


TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: NOVEMBER 20, 2008

**AGENDA ITEM
E-5
NOVEMBER 26, 2008**

SERVICE REQUEST – APN 090-386-027

ITEM

Consider request for water and sewer service (Intent-to-Serve Letter) for a 6 unit multi-family development at 139 East Dana Street, Nipomo, pursuant to District's water allocation ordinance [APPROVE, DENY OR CONTINUE].

BACKGROUND

The District received an application for water and sewer service to APN 090-386-027 on October 23, 2008. The Applicant, Keith Garl, is requesting water and sewer service for a 6 unit multi-family development. The existing .16 acre parcel is currently zoned Residential Multi-Family and does not have District water or sewer service. All units, existing and planned, will be required to obtain water, sewer and solid waste service in compliance with current District standards. Any existing well(s) on the property shall not be utilized to provide domestic water service to any part of the project. A Water Demand Certification is included with application.

This application is subject to the District's annual water-year allocation limits (34.3 acre-feet). Water allocation for the project is 3 acre-feet per year (6 x .5). Attached is the current Water Allocation Accounting Summary for Water Year 2008-2009.

Both the phasing and the calculation of the projected water demand are determined by the allocation ordinance. According to Section 3.05.06 of the allocation ordinance, the projected total demand shall be established as 0.50 AFY per multiple family dwelling. According to Section 3.05.040.A.2, a total of 6.86 AFY is reserved for multiple family dwelling units in any one allocation year. According to Section 3.05.110.A, the District will not allocate more than twenty percent (20%) of the use type allocation to any one project during any one allocation year. Thus, the allocation policy would project the total demand for 6 units at 3 AFY (6 times 0.5) and require that no more than 1.37 AFY (0.2 times 6.86) be allocated in the multi-family classification to any one allocation year. Thus, the water allocation needs to be phased over a three (3) year period at the rate of 1 AFY.

As set forth in the attached Water Allocation Accounting Summary, the District has previously approved 2.3 AF for other multiple family dwelling projects in Allocation Year 2008-09, leaving 4.6 AF available this allocation year.

Based on an assumed water meter size of 2 inches, a fire service line of 2 inches, an irrigation meter size of 1 inch and the current water capacity, supplemental water and sewer capacity charges, the estimated fees for the project are \$ 148,226. The actual fees will be based on the meter sizes and fire service size indicated on the improvement plans to be prepared by the applicant as well as the fees that are in affect at the time the project is accepted by the District.

RECOMMENDATION

Staff requests your Honorable Board provide staff with direction to approve, deny or continue the application.

If the Board desires to approve the project, then staff should be directed to issue an Intent-to-Serve letter for the project with the following conditions:

- This project shall obtain solid waste, sewer and water service for all units, existing and planned.
- Will-Serve letters for the project will be issued in "phases" as follows:
 - No more than 2 units (1 acre-feet) prior to September 30, 2009;
 - No more than 4 units (2 acre-feet), cumulative, prior to September 30, 2010;
 - No more than 6 units (3 acre-feet), cumulative, prior to September 30, 2011;
- Water service for the entire project shall be served by a single meter for indoor uses and a separate meter for landscape areas.
- On-site fire service (e.g. fire sprinklers) will require a dedicated service lateral. CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges will be applicable.
- Any existing well(s) shall not be utilized to provide domestic water service to any parcel within the project.
- The use of self-regenerating water softeners in any unit is prohibited.
- Comply with District water conservation program.
- Pay all appropriate District fees associated with this development.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement and provide a deposit.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
- Any easements required for water and sewer improvements that will be dedicated to the District shall be offered to the District prior to final improvement plan approval.
- A Will-Serve letter for the project will be issued after improvement plans are approved and signed by General Manager.
- Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a Will Serve Letter in an amount equal to the then calculated Fees for Connection.
- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.
- Construct the improvements required and submit the following:
 - Reproducible "As Builts" - A mylar copy and digital format disk (AutoCAD) which includes engineer, developer, tract number and water and sewer improvements
 - Offer of Dedication
 - Engineer's Certification
 - A summary of all water and sewer improvement costs
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and provided that the District has accepted improvements to be dedicated to the District, if applicable.
- This letter is void if land use is other than multi-family residential.
- Intent-to-Serve letters shall automatically terminate on the first to occur:
 - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
 - Two (2) years. However, applicant shall be entitled to a one-year extension upon proof of reasonable due diligence in processing the project.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.

- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.

ATTACHMENTS

Application
Proposed Site Plan
Water Year 2008-2009 Allocation Summary

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2008\SERVICE REQUESTS\SERVICE REQUEST APN 090-386-027.DOC



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
Website: ncsd.ca.gov

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

RECEIVED

OCT 23 2008

NIPOMO COMMUNITY SERVICES DISTRICT

INTENT-TO-SERVE APPLICATION

- This is an application for: Sewer and Water Service Water Service Only
- SLO County Planning Department/Tract or Development No.: _____
- 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.

- Project location: 139 E Dana Street, Nipomo CA
- Assessor's Parcel Number (APN) of lot(s) to be served: 090-386-027
- Owner Name: Keith Garl
- Mailing Address: 1036 Mesa Rd, Nipomo CA 93444
- Email: n/a
- Phone: 805-896-7749 FAX: 805-929-2520
- Agent's Information (Architect or Engineer):
Name: Clinton m Iwanicha, Architect
Address: 2456 Hemlock ave, Morro Bay CA 93442
Email: cmiarchitect@gmail.com
Phone: 805-254-4051 FAX: 866-271-1155
- Type of Project: (check box) (see Page 3 for definitions)

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

- Number of Dwelling Units 6 Number of Low Income units 0
- Does this project require a sub-division? Yes No
If yes, number of new lots created _____
- 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.

Copy of document found at www.NoNewWipTax.com

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:

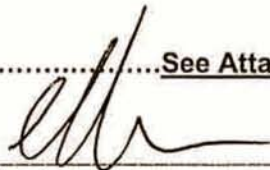
The Applicant agrees that in accordance with generally accepted construction practices, Applicant shall assume sole and complete responsibility for the condition of the job site during the course of the project, including the safety of persons and property; that this requirement shall apply continuously 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 10.27.08

Signed



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

Print Name

Clinton Iwanicha, Architect

WATER DEMAND CERTIFICATION

Supplement to Intent-to-Serve/Will Serve Application

Definitions

(Please note – these definitions do NOT reconcile with standard SLO County Planning department definitions)

Multi-family dwelling unit – means a building or portion thereof designed and used as a residence for three or more families living independently of each other under a common roof, including apartment houses, apartment hotels and flats, but not including automobile courts, or boardinghouses.

Two-family dwelling units (duplex) – means a building with a common roof containing not more than two kitchens, designed and/or used to house not more than two families living independently of each other.

Single-family dwelling unit – means a building designed for or used to house not more than one family.

Secondary dwelling units – means an attached or detached secondary residential dwelling unit on the same parcel as an existing single-family (primary) dwelling. A secondary unit provides for complete independent living facilities for one or more persons.

Commercial Projects

Commercial projects are exempt from Water Demand Certification; however, low water-use irrigation systems and water conservation best-management practices are required. The dwelling component of Mixed-Use projects (e.g. commercial and residential), are required to provide Water Demand Certification for the dwelling unit portion of the project.

Non-Commercial Projects

Water Demand Certification is required for all non-commercial projects and for the dwelling units of Mixed-Use. Certification must be signed by a licensed Engineer/Architect.

- - - Go to next page for demand calculation and certification - - -

Demand Calculation (for new dwelling units only)

Total project water demand (dwelling units including irrigation), by District standard, is as follows:

Number of Multi-family Units	<u>6</u>	X	0.33	=	<u>1.98</u>
Number of Duplexes/Secondary Units	_____	X	0.24	=	_____
Number of Single Family Units with:					
Parcel less than 4,500 sq. ft.	_____	X	0.29	=	_____
Parcel between 4,500 and 10,000 sq. ft.	_____	X	0.39	=	_____
Parcel greater than 10,000 sq. ft.	_____	X	0.69	=	_____
Total demand all dwelling units including irrigation				=	<u>1.98</u>

Certification

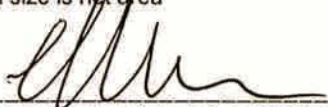
I the undersigned do here by certify:

Project design incorporates low water use landscape and landscape irrigation systems.

The design maximum total water demand, including landscaping does not exceed the following:

- 0.33 AFY per Multi-Family Dwelling Unit;
- 0.24 AFY per Dwelling Unit for duplexes and Secondary Dwellings;
- 0.29 AFY per Single Family Dwelling Unit located on a parcel size of four thousand five hundred (4,500) square feet or less;
- 0.39 AFY per Single Family Dwelling Unit located on a parcel size between four thousand five hundred (4,500) and ten thousand (10,000) square feet.
- 0.69 AFY per Single Family Dwelling Unit located on a parcel size that exceeds ten thousand (10,000) square feet.
- 0.69 AFY for the entire parcel when a secondary home is being added.

Note: "AFY" = acre-foot per year
Parcel size is net area

Signed  Date 10-27-08
Must be signed by project engineer/architect

Title Architect License Number C30531

Project 090-386-027 (e.g. Tract Number, Parcel Map #, APN)

APPLICATION FEES AND CHARGES
Effective July 1, 2008

PROJECT SIZE/TYPE	TOTAL AMOUNT DUE**	NON-REFUNDABLE AMOUNT DUE AT TIME OF SUBMITTING APPLICATION PURSUANT TO A & B(1) BELOW	BALANCE DUE PURSUANT TO B(2) BELOW
Residential <3 units	\$965.87	\$965.87	\$0.00
Residential 4-20 units	* \$1,326.73	* \$331.68	\$995.05
Residential > 20 units	\$1,562.03	\$390.50	\$1,171.53
Commercial <1 acre	\$1,326.73	\$331.68	\$995.05
Commercial 1-3 acres	\$1,562.03	\$390.50	\$1,171.53
Commercial > 3 acres	\$2,158.19	\$539.54	\$1,618.65
Mixed Use with less than 3 Dwelling Units	\$1,562.03	\$390.50	\$1,171.53
Mixed Use with four or more Dwelling Units	\$2,158.19	\$539.54	\$1,618.65
*Outside Consulting and Legal fees will be billed to the Applicant at direct rate.			

Timing of Fee

A. For residential projects with less than three (3) units the Application Fee is due and payable with the application for service.

B. For residential units that exceed three (3) units and all commercial projects and mixed use projects, the Application fee is due and payable as follows:

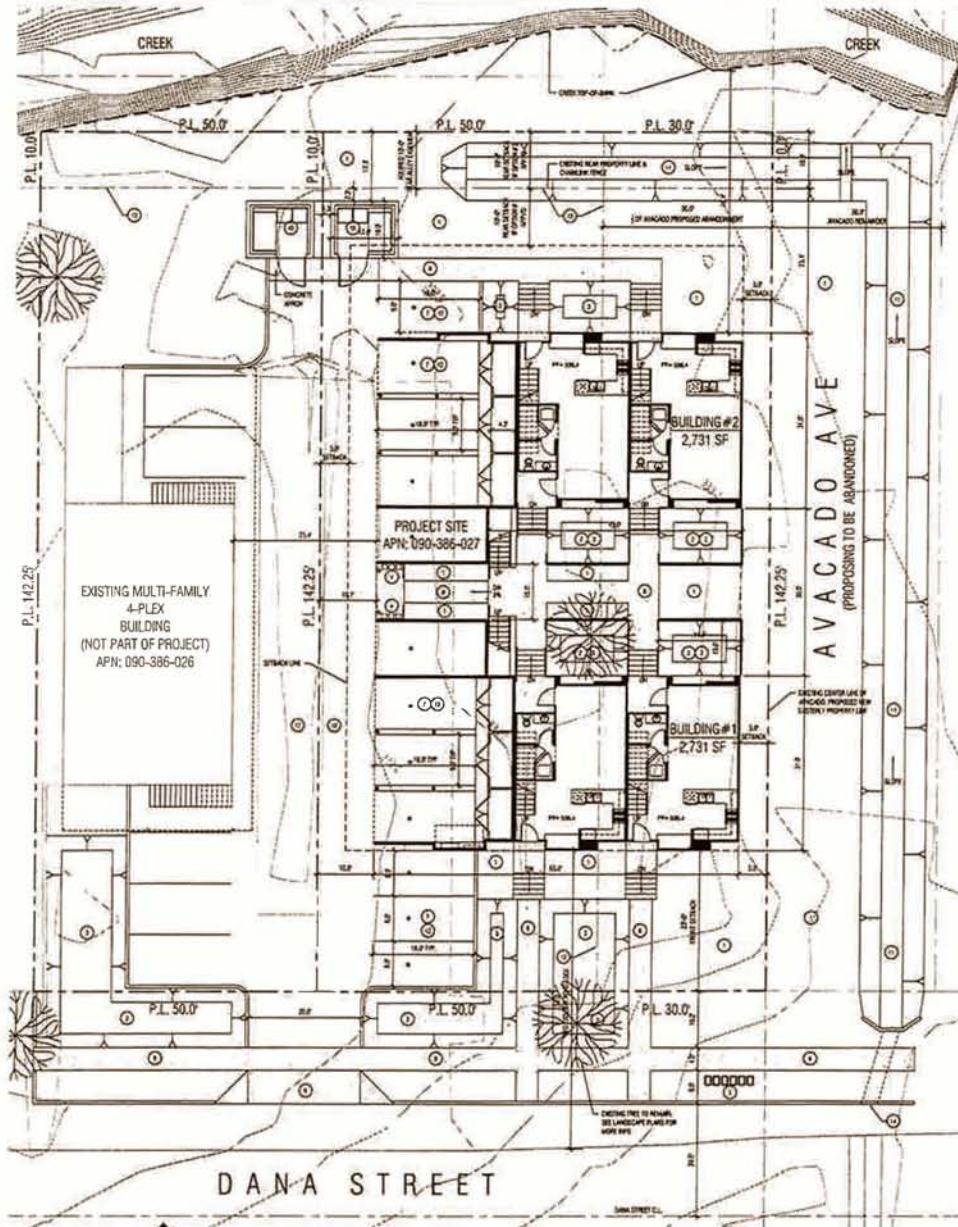
1. Twenty-five percent (25%) as a non-refundable deposit with the application for service.
2. The remainder of the Application Fee, plus charges for District consultants in processing the application, is due and payable prior to the District issuing a "Will-Serve Letter" or entering into a Plan Check and Inspection Agreement, whichever occurs first.

**Commencing on July 1, 2008 and each year thereafter the Application Fees shall be adjusted by a Consumer Price Index formula.

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OCT 23 2008

NIPOMO COMMUNITY SERVICES DISTRICT



site notes

- 1 NEW LANDSCAPING & OPEN SPACE AREA
- 2 PERMIT TARD WITH WOOD PILES SURROUND 10FT TALL
- 3 LOW IMPACT DESIGN RETENTION FOR DRAINAGE. SEE SHEET S-1 FOR MORE INFORMATION
- 4 GAS METERS
- 5 WATER METERS
- 6 SWIM ACCESS AND 20FT PERM. CONCRETE ACCESS EASEMENT BETWEEN BUILDINGS & 2ND GARAGE REARWALL
- 7 PARKING SPACES
- 8 CONCRETE SIDEWALK
- 9 PUBLIC IMPROVEMENTS (CURE, GUTTER & SIDEWALK)
- 10 CURB TROUGH & RECYCLE ENCLOSURE
- 11 DRAINAGE CHANNELS (WALL). SEE SHEET S-1 FOR MORE INFORMATION
- 12 AT PARKING DRIVE WHEEL CARRIAGES & PARKING SPACES
- 13 EXISTING PROPERTY LINE TO ADJACENT PERM PLAN
- 14 NEW DRIVE THROUGH CURB FOR DANA DRAINAGE TO NEW DRAINAGE WALL. SEE SHEET S-1



PROJECT ADDRESS:
 clinton m. iwanicha
 2456 hemlock ave
 morro bay, california
 805.254.4051
 lic# C30531

PROJECT TYPE:
 two- 3 unit
 multi-family
 residential buildings

PROJECT LOCATION:
 139 east dana st.
 nipomo, california

DESIGNER:
 Keith Garl
 1036 mesa road
 nipomo, california

PROJECT TITLE:
 preliminary site plan


CLIENT INFO:

NO.	DESCRIPTION	DATE

DATE:
 MUP1.0

Nipomo Community Services District
Water Allocation Accounting Summary

WATER YEAR 2008-2009													
Project	Dwelling units per category					Water allotment (acre-feet)					Notes:		
	SFR > 10	SFR 4.5 - 10	SFR < 4.5	SEC	MF	Low I	SFR/DUP	SEC	MF	Low I		Total	Tally
APN 092-130-044 ROOSEVELT apts. Phased 4/4					7		21.9	3.4	6.9	2.1		34.3	Low I (low income) pulls from SFR/DUP and MF, proportional to their allotment.
Tract 2734 DeBlauw, Phased 2/2	2						0.0	0.0	(1.3)	0.0	(1.3)	33.0	BOD Approved 5/10/06
CO 06-0225; Blume at Flint; Kengle; Phase 2/10					2		(2.1)	0.0	0.0	0.0	(2.1)	30.9	BOD Approved 7/9/08
Tract 2855 Mid-State Properties		1					0.0	0.0	(1.0)	0.0	(1.0)	29.9	BOD Approved 9/10/08
APN 090-386-027 139 E. Dana, Garl Phase 1/3					2		(0.6)	0.0	0.0	0.0	(0.6)	29.3	GM Approved 10/21/08
APN 090-386-027 139 E. Dana, Garl Phase 1/3					2		0.0	0.0	(1.0)	0.0	(1.0)	28.3	BOD Approval Pending 11/26/08
Totals	2	1	0	0	11	0	(2.7)	0.0	(3.3)	0.0	(6.0)		
Abbreviations defined:													
SFR = single family residence													
SEC = secondary dwelling (a.k.a. Granny Unit)													
DUP = Duplex													
MF = multi-family development (e.g. multiple dwelling units sharing a common roof)													
Low I = Low income housing in accordance with County housing definition.													
Phasing Limit Check (Max 50% of annual allocation or 17.15 AF)													
Phased allocation = 5.4													

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: NOVEMBER 21, 2008

AGENDA ITEM
E-6
NOVEMBER 26, 2008

REQUEST TO PARTICIPATE IN HETRICK RIGHT OF WAY

ITEM

Consider request from President Winn for District to participate in clean-up of assembled solid waste in the Hetrick Right of Way North of Pomeroy Road [PROVIDE POLICY GUIDANCE].

BACKGROUND

President Winn has requested that the Board consider authorizing District participation in the clean-up of assembled solid waste in the Hetrick Right-of-Way North of Pomeroy Road. This stretch of Hetrick is mostly impassible to vehicles but it has become a dumping ground for illegal disposal of solid waste. The California Conservation Corps, SLO County Code Enforcement, SLO Count Parks, and South County Sanitary have all indicated willingness to participate in the clean-up effort, which would need to include the placement of rock base for access, installation of bollards and trimming of vegetation. Attached is a letter from the California Conservation Corps detailing their cost and the basis of their effort. NCSD's agreement with South County Sanitary includes up to \$5,000 per year in removal of solid waste at the District's request. NCSD's Solid Waste Fund includes a substantial reserve that could be used for hard costs associated with payment of the Corps. SLO County Code Enforcement has indicated a willingness to dispose of hazardous materials and to secure necessary encroachment permits (and if necessary, property owner permission).

FISCAL IMPACT

NCSD could contribute some or all of the cost or retaining the California Conservation Corps. South County Sanitary's cost could be covered within the \$5,000 special fund.

RECOMMENDATION

Staff recommends that the Board hear from President Winn and determine its willingness to participate, to commit Solid Waste Fund reserves to pay for the Corps and to commit a portion of the Solid Waste "Special Fund" to pay South County Sanitary. Should the Board agree in concept to participation, then an agreement between the parties should be drafted for subsequent Board approval along with a resolution transferring reserves.

ATTACHMENTS

- Letter of Support from SLO County Parks
- Letter from California Conservation Corps



County of San Luis Obispo General Services Agency

County Parks

Janette D. Pell, General Services Agency Director

Pete Jenny, Deputy Director-County Parks

November 10, 2008

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

SUBJECT: Clean-Up Project Along Portion of Hetrick

Dear Mr. Buel;

It has come to our attention the NCSD is sponsoring a clean-up effort along a portion of Hetrick Avenue in Nipomo. This effort will include volunteers as well as the California Conservation Corps (CCC). It is my understanding that currently this area of Hetrick Avenue is used for illegal dumping. The intent of the proposed clean-up effort is to: (a) remove trash and other items dumped, (b) limit motor vehicle access to help preclude future dumping in this area of Hetrick Avenue, and (c) improve access for pedestrians, equestrians, and bicycles consistent with the landowners wishes.

County Parks supports the work proposed by the NCSD and sincerely thanks you for your efforts. This project will benefit this area of Nipomo.

Sincerely,

Jeanette Di Leo,
Parks Planner

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NOV 13 2008

NIPOMO COMMUNITY
SERVICES DISTRICT



CALIFORNIA CONSERVATION CORPS**Los Padres**

P.O. Box 1380, San Luis Obispo, CA 93406
(805) 549-3561 FAX (805) 549-3583
www.ccc.ca.gov



November 20, 2008

Mike Winn
Nipomo Community Services District
P.O. Box 326
Nipomo, Ca. 93444-0326

Mike,

The estimated time we figure this job to take is three days. Work will include complete clean-up of Hetrick road between Pomeroy and Glenhaven & leveling road or tread in several areas for an estimated length of 350 ft. Tree limbs encroaching road will be trimmed and put into dumpster. We understand that NCSO or SLO County will provide for disposal of any hazardous material.

Below is a cost estimate for using the CCC for the Hetrick Clean-Up;

Twelve person CCC crew with Supervision - \$4700

We will provide our own tools including saws to cut through camper siding that is lying in that area.

I just received word that you may want us to install bollards at both ends of this road. I will need to look at this with somebody who can decide with us the exact location for installation to determine how wide of an area we want to block. We would also want to agree on height, whether one should be removable ect. A quick estimate would be around \$300 per bollard not including concrete.

Please let me know if you have any additional questions or need to talk about any of the proposal.

Sincerely,
Mike Anderson

Mike Anderson
Conservation Supervisor
805.549.3561 O
805.215.2493 C