

Notice of Exemption**Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: San Luis Obispo

1055 Monterey St., Rm. D120

San Luis Obispo, CA 93408

From: (Public Agency): Templeton CSD

420 Crocker Street/P.O. Box 780

Templeton, CA 93465

(Address)

Project Title: Ordinance No. 2024-1 Water Code Amendment

Project Applicant: Templeton Community Services District

Project Location - Specific:

Templeton Community Services District

Project Location - City: Templeton

Project Location - County: San Luis Obispo

Description of Nature, Purpose and Beneficiaries of Project:

Amendment of District Water Code to section pertaining to the release of water units to District parcels that are currently on a water waiting list.

Name of Public Agency Approving Project: Templeton Community Services District

Name of Person or Agency Carrying Out Project: Templeton Community Services District

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☒ Statutory Exemptions. State code number: Section 15061(b)(3) of Title 14 of CA Code of Regulations

Reasons why project is exempt:

Per statute cited above

Lead Agency

Contact Person: Jeff Briltz, General Manager

Area Code/Telephone/Extension: 805-434-4900

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

Signature: _____

Date: 01/02/2025

Title: General Manager

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

BOARD OF DIRECTORS

Navid Fardanesh
President

Wayne Petersen
Vice-President

Geoff English
Director

Debra Logan
Director

Eric Mortensen
Director



STAFF

Jeff Briltz
General Manager

Lori Azeem, P.E.
District Engineer

Keri Dodson
Executive Assistant/Board
Clerk

Justin Black
Utilities Manager

Natalie Klock
Finance Officer

Mel Johnson
Recreation Supervisor

Tom Peterson
Fire Chief

TEMPLETON COMMUNITY SERVICES DISTRICT

P.O. BOX 780 • 420 CROCKER STREET • TEMPLETON, CA 93465 • (805) 434-4900 • FAX: (805) 434-4820

ORDINANCE NO. 2024-1

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE TEMPLETON COMMUNITY SERVICES DISTRICT
AMENDING SECTION 14.08.530 OF THE DISTRICT CODE**

BE IT ORDAINED by the Board of Directors of the Templeton Community Services District as follows:

SECTION ONE.

PURPOSE AND FINDINGS.

The Board of Directors of the Templeton Community Services District ("District") finds and determines as follows:

- a. The purpose of this ordinance is to make the administration of the waiting list for water units and allocation of units when available and the process for applicants who receive notice of available water units and wish to accept them more transparent, efficient and cost-effective.
- b. The District has determined that the present language of Section 14.08.530 of the Code needs clarification to eliminate any ambiguities in the process for the noticing of water unit availability and thus is transparent to both staff and applicants on the waiting list.
- c. The Board finds and determines that the proposed changes to Section 14.08.530 of the Templeton Community Services District Code of Ordinances make necessary clarifications to the Code to ensure that the process of providing notice to applicants on the waiting list for water units of use is more transparent and efficient.

SECTION TWO.

AUTHORITY.

This Ordinance is adopted under the authority found in Government Code sections 61100(a), 61115(a), and 61060(b), and other applicable law.

SECTION THREE.

AMENDMENTS TO DISTRICT CODE OF ORDINANCES.

A. AMENDMENTS TO SECTION 14.08.530 OF THE CODE.

1. Section 14.08.530 of the District Code is amended and replaces in full the existing text of that section as set forth in Exhibit A to this ordinance, and incorporated in full herein.

SECTION FOUR. **CEQA FINDINGS.**

The District Board of Directors finds that the enactment of this Ordinance is exempt from review under section 15061(b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that its enactment may have a significant effect on the environment. The District Board of Directors authorizes the General Manager to execute and file a Notice of Exemption with the San Luis Obispo County Clerk.

SECTION SIX. **INCONSISTENCY.**

This Ordinance supersedes and replaces Section 14.08.530 of the Code as set forth in full in Exhibit A. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any other prior District Code sections, ordinances, resolutions, rules, or regulations governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, resolutions, rules, or regulations are hereby repealed.

SECTION SEVEN. **SEVERABILITY.**

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, no other provision of this Ordinance shall be affected thereby.

SECTION EIGHT. **PUBLICATION AND EFFECTIVE DATE.**

The Secretary of the Board of Directors is directed to publish this Ordinance or a summary thereof once with the names of the members voting for and against the Ordinance, in a newspaper published in the District within 15 days after the adopting of this Ordinance. This Ordinance shall take effect 30 days after its final passage.

INTRODUCED by the Board of Directors of the Templeton Community Services District on October 15, 2024.

PASSED AND ADOPTED by the Board of Directors of the Templeton Community Services District on November 5, 2024, by the following vote:

AYES: Logan, Petersen, English, Mortensen and Fardanesh

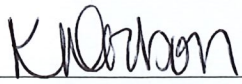
NOES: None

ABSTAIN: None

ABSENT: None

By:  D.D.S.
President, Board of Directors

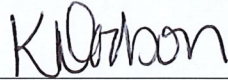
ATTEST:

A handwritten signature in black ink, appearing to read "K. Orman". The signature is written in a cursive, flowing style with a large initial "K".

Secretary, Board of Directors

CERTIFICATE

I hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 2024-1, duly and regularly adopted by the Board of Directors of the TEMPLETON COMMUNITY SERVICES DISTRICT in Templeton, County of San Luis Obispo, on November 5, 2024.

A handwritten signature in black ink, appearing to read "K. Orthon", is written above a horizontal line.

Secretary, Board of Directors
TEMPLETON COMMUNITY SERVICES
DISTRICT

EXHIBIT A

FULL TEXT OF AMENDED SECTION 14.08.530 OF THE TEMPLETON COMMUNITY WATER DISTRICT CODE OF ORDINANCES

- (a) Any district water supply that the district determines can be made available to property owners shall be allocated first to those applicants on the waiting list in order of priority. The district shall provide each applicant with a written notice of availability of units of use. If an applicant receives a notice of availability, then, within 30 calendar days after the date stated on the notice, the applicant shall notify the district in writing whether the applicant will accept the units of use offered in the notice. The district shall send all such notices by a courier service which provides delivery tracking to the most recent available street address for the applicant. The applicant is solely responsible for providing and updating a valid street address to the district, and the district disclaims any responsibility for the failure to deliver a notice of availability due to an expired street address or inability to complete delivery. Any failure of delivery shall conclusively determine that an applicant on the waiting list is ineligible to request the units of water use offered and that applicant shall be deemed removed from the list and must reapply to be placed on the waiting list as provided in this chapter. An applicant for a water and/ or sewer will serve commitment shall pay impact fees due in full OR shall pay one-fifth of the impact fees due on the accepted units within 45 calendar days after the date of delivery of the district's written notice of availability, and also shall execute a recordable agreement consistent with the requirements of section 14.08.470 of this Code. When applying for water or sewer service, the applicant shall pay 100 percent of the impact fees required. The amount of the fees due shall be based on the water impact fees and other applicable fees in effect at the time of the payment for the accepted units. If there is any remaining water supply after completion of the allocation process provided above, then such remaining supply shall be allocated to the next applicants in priority on the district's waiting list and pursuant to the above procedures.
- (b) If the applicant's application is for a water and/ or sewer will serve commitment for a project that will be submitted to the county in connection with a discretionary approval for the subject premises, as specified in section 14.08.480, and the applicant has timely deposited the required amount of the impact fees for all of the water and/ or sewer units of use requested in the applicant's application or has otherwise secured the requisite water units of use needed for the applicant's application, then the applicant shall: (i) if fees will be paid in installments, execute a recordable agreement consistent with section 14.08.480, (ii) submit proof of submission of a county filed application within 180 days from the date that the applicant deposited the impact fees as required in subsection (a) above, and (iii) submit proof that the county has deemed complete or approved the county-filed application no later than the second anniversary from the date that the applicant deposited the impact fees as required in subsection (a) above. Upon request by the applicant, the district may in its sole discretion extend the deadline in subsection (iii) of the preceding sentence by up to one year. This requires demonstration that the applicant is diligently pursuing a complete and accepted county-filed application. No application for a will-serve commitment will be deemed complete until an applicant has filed their development application with the county. Thereafter, subject to the application being otherwise complete, the district shall issue a will serve commitment consistent with the provisions of section 14.08.500. If the applicant fails

to timely meet the requirements of this paragraph, then the district shall refund the amount deposited without interest, less the administrative fee stated in the master fee schedule to cover district's costs in processing the refund, and the applicant will be removed from the waiting list and will have to reapply for a will serve commitment in accordance with district rules, regulations and ordinances. Further, any units of use previously accepted and paid for by the applicant shall be forfeited and shall revert to the district as of the date of the deadline for submission of proof of submittal of a county filed application. Refunds of money paid on such forfeited units of use shall be refunded in accordance with section 14.08.510.

- (c) If the applicant is offered all of the water and sewer units of use requested or the balance needed by the applicant to complete the applicant's application, but the applicant declines the offered units or fails to timely deposit the required amount of the impact fees as specified in subsections (a) and (g) of this section, the applicant shall be removed from the waiting list and will have to reapply for water and sewer service or a will serve commitment in accordance with district rules, regulations and ordinances. Refunds of money paid on such forfeited units of use shall be refunded in accordance with section 14.08.510.
- (d) If the applicant is offered only a portion of the remaining balance of the water units of use needed to complete the applicant's application, then the applicant may decline such offer and retain his position on the waiting list with respect to any units of use covered by his application and not accepted and paid for pursuant to the notice of availability. If the applicant accepts some or all of the portion of water units needed to complete his application, then the applicant shall pay one-fifth of the impact fees due on the accepted units within 45 calendar days after the date of delivery of the district's written notice of availability and within said period of time, and also shall execute a recordable agreement consistent with section 14.08.470.
- (e) If the applicant's application is for a water will serve commitment only and the applicant does not require county discretionary approval for the project for the subject premises, then the applicant, to the extent it accepts the units of use offered in the notice provided in subsection (a) of this section, shall pay one-fifth of the impact fees due on the accepted units within 45 calendar days after the date of delivery of the district's written notice of availability and within that period of time also execute a recordable agreement consistent with section 14.08.470.
- (f) When an applicant is offered all or the balance of the water units of use needed to complete the applicant's application and the applicant has not secured all of the sewer units of use needed to complete the applicant's application for a sewer will serve commitment or application for sewer service, then, assuming there is sewer treatment capacity available, the district shall offer the sewer units needed to complete the applicant's application at the same time that it offers the water units. The total amount of the sewer impact fees due shall be paid within the same period of time required for the payment of the deposit on the water hookup fees.
- (g) After any waiting list is exhausted, then any remaining water supply shall be allocated on a first-come, first-served basis with the date of a completed application establishing the applicant's priority. If the district exhausts any newly developed supply, then it shall reestablish a waiting list for all applicants.
- (h) The Board may directly, or by delegation to the General Manager, provide a variance in the time periods or procedures set forth in this section in cases where an applicant for good cause shown (e.g., need for an applicant to make a non-substantive change to an application or have a signature replaced, delivery failure due to extenuating circumstances, etc.). If an

applicant desires to request a variance, they must make the request in writing describing the facts and attaching any documents supporting the request, and file the request with the General Manager within 45 calendar days of the occurrence of the event triggering the request. The Board (or General Manager if delegated) shall hear the variance request no later than 45 calendar days after its filing with the District and the District shall render its final decision on the request in no more than 30 calendar days after it is heard, which decision shall then become final.

(Ord. No. 2011-3, exh. A, § 2.2.6.1, 12-6-2011; Ord. No. 2012-1, § 3(2.2.6.1), 5-1-2012; Ord. No. 2021-1 , §§ 3.A, 3.B.4, 3-16-2021; Ord. No. 2021-3 , § 2.L, 6-15-2021)