

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BB*  
DATE: MAY 9, 2008



ADOPT ORDINANCE AMENDING MAXIMUM TERM FOR SOLID WASTE  
FRANCHISE AGREEMENT FROM 10 YEARS TO 15 YEARS [ADOPT ORDINANCE]

**ITEM**

Adopt Ordinance amending maximum term for solid waste franchise agreement from 10 years to 15 years. [ADOPT ORDINANCE].

**BACKGROUND**

In 2001, Nipomo Community Services District established rules and regulations for solid waste collection including franchise agreements by adopting Title 7 of the District Code. Section 7.20.060 of the District Code provides that franchise agreements shall provide for a term which does not exceed ten (10) years.

South County Sanitary Service has requested Nipomo Community Services District consider a fifteen year extension of the franchise agreement. In order for the Board of Directors to consider this request and enter into negotiations, the Ordinance must be modified.

Staff is requesting the Board of Directors amend Section 7.20.60 to allow franchise agreements to not exceed fifteen (15) years.

The Ordinance was introduced on April 30, 2008, and the Public Hearing and second reading was set for May 14, 2008.

**RECOMMENDATION**

Staff recommends that your Honorable Board hold the Public Hearing, conduct the second reading and adopt the Ordinance.

**ATTACHMENTS**

- Ordinance 2008-franchise

**NIPOMO COMMUNITY SERVICES DISTRICT  
ORDINANCE 2008-\_\_\_\_\_**

**AN ORDINANCE OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS  
AMENDING CHAPTER 7.20 OF TITLE 7 OF THE DISTRICT CODE TO  
EXTEND FRANCHISE AGREEMENT TIME LIMITS**

**WHEREAS**, pursuant to San Luis Obispo County Local Agency Formation Commission (LAFCO) Resolution 2001-02 the Nipomo Community Services District (District) is authorized to provide its residents with the collection and disposal of solid waste and provide solid waste handling services pursuant to Government Code §61100 (c) (formerly §61000 (c)); and

**WHEREAS**, in 2001 established District wide rules and regulations for solid waste collection including franchise agreements by adopting Title 7 to the District Codes; and

**WHEREAS**, 7.20.060 of the District Code provides that franchise agreements shall provide for a term which does not exceed ten (10) years; and

**WHEREAS**, based on the facts and analysis presented by District Staff, the Staff Report, and public testimony received the Board of Directors finds:

- A. The public meeting adopting this Ordinance has been properly noticed pursuant to Government Code §54954.2 (the Brown Act); and
- B. That amending Section 7.20.060 to allow for a longer franchise term is in the best interest of the District and its residents.

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

**Section 1.**

District Code Section 7.20.060, is amended and restated in its entirety as follows:

"The Franchise Agreement shall provide for a term which does not exceed fifteen (15) years."

**SECTION 2. Severability**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.



NIPOMO COMMUNITY SERVICES DISTRICT  
ORDINANCE 2008-\_\_\_\_\_

AN ORDINANCE OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS  
AMENDING CHAPTER 7.20 OF TITLE 7 OF THE DISTRICT CODE TO  
EXTEND FRANCHISE AGREEMENT TIME LIMITS

**SECTION 3. Inconsistency**

To the extent that the terms of provision of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior District Ordinance(s), Motions, Resolutions, Rules, or Regulations, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

**SECTION 4. Effective Date**

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage it shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in the \_\_\_\_\_ and the \_\_\_\_\_.

Introduced at a regular meeting of the District Board of Directors held on \_\_\_\_\_, 2008 and passed and adopted by the Board of Directors on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following roll call vote, to wit:

- AYES:
- NOES:
- ABSENT:
- CONFLICTS:

\_\_\_\_\_  
Michael Winn, President  
Nipomo Community Services District  
Board of Directors

ATTEST:

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

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TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BB*  
DATE: MAY 8, 2008

**AGENDA ITEM  
E-3  
MAY 14, 2008**

**CONSIDER DIRECTOR VIERHEILIG REQUEST TO REVIEW  
STANDARD SPECIFICATIONS LOOPING REQUIREMENT**

**ITEM**

Consider Director Vierheilig Request to Review Standard Specifications Looping Requirement [PROVIDE POLICY GUIDANCE].

**BACKGROUND**

At the April 30, 2008 Board meeting, John Smith, Tartaglia Engineering and Jim David, project applicant, presented a letter to the District Board requesting that the District accept the water main installed in the private street to serve CO 05-0113, a three lot subdivision on Evergreen Way. Director Vierheilig requested to review the District's Standard Specifications as they relate to the project.

The District's Standard Specifications Design Criteria that were in affect at the time the project was approved in the fall of 2007 required that:

"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 written permission of the District."

This requirement was based on the California Waterworks Standards that were in affect at the time, as follows:

*From Title 22 California Code of Regulations  
California Safe Drinking Water Act & Related Laws and Regulations*

**§64626. Layout of Water Mains.**

- (a) Water mains should be laid out only in segmented grids and loops and should be located within streets. Dead-end water mains shall be installed only if:
- (1) Looping or gridding is impractical due to topography, geology, pressure zone boundaries, unavailability of easements or locations of users; or
  - (2) The main is to be extended in the near future and the planned extension will eliminate the dead-end conditions.

The issue with non-looped water mains is the potential for negative impacts on water quality, creating a potential health and safety issue, potential for reduced fire flows depending on the situation, and the on-going costs and water required to maintain dead-end water mains. The District has experienced water quality problems due to dead-end lines, utility operations staff regularly flush dead-end lines and the District is required to report the status of dead-end lines to the California Department of Public Health on a regular basis. The recently completed Water and Sewer Master Plan Update identified the existing dead-end lines in the District's system and proposed projects to eliminate them where possible.



In addition, the District historically has avoided assuming ownership and maintenance responsibility for water and sewer utilities installed in easements wherever possible due to the potential long-term liability and maintenance issues that can arise.

To avoid having the applicant provide provisions to loop the water main for this project and to avoid having the District to have to maintain a water line in an easement, the District's design recommendation was to install the meters for the new lots on Evergreen Way and install a backflow preventer for the private water main serving the fire hydrant required by Cal Fire to isolate this line from the District's system in accordance with California Department of Public Health requirements.

Based on discussions the applicant has had with staff, Cal Fire will now allow the applicant to move the hydrant to Evergreen. If that is the case, then the applicant can avoid the District's looping and easement requirements as well as avoid paying the \$110,800 fire system capacity charge.

**RECOMMENDATION**

Staff respectfully requests that your Honorable Board not amend the District's water system looping and easement policies. The current policies minimize subsidies to new development, minimize potential for water quality issues associated with dead-end water mains and avoid the long-term on-going costs and water use associated with flushing and maintaining dead-end water mains.

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**TE** TARTAGLIA ENGINEERING  
CIVIL ENGINEERS

7360 El Camino Real, Suite E • P. O. Box 1930  
Atascadero, California 93423  
E-mail: [civilengineers@tartaglia-engineering.com](mailto:civilengineers@tartaglia-engineering.com)  
Phone (805) 466-5660 • Fax (805) 466-5471

RECEIVED

APR 22 2008

NIPOMO COMMUNITY  
SERVICES DISTRICT

Bruce Buel, General Manager  
Nipomo Community Services District  
PO Box 326  
Nipomo, CA 93444

April 17, 2008

Project: TPM: CO 05-0113 (David)  
Subject: Fire Hydrant Main

File: 05-09

Dear Mr. Buel:

The subject map consists of a lot split of approximately seven acres into four parcels, ranging in size from one to almost four acres. A private road with a cul-de-sac provides access to the rear parcels. A public utility easement lying overtop of the road grants the authority for utilities such as PG&E, AT&T, and Charter Communications to install and maintain their facilities, providing service to the created lots. Improvements in the field are nearing completion and the Final Map is almost complete.

The design intent was to include the water main in the street, as a public water main, within a public utility easement. As the design neared completion, NCSD indicated that a public water main in a private street, regardless of the existence of the public utility easement, was not allowed. The recommended alternative was to convert the water main to a private lateral behind a double check detector backflow preventor to be installed in the right-of-way of Evergreen Way, a public street.

Out of a desire to keep the project moving forward, the NCSD design recommendation was implemented and the plans were approved. The water main with double check detector backflow preventor, utilities, and road have been constructed and installed. All was rapidly coming to a conclusion, or so we thought.

Mr. David, and Tartaglia Engineering, are stunned at the NCSD fees associated with the private fire lateral design scheme. None of us understood or anticipated that implementing the design change recommendation would result in such a huge financial impact to the project. The cost is so great, our client must consider other alternatives to concluding this project.

During a driving tour / review of District facilities today, a review of the District Water Atlas, and through discussions at the counter with staff, it became apparent that the NCSD currently has several locations in which District owned and maintained water mains and hydrants are installed in easements, outside the confines of public streets. The District will accept water mains in easements provided the easement is written specific to the NCSD.



Bruce Buel  
April 17, 2008  
Page 2

Paragraph 2-4, Easements, of the General Conditions, states in part: "Easements shall be avoided where a reasonable alternative solution is available as determined by the District." The fee associated with establishing a private fire main lateral, as indicated on the fee calculation sheet for Mr. David, has made this solution unreasonable. Creating a separate easement specific to the NCSD, over top of the private road, is a reasonable alternative, and is in conformance with the District's General Conditions.

At the time the District recommended the private lateral alternative, it is possible that the overall length of the lateral contributed to the desire for a private facility. The District does not have any published design standard regarding the length of District-owned radial (dead-end) water mains. The 280 foot length of water main extended to the hydrant is well below typical municipal standards (City of Santa Maria maximum dead-end water main length is 600 feet).

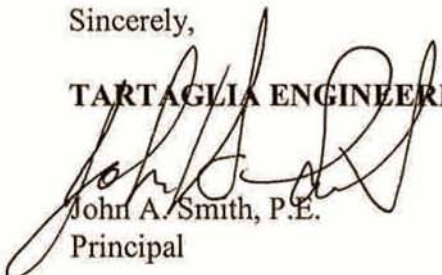
It is understood that the Fire System Capacity fee and Fire System Supplemental Water fee reflect the District's desire to establish and maintain the water and infrastructure necessary to fight a fire through a District served hydrant. Staff confirmed today that these fees do not apply if the hydrant was a public hydrant. It is difficult to draw a connection between the public/private status of a District served fire hydrant and the need for water or fire system capacity.

As previously stated, our client is forced to consider other alternatives to address the fire main lateral. The project cannot support the \$110,000 fee. After a review of the project and the NCSD standards, and in the interest of reasonableness, it is recommended that a second easement be prepared with the final map (or separate document) over top of the private road and public utility easement, in favor of the Nipomo Community Services District. A variance is not required as the District's General Conditions allow for water mains in easements. It is further recommended that the hydrant be left in-place, the double check detector backflow preventor be removed, the fees be eliminated, and the line be considered as a public water main.

I look forward to discussing this item with you in further detail.

Sincerely,

**TARTAGLIA ENGINEERING**

  
John A. Smith, P.E.

Principal

cc Jim David

JAS\2005\0509BB.1

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BBB*  
DATE: MAY 8, 2008

**AGENDA ITEM  
E-4  
MAY 14, 2008**

**CONSIDER REQUESTING AMENDMENT OF CSA 1 AGREEMENT  
TO ADD LATHRUP MIXED-USE PROJECT AT HAZEL & DIVISION**

**ITEM**

Consider Requesting Amendment of CSA 1 Agreement to Add Lathrup Mixed-Use Project at Hazel & Division [RECOMMEND APPROVAL].

**BACKGROUND**

The District received an application for sewer only service to Tract 2797, APN 092-451-048, located at the corner of Hazel Drive and Division Street on April 30, 2008. The Owner/Applicant is Mid-Pacific Investments LLC, Scott R. Lathrop, of San Luis Obispo. Mr. Lathrop signed the application. Omni Design Group, Inc., of San Luis Obispo, is the project Engineer.

The application is for a mixed use commercial and 4 unit residential sub-division development. Four parcels are proposed to be created. The property is located within County Service Area 1A and within the sewer prohibition area. The project will receive water service from another agency (Golden State Water). The Intent-to-Serve letter issued for the project in September 2005 has expired.

When staff was researching the existing agreement with CSA 1, staff determined that while the parcel is included under the current Memorandum of Understanding between the County and the District for CSA 1, only one dwelling unit equivalent is allocated to this parcel. Thus, the existing agreement needs to be amended to increase the number of dwelling units allocated to this parcel as well as increase the total number of dwelling unit equivalents provided sewer treatment within CSA 1 .

**RECOMMENDATION**

Staff recommends your Honorable Board direct staff to negotiate an amendment with San Luis Obispo County of the CSA 1 Service Agreement to add the Tract 2797 Mixed-Use Project.

**ATTACHMENTS**

- Application
- Tract Map





# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 email [bbuel@ncsd.ca.gov](mailto:bbuel@ncsd.ca.gov)  
Website: [ncsd.ca.gov](http://ncsd.ca.gov)

Office use only:  
Date and Time  
Complete  
Application, and  
fees received:

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APR 30 2008

NIPOMO COMMUNITY SERVICES DISTRICT

## INTENT-TO-SERVE APPLICATION

1. This is an application for: \_\_\_\_\_ Sewer and Water Service X ~~Water~~ Sewer Service Only SEWER
2. SLO County Planning Department/Tract or Development No.: TRACT 2797
3. Attach a copy of SLO County application.

**Note:** District Intent-to-Serve letters expire eight (8) months from date of issue, unless the project's County application is deemed complete.

4. Project location: 1020 DIVISION Rd.
5. Assessor's Parcel Number (APN) of lot(s) to be served: 092-451-048
6. Owner Name: MID-PACIFIC INVESTMENTS LLC
7. Mailing Address: P.O. Box 13938 San Luis Obispo CA. 93406
8. Email: LATHROP.COMPANY@YAHOO.COM
9. Phone: 805-801-8401 FAX: 805-541-5808
10. Agent's Information (Architect or Engineer):  
Name: OMNI DESIGN GROUP, INC  
Address: 100 CROSS ST. SAN LUIS OBISPO CA. 93401  
Email: \_\_\_\_\_  
Phone: 805-544-9700 FAX: 805-544-4327

11. Type of Project: (check box) (see Page 3 for definitions)

<input type="checkbox"/> Single-family dwelling units	<input type="checkbox"/> Multi-family dwelling units
<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Mixed Use (Commercial and Residential)

12. Number of Dwelling Units 4 Number of Low Income units 0

13. Does this project require a sub-division?  Yes  No  
If yes, number of new lots created 4

14. Site Plan:

**For projects requiring Board approval, submit six (6) standard size (24" x 36") copies and one reduced copy (8½" x 11"). Board approval is needed for the following:**

- more than four dwelling units
- property requiring sub-divisions
- higher than currently permitted housing density
- commercial developments

**All other projects, submit three (3) standard size (24" x 36") and one reduced copy (8½" x 11").**

Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable.

15. **Water Demand Certification:**

A completed Water Demand Certification, signed by project engineer/architect, must be included for all residential and the residential-portion of mixed use.

16. **Commercial Projects Service Demand Estimates:**

Provide an estimate of yearly water (AFY) and sewer (MGD) demand for the project.  
**Please note:** All commercial projects are required to use low water use irrigation systems and water conservation best management practices.

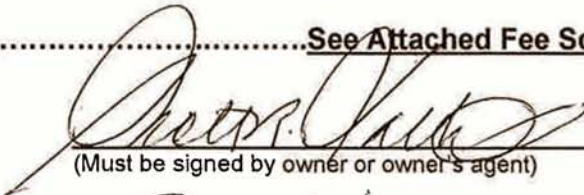
17. **Agreement:**

The Applicant agrees that in accordance with generally accepted construction practices, Applicant shall assume sole and complete responsibility for the condition of the job site during the course of the project, including the safety of persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and the Applicant shall defend, indemnify, and hold the District and District's agents, employees and consultants harmless from any and all claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities arising out of the performance or attempted performance of the work on this project; except those claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities resulting from the negligence or willful misconduct of the District.

Nothing in the foregoing indemnity provision shall be construed to require Applicant to indemnify District against any responsibility or liability or contravention of Civil Code §2782

Application Processing Fee.....See Attached Fee Schedule

Date 4.30.08 Signed

  
(Must be signed by owner or owner's agent)

Print Name SCOTT R. LATHROP



**OWNER'S STATEMENT**

We, the undersigned, hereby state that we are all the owners of, (and all record holders of security interest in,) and all parties having any record title in the real property included within the subdivision and project shown on this map, and that each of us does hereby consent to the filing and/or recordation of this map, and further by recordation of this map, we hereby relinquish all rights by vehicular access to or egress from Lots No. 1 & 2 over and across said Lots abutting Division Street and hereby offer for dedication the 5 foot public trail easement and reserve the Public Utilities Easement as shown hereon.

Mid Pacific Investment, LLC

By: Scott Lathrop, \_\_\_\_\_ Date \_\_\_\_\_  
**NOTARY**

State of California } ss  
County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ a Notary Public for the State of California, personally appeared \_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Name Printed \_\_\_\_\_

Commission No. \_\_\_\_\_

County of San Luis Obispo, California.

Name Printed \_\_\_\_\_ Time \_\_\_\_\_

My Commission expires \_\_\_\_\_

**NOTARY**

State of California } ss  
County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ a Notary Public for the State of California, personally appeared \_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Name Printed \_\_\_\_\_

Commission No. \_\_\_\_\_

County of San Luis Obispo, California.

My Commission expires \_\_\_\_\_

**DOCUMENTS RECORDED CONCURRENTLY**

A RECIPROCAL ACCESS EASEMENT FOR INGRESS AND EGRESS OVER LOT 1 IN FAVOR OF LOTS 2, 3, AND 4 PER AGREEMENT RECORDED AS DOC. No. 2007-\_\_\_\_\_

IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

**TRACT 2797**

BEING A DIVISION OF LOT 59 OF TRACT 618 AS RECORDED IN BOOK 10 AT PAGE 33 OF MAPS OF SAN LUIS OBISPO COUNTY OFFICIAL RECORDS.

**DEED OF TRUST**

Chicago Title Company, as Trustee, under a deed of trust recorded June 24, 2005, as Instrument No. 2005-051360 and under a deed of trust recorded June 24, 2005, as Instrument No. 2005-051361, of Official Records in the county of San Luis Obispo, state of California, does hereby consent to the preparation and recordation of this map.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name Printed \_\_\_\_\_ Time \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



**SURVEYOR'S STATEMENT**

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of Scott Lathrop, in June of 2007. I hereby state that this final map substantially conforms to the approved or conditionally approved tentative map if any. I also hereby state that all monuments are of the character and occupy the positions indicated and will be set by December 31 2008 and are sufficient to enable the survey to be retraced.

Brian S. Borum PLS. 8006  
Lic. Expires 12/31/08

**COUNTY SURVEYOR'S STATEMENT**

I hereby state that I have examined the map entitled "Tract 2797", that the subdivision shown hereon is substantially the same as it appeared on the tentative map and any approved alterations thereof and that all the provisions of the Subdivision Map Act and the San Luis Obispo County Code have been complied with and that I am satisfied that this map is technically correct.

Dated: \_\_\_\_\_

County Surveyor \_\_\_\_\_

**Board of Supervisors Certificate**

I do hereby state that the Board of Supervisors of the County of San Luis Obispo, State of California, did, on \_\_\_\_\_, 20\_\_\_\_, approve this map of "Tract 2797" in accordance with the provisions of the Subdivision Map Act, and the relinquishment of access as accepted on behalf of the public and hereby reject, without prejudice the 5 foot public trail easement shown hereon.

Clerk of the Board of Supervisors \_\_\_\_\_ Date \_\_\_\_\_  
of the County of San Luis Obispo  
State of California

**RECORDER'S STATEMENT**

Filed this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

in Book \_\_\_\_\_ of Maps at Page \_\_\_\_\_ at the request

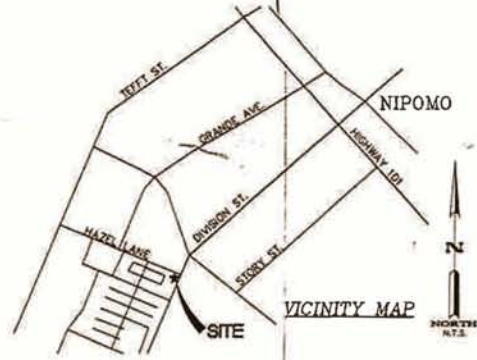
of Brian S. Borum PLS, Omni Design Group Inc.,

Document No. \_\_\_\_\_

Fee: \_\_\_\_\_

Signed: \_\_\_\_\_  
County Recorder

By: \_\_\_\_\_  
Deputy



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APR 30 2008

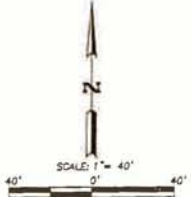
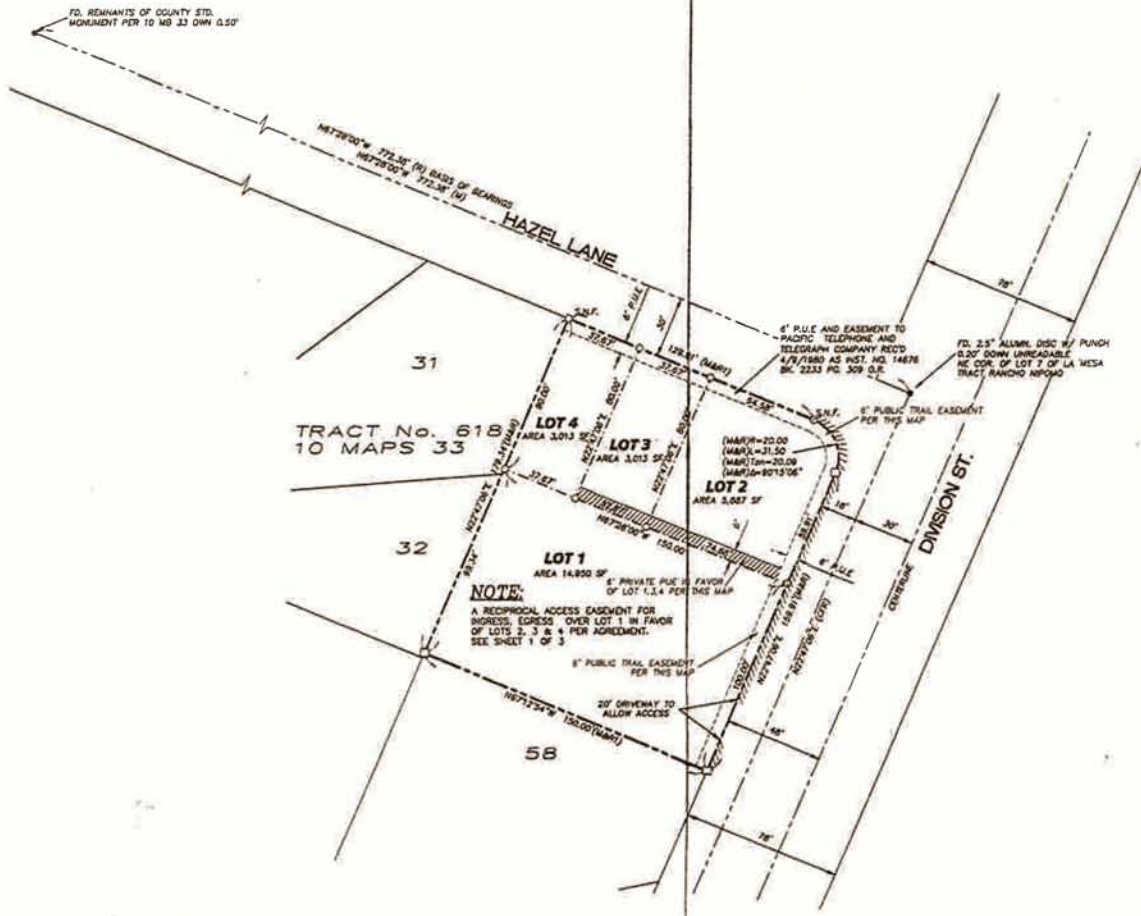
NIPOMO COMMUNITY SERVICES DISTRICT



100 Chap Street, Suite 101  
San Luis Obispo CA, 93401  
Phone: (805) 544-9700  
Fax: (805) 544-4327  
email: bsb@omnidesigngroup.com

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA  
**TRACT 2797**

BEING A DIVISION OF LOT 59 OF TRACT NO. 618, IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN LUIS OBISPO STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED MARCH 27, 1980 IN BOOK 10, PAGE 33 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



**BASIS OF BEARINGS**  
 THE CENTERLINE OF HAZEL LANE BEARS  
 N 67°28'00" W PER TRACT 618  
 RECORDED IN BOOK 10 OF MAPS AT  
 PAGE 33.

- LEGEND**
- SET 1" IRON PIPE AND CAP "PLS 8004" DWN 6" --
  - FD. MONUMENT AS NOTED
  - △ FD. CENTERLINE MONUMENT AS NOTED
  - FD. 1/2" REBAR WITH CAP PE 21807 PER (R)
  - P.U.E. PUBLIC UTILITY EASEMENT
  - INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP
  - ////// INDICATES ACCESS DENIED TO DIVISION ST.

**REFERENCES**  
 (R) : TRACT NO. 618 10 MB 33  
 (M) : MEASURED

**OMNI DESIGN GROUP, INC.**  
 ARCHITECTURE  
 CIVIL ENGINEERING  
 LANDSCAPE ARCHITECTURE  
 PROJECT MANAGEMENT  
 SURVEYING  
 TELECOMMUNICATIONS

100 Cross Street, Suite 101  
 San Luis Obispo, CA, 93401  
 Phone: (805) 544-4700  
 Fax: (805) 544-4327  
 email: info@omnidesigngroup.com



IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

TRACT 2797

BEING A DIVISION OF LOT 59 OF TRACT 618 AS RECORD IN BOOK 10 AT PAGE 33 OF MAPS OF SAN LUIS OBISPO COUNTY OFFICIAL RECORDS.

A.) THAT THE OWNER(S) OF LOT(S) 1-4 IS RESPONSIBLE FOR ONGOING MAINTENANCE OF DRAINAGE BASIN AND ADJACENT LANDSCAPING IN A VIALBE CONDITION ON A CONTINUING BASIS INTO PERPETUITY.

B.) ALL DRIVEWAYS SHALL BE CONSTRUCTED IN ACCORDANCE WITH COUNTY STANDARD IMPROVEMENT SPECIFICATIONS AND DRAWINGS. ALL DRIVEWAYS CONSTRUCTED ON COUNTY ROADS REQUIRE AN ENCROACHMENT PERMIT.

C.) IF IMPROVEMENTS ARE BONDED FOR, ALL PUBLIC IMPROVEMENTS (ROADS, DRAINAGE, AND UTILITIES) SHALL BE COMPLETED PRIOR TO OCCUPANCY OF ANY NEW STRUCTURE.

D.) A NOTICE THAT NO CONSTRUCTION PERMITS WILL BE GIVEN A FINAL INSPECTION UNTIL THE FIRE SAFETY CONDITIONS ESTABLISHED IN THE LETTER DATED DECEMBER 19, 2005 FROM THE CALIFORNIA DEPARTMENT OF FORESTRY (CDF)/COUNTY FIRE DEPARTMENT ARE COMPLETED. PRIOR TO OCCUPANCY OR FINAL INSPECTION, WHICH EVER OCCURS FIRST, THE APPLICANT SHALL OBTAIN FINAL INSPECTION APPROVAL OF ALL REQUIRED FIRE/LIFE SAFETY MEASURES.

E.) DURING CONSTRUCTION/GROUND DISTURBING ACTIVITIES, THE APPLICANT SHALL IMPLEMENT THE FOLLOWING PARTICULATE (DUST) CONTROL MEASURES. THESE MEASURES SHALL BE SHOWN ON THE GRADING AND BUILDING PLANS. IN ADDITION, THE CONTRACTOR OR BUILDER SHALL DESIGNATE A PERSON OR PERSONS TO MONITOR THE DUST CONTROL PROGRAM AND TO ORDER INCREASED WATERING, AS NECESSARY, TO PREVENT TRANSPORT OF DUST OFF SITE. THEIR DUTIES SHALL INCLUDE HOLIDAY AND WEEKEND PERIODS WHEN WORK MAY NOT BE IN PROGRESS. THE NAME AND TELEPHONE NUMBER OF SUCH PERSONS SHALL BE PROVIDED TO THE APCD PRIOR TO COMMENCEMENT OF CONSTRUCTION.

1. REDUCE THE AMOUNT OF DISTURBED AREA WHERE POSSIBLE.
2. USE OF WATER TRUCKS OR SPRINKLER SYSTEMS IN SUFFICIENT QUANTITIES TO PREVENT AIRBORNE DUST FROM LEAVING THE SITE. RECLAIMED (NON-POTABLE) WATER SHOULD BE USED WHENEVER POSSIBLE.
3. VEHICLE SPEED FOR ALL CONSTRUCTION VEHICLES SHALL NOT EXCEED 15 MPH ON ANY UNPAVED SURFACE AT THE CONSTRUCTION SITE.
4. ALL TRUCKS HAULING DIRT, SAND, SOIL, OR OTHER LOOSE MATERIALS ARE TO BE COVERED OR SHOULD MAINTAIN AT LEAST TWO FEET OF FREEBOARD (MINIMUM VERTICAL DISTANCE BETWEEN TOP LOAD AND TOP OF TRAILER) IN ACCORDANCE WITH CVC SECTION 23114.
5. SWEEP STREETS AT THE END OF EACH DAY IF VISIBLE SOIL MATERIAL IS CARRIED ONTO ADJACENT PAVED ROADS. WATER SWEEPERS WITH RECLAIMED WATER SHOULD BE USED WHERE FEASIBLE.
6. ALL DIRT STOCK-PILE AREAS SHOULD BE SPRAYED DAILY AS NEEDED.

F.) NO DEVELOPMENTAL BURNING IS ALLOWED UNLESS AN APPLICATION IS FILED AND A BURN PERMIT IS ISSUED BY THE AIR POLLUTION CONTROL DISTRICT. THE APPLICATION SHALL INCLUDE THE JUSTIFICATION FOR BURNING GREEN WASTE MATERIAL ON THE PROJECT SITE AS WELL AS TWO WRITTEN ESTIMATES FOR CHIPPING, GRINDING, OR HAULING THE GREEN WASTE.

G.) PRIOR TO ANY SITE DISTURBANCE, THE APPLICANT SHALL HAVE A GEOLOGIC EVALUATION COMPLETED TO DETERMINE IF NATURALLY OCCURRING ASBESTOS (NOA) IS PRESENT WITHIN THE AREA OF DISTURBANCE. IF NOA IS NOT PRESENT, AN EXEMPTION REQUEST SHALL BE FILED WITH THE APCD. IF NOA IS PRESENT, THE APPLICANT SHALL COMPLY WITH ALL REQUIREMENTS OF THE AIR TOXICS CONTROL MEASURE.

H.) PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS ON ALL PARCELS, THE APPLICANTS SHALL SUBMIT A DRAINAGE PLAN PER COUNTY LAND USE ORDINANCE, SEC. 22.52.080 THAT WILL BE INCORPORATED INTO THE DEVELOPMENT TO MINIMIZE POTENTIAL DRAINAGE IMPACTS. THIS DRAINAGE PLAN WILL NEED TO INCLUDE ADEQUATE MEASURES, SUCH AS CONSTRUCTING ONSITE RETENTION AND DETENTION BASINS, OR INSTALLING SURFACE WATER FLOW DISSIPATORS. THE DRAINAGE PLAN FOR THE INCREASED RUNOFF FROM NEW CONSTRUCTION WILL NEED TO SHOW THAT THERE WILL NOT BE ANY INCREASE IN SURFACE RUNOFF BEYOND THAT OF HISTORIC FLOWS.

I.) PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS FOR THE RESIDENTIAL DEVELOPMENT ON PROPOSED PARCEL 3, THE APPLICANT SHALL SHOW ON THE CONSTRUCTION PLANS THE FOLLOWING FOR NOISE MITIGATION:

- A. AIR CONDITIONING OR A MECHANICAL VENTILATION SYSTEM,
- B. WINDOWS AND SLIDING GLASS DOORS MOUNTED IN LOW AIR INFILTRATION RATE FRAMES,
- C. SOLID CORE EXTERIOR DOORS WITH PERIMETER WEATHER STRIPPING AND THRESHOLD SHIELDS.

J.) ALL WATER FIXTURES INSTALLED (INCLUDING SHOWERS, FAUCETS, ETC.) THAT ARE NOT SPECIFIED IN THE UNIFORM PLUMBING CODE SHALL BE OF AN ULTRA LOW FLOW DESIGN, WHERE APPLICABLE. WATER USING APPLIANCES (E.G., DISHWASHERS, CLOTHES WASHERS, ETC.) SHALL BE OF HIGH WATER EFFICIENCY DESIGN. THESE SHALL BE SHOWN ON ALL APPLICABLE PLANS PRIOR TO PERMIT ISSUANCE.

K.) PRIOR TO FINAL INSPECTION OR OCCUPANCY (WHICHEVER OCCURS FIRST), THE FOLLOWING MEASURES SHALL BE APPLIED TO THE PROPOSED TURF AREAS:

1. DRIP IRRIGATION SYSTEMS ARE REQUIRED FOR ALL LANDSCAPE AREAS EXCEPT TURF AREAS. THE DRIP IRRIGATION SYSTEM SHALL INCLUDE THE FOLLOWING COMPONENTS:  
AUTOMATIC RAIN SHUT-OFF DEVICE, SOIL MOISTURE SENSORS, A SEPARATE METER FOR OUTDOOR WATER AND AN OPERATING MANUAL TO INSTRUCT THE BUILDING OCCUPANT HOW TO USE AND MAINTAIN THE WATER CONSERVATION HARDWARE.
2. THE MAXIMUM AMOUNT OF TURF (LAWN) AREA SHALL NOT EXCEED TWENTY PERCENT OF THE SITE'S TOTAL IRRIGATED LANDSCAPE AREA, TO A MAXIMUM OF 1,500 SQUARE FEET.
3. A SOLID WALL OR FENCING SHALL BE SHOWN ON ALL SIDE AND REAR PROPERTY LINES OF THE PROJECT.

  
**OMNI**  
DESIGN GROUP, INC.  
ARCHITECTURE  
CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE  
PLANNING  
PROJECT MANAGEMENT  
SURVEYING  
TELECOMMUNICATIONS

100 Cross Street, Suite 101  
San Luis Obispo, CA 93401  
Phone: (805) 544-9700  
Fax: (805) 544-4327  
email: info@omnidesigngroup.com

SHEET 3 OF 3 SHEETS

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BB*  
DATE: MAY 8, 2008

**AGENDA ITEM  
E-5  
MAY 14, 2008**

**CONSIDER VILLAGE AT NIPOMO VARIANCE APPLICATION**

**ITEM**

Consider Moore Village at Nipomo (CO 06-0037) Variance Application Regarding Omission of Water Valve Boxes [APPROVE OR DENY APPLICATION].

**BACKGROUND**

Attached is a request from FRM on behalf of Edwin Moore, Village at Nipomo LLC, for your Honorable Board to waive the District's requirement for the installation of valve boxes at the corporation stops for the 1 ½ inch and 2 inch water services, pursuant to NCSD Code Section 1.04.030. Attached is the District's Standard Detail, W-9, that was in affect at the time. The purpose of this detail is to provide the ability to isolate water service laterals between the water main and the water meter assembly without affecting other District water customers. The nearest agency that uses a similar detail is the City of Arroyo Grande.

As indicated in FRM's letter, the valve boxes were not installed before the road was paved and the County will essentially require the developer to repave the street if the District requires the developer to install the valve boxes.

Attached is a draft resolution prepared by staff, should the Board wish to grant this application. Should your Honorable Board wish to deny the application, all that is needed is a motion.

**RECOMMENDATION**

Staff recommends that your Honorable Board hear from the applicant and then the public. Following closure of public input, staff requests that your Honorable Board either adopt the attached resolution waiving the requirement for the installation of the water valve boxes or deny the application, by motion.

**ATTACHMENTS**

- May 2, 2008 Application Letter
- NCSD Standard Detail W-9, dated July 2007
- Draft Resolution prepared by staff

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2008\VILLAGE AT NIPOMO VARIANCE REQUEST.DOC



# FR GENERAL ENGINEERING CONTRACTORS

## A División of Fluid Resource Management

May 2, 2008

Nipomo Community Services District  
148 Wilson Street  
Nipomo, CA 93444

RECEIVED  
MAR 02 2008  
NIPOMO COMMUNITY  
SERVICES DISTRICT

Honorable NCS D Board of Directors:

My name is Patrick Stanhope, and I am the Senior Estimator/Project Manager for Fluid Resource Management. As part of the Village at Nipomo, FRM was tasked with providing the off-site improvements for the project.

I have been an estimator/project manager for over 30 years and am sorry to say that we missed a NCS D standard detail for a W-9 valve box at the corporation stop for those meters sized 1 1/2" to 2". In my many years in the construction industry, I have never seen this detail used in any City, County, or CSD.

FRM would have installed these risers/boxes during the construction of the improvements, however the Engineers, County and District Inspectors, and my onsite crew all missed this one detail.

In discussions with the County, they have taken the position that they do not want us to cut into a new street without severe consequences (see attached e-mail)

I have 2 points as to repairs if required. They are as follows:

1. The apparent purpose of this detail is to provide for convenient isolation of the service laterals between the main water line in the street and the water meter assembly without interrupting service to other District customers.

In the current configuration, should a leak occur, easy isolation of the main water lines and laterals is via the new main line valves located in Mary Street and Flint Street which are immediately adjacent to project location can be utilized for this purpose and repairs effected easily.

2. Water main isolation valves service only the immediate new Nipomo Village Project. No other customers would be impacted if the main valves had to be temporarily turned off so that work on the services laterals could be performed. Should a leak develop on the property, the valves located at each water meter would be utilized.

I hope that we can reach a fair and equitable solution to this situation we find ourselves in. I would be happy to answer any questions regarding this matter and look forward to a speedy conclusion.

Sincerely;

**FLUID RESOURCE MANAGEMENT INC.**



Patrick Stanhope  
Project Manager

## Pat Stanhope

---

**From:** Byron Pruitt [ByronP@edainc.com]  
**Sent:** Friday, May 02, 2008 9:13 AM  
**To:** Pat Stanhope  
**Subject:** FW: Mary Street Extension-WL service repair

-----Original Message-----

From: Peter Sevcik [mailto:psevcik@ncsd.ca.gov]  
Sent: Friday, April 25, 2008 4:14 PM  
To: Byron Pruitt  
Cc: Bruce Buel; Tina Grietens; Butch Simmons; Rick Motley  
Subject: RE: Mary Street Extension-WL service repair

Byron,

As we discussed earlier this week, a valve box assembly needs to be installed at the watermain valve for all water services 1-1/2" and larger in accordance with District Standards and in accordance with the approved plans. Should you have any questions or require additional information, please let me know...Peter

Peter V. Sevcik, P.E.  
District Engineer  
Nipomo Community Services District  
P.O. Box 326  
Nipomo, CA 93444  
mailto:psevcik@ncsd.ca.gov  
(805) 929-1133

-----Original Message-----

From: Byron Pruitt [mailto:ByronP@edainc.com]  
Sent: Friday, April 25, 2008 9:40 AM  
To: Peter Sevcik  
Subject: FW: Mary Street Extension-WL service repair

Peter,  
Please review the comments by the County and get back to me at your earliest convenience.  
Thank you,  
Byron

-----Original Message-----

From: gdmarschall@co.slo.ca.us [mailto:gdmarschall@co.slo.ca.us]  
Sent: Friday, April 25, 2008 9:27 AM  
To: Byron Pruitt  
Cc: rghezzi@co.slo.ca.us; jhandeland@co.slo.ca.us  
Subject: Mary Street Extension-WL service repair

Byron:

As a follow-up to our phone conversation yesterday afternoon it is my understanding that all water service lateral valve boxes and risers adjacent to the main water line in the Mary Street extension (between Tefft St and Hill St) were not installed in accordance with NCS D Standard W-9.

Further, that NCS D may be requiring that this new section of roadway be trenched in multiple locations to have these components installed.

Public Work's policy is to place a 5-year moratorium on the trenching of new roads. Therefore, the Public Works Trench Repair Standard (R-4a) would not be applicable to cover the roadway repair associated with this work.

Rather, Public Works will be requiring, at a minimum, pavement grinding with a 1.5-inch overlay of the entire travel lane in which all trenching has occurred and/or to the limits as determined by the Public Works inspector. A County Public Works inspector will need to be present during the trenching operations to check for failure of the trench walls during



the work and will make recommendations as applicable to repair the damage caused to the roadway structural section.

Please keep either me or my inspector, Jim Handeland, informed as to the status of this issue. Please feel free to contact me if you have any questions.

-Glenn

(See attached file: NCSD W8.pdf)

---

Glenn Marshall, RCE  
Development Services Engineer  
County of San Luis Obispo Public Works Department County Government Center, Room 208 San  
Luis Obispo, CA 93408  
ph: 805-781-1596 / fax: 805-781-1229  
email: gdmarschall@co.slo.ca.us

## Pat Stanhope

---

**From:** Stephen.Geis@Ferguson.com  
**Sent:** Friday, May 02, 2008 11:32 AM  
**To:** Pat Stanhope  
**Subject:** Corporation Stops

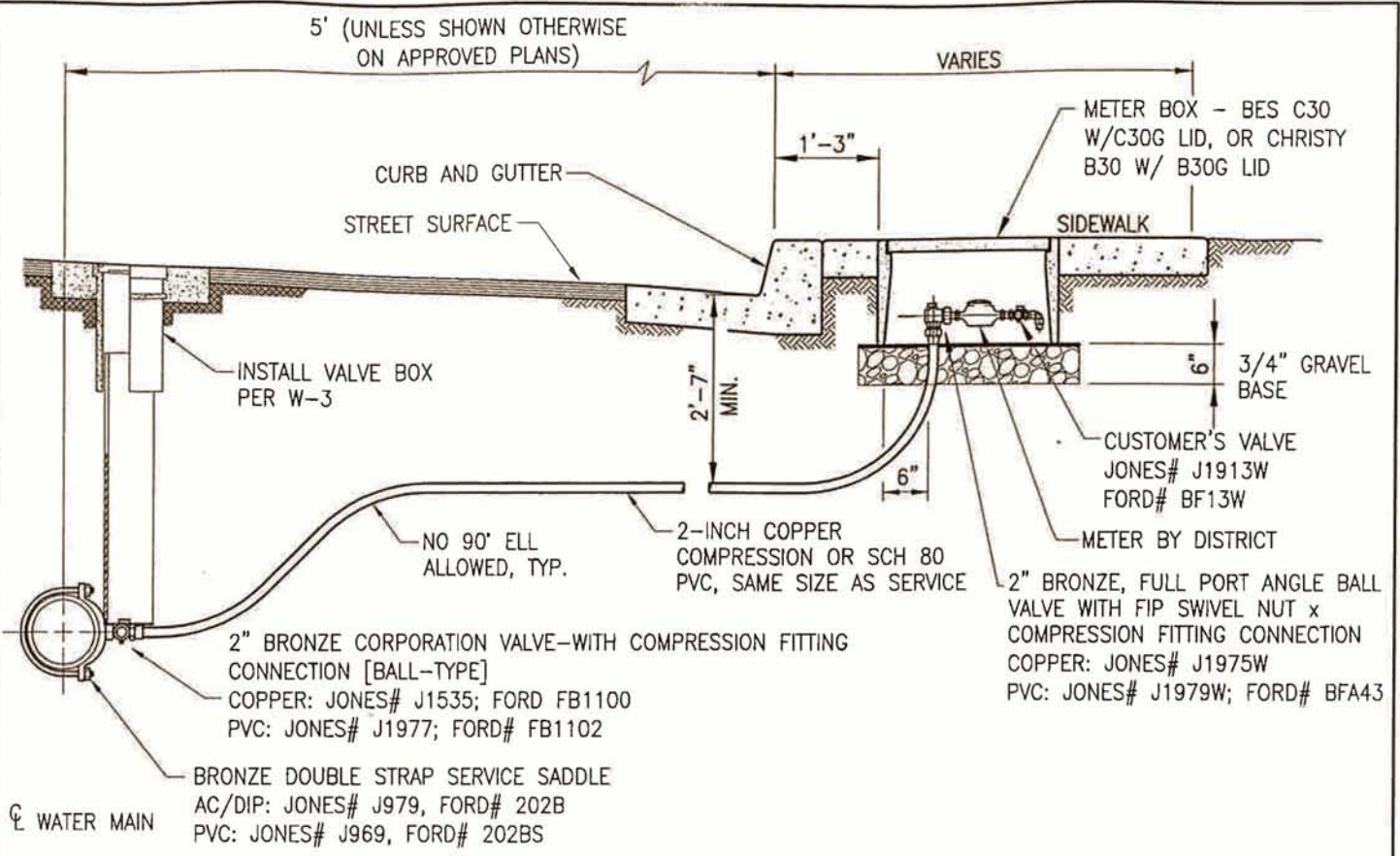
To Whom It May Concern:

In regards to typical water services utilized throughout modern day new construction, the corporation (corp) stop is generally used for a (Hot Tap) application and a means of connection to different water service piping. Almost all districts and governing bodies DO NOT utilize the corp stop as a means of turning off and on a particular customer's water supply. For the past 50 years or so the conventional "angle stop" or "curb stop" has replaced the "corp stop" and its adjoining duties. Districts and municipalities find the "angle stop" or "curb stop" much easier and economical for on/off applications because of its' location next to the property or in the curb rather than the center of the street where traffic control and safety are at a higher risk. Once the corporation stop is installed it is basically buried with no need for access due to the conventional shut off valve next to the property. Even the manufacturer's recommend common backfilling and burial of the corporation stop after installation with no desire for access to the valve. In all reality, the word "corporation stop" was invented back in the day to describe the district's or "corporation's" act of stopping water to a customer due to problems or non-payment before the "angle stop" or "curb stop" was utilized.

Regards,

Stephen Geis  
Waterworks Sales  
Ferguson Enterprises, Inc. #632  
4546 Broad St  
San Luis Obispo, Ca 93401  
Ph. (805) 594-5380 Fax (805) 594-5389 Cell (805) 431-3769  
stephen.geis@ferguson.com





**GENERAL NOTES:**

1. IF METER BOX IS LOCATED ON A SLOPE NEXT TO A CURB, OR SIDEWALK, A PROTECTIVE RETAINING WALL SHALL BE CONSTRUCTED.
2. CORPORATION VALVE TAP SHALL BE MADE AS SPECIFIED BY THE PIPE MANUFACTURER'S INSTALLATION GUIDE. ALL DRY TAPS SHALL BE MADE WITH MACHINE WITH GUIDE OR PILOT FOR TAP.
3. SIZE OF THE SERVICE MUST BE APPROVED BY THE DISTRICT.
4. THE WATER SERVICE SHALL EXTEND PERPENDICULAR TO THE CENTERLINE OF THE STREET FROM THE WATER MAIN TO THE METER STOP.
5. CORPORATION VALVE TAP SHALL HAVE A SERVICE SADDLE AND SHALL BE MADE AS SPECIFIED BY THE PIPE MANUFACTURER'S INSTALLATION GUIDE. ALL DRY TAPS SHALL BE MADE BY MACHINE WITH GUIDE OR PILOT FOR TAP. (DIRECT TAPS WILL NOT BE ALLOWED)
6. PROVIDE 12 GAUGE INSULATED TRACER WIRE ALONG EACH SERVICE OF SUFFICIENT LENGTH TO EXTEND INTO METER BOX AND A MINIMUM OF 24-INCHES ABOVE FINISH GRADE. COIL NEATLY INSIDE BOX.

DWG: W:\Nipomo CSD (19996) \N0910001\WATER STANDARD\CAD\PlanSet\W9.dwg USER: jfroelicher  
 DATE: Aug 09, 2007 9:29am XREFS: JULY 2007 BORDER

		<b>NIPOMO COMMUNITY SERVICES DISTRICT</b>	
		<b>1-1/2" &amp; 2" STANDARD WATER SERVICES</b>	
		<i>BOYLE ENGINEERING CORPORATION</i>	DATE DRAWN JULY 2007
DATE	REVISION		SHEET NO. <b>W-9</b>

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2008-XXXX**

**A RESOLUTION OF THE  
BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
WAIVING REQUIREMENT FOR INSTALLATION OF  
VALVE BOXES AT CORPORATION STOPS**

**WHEREAS**, Edwin Moore ("Applicant") has requested a variance from the District's requirements for the installation of valve boxes at the corporation stops for the water services for the project, pursuant to Section 1.04 of the District Code. The Application is incorporated herein by this reference;

**WHEREAS**, the installation of valve boxes at the corporation stops for the water services adjacent to the water main were not installed in accordance with NCS D Standard W-9;

**WHEREAS**, County of San Luis Obispo policy is to place a 5-year moratorium on the trenching of new roads;

**WHEREAS**, the Board of Directors of the Nipomo Community Services District ("District") held a noticed public hearing on Wednesday, May 14, 2008, to receive feedback on the proposed variance as required by Section 1.04 of the District Code, and

**WHEREAS**, the Board has conditioned approval of the variance with the requirement that all other District requirements related to this project remain in effect;

**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 subject to the conditions referenced in paragraph 2, below.
2. Conditions of approval.
  - A. All representations contained in the Application, including the payment of supplemental water capacity fees and charges, shall be considered conditions of approval.
  - B. The variance will not take effect until the Applicant signs this Resolution agreeing to the terms and conditions of approval. Failure to sign within ten (10) days shall constitute non-compliance with said conditions, resulting in the automatic withdrawal of the approval of the variance.
  - C. 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.



RESOLUTION NO. 2008-XXXX

A RESOLUTION OF THE  
BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
WAIVING REQUIREMENT FOR INSTALLATION OF  
VALVE BOXES AT CORPORATION STOPS

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this 14<sup>th</sup> day of May, 2008, on the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Michael Winn, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

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

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

Acceptance of Conditions:

This variance is hereby accepted upon the express terms and conditions hereof and shall have no force and effect unless and until agreed to in writing by the Applicant or authorized agent. The undersigned hereby acknowledges and approves the terms and conditions and agrees to fully conform and comply with said terms and conditions within the recommended time frames approved by the Nipomo Community Services District Board of Directors.

Date: \_\_\_\_\_

\_\_\_\_\_  
Edwin Moore