 2. Review of Funding Sources Outside of Local Taxes and Fees for Acquisition of Undeveloped Properties
    - 3. Review Potential Organizational Structures to Acquire and Manage Undeveloped Properties
  - C. Discussion to Define Process for Valuing Undeveloped Parcels
- 3. FUTURE AGENDA ITEMS**
- 4. ADJOURN**



## **Buildout Reduction Program Citizens' Committee (BRPCC)**

REGULAR MEETING  
Monday, November 28, 2016 - 10:00 AM  
2850 Burton Drive Cambria CA 93428

### **MINUTES**

#### **A. CALL TO ORDER**

Chairman Siegler called the meeting to order at 10:00 a.m.

#### **B. ESTABLISH QUORUM**

Committee Members Present:

Ted Siegler, Crosby Swartz, Laura Swartz, Cindy Steidel, Mel Moloch, Jerry McKinnon, Greg Hunter, Allison Groves

Bob Sfarzo arrived at 10:03 a.m.

Committee Members Absent:

Mark Rochefort

CCSD Staff Present:

Monique Madrid, Administrative Services Officer/District Clerk

#### **C. CHAIRMAN'S REPORT**

Chairman Siegler asked to approve the letter of commendation for Haley Dodson.

Committee Member Groves motioned to approve the letter.

Committee Member McColloch seconded the motion.

Motion was approved unanimously.

Chairman Siegler will sign it and ask that it be placed in her personnel file.

#### **1. PUBLIC COMMENT**

None.

## **2. REGULAR BUSINESS**

### **A. Consideration to Approve the Minutes from the Regular Meeting held on November 14, 2016**

Committee Member Crosby Swartz stated that on the Chairman's Report it should read "Chairman Siegler stated the Transfer Development Credits will be on the Board of Supervisors Regular Agenda for their next meeting. It will be open for public comment."

Committee Member Crosby Swartz stated that on Item 3.B.3 Committee B Local Taxes, the sentence should remove "is" and state, "Committee Member Laura Swartz asked Committee Member Mel McColloch if Shirley would be open to meeting in regards to an Open Spaces District."

Committee Member Crosby Swartz motioned to approve minutes with the amended changes.

Committee Member Steidel seconded the motion.

Motion was approved unanimously.

### **B. Report on Subcommittee Review of Lot Retirement Methods:**

- 1. Review of Potential Local Taxes and Fees for Acquisition of Undeveloped Properties**
- 2. Review of Funding Sources Outside of Local Taxes and Fees for Acquisition of Undeveloped Properties**
- 3. Review Potential Organizational Structures to Acquire and Manage Undeveloped Properties**

2(B)(1) Committee Member Steidel gave a handout called BRP Subcommittee 3.C.2 (attached) and reported on the meeting she had with Committee Member McColloch. They need to identify sources and the requirements for those sources. They would like to define an agency who would be responsible for collecting the fees identified, either CCSD or another agency. They will begin to define the parcels and their contributions.

Methodologies were identified by Committee Member Rochefort. He will provide more information later.

Committee members have questions on the subcommittee report that needs legal feedback to determine the best path forward.

Chairman Siegler talked about one source being the wait list holders and possibly a Mello Roos fee or mitigation fee. Another possible property tax related item could be for open space and could go to the CCSD. We need a thorough analysis and legal review.

Committee Member Crosby Swartz commented to add there are a number of ways to retire lots that doesn't require a purchase, such as the merger program, or if it is retired as required by a transfer. Hopefully the purchase of all lots won't be required. He suggested to have consideration of number of lots which won't be required to be purchased when considering the funding sources and needs.

Committee Member Laura Swartz commented on the methodologies. Parks and Recreation are different than Open Space. We may want to have a standing committee who is in charge of the collection of the fees.

Chairman Siegler stated he will arrange to meet with District Counsel to discuss the questions posed by the Committee.

Chairman Siegler shared that Supervisor Gibson stated that transient tax will likely not be a fee associated with this program.

#### Item 2(B)(2)

Committee Member Hunter stated he has provided grant information to Committee Member Rochefort and is following up on the matter. He attended a meeting with Supervisor Gibson. They discussed money for conservation efforts, which may be included in the Tourism Board Agreement initial setup.

#### Public comment:

Jim Bahringer stated there are lawsuits in San Diego challenging a BID (Business Improvement District) which is being called a tax. There is a potential that BIDs will cease to exist. Tourism boards are being advised to spend money only on what improves their business to strengthen the position of BIDs.

Committee Member Crosby Swartz stated if there is a fee for residential and or business customers, the business fees would be coming from the tourists and they would be contributing toward the program.

#### Item 2(B)(3)

Committee Member Crosby Swartz reported that he met with Supervisor Gibson and his assistant. They discussed some language to include in the program. A proposal will be developed and routed to various agencies. Supervisor Gibson felt it would be a simple process proposed. They also asked about the power and purpose of Special Services Districts. Legislative Assistant Cheri McKee sent an email request to LAFCO Executive Officer David Church and they received the Government Code Section 61100, which identified what the District powers can be. They seem to be various and easily changed. He had an item he thought was appropriate in the code and thinks it may need to be approved by LAFCO. They also discussed the creation of a new Special District. LAFCO could be in favor of a new one. The rumored report that LAFCO doesn't support new Districts is false.

If the BRP recommends that the CCSD is the agency designated to collect these fee, then there may be a ballot measure required to approve the fee.

TDCs could be a revenue source. The Land Conservancy is concerned about the development of new requirements for TDC's. The matter is between the County and the Land Conservancy. It may be prudent to estimate how many TDC's could be sold if the moratorium were to be lifted.

Committee Member Laura Swartz commented that Daniel Bohlman wants to mark the development of the TDC's. She discussed some strategies about moving along the TDC's to generate income with future sales of TDC's. Land Conservancy stated that whoever holds the land could be a special district with conservation interests. Perhaps there could be an Open

Space authority and transfer the FFRP into that authority. We could remove the burden of the Fiscalini Ranch from the CCSD and pass a tax to support the Fiscalini Ranch. She expressed concerns that if Parks are combined with Open Space, the Parks department will suck all the money dry.

Chairman Siegler stated he thinks the money can be restricted to the Open Space for the designated intention of the committee.

Committee Member McKinnon commented on the CCSD logo and what is the authority of the PROS dept. within the CCSD? Should this committee work with the PROS Committee to develop recommendations? Do we have a definition of what is Open Space? Other Committee Members stated yes, it exists and allows for passive recreation/use.

#### **Public Comment:**

Jim Bahringer stated perhaps the Friends of the Fiscalini Ranch Preserve could expand their powers. They are already associated with the CCSD and could be viewed positively by the Land Conservancy.

### **C. Discussion to Define Process for Valuing Undeveloped Parcels**

Chairman Siegler introduced the item. They are getting started on defining a process for valuing undeveloped parcels.

### **3. FUTURE AGENDA ITEMS**

Chairman Siegler asked if there was anything to add to future agendas. There was no formal requests but a brief discussion.

He will start the outline of the Committees report to the CCSD Board of Directors. Committee Swartz asked to include the reference to recommend the language include, "less than 4650 connections."

Chairman Siegler recommended the BRP Committee meet on Monday, December 12, 2016 at 10:00 a.m. and again on Monday, January 9, 2017 at 10:00 a.m.

Laura Swartz asked if there was a change in the board and would it have an effect on members needing to be appointed. There are no vacant positions currently.

### **4. ADJOURN**

Committee Member McCulloch motioned to adjourn the meeting.

Committee Member Laura Swartz seconded the motion.

The committee unanimously agreed to adjourn the meeting at 11:09 a.m.

**Cambria Community Services District  
Build Out Reduction Committee**

November 16,2016

Re: Haley Dodson Letter of Commendation

Mr. Jerry Gruber  
General Manager  
Cambria Community Services District

Dear Mr. Gruber

It has been reported to the committee by Mel McColloch, a committee member, that he has worked with Haley Dodson for several months gathering information for the CCSD appointed Build Out Reduction Plan Committee. Haley and Mel worked on gathering information on the number of parcels in Cambria that are not on the CCSD water and sewer wait list and will not be built on.

It was a very difficult task and a large amount of information had to be gathered from the CCSD to determine how many parcels within the CCSD urban service line were not on the CCSD water and sewer wait list. Mel said this part of the overall task would have been much more difficult and time consuming to accomplish without the help of Haley.

Mel stated Haley was always very responsive and available to help him with searching for the information needed. She has also been very helpful to the committee in keeping the minutes of each meeting and sending out meeting information to each committee member timely.

Mel could not praise and thank Haley enough for the help that she gave him to complete the task he was assigned to by me .

We commend and thank her for her help, work and effort. Haley has performed in a professional manner.

Please place this letter of commendation in Haley's file.

Thank You



Ted Siegler  
Build Out Reduction Committee Chairman

Copy:

Haley Dodson  
Buildout Reduction Committee  
CCSD Board of Directors

## BRP Subcommittee 3.C.2

### Review of Potential Local Taxes and Fees for Acquisition of Undeveloped Properties

11/28/16

#### Defining the full scope of revenue stream requirements

- Purchase of Lots not currently on the water wait list and in excess of cap
- Maintenance of purchased lots
- Execution of the Water Meters
- Administrative costs
- Real Estate fees

#### Methodologies for creating revenue stream

- No one methodology will resolve the overall revenue requirements
- What agency would be responsible for collection of any revenues generated (CCSD ?)
- Possible methodologies for the subset of Water Wait List APNs
  - Mello Roos
    - Requires 2/3 vote
    - Related to new subdivisions and bonds
    - Lien applied on individual APNs in the defined area and stays with the property
  - Mitigation Fees (AB1600)
    - Voluntary Fee
      - Does not require 2/3 vote
      - Requires stringent findings for relationship and proportionality which can be complex
    - Mitigation Tax
      - Requires 2/3 vote
  - Quimby Act
    - Targeted for subdevelopment but for parks and recreation – how does that relate to APNs versus subdivision
- Other methodologies not defined by a particular subset, applied to all
  - Special Tax (defined by Propositions 62 and 218)
    - Parks/Recreation/Open Space District
      - Would require adjustment of CCSD “powers and Purposes” charter to include open space acquisition
    - Parcel Tax
      - Across the board tax, not relegated to specific group
      - Requires 2/3 vote acceptance
    - Development Fee Program
      - Power to impose a Development Impact fee comes from Police Powers to protect public health, safety and welfare
      - Lacks the narrow drafting requirements of Voluntary Fee
      - New development cannot be required to pay for existing deficiencies
- Methodologies being investigated
  - Forest Legacy Program
  - National Forest Foundation



#### Questions Requiring Possible Legal Counsel and Feedback

1. In pursuing Mitigation Fees, is there a preferred path – voluntary fee versus tax
2. Is purchase under the BRP a service that reasonably relates to development of property on the water wait list?
3. Is there a reasonable relationship between the need for the public facility and the type of development (water wait list) in looking at the Development Fee Program as a viable approach
4. Is the Quimby Fee approach a practical application for what we are attempting – is it worth pursuing?
5. Consider use of development agreements, including a waiver by developer to rights to contest fees under AB1600 protest provisions.
6. What guidelines are most important in establishing a meaningful definition that can be applied in viewing proportionality.
7. How are community amenities (lots/open space/pocket parks/recreation facilities legally defined in pursuing Development Mitigation Fees