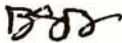


TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL   
DATE: JANUARY 19, 2007

**AGENDA ITEM  
E-3  
JANUARY 24, 2007**

**CONSIDER HOLLOWAY OUTSIDE USER AGREEMENT REQUEST**

**ITEM**

Consider request from Carl Holloway for Outside User Agreement for Tract 2642 [RECOMMEND AUTHORIZING NEGOTIATION OF AGREEMENT].

**BACKGROUND**

Your Honorable Board in January 2006 adopted an Annexation Agreement with the Holloway family for annexation of Tract 2642, a 21 acre holding on South Oak Glen Avenue. Subsequently, the SLO Local Agency Formation Commission (LAFCO) approved annexation to the District subject to development of supplemental water supply. Given the uncertainty surrounding the timeline for development of supplemental water, Jesse Hill, on behalf of Carl Holloway, has submitted the attached letter requesting that the District agree to process an Outside User Agreement for water and sewer service to this tract and to support LAFCO's approval of such an Outside User Agreement.

**RECOMMENDATION**

It is recommended that your Honorable Board agree in concept to processing an Outside User Agreement on an interim basis until supplemental water is developed and authorize negotiation of a draft agreement with Carl Holloway. Staff further recommends that the Agreement obligate annexation of the property once supplemental water is available and that the property owner be charged with constructing and dedicating utilities to District Standards.

Staff believes that the other pending Annexation Approval (Craig) will likely make a similar request and that any other property approved for annexation prior to development of supplemental water will also make a request. Staff recommends that the Board determine that it is not prudent to process subsequent annexation requests until a supplemental water project is completed and direct legal counsel to bring back a resolution suspending the processing of new annexation applications.

**ATTACHMENT**

- Letter Request

T:\doc\board matters\board meetings\board letter 2007\Holloway Outside User Initiation

**LAW OFFICES OF JESSE L.B. HILL**

1042 PALM STREET, 2<sup>ND</sup> FLOOR

SAN LUIS OBISPO, CA 93401

(805) 748-8308 (CELL)

(805) 544-5541

[JLBHILL@AOL.COM](mailto:JLBHILL@AOL.COM)

December 26, 2006

NCSD  
Bruce Buel  
148 South Wilson  
Nipomo, CA 93444

Re: Holloway Annexation to Nipomo Community Services District  
REQUEST FOR OUTSIDE USER AGREEMENT FOR WATER AND SEWER

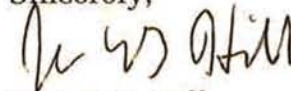
Dear Mr. Buel:

Happy Holidays and I hope your trip to France went well. The purpose of this letter is to request that the Holloway project be allowed to hook up to the NCSD under an outside user agreement. We have discussed the matter with Paul Hood of LAFCO and Katcho Achadjian our Supervisor. They both appear to be in support the agreement.

It is our understanding that this would be basically the same agreement as James Pudwill or Greg Nestor has for their project. We would request that this item be placed on the January 24, 2007 Agenda, or an earlier agenda if possible, for approval. Time is of the essence from the Holloway's point of view.

As always, we are available to answer any questions.

Sincerely,



Jesse L.B. Hill

JLBH:rr

cc. Carl Holloway

RECEIVED

JAN 02 2007

NIPOMO COMMUNITY  
SERVICES DISTRICT

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BBB*  
DATE: JANUARY 19, 2007

**AGENDA ITEM  
E-4  
JANUARY 24, 2007**

**CONSIDER DEBLAUW REQUEST TO WAIVE LOOPING REQUIREMENT**

**ITEM**

Consider DeBlauw request to waive looping requirement for Tract 2734 [RECOMMEND APPROVAL WITH CONDITIONS].

**BACKGROUND**

Your Honorable Board issued an Intent to Serve Letter to DeBlauw Builders in May 2005 for water service to six lots on the North side of Pomeroy across from Hunter Ridge Lane (See attached location maps). One of the conditions of approval was looping of the Water Service to either San Ysidro to the West or Amber Way to the East pursuant to the District's Standard Specifications Water System Design Criteria (attached). As detailed in the attached letter from Duane DeBlauw, the owner has been unable to secure the required permission from the adjacent property owners and has requested a variance from the Standards. Attached is a copy of Section 1.04.030 of the District Code setting forth the basis for consideration of such variance requests. DeBlauw Builders has submitted the required \$900 fee for consideration of this variance request.

The five acre property immediately North of the site (APN 091-296-003) is vacant and will logically develop at some time in the future. Staff proposes that the applicant install a valve cluster at the North end of the main; dedicate to the District a 20' easement and construct a main from the North end of the water line to the Northern Perimeter of Lot 1; and cap this main section at the Northern Perimeter of Lot 1 so that it can be looped to Amber Way when APN 091-296-003 develops. Staff further recommends that the applicant record notice to the District's satisfaction on the deed of each of the six lots that the current water service is not looped. Attached is a draft resolution, making the findings required to satisfy the Code based on these recommendations.

The applicant has been noticed of this hearing.

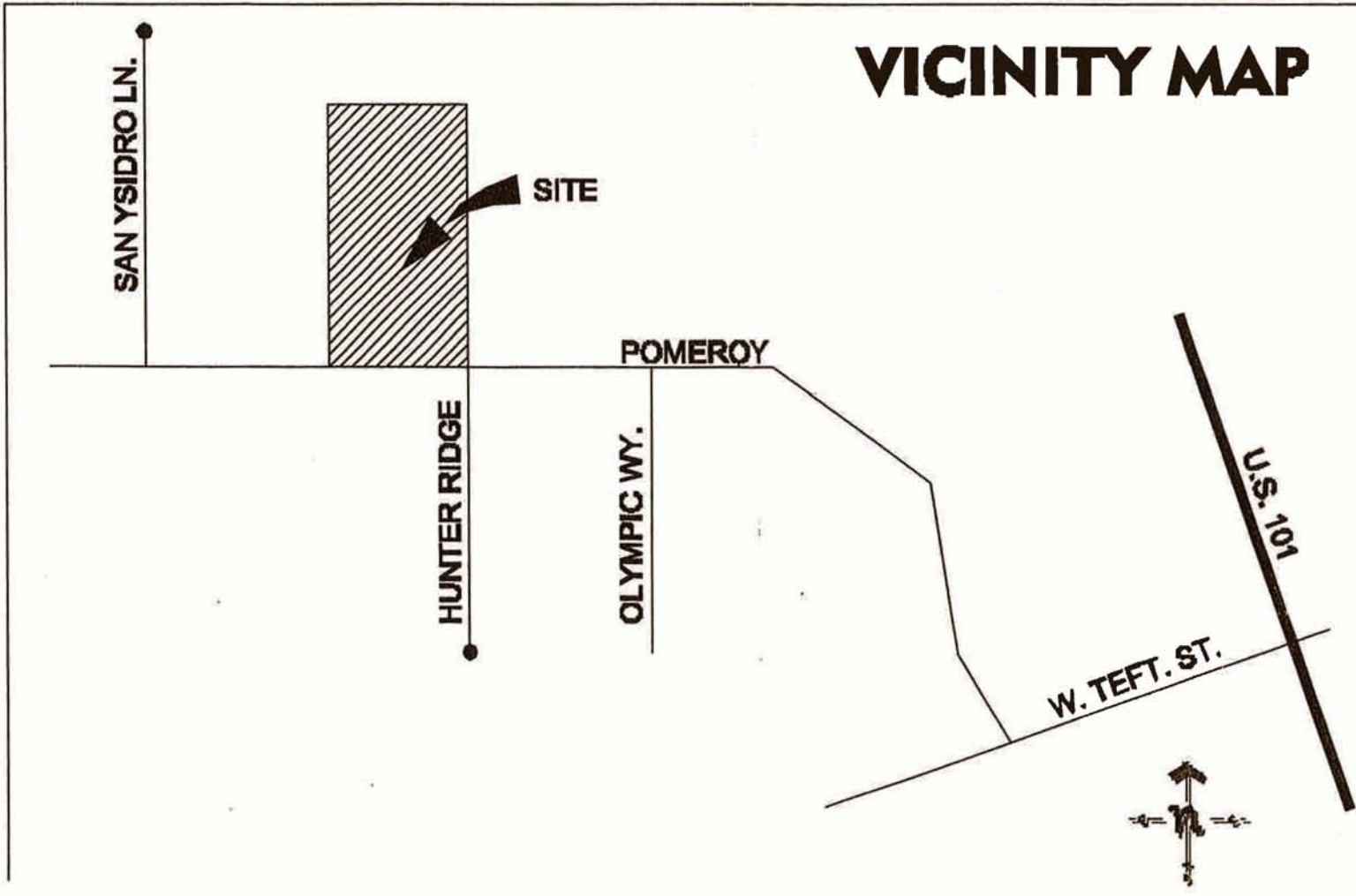
**RECOMMENDATION**

It is recommended that your Honorable Board open the public hearing, receive public input, close the hearing and then consider adoption of the attached resolution.

**ATTACHMENT**

- Vicinity and Subdivision Maps
- Water System Design Criteria Specifications
- DeBlauw Variance Request
- Code Section 1.04
- Draft Resolution

# VICINITY MAP



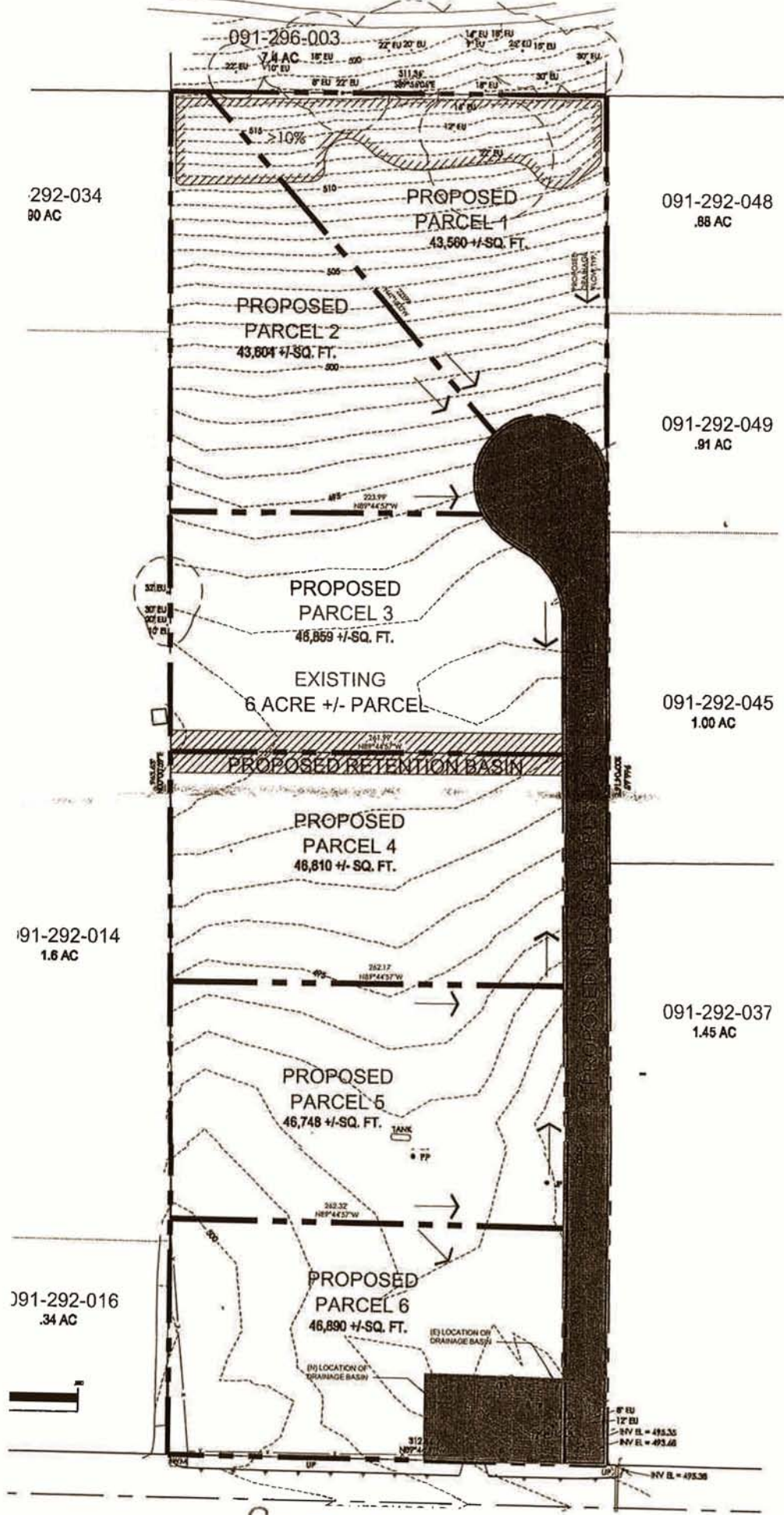


Not for Construct  
This map is to used as a graphical representation.  
It is not intended for use as an Asbuilt.



Scale 1 : 515

Map Printed by: GIS User 1/18/2007



POMEROY

**WATER SYSTEM  
DESIGN CRITERIA**

**WATER DEMANDS**

The water systems shall be designed based on the following domestic plus fire flow demands:

<u>Domestic Demands</u>	<u>Description</u>
Residential – Domestic (3.2 persons per dwelling unit)	
Average Day	160 gpd per capita
Maximum Day	257% of average day demand
Peak Hour	515% of average day demand
Commercial (non-residential) and Industrial	Developer to submit design flows to District for review. Minimum shall be equivalent to five (5) residential connections per acre.

Fire Flow

The California Department of Forestry/ San Luis Obispo County Fire Department (CDF) shall determine the fire flow requirements.

**PIPELINE SYSTEM DESIGN CRITERIA**

The minimum pipe size for water mains shall be 8-inches in diameter. All line sizing shall be based on maximum day demand plus fire flow demand or peak hour demand, whichever is greater. Pipeline pressure losses will be calculated using the Hazen-Williams formula with C=130.

Minimum cover over the top of pipe shall be three feet below finish grade. The District may require more than this minimum cover if, in the opinion of the District, three feet is insufficient.

As a general rule, there shall be three valves on tees and four valves on crosses. On long blocks, intermediate valves should be installed so that not more than 500 feet of line will have to be shut off at any one time. Valves shall be joined to fittings by flanges. When water mains are in easements outside traveled streets, a valve shall be located at each end of the easement. The final determination of the number of valves and their locations shall be approved by the District.

Combination air and vacuum release valves shall be installed at all high points in a line. The inlet to each valve shall be provided with a gate valve or corporation stop to provide a positive closure between the main pipeline and the air and vacuum release valve. The air and vacuum release valve vent shall be installed above ground in such a manner as to preclude backflow (see Standard Detail W-10).

Blowoffs shall be installed at ends of mains and low points.

\* Water system improvements shall have at least two connections to waterlines in different streets to form a looped water system. Non-looped systems will be permitted only with the written permission of the District. \*

Water pipelines shall be constructed of PVC pipe or, with the District's approval, ductile iron pipe. Fittings shall be ductile iron conforming to AWWA C-100 and cement mortar lined per AWWA C-104.



December 20, 2006

Bruce Buel  
Nipomo Community Services District  
148 South Wilson Street  
Nipomo, CA 93444

Re: Tract #2734 Intent to Serve Letter

Bruce,

We have been unsuccessful in getting any of the four neighbors to grant an easement for any looping of the proposed water line on our project.

One of the two available routes is along the common property line owned by the Delfins at 850 and 856 San Ysidro Lane and the Brawners at 825 San Ysidro Lane. Neither party has indicated a willingness to grant a 10 foot easement due to the fact that they would be giving up 5 feet of potential building area on their properties. Mr. Brawner indicated some openness to making 5 feet available, but the existing 5 foot retaining wall along this property line makes the installation of an underground water line impractical. Any current installation or future access would require removal of the retaining structure. In addition, he has indicated future plans to build a garage structure at the five foot setback line. This would also create a structural problem for a foundation being support by a retaining wall that exists over a water line.

We spent the most time with the Delfins asking for a 10 foot easement. Their side of the property line seems the most practical with the exception of the existing retaining wall and no structures planned nearby. They have either politely said no or continued to be unresponsive when asked to submit their denial in writing. We have spent several months making contact and to this date have nothing.

The other available route was along the common property line owned by the Bozemans at 802 Amber Way and the Wrights at 792 Amber Way. We have letters of denial from both of them. Mr. Bozeman was more open initially and then refused. Part of the problem on his property is the existing PG & E underground vault that blocks a straight run along the property line. In order to connect, to the Amber Way line, the new line would have to diagonally run over his front yard.

We feel we have exhausted our efforts in attempting to meet the conditions placed upon us and request your district board give us another option in complying with your looped water line condition.

Sincerely,

Duane P. DeBlauw  
V.P., P.E.

RECEIVED  
DEC 20 2006  
NIPOMO COMMUNITY  
SERVICES DISTRICT



Attachments:

- Letter from Mr. Larry Wright
- E-mail from Mr. & Mrs. Guy Bozeman
- Photo of Delfin/Brawer common property line looking West
- Photo of Wright/Bozeman common property line looking East.
- Photo of Bozeman PG & E underground utility vault

8-11-2005

Duane DeBlauw  
411 El Camino Real  
Arroyo Grande, CA

Dear Duane:

We do hereby decline to have  
an easement across our property  
@ 792 AMBER WAY, NIPOMO, CA for  
the purposes of routing a water  
line to your property which is  
located to the east of ours.

Thanks for your consideration!

Very truly yours

Jay W. Wright  
P.O. Box 5101

PINE MOUNTAIN CLUB, CA  
93222-5171

(661) 242-7012

**Duane P. DeBlauw**

---

**From:** gabozeman@charter.net  
**Sent:** Friday, December 08, 2006 7:38 AM  
**To:** deblauw@sbcglobal.net  
**Subject:** easement request decline

Mr. DeBlauw:

I'm sorry for leaving you with a false sense of anticipation. Events have changed drastically since we spoke. The following is the statement you requested of my wife.....

**December 8, 2006**

**I, Guy A. Bozeman, and my wife, JoAnn C. Bozeman, owners of the property designated as 802 Amber Way, Nipomo, CA 93444 decline to provide the requested easement on our property to DeBlauw Builders, Inc. for the purpose of a water line connection.**



AP

N  
BRAWLER

DELFIN

11

WRIGHT

ROZEMAN





PLATE VAULT

ROZEMAN

Title 1 GENERAL PROVISIONSChapter 1.04 GENERAL PROVISIONS

---

**1.04.030 Appeals.**

A. Applicability. A property owner affected by a district requirement or regulation to construct water and/or sewer improvements as a condition to receiving district service may appeal to the district board of directors for a variance from the district requirement or regulation as provided herein.

B. When Permitted.

1. Variances may be granted only when, because of special circumstances applicable to the property including its size, shape, topography, location or surroundings, the strict application of the provisions referenced in subsection A of this section would create practical difficulties or unnecessary hardship.
2. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not expressly authorized or permissible by the provisions of the San Luis Obispo County Code or the district code.
3. A variance shall not be granted to waive a district rate or charge that is directly related to district services.

C. Application.

1. Application for a variance shall be filed in writing with the district general manager by the owner, or his authorized agent, such as the owner's engineer or architect. Applications shall set forth and state fully the name and address of the person to receive notice of the hearing referenced in subsection E of this section, acknowledge receipt of these procedures, the reasons and grounds for the variance and shall contain such information as the general manager or his/her designee shall prescribe.
2. Every application for a variance shall be accompanied by a drawing or a plot plan, in duplicate, drawn to scale and showing the lot, the proposed location of building or buildings, the location of district water mains and sewer mains, proposed water and sewer laterals to provide district services to the building or buildings, and such other information as may be necessary to provide for the intelligent consideration of the variance request.

D. Filing Fee. Before accepting an application for a variance the general manager shall charge and collect a filing fee. Such fee shall be as established by resolution of the district board of directors.

E. Hearing.

1. Upon receipt of the application in proper form, the general manager shall place the item on the board of directors agenda for public hearing within a reasonable period of time.
2. Notice of such hearing shall be given through the U.S. Mail with postage prepaid using the address identified in the application.
3. The board of directors shall, on the date set, hold a public hearing upon the application for the variance.

F. Finding Required for Approval. The board of directors may grant a variance based on information shown in the application and verified by staff report or upon further information brought forth during the course of the hearing, the board of directors must find that because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the provisions referenced in subsection A of this section:

1. Could create practical difficulties or unnecessary hardship;
2. That granting of said variance would not tend to defeat the purpose of the particular rule or regulation.

G. Grant or Denial.

1. From the facts presented with the application at the public hearing the board of directors may grant the requested variance in whole or in part and with or without conditions. If the findings referenced in subsection F of this section cannot be made, such application shall be denied.
2. Every action or decision of the board of directors authorizing a variance shall be by resolution adopted by a majority of the directors setting forth the written findings of fact required by subsection F of this section.
3. The general manager shall within ten days of the board of directors' decision, mail a notice of the district's decision to the person designated in the application and any other person who has requested notice.

#### H. Conditions.

1. The board of directors in approving a variance, may set forth in its decision conditions which it deems necessary. The board of directors may also require such security and guarantees as the board may deem necessary to insure that such terms and conditions are being or will be complied with.
2. Every variance granted by the board of directors shall contain as a condition thereof the following:

The variance allowed is hereby conditioned upon the privileges granted herein being utilized within one hundred eighty (180) days after the effective date hereof, and should the privilege authorized hereby fail to be executed or utilized or where some form of construction work is involved, such construction has not actually commenced within such one hundred eighty (180) days, and is not diligently prosecuted to completion, the authority shall become null and void and any privilege or variance granted hereby shall lapse.

The Board of Directors may in its discretion and upon the written request of the applicant, for good cause, grant a reasonable extension of time in addition to the one hundred eighty (180) days herein provided. Such requests for extension shall be made to the General Manager and within twenty (20) days prior to the expiration of the one hundred eighty (180) day period.

(Ord. 02-92 § 2, 2002)



**RESOLUTION NO. 2007-**

**A RESOLUTION OF THE  
BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
APPROVING THE WAIVER OF THE WATER MAIN LOOPING REQUIREMENT  
FOR TRACT 2734 (DEBLAUW)**

**WHEREAS**, DeBlauw Builders Incorporated has applied to waive the Looping Requirement set forth in the Water System Design Criteria section of the District's Standard Specifications for Tract 2734 located on the North side of Pomeroy Road across from Hunter Ridge Lane pursuant to Section 1.04 of the District Code;

**WHEREAS**, Duane DeBlauw has contacted all of the adjacent landowners and has documented that none of the adjacent landowners are willing to grant the required easements to achieve a loop of the Tract 2734's watermain with the adjacent mains in San Ysidro Lane or Amber Way;

**WHEREAS**, the Board of Directors of the Nipomo Community Services District ("District") held a noticed public hearing on Wednesday January 24, 2007 to receive feedback on the proposed variance as required by Section 1.04 of the District Code, and

**WHEREAS**, The State Water Code enables local agencies to waive the looping requirement in circumstances where looping is impractical;

**WHEREAS**, The Board has conditioned approval of the variance with the requirement that the applicant install a main to the Northern perimeter of the property so that the lots in Tract 2734 can be looped to Amber Way when APN 091-296-003 develops; and

**WHEREAS**, The Board finds that:

- It is not practical for DeBlauw Builders to comply with the District's waterline looping requirement for Tract 2734 because the adjacent property owners are not willing to grant the required easements to achieve looping between Tract 2734 and adjacent District Water mains; and
- Granting of this Variance will not tend to defeat the purpose of the looping requirement because the District has required the applicant to construct the waterline components that will allow for future looping when APN 091-296-003 develops.

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

1. The District hereby approves the requested variance with the following conditions:
  - A. The applicant shall install a valve cluster at the North end of the main; dedicate to the District a 20' easement and construct a main from the North end of the water line to the Northern Perimeter of Lot 1; and cap this main section at the Northern Perimeter of Lot 1 so that it can be looped to Amber Way when APN 091-296-003 develops.

RESOLUTION 2007- DeBlauw

- B. The applicant shall record notice to the District's satisfaction on the deed of each of the six lots that the current water service is not looped prior to setting of water meters.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this 24<sup>th</sup> day of January, 2007 on the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Michael Winn, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

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Donna K. Johnson  
Secretary to the Board

---

Jon S. Seitz  
District Legal Counsel

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