

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BBB*  
DATE: JANUARY 22, 2009

**AGENDA ITEM**  
**E-5**  
**JANUARY 28, 2009**

CONSIDER REQUEST TO MODIFY EXISTING INTENT TO SERVE LETTER – TRACT 2906

**ITEM**

Consider request to modify existing intent to serve letter, Tract 2906, a sixteen lot (16) multi-family development (15 PUD lots and 1 lot for existing 4 unit apartment building) at 1 Avenida de Amigos [APPROVE, DENY OR CONTINUE].

**BACKGROUND**

Tract 2906 is a proposed sixteen lot (16) multi-family development (15 PUD lots and 1 lot for existing 4 unit apartment building) at 1 Avenida de Amigos. The project is being developed by Mike Allshouse and he is represented by Pamela Jardini, Planning Solutions. The District provides water service to the existing four unit apartment building but not sewer service. The District issued the latest Intent-to-Serve letter for the project on February 15, 2007, a copy of which is attached.

Also attached is the Agenda Item E-2 staff report from the February 14, 2007 Board meeting as well as a copy of the minutes from the meeting. In reviewing the applicant's water demand certification dated February 7, 2007, the staff report, and the Board's approval as indicated in the minutes from the February 14, 2007 Board meeting, the project was approved as a multi-family project based on the application submitted by the developer and 2.7 acre-feet of water was allocated for the project in the 2007 and 2008 water years on the basis that it was a multi-family project. The ITS condition that the entire project be served by a single master meter for all dwelling units is consistent with the District's requirements for multi-family projects.

The District received the attached request dated December 18, 2008 that each of the proposed sixteen lots be served by an individual water meter instead a single master meter as required by the ITS conditions. As indicated in the request, the project has changed from apartments to individually owned dwelling units. Based on the District's Water Allocation Policy that was in effect at the time the project was approved, the project as it is now configured would have required an allocation of 4.8 acre-feet (16 units X .3 acre-feet per unit). Thus, the project requires an additional 2.1 acre-feet of water allocation based on the policy that was in effect at the time the project was approved.

A copy of the Final Water Allocation Summary for Water Years 2007 and 2008 is also attached. As indicated, 12.3 acre-feet was not allocated in the 2007 Water Year and 3.2 acre-feet was not allocated in the 2008 Water Year.

**RECOMMENDATION**

Staff requests your Honorable Board provide staff with direction to approve, deny or continue the applicant's request.

If the Board desires to approve the applicant's request, then staff should be directed to issue a revised Intent to Serve letter with the following changes:

1. Allocate an additional 2.1 acre-feet of water for the project from the 2007 and/or 2008 Water Years on the basis that the project will be a single-family development with lots less than 4500 square feet.
2. Delete the following condition: Water Service for the entire parcel (existing and new) shall be served by two meters – a single Master Meter for dwelling units and a separate meter for the landscaping.
3. Add the following condition: Each new parcel shall receive a single one-inch meter and the four (4) existing meters that serve the existing 4 unit apartment building shall be replaced with a single meter. A landscape meter shall be provided for the common area for the 15 new dwelling units and a separate landscape meter shall be provided for the parcel with the existing 4 unit apartment building.
4. All other conditions of the Intent to Serve letter issued February 15, 2007, would remain in effect.

If the Board desires to deny the applicant's request, the applicant can apply for a new Intent-To-Serve letter for the project based on the District's current requirements.

#### **ATTACHMENTS**

- Current ITS Letter dated February 15, 2007
- Applicant's Request Letter dated December 18, 2008
- Agenda Item E-2 Staff Report from February 14, 2007 Board Meeting with Attachments
  - Current Application
  - Previous Application
  - Water Allocation Summary
- Minutes for February 14, 2007 Board Meeting for Agenda Item E-2
- Final 2007 Water Year Allocation Summary
- Final 2008 Water Year Allocation Summary

# NIPOMO COMMUNITY

## BOARD MEMBERS

MICHAEL WINN, PRESIDENT  
LARRY VIERHEILIG, VICE PRESIDENT  
CLIFFORD TROTTER, DIRECTOR  
ED EBY, DIRECTOR  
JAMES HARRISON, DIRECTOR



# SERVICES DISTRICT

## STAFF

BRUCE BUEL, GENERAL MANAGER  
LISA BOGNUDA, ASSISTANT ADMINISTRATOR  
JON SEITZ, GENERAL COUNSEL

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148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

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February 15, 2007

Mr. Mike Allshouse  
330 James Way, Suite 160  
Pismo Beach, CA 93449

**This is not a Will Serve letter**

**SUBJECT: INTENT-TO-SERVE; WATER and SEWER SERVICE;  
15 NEW UNITS AND 4 EXISTING UNITS  
TRACT 2906; 1 AVENIDA DE AMIGOS, NIPOMO**

Dear Mr. Allshouse,

An Intent-to-Serve letter for water and sewer service for Tract 2906, 15 new units and 4 existing units at 1 Avenida De Amigos, is granted to Mike Allshouse (Applicant) subject to the following conditions:

**Prior to issuance of a Will Serve Letter, the Applicant shall:**

- This project will obtain water and sewer service for all parcels, existing and planned.
- Water Service for the entire parcel (existing and new) shall be served by two meters – a single Master Meter for dwelling units and a separate meter for the landscaping.
- Will-Serve letters for the project will be issued in "phases" as follows:
  - No more than 11 units (2.0 acre-feet) prior to September 30, 2007;
  - No more than 15 units (2.7 acre-feet), cumulative, prior to September 30, 2008
- On-site fire service (e.g. fire sprinklers) requires a dedicated service lateral. CDF of SLO County must approve the development plans prior to District approval. Fire capacity charges may be applicable.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval. (See expiration conditions below)
- Enter into a new Plan Check and Inspection Agreement;
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. A sewer and water master plan review of project impacts, at the applicant's expense, may be required by the District.
- Project landscape plan shall incorporate best management water conservation measures and be approved by the District General Manager.
- Any required easements 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.

## **This is not a Will Serve letter**

- 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.

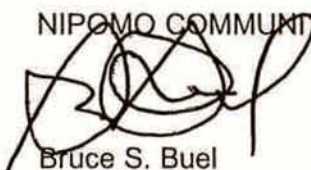
**Prior to the District setting a water meter, the Applicant shall:**

- For improvements that will be dedicated to the District, submit the following:
  - Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
  - Offer of Dedication
  - Engineer's Certification
  - A summary of improvement costs
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and after 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.
- 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
  - End of allocation phasing period (October 1, 2008). 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.

Please call me with any questions.

Sincerely,


NIPOMO COMMUNITY SERVICES DISTRICT



Bruce S. Buel  
General Manager

C: Pamela Jardini, Planning Solutions  
Lisa Bognuda, NCSD  
Dan Migliazzo, NCSD  
File = Tract 2906

T:\DOCUMENTS\LAND DEVELOPMENT\SERVICE LETTERS\INTENT-TO-SERVE\TRACT 2906 ALLSHOUSE.DOC

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL   
DATE: FEB. 9, 2007

**AGENDA ITEM**  
**E-2**  
**FEBRUARY 14, 2007**

APPLICATION FOR SERVICE - TRACT 2906 – 1 AVENIDA DE AMIGOS

**ITEM**

Consider Intent-to-Serve Application for water and sewer service at 1 Avenida De Amigos (APN 092-142-033) [RECOMMEND APPROVAL]

**BACKGROUND**

Your Honorable Board previously approved an Intent-to-Serve Letter for 15 multiple family units to Richards Investment Company for this site on December 1, 2004. That Intent to Serve Letter expired on December 1, 2006 and the applicant did not seek an extension (See 2004 Application and 2004 I-T-S Letter attached). Richards Development Company has an outstanding Plan Check and Inspection Deposit on account at NCSD of \$2,730.

The District received the attached new Intent to Serve Application from Mike Allshouse on January 9, 2007. Mr. Allshouse has purchased the development from Richards Investment Company and redesigned the project as illustrated by the attached site map. Mr. Allshouse is still proposing 15 new multi-family units to be built behind the existing four units.

Both the phasing and the calculation of the projected water demand are determined by the allocation policy. According to Section 3.05.030(A) in page 2 of the Allocation Policy, the projected "total demand, including landscaping" shall be established as 0.18 AFY per multiple family dwelling. According to Section 3.05.040(A1), a total of thirty-five (10.2) AFY including landscaping is reserved for multiple family dwelling units in any one allocation year. According to Section 3.05.100(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 15 units at 2.7 AFY (15 times 0.18) and require that no more than 2.04 AFY (0.2 times 10.2) be allocated in any one allocation year.

As set forth in the attached Water Allocation Accounting Summary, the District has previously approved 6.0 AF for other multiple family dwelling projects in Allocation Year 2006-07, leaving 4.2 AF available this allocation year.

**RECOMMENDATION**

Staff recommends your Honorable Board direct staff to allocate water to the project (2 acre-feet in AY06-07 and 0.7 acre-feet in AY07-08) in accordance the District's water allocation policy and re-issue the Intent-to-Serve (ITS) letter for the project with the following conditions:

- This project will obtain water and sewer service for all parcels, existing and planned.
- Water Service for the entire parcel (existing and new) shall be served by two meters – a single Master Meter for dwelling units and a separate meter for the landscaping.
- Will-Serve letters for the project will be issued in "phases" as follows:
  - No more than 11 units (2.0 acre-feet) prior to September 30, 2007;
  - No more than 15 units (2.7acre-feet), cumulative, prior to September 30, 2008
- On-site fire service (e.g. fire sprinklers) requires a dedicated service lateral. CDF of SLO County must approve the development plans prior to District approval. Fire capacity charges may be applicable.

February 14, 2007

- Applicant shall provide the District with a copy of County application approval and County project conditions of approval. (See expiration conditions below)
- Enter into a new Plan Check and Inspection Agreement;
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. A sewer and water master plan review of project impacts, at the applicant's expense, may be required by the District.
- Project landscape plan shall incorporate best management water conservation measures and be approved by the District General Manager.
- Any required easements 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.
- For improvements that will be dedicated to the District, submit the following:
  - Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
  - Offer of Dedication
  - Engineer's Certification
  - A summary of improvement costs
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and after 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.
- 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
  - End of allocation phasing period (October 1, 2008). 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.

Should your Honorable Board not wish to approve this intent to serve letter, this matter should be continued and policy direction provided to staff regarding the policy changes that the Board wishes to consider before it considers this application.

#### **ATTACHMENT**

- Current Application
- Previous Application
- Water Allocation Accounting Summary

# Planning Solutions

LAND PLANNING  
SUBDIVISIONS  
PROJECT MANAGEMENT

Pamela Jardini 805 801 0453

1360 NEW WINE PLACE  
TEMPLETON, CA 93465

PLANNINGSOLUTIONS@FIX.NET

## TRANSMITTAL

To: NCSO General Manager  
Organization: Nipomo Community Services District

From: Pamela Jardini  
Date: December 27, 2006  
Subject: Tract 2906 (Allshouse)  
Via: Mailed

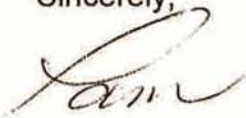
Comments:  
Dear Sir,

Please find enclosed an application for 16 water and 15 sewer connections for property located at 1 Avenida De Amigos (APN 092-142-033) in Nipomo. The property was issued an intent-to-serve letter in December of 2004. Unfortunately, an extension of that intent-to-serve letter was not requested. The project has been redesigned as a subdivision for 15 residential units and one common lot. The apartment complex has existing water and sewer connections.

We have included 6 full sized Tract Maps, an 8 ½ x 11 reduction, a copy of the previous intent to serve letter and the application form.

Please contact me at (805) 801-0453 if you have any questions.

Sincerely,



Pamela Jardini

RECEIVED

JAN 09 2007

NIPOMO COMMUNITY  
SERVICES DISTRICT



# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Website: nlpomocsd.com

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

## INTENT-TO-SERVE/WILL-SERVE APPLICATION

- This is an application for: 15 Sewer and Water Service 16 Water Service Only
- SLO County Planning Department/Tract or Development No.: Tract #2906
- 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: 1 Avenida De Amigos (Corner of Grande + Avenida)
- Assessor's Parcel Number (APN) of lot(s) to be served: 092-142-033
- Owner Name: Mike Allhouse
- Mailing Address: 330 James Way Suite 160 Pismo Beach
- Email: mike@allhouse.engineering.com
- Phone: 773-7118 FAX: 773-2577
- Agent's Information (Architect or Engineer):  
Name: Pamela Jardini / Planning Solutions  
Address: 1360 New Wine Place Templeton 93465  
Email: planning.solutions@fix.net  
Phone: 805-801-0453 FAX: 805-434-1363

- Type of Project: (circle as applicable)  
 Single Family Residence     Duplex     Secondary (a.k.a Granny) Unit  
 Multi-Family (under single roof)     Commercial     Mixed-Use (commercial & residential)  
 Number of Dwelling Units 15 and 4 apartments (existing units)    Number of Low Income units \_\_\_\_\_
- Does this project require a sub-division? yes (yes/no)  
If yes, number of new lots created 16 and one common lot

### 13. 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 two (2) 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.



**NIPOMO COMMUNITY SERVICES DISTRICT  
Water Demand Certification**

Page 2

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>16</u>	X	0.18	=	<u>2.88</u>	
Number of Duplexes/Secondary Units		X	0.3	=		
Number of Single Family Units with:						
Parcel less than 4,500 sq. ft.		X	0.3	=		
Parcel between 4,500 and 10,000 sq. ft.		X	0.45	=		
Parcel greater than 10,000 sq. ft.		X	0.55	=		
Total demand all dwelling units including irrigation					=	

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:

- 0.18 AFY per Multi-Family Dwelling Unit;
- 0.3 AFY per Dwelling Unit for duplexes and Secondary Dwellings;
- 0.3 AFY per Single Family Dwelling Unit located on a parcel size of four thousand five hundred (4,500) square feet or less;
- 0.45 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.
- 0.55 AFY per Single Family Dwelling Unit located on a parcel size that exceeds ten thousand (10,000) square feet.
- 0.85 AFY for the entire parcel when a secondary home is being added.

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

Signed *Mike Allhouse* Date 2.7.07  
Must be signed by project engineer/architect

Title Mike Allhouse, P.E. License Number C-62506

Project Tract 2906 (e.g. Tract Number, Parcel Map #, APN)





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

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MSL*  
DATE: DECEMBER 1, 2004



SERVICE REQUEST – APN 092-142-033

**ITEM**

Consider service request for a 15 unit development at 565 – 595 Grande Avenue

**BACKGROUND**

Your Honorable Board considered this item November 17, 2004. At that time, the applicant was not present and therefore your Honorable Board did not act on the request. Staff contacted the applicant (Richard Investment Company) who stated they would be present at the December 1, 2004 meeting. The remainder of this staff report is identical to the report presented to your Honorable Board for the November 17, 2004 meeting.

Application for sewer and water service to 565 - 595 Grande was originally received on September 24, 2004, and placed on the waiting list pending Board adoption of the new service ordinance. The applicant, Richard Investment Company, Incorporated, James Richard, President, re-applied for service under the new application procedure on October 21, 2004.

Applicant requests sewer and water service for fifteen (15) yet to be constructed residential multi-family dwelling units. The property currently contains four multi-family dwellings served with water service only. All units, existing and planned, will be required to obtain sewer and water service in compliance with current District standards for residential multi-family.

Applicant is not subject to 2004–2005 water year allocation limit (51 acre-feet). Water allocation for the project is 2.7 acre-feet per year (15 X .18). The applicant indicates four of the planned units qualify as Low Income in accordance with San Luis Obispo County housing standards. The project water demand exceeds the twenty percent per project limitation for the multi-family category. By allocating four units to the low-income category, the project meets the twenty percent limitation.

A complete Water Demand Certification is included with application. The applicant filed an application for the project with the County of San Luis Obispo on August 20, 2004. The zoning for the project site is residential multi-family as specified in the South County Area Plan, Inland, May 2002.

**RECOMMENDATION**

Staff recommends your Honorable Board direct staff to issue an Intent-to-Serve letter for the project with the following conditions:

- This project shall obtain sewer and water service for all units, existing and planned.
- Water service for entire parcel (existing and new) shall be served by two water meters. A single "master" meter for dwelling units and a separate meter for landscape.
- Enter into a Plan Check and Inspection Agreement.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
- Pay all appropriate District fees associated with this development.

December 1, 2004

**RECOMMENDATION** (continued)

- Construct the improvements required and submit the following:
  - Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) 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
- This letter is void if land use is other than multi-family.
- Install and pay fees for separate fire service, if CDF requires on-site fire protection.
- Comply with District water conservation program.
- 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.

**ATTACHMENT**

Plot plan for project site.

# PROPOSED LUNDE APARTMENTS

Nipomo, California

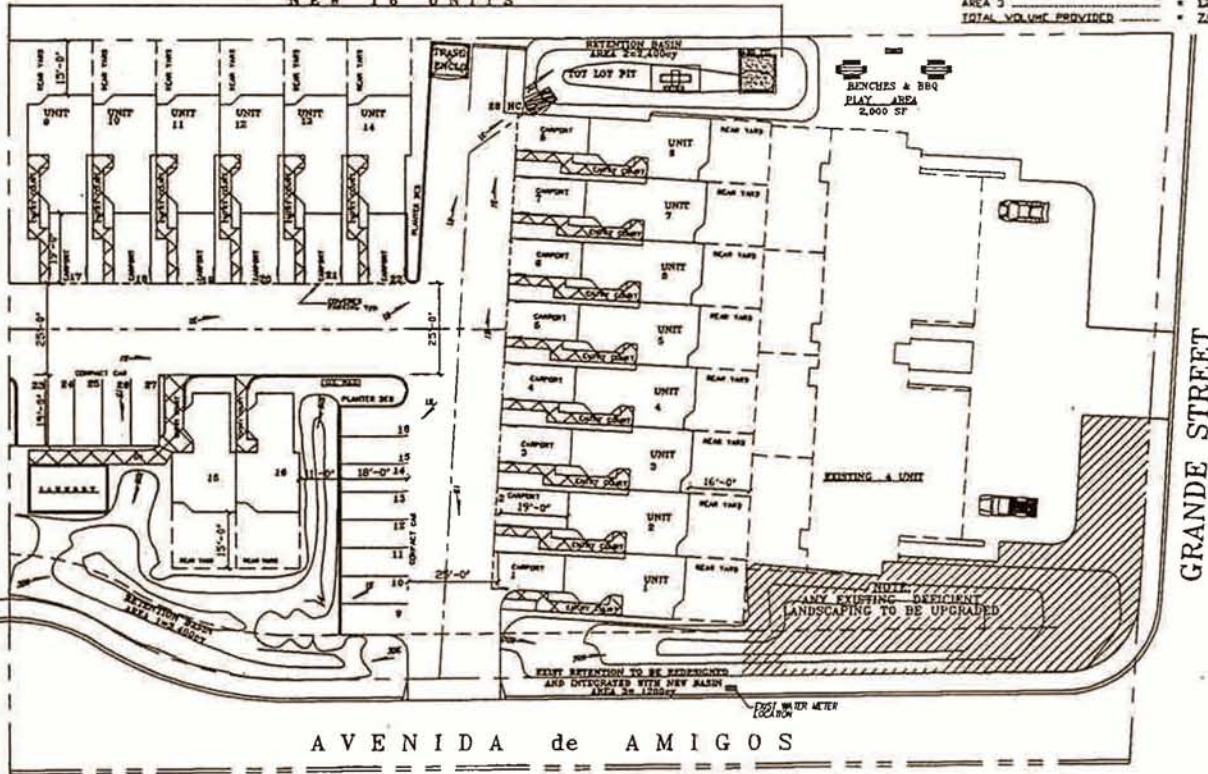
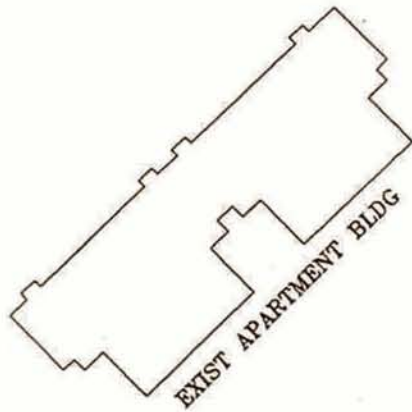
### RETENTION BASIN CALCULATIONS

IMPERVIOUS AREA = 21,142	= 21,100
LOT AREA OF NEW DEVELOPMENT = 34,000	= 34,000
$C = 21,100/34,000 = .62$	
REQUIRED VOL/UNIT = 62124/6000.23	= 6.565ccy
<b>VOLUME PROVIDED:</b>	
AREA 1	= 2.405ccy
AREA 2	= 1.546ccy
AREA 3	= 1.965ccy
<b>TOTAL VOLUME PROVIDED</b>	<b>= 5.916ccy</b>

EXIST SINGLE FAMILY RESIDENCES

EXIST SINGLE FAMILY RESIDENCES

NEW 16 UNITS



EXISTING OPEN FIELD ZONE

EXISTING OPEN FIELD ZONE

Copy of document found at [www.NoNewWipTax.com](http://www.NoNewWipTax.com)

CENTRAL COAST DRAFTING, INC  
1499 Corsica Drive  
Santa Maria, CA 93455  
(805) 937-7627



SITIE PLAN

2 SHET  
OF 4

SCALE  
1/16" = 1'-0"  
DATE  
7/1/97  
DRAWN  
G.AUGUSTI  
FOR  
EJ LUNDE  
JOB  
970301B

# NIPOMO COMMUNITY

## BOARD MEMBERS

MICHAEL WINN, PRESIDENT  
JUDITH WIRSING, VICE PRESIDENT  
ROBERT BLAIR, DIRECTOR  
CLIFFORD TROTTER, DIRECTOR  
LARRY VIERHEILIG, DIRECTOR



# SERVICES DISTRICT

## STAFF

MICHAEL LeBRUN, GENERAL MANAGER  
LISA BOGNUDA, ASSISTANT ADMINISTRATOR  
DAN MIGLIAZZO, UTILITY SUPERVISOR  
JON SEITZ, GENERAL COUNSEL

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148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 -0326  
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

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December 2, 2004

Richard Investment Co. Inc.  
P O Box 611  
Solvang, CA 93464

This is NOT a Will-Serve Letter

SUBJECT: INTENT-TO-SERVE WATER and SEWER SERVICE  
APN 092-142-033 GRANDE AVENUE  
A FIFTEEN (15) UNIT DEVELOPMENT IN NIPOMO

An Intent-to-Serve letter for water and sewer service for APN 092-142-033, a 15-unit development on Grande Avenue in Nipomo, is granted subject to the following conditions:

- This project shall obtain sewer and water service for all units, existing and planned.
- Water service for entire parcel (existing and new) shall be served by two water meters. A single "master" meter for dwelling units and a separate meter for landscape.
- Enter into a Plan Check and Inspection Agreement.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
- Pay all appropriate District fees associated with this development.
- Construct the improvements required and submit the following:
  - Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) 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
- This letter is void if land use is other than multi-family.
- Install and pay fees for separate fire service, if CDF requires on-site fire protection.
- Comply with District water conservation program.
- 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.

14. 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.

15. 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.

16. 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..... \$50.00  
(Non-refundable payment attached to this application)

Date 12 \_\_\_\_\_ Signed   
(Must be signed by owner or owner's agent)

Print Name Pamela Jardini  
Planning Solutions



## Nipomo Community Services District Water Allocation Accounting Summary

Water Year 2006-2007														
Project	Dwelling units per category					Water allotment (acre-feet)					Total	Tally	Notes:	
	SFR > 10	SFR 4.5 - 10	SFR < 4.5	SEC	MF	Low I	SFR/DUP	SEC	MF	Low I				
						32.5	5	10.2	3.3			51		
APN 092-083-009/010 - PHASED (year 3 of 4)					11	0.0	0.0	(2.0)	0.0	(2.0)		49.0		Low I (low income) pulls from SFR/DUP ar
APN 092-130-043, GRANDE-PHASE (year 2 of 3)					11	4	0.0	0.0	(2.0)	(0.7)	(2.7)	46.3		Board approved 5/25/5
APN 092-130-044 ROOSEVELT apts, Phased 2/4					11	4	0.0	0.0	(2.0)	(0.7)	(2.7)	43.6		BOD approved 10/26/05
Tract 2441, Blume and Grande, Phased 1/2			21				(6.3)	0.0	0.0	0.0	(6.3)	37.3		BOD Approved 5/10/06
Kengel Lot Split, West Tefft	3						(1.7)	0.0	0.0	0.0	(1.7)	35.7		BOD Approved 10/25/06
Casas Lot Split, Pino Solo Lane	3						(1.7)	0.0	0.0	0.0	(1.7)	34.0		GM Approved 11/06
Porter Lot Split, Pino Solo Lane	3						(1.7)	0.0	0.0	0.0	(1.7)	32.4		Gm Approved 12/06
Tract 2906, Allshouse, 1 Ave De Amigos			0		11		0.0	0.0	(2.0)	0.0	(2.0)	30.4		GM Approved 1/07
							0.0	0.0	0.0	0.0	0.0	30.4		Pending
<b>Totals</b>	<b>9</b>	<b>0</b>	<b>21</b>	<b>0</b>	<b>44</b>	<b>8</b>	<b>(11.3)</b>	<b>0.0</b>	<b>(7.9)</b>	<b>(1.4)</b>	<b>(20.6)</b>			
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 25.5 AF)														
Phased allocation = 7.4														

## Nipomo Community Services District Water Allocation Accounting Summary

<b>WATER YEAR 2007-2008</b>													
	Dwelling units per category					Water allotment (acre-feet)					Total	Tally	Notes:
	SFR > 10	SFR 4.5 - 10	SFR < 4.5	SEC	MF	Low I	SFR/DUP	SEC	MF	Low I			
Project							32.5	5	10.2	3.3		51	Low I (low income) pulls from SFR/DUP
APN 092-083-009/010 - PHASED (year 4 of 4)					11		0.0	0.0	(2.0)	0.0	(2.0)	49.0	Board approved 5/25/05
APN 092-130-043, GRANDE-PHASE (year 3 of 3)					10		0.0	0.0	(1.8)	0.0	(1.8)	47.2	BOD approved 10/26/05
APN 092-130-044 ROOSEVELT apts, Phased 3/4					11	4	0.0	0.0	(2.0)	(0.7)	(2.7)	44.5	BOD Approved 5/10/06
Tract 2441, Blume&Grande, Phased 2/2			17				(5.1)	0.0	0.0	0.0	(5.1)	39.4	BOD Approved 10/25/06
Tract 2906, Allshouse, 1 Ave De Amigos					11		0.0	0.0	(2.0)	0.0	(2.0)	37.4	Pending
							0.0	0.0	0.0	0.0	0.0	37.4	
							0.0	0.0	0.0	0.0	0.0	37.4	
							0.0	0.0	0.0	0.0	0.0	37.4	
							0.0	0.0	0.0	0.0	0.0	37.4	
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>	<b>43</b>	<b>4</b>	<b>(5.1)</b>	<b>0.0</b>	<b>(7.7)</b>	<b>(0.7)</b>	<b>(13.6)</b>		
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 25.5 AF)													
Phased allocation =	6.5												

01:08:37 E. ADMINISTRATIVE ITEMS

E-1) CONSIDER AMENDING DISTRICT MISSION STATEMENT AND ADOPTING DISTRICT VISION STATEMENT

Bruce Buel, General Manager, reviewed the Board's discussion at the Strategic Plan Workshop held December 9, 2006. He read the Mission Statement as it now exists: "The Nipomo Community Services District's mission is to provide the citizens of the District with quality, innovative, and cost-effective services through responsive and responsible local government to meet the changing needs of the community." The following revised mission statement is proposed.

Mission Statement: The Nipomo Community Services District's mission is to provide the community with reliable, quality and cost-effective services.

At the workshop, the Board also considered the following Vision Statement:

Vision Statement: The Nipomo Community Services District's vision is to manage the resources and future growth of the community.

The following member of the public spoke:

Kevin Beauchamp, NCS D customer – stated that the District should build infrastructure rather than have businesses build it.

President Winn stated that the District had some sewer laterals installed on Tefft Street in Olde Towne. The developers would pay as they needed the services. The Board suggested some minor grammatical edits. Upon motion of Director Vierheilg and seconded by Director Eby, the Board unanimously adopted the Mission Statement and the Vision Statement, as amended. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg, Eby, Trotter, Harrison, and Winn	None	None

01:13:59

E-2) CONSIDER INTENT TO SERVE APPLICATION FOR WATER AND SEWER SERVICE AT 1 AVENIDA DE AMIGOS (APN 092-142-033)

Bruce Buel, General Manager, reviewed the request from Mr. Mike Allshouse for an Intent-to-Serve letter for a project on Avenida de Amigos (APN 092-142-033). The water allocation available for multi-family projects for this Allocation Year 06-07 is 4.2 AF of water.

The Board discussed the project fees, allocation and connections.

The following members of the public spoke:

Pam Jardini, from Planning Solutions and representative for Mike Allshouse – discussed the project with the Board.

The Board discussed the fact that the when fees for the project were originally estimated, the supplemental water supply project was estimated to be \$6 million. The fees for this multi-family project will probably increase proportionately. The developer should know that the final fee will be due before a meter is set to serve the project.


Upon motion of Director Vierheilg and seconded by Director Winn, the Board unanimously agreed to direct staff to allocate water to the project (2 acre-feet in AY06-07 and 0.7 acre-feet in AY07-08) in accordance the District's water allocation policy and re-issue the Intent-to-Serve (ITS) letter for the project with the conditions as outlined in the Board letter. There was no public comment. Vote 5-0.

Nipomo Community Services District  
Water Allocation Accounting Summary

Water Year 2006-2007													
Project	Dwelling units per category				Water allotment (acre-feet)				Total	Tally	Notes:		
	SFR > 10	SFR 4.5 - 1	SFR < SEC	MF	Low I	SFR/DUP/SEC	MF	Low I					
						27.6	5	15.1	3.3		51	Low I (low income) pulls from SFR/DUP and MF, proportional to their allotment.	
APN 092-083-009/010 - PHASED (year 3 of 4)					11	0.0	0.0	(2.0)	0.0	(2.0)	49.0	Board approved 5/25/05	
APN 092-130-043, GRANDE-PHASE (year 2 of 3)					11	4	0.0	0.0	(2.0)	(0.7)	(2.7)	46.3	BOD approved 10/26/05
APN 092-130-044 ROOSEVELT apts, Phased 2/4					11	4	0.0	0.0	(2.0)	(0.7)	(2.7)	43.6	BOD Approved 5/10/06
Tract 2441, Blume and Grande, Phased 1/2			21			(6.3)	0.0	0.0	0.0	(6.3)	37.3	BOD Approved 10/25/06	
Kengel Lot Split, West Tefft	3					(1.7)	0.0	0.0	0.0	(1.7)	35.7	GM Approved 11/06	
Casas Lot Split, Pino Solo Lane	3					(1.7)	0.0	0.0	0.0	(1.7)	34.0	Gm Approved 12/06	
Porter Lot Split, Pino Solo Lane	3					(1.7)	0.0	0.0	0.0	(1.7)	32.4	GM Approved 1/07	
Tract 2906, Ailshouse, 1 Ave De Amigos			0		11	0.0	0.0	(2.0)	0.0	(2.0)	30.4	BOD Approved 2/14/07	
440 Glory Lot Split		1				(0.5)	0.0	0.0	0.0	(0.5)	29.9	GM Approved 5/30/07	
Tract 2715 Butterfly Lane			8			(2.4)	0.0	0.0	0.0	(2.4)	27.5	BOD Approved 5/25/07	
APN 092-130-014 Euc Gardens (Phased 1/6)					11	4	0.0	0.0	(2.0)	(0.7)	(2.7)	24.8	BOD Approved 5/25/07
CO 07-0086 Gutierrez 396 N Mallagh		1				(0.5)	0.0	0.0	0.0	(0.5)	24.3	GM Approved 6/7/07	
APN092-261-006 Herrera 440 Glory		1		1		(0.5)	(0.2)	0.0	0.0	(0.7)	23.6	GM Approved 6/7/07	
Tract 2523 Schaeffer on Tejas			7			(3.9)	0.0	0.0	0.0	(3.9)	19.7	BOD Approved 6/13/07	
APN 092-152-038; 745 Orchard; Arrequin				1		0.0	(0.2)	0.0	0.0	(0.2)	19.5	GM Approved 7/26/07	
Tract 2688; Chestnut Villas; Nester					10	0.0	0.0	(1.8)	0.0	(1.8)	17.7	BOD Approved 8/22/07	
APN 090-122-11-14; Trading Post; Nester					6	0.0	0.0	(1.1)	0.0	(1.1)	16.6	BOD Approved 8/22/07	
Tract 2689; 691 W. Tefft; Flatley					11	0.0	0.0	(2.0)	0.0	(2.0)	14.6	BOD Approved 8/22/07	
Tract 2634; 350 Blume; Goularte		5				(2.3)	0.0	0.0	0.0	0.0	12.3	T&D	
<b>Totals</b>	<b>9</b>	<b>8</b>	<b>36</b>	<b>2</b>	<b>82</b>	<b>12</b>	<b>(21.3)</b>	<b>(0.4)</b>	<b>(14.9)</b>	<b>(2.1)</b>	<b>(36.4)</b>		
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 25.5 AF)													
Phased allocation = 7.4													

Nipomo Community Services District  
Water Allocation Accounting Summary

WATER YEAR 2007-2008													
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	
							21.9	3.4	6.9	2.1			
APN 092-083-009/010 - PHASED (year 4 of 4)					11		0.0	0.0	(2.0)	0.0	(2.0)	32.3	Board approved 5/25/5
APN 092-130-043, GRANDE-PHASE (year 3 of 3)					10		0.0	0.0	(1.8)	0.0	(1.8)	30.5	BOD approved 10/26/05
APN 092-130-044 ROOSEVELT apts, Phased 3/4					11	4	0.0	0.0	(2.0)	(0.7)	(2.7)	27.8	BOD Approved 5/10/06
Tract 2441, Blume&Grande, Phased 2/2			17				(5.1)	0.0	0.0	0.0	(5.1)	22.7	BOD Approved 10/25/06
Tract 2906, Allshouse, 1 Ave De Amigos					5		0.0	0.0	(0.7)	0.0	(0.7)	22.0	BOD Approved 2/28/07
APN 092-130-014 Euc Gardens, Phased 2/6					0	0	0.0	0.0	0.0	0.0	0.0	22.0	Project Terminated
Tract 2689; 691 W. Tefft, Flatley					11		0.0	0.0	(2.0)	0.0	(2.0)	20.0	BOD Approved 9/14/07
APN 092-142-034; 557 Grande; Moriarty			15				(4.4)	0.0	0.0	0.0	(4.4)	15.6	BOD Approved 12/12/07
335 North Thompson; Knox		2					(0.9)	0.0	0.0	0.0	(0.9)	14.7	GM Approved 10/3/07
561 Camino Caballo; Guitierrez				1			0.0	(0.2)	0.0	0.0	(0.2)	14.5	GM Approved 10/15/07
375 Red Oak Way				1			0.0	(0.2)	0.0	0.0	(0.2)	14.3	GM Approved 10/25/07
131 E Vintage Street				1			0.0	(0.2)	0.0	0.0	(0.2)	14.1	GM Approved 12/7/07
781 W. Tefft Street; Kengel		2					(2.9)	0.0	0.0	0.0	(2.9)	12.1	GM Approved 12/11/07
782 Pomeroy; Bruce Davis				1			0.0	(0.2)	0.0	0.0	(0.2)	11.9	GM Approved 12/18/07
1235 Futura Lane		1					(0.6)	0.0	0.0	0.0	(0.6)	11.3	GM Arroved 1/8/08
Tract 2734; DeBlauw; Phase 1/2		4					(4.1)	0.0	0.0	0.0	(4.1)	7.2	Board approved 7/9/08
Tract 2979; Butterfly Lane; Silva			7				(3.0)	0.0	0.0	0.0	(3.0)	4.2	Board approved 9/10/2008
CO 06-0225; Blume at Flint; Kengle; Phase 1/10					2				(1.0)		(1.0)	3.2	Board approved 9/10/2008
<b>Totals</b>	<b>6</b>	<b>3</b>	<b>39</b>	<b>4</b>	<b>50</b>	<b>4</b>	<b>(20.1)</b>	<b>(0.8)</b>	<b>(9.5)</b>	<b>(0.7)</b>	<b>(31.1)</b>		
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 = 11.6													

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL   
DATE: JANUARY 23, 2009

**AGENDA ITEM  
E-6  
JANUARY 28, 2009**

MOU WITH SLO COUNTY RE TRANSFER OF MILLER PARK SITE

**ITEM**

Authorize execution of Memorandum of Understanding (MOU) with SLO County re transfer of Miller Park site to NCSD.

**BACKGROUND**

NCSD has formally requested that SLO County transfer the 1 acre Miller Park Site and the adjacent railroad right of way to NCSD. Initially, County staff indicated that a MOU was not needed and that the Board of Supervisors had the authority to transfer the land. However, after numerous meetings and substantial research, County staff determined that a MOU was necessary and County Staff developed a draft for District review. The initial draft was edited to address legal issues and the attached revised draft was published. As set forth in the attached draft, execution of the MOU would memorialize the process for transfer of the property. NCSD would be responsible for development of the design, environmental review, funding and LAFCO approval prior to actual transfer and then operation of a park once developed. NCSD would also be responsible for abandoning the old well easement on the 1 acre County property on the South side of Tefft and for recording an easement for NCSD's existing Tefft Street lift station.

**FISCAL IMPACT**

Adoption of the MOU would obligate NCSD to perform the tasks set forth above if the park is to be developed. The FY08-09 budget appropriates \$100,000 in property tax proceeds for planning efforts. The Board has previously proposed to form an assessment district to pay for the special benefit of operating the park and future property taxes to pay for general benefits. It is not known how the development of the park will be paid for.

**RECOMMENDATION**

Staff believes that the MOU is a fair and balanced roadmap for transfer of the property and recommends that the Board authorize the President to execute it and forward it to the Board of Supervisors for consideration.

**ATTACHMENTS**

- Draft MOU

t:\documents\board matters\board meetings\board letter 2009\Miller Park MOU.doc

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE COUNTY OF SAN LUIS OBISPO AND  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
REGARDING THE TRANSFER OF OWNERSHIP IN  
COUNTY-OWNED REAL PROPERTY

This Memorandum of Understanding (“MOU”) is entered by and between the County of San Luis Obispo (hereinafter “County”) and the Nipomo Community Services District (hereinafter “District”) with reference to the following Recitals:

RECITALS

- A. The District is a Community Services District formed and operated pursuant to California Government Code, Sections 61000 et seq. Pursuant to said code, the District is authorized to acquire, construct, improve, maintain, and operate recreational facilities, including, but not limited to, parks and open space; and
- B. The District is considering the activation of Park Powers pursuant to the Cortese-Knox-Hertzberg Act and the rules and regulations of the Local Agency Formation Commission (hereinafter “LAFCO”); and
- C. The County is the owner of certain real property consisting of approximately one (1) acre located at the northeast corner of West Tefft and Carrillo Street (APN 090-141-006) along with the adjacent 60-foot-wide strip of land to the west of this parcel, formerly a railroad right-of-way (a portion of APN 090-151-008), hereinafter referred to as “Property”, as depicted in Exhibit “A”; and
- D. The District has requested the County to transfer ownership of the Property to the District, without compensation, for the purpose of constructing and operating a park; and
- E. The District has a 75’ by 75’ easement for water well purposes on County land across the street from said Property on APN 090-142-007, recorded on May 29, 1984 as Document No. 27332; and
- F. The District has not developed this site for water well purposes and no longer requires the easement; and
- G. The District requires an easement for a sewer lift station and sewer lines installed in the early 1980’s on County-owned land, APN 090-142-007; and
- H. District requests a grant of easement from County for the sewer lift station and sewer lines and offers, in lieu of monetary compensation, to quitclaim the 75’ x 75’ water well easement currently held by District, described in Paragraph E above; and

- I. Pursuant to Government Code, Section 56824.14, in order to maintain a public park, the District's exercise of Park Powers must be approved by LAFCO; and
- J. Pursuant to Government Code, Section 25365, the Board of Supervisors may, upon determination that said Property is not required for County use and with a four-fifths vote of the Board, transfer fee title of said Property to District; and
- K. It is the purpose of this MOU to identify the responsibilities of the parties in developing the Property for use as a park and the transfer of the property to the District as well as the trading of easements.
- L. County wishes to cooperate with District's request to transfer the property to the District in order to provide a park to the community of Nipomo.

NOW, THEREFORE, the parties agree as follows:

1. County hereby determines that subject Property is not required for County use.
2. In lieu of monetary compensation and in consideration of District's offer to construct and maintain a public park on the Property, County intends to transfer ownership of the Property to District free of charge following completion of the steps outlined below. Nothing contained in this MOU shall be interpreted to predetermine the transfer of the property or to restrict County's full review and implementation of environmental review related to the transfer of this Property pursuant to CEQA. Said transfer shall require a future public hearing before the Board of Supervisors pursuant to Government Code Section 25365 after the environmental determination and General Plan Conformity Report are completed.
3. District will develop a plan identifying park features and improvements for approval by County Planning and Building Department.
4. District will provide County an analysis of the costs and the funding sources for construction of park improvements and for ongoing operation and maintenance. If such funding shall require the formation of an assessment district, transfer of ownership of the Property shall not occur prior to approval of the assessment district by the affected property owners.
5. Transfer of the property shall not occur prior to LAFCO activation of the District's Park Powers.
6. If required, District shall apply for a public lot split with County Planning and Building Department and provide all documentation necessary to obtain approval of the County Subdivision Review Board prior to recordation of the Quitclaim Deed. District shall provide, at District's expense, a legal description of the property to be transferred, which shall be an original exhibit to the Quitclaim



Deed. District agrees to submit a Voluntary Merger or Certificate of Compliance Application and processing fees, if required, to County Planning and Building Department.

7. County shall process a General Plan Conformity Report and Environmental Determination for the transfer of the Property. Transfer of the property shall not occur prior to filing of the General Plan Conformity Report and Environmental Determination with the County Planning Commission or, if appealed, approval by the County Board of Supervisors.
8. The Property shall be improved in substantial conformity to development plans as submitted to County and shall be open to the public within three years following date of recordation of the Quitclaim Deed.
9. The Property must be used for public park purposes. The property may not be used to provide a parking in-lieu program for nearby commercial development.
10. The Quitclaim Deed shall contain a reversionary clause giving County the right to require the Property to be transferred back from District to the County if the requirements of paragraphs 7 and 8 are not fulfilled.
11. District shall, at District's sole cost and expense, prepare an Easement Deed with original stamped legal description attached describing easement to be granted by County to District for sewer lift station area and sewer lines.
12. District shall, at District's sole cost and expense, provide an Environmental Determination for said sewer lift station and sewer line easement for review and approval by County Environmental Coordinator. Said Environmental Determination must be reviewed by the County Board of Supervisors prior to granting of the easement.
13. District shall, at District's sole cost and expense, prepare an Easement Quitclaim Deed to release the 75' x 75' water well easement on APN 090-142-007, recorded on May 29, 1984 as Document No. 27332.
14. Easement Quitclaim Deed for water well shall be signed by District in a timely manner and delivered to County along with a signed Certificate of Acceptance for the Easement Deed for sewer lift station and sewer lines. This action shall proceed independently of actions related to transfer of Property for park purposes. County staff shall present the Easement Quitclaim Deed to the County Board of Supervisors concurrently with the Easement Deed for sewer lift station and sewer lines in District's name. Subject to approval by the County Board of Supervisors, both documents shall be recorded concurrently. In the event that County Board of Supervisors does not approve the Easement Deed, Easement Quitclaim deed shall be returned by County to District

15. District does not object to County's intention to develop their vacant land across the street from the Property (APN 090-142-007 and adjacent 60-foot-wide strip of land to the west of this parcel, formerly a railroad right-of-way, portion of APN 090-151-008) for future County facilities, so long as said development is consistent with the County's existing General Plan, General Plan policies, and zoning regulations.
  
16. Good Faith and Fair Dealing: Where the terms of this Agreement provide for action to be based upon opinion, judgment, approval, review or determination of either party hereto, such terms are not intended to and shall never be construed to permit such opinion, judgment, approval, review or determination to be arbitrary, capricious or unreasonable. The County and the District shall each act in good faith in performing their respective obligations as set forth in this Agreement.

/////////////////////////////////NOTHING FURTHER PAST THIS POINT EXCEPT SIGNATURES/////////////////////////////////

**COUNTY OF SAN LUIS OBISPO:**

**NIPOMO COMMUNITY SERVICES DISTRICT:**

By: \_\_\_\_\_  
Chairperson of the Board of Supervisors

By: \_\_\_\_\_  
Jim Harrison, President

Approved by the Board of Supervisors this  
\_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

ATTEST:

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

\_\_\_\_\_  
District Secretary

**APPROVED AS TO FORM AND LEGAL EFFECT:**

**APPROVED AS TO FORM AND LEGAL EFFECT:**

WARREN R. JENSEN  
County Counsel

Jon S. Seitz, District Legal Counsel  
Nipomo Community Services District

By: Pat Neal  
Assistant County Counsel

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

Date: 1/13/09



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PROPERTY

EXHIBIT A