

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBB*
DATE: SEPTEMBER 3, 2009

**AGENDA ITEM
E-1
SEPTEMBER 9, 2009**

SERVICE REQUEST – PARCEL 2 OF CO 06-0225

ITEM

CONSIDER REQUEST FOR WATER AND SEWER SERVICE (INTENT-TO-SERVE LETTER) FOR A 20 UNIT MULTI-FAMILY DEVELOPMENT ON BLUME STREET AT FLINT STREET, PURSUANT TO DISTRICT'S WATER ALLOCATION ORDINANCE [APPROVE, DENY OR CONTINUE].

BACKGROUND

The District received an application for water and sewer service to Parcel 2 of CO 06-0225 (portion of APN 092-130-012) on August 18, 2009. The Applicant, Mesa Dunes Investments, Inc. is requesting water and sewer service for a 20 unit multi-family development. The proposed 2 acre parcel is 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 agricultural 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 10 acre-feet per year (20 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 District's 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.

In accordance with Section 3.05.040.B, the Board may reallocate unused allotments between categories. At the August 12, 2009 Board meeting, the Board moved 18.1 acre-feet of water into the multi-family category to provide 25 AFY total allocation for the 2008-2009 Water 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 requires that no more than 5 AFY (.2 times 25) be allocated in the multi-family classification to any one project in Water Year 2008-2009. As set forth in the attached Water Allocation Accounting Summary, the District has previously approved 1.3 AFY for other multiple family dwelling projects in Allocation Year 2008-09, leaving 23.7 AFY available this allocation year.

In subsequent years, no more than 1.37 AFY (0.2 times 6.86) can be allocated in the multi-family classification to any one project in any allocation year. The remaining required water allocation for the project would be phased over a 4 year period at the rate of 1.37 AFY per subsequent allocation year unless the demand per multi-family residential unit is adjusted.

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 10 units (5 acre-feet) prior to September 30, 2009;
 - No more than 12 units (6 acre-feet), cumulative, prior to September 30, 2010;
 - No more than 15 units (7.5 acre-feet), cumulative, prior to September 30, 2011;
 - No more than 18 units (9 acre-feet), cumulative, prior to Sept. 30, 2012;
 - No more than 20 units (10 acre-feet), cumulative, prior to Sept. 30, 2013;
 - Phasing may be adjusted in the future if NCSO amends water allocation ordinance
- 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 agricultural well(s) shall not be utilized to provide domestic water service to any parcel within the project.
- 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.

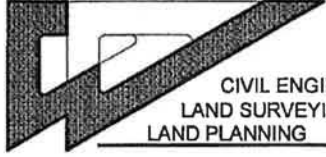
- This letter is void if land use is other than multi-family residential.
- Intent-to-Serve letters shall automatically terminate on the first to occur:
 - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two 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\2009\SERVICE REQUEST\SERVICE REQUEST CO 06-0225 PARCEL 2.DOC

WESTLAND ENGINEERING, INC.



CIVIL ENGINEERING
LAND SURVEYING
LAND PLANNING

3480 Higuera Street, Suite 130 □ San Luis Obispo, CA 93401
Telephone: (805) 541-2394 - Fax: (805) 541-2439

August 18, 2009

Bruce Buel
Nipomo Community Service District
148 S. Wilson Street
Nipomo, CA 93444

**RE: INTENT TO SERVICE APPLICATION FOR MESA DUNES INVESTMENTS
WEST TEFFT STREET, PORTION OF APN 092-130-012 (PARCEL 2 OF
CO 06-0225) / 20 UNIT DEVELOPMENT PLAN**

Dear Mr. Buel:

Please accept the attached Intent to Serve Application for the above project. This application is for water and sewer service for 20 units with an allocation of 5 acre feet for 2008-2009.

We are requesting additional water will be secured in subsequent years depending on:

- a) The results of a new water analysis for water use and revision of existing water use assumptions for multi-family.
- b) Any future reallocation.

We are also requesting an updated Intent to Serve letter from the District in reference to the above requests. We would appreciate if this request could be expedited so we can be scheduled on the Board agenda no later than the September 26, 2009 Board Meeting date.

If you should have any questions or need additional information, please give us a call at (805) 541-2394. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Terence K. Orton'.

Terence K. Orton, P.E. 21807
Westland Engineering, Inc.



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:

INTENT-TO-SERVE APPLICATION

- This is an application for: Sewer and Water Service Water Service Only
- SLO County Planning Department/Tract or Development No.: DRC2008-00147 (Minor Use Permit)
- 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: West Tefft Street, Nipomo, CA 93444
- Assessor's Parcel Number (APN) of lot(s) to be served: Portion of 092-130-012 (Parcel 2 of CO 06-0225)
- Owner Name: Mesa Dunes Investments, Inc.
- Mailing Address: P O Box 267, Avila Beach, CA 93424
- Email: N/A
- Phone: 805-929-6288 FAX: 805-929-1047
- Agent's Information (Architect or Engineer):
Name: Westland Engineering, Inc.
Address: 3480 S. Higuera Street, Ste 130, San Luis Obispo, CA 93401
Email: info@westlandengr.com
Phone: 805-541-2394 FAX: 805-541-2439
- 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)

12. Number of Dwelling Units 20 Number of Low Income units _____

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

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.

**NIPOMO COMMUNITY SERVICES DISTRICT
Intent to Serve Application**

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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.

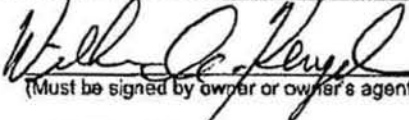
17. **Agreement:**

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 8/18/09

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

Print Name William Kengel

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>20</u>	X	0.33	=	<u>6.6</u>
Number of Duplexes/Secondary Units	<u> </u>	X	0.24	=	<u> </u>
Number of Single Family Units with:					
Parcel less than 4,500 sq. ft.	<u> </u>	X	0.29	=	<u> </u>
Parcel between 4,500 and 10,000 sq. ft.	<u> </u>	X	0.39	=	<u> </u>
Parcel greater than 10,000 sq. ft.	<u> </u>	X	0.69	=	<u> </u>
Total demand all dwelling units including irrigation				=	<u> </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:

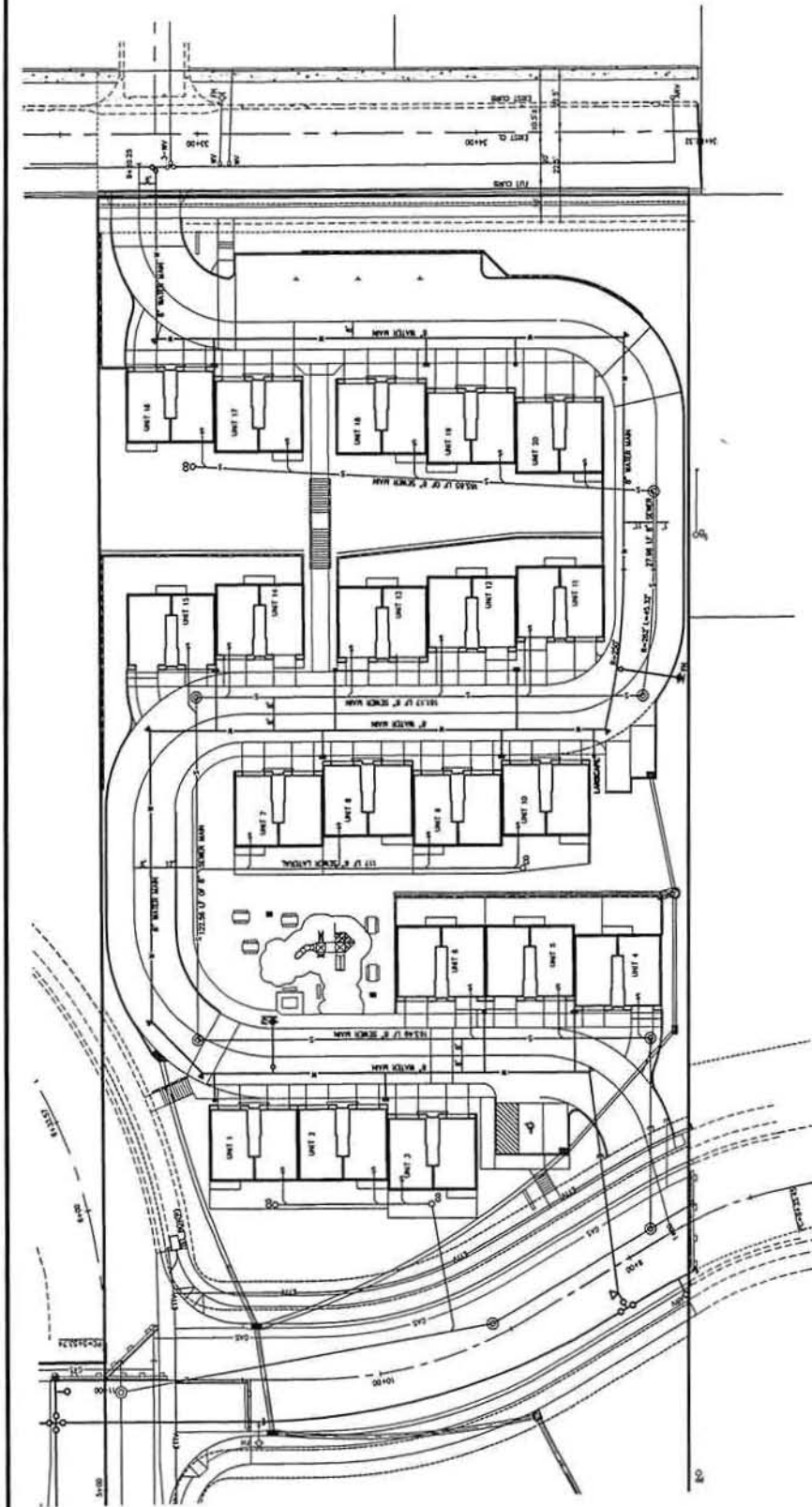
- 0.33 AFY per Multi-Family Dwelling Unit;
- 0.24 AFY per Dwelling Unit for duplexes and Secondary Dwellings;
- 0.29 AFY per Single Family Dwelling Unit located on a parcel size of four thousand five hundred (4,500) square feet or less;
- 0.39 AFY per Single Family Dwelling Unit located on a parcel size 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 8.18.09
Must be signed by project engineer/architect

Title Terence K. Orton License Number P.E. 21807

Project 092-130-012 (Parcel 2 of CO 06-0225) (e.g. Tract Number, Parcel Map #, APN)



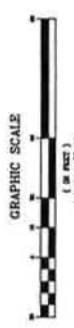
1-21-08
PLAN SHEET

WESTLAND ENGINEERING, INC.
10700 WESTLAND AVENUE, SUITE 200
ANN ARBOR, MI 48107
TELEPHONE: 734-941-2000 FAX: 734-941-2000
WWW.WESTLAND-ENG.COM

HILLSIDE TERRACE
CONCEPTUAL UTILITY PLAN

Project No.	10700 Westland Avenue
Client	Westland Engineering, Inc.
Scale	As Shown
Sheet No.	1 OF 1

DATE: 1-21-08
DRAWN BY: [Signature]
CHECKED BY: [Signature]



Record Drawings

Nipomo Community Services District
Water Allocation Accounting Summary

WATER YEAR 2008-2009												
Project	Dwelling units per category				Low I	Water allotment (acre-feet)				Total	Tally	Notes:
	SFR > 10	SFR 4.5 - 10	SFR < 4.5/DI	SEC		SFR/DUP	SEC	MF	Low I			
APN 092-130-044 ROOSEVELT apts, Phased 4/4					7	7.1	0	25	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
Tract 2855 Mid-State Properties		1				(2.1)	0.0	0.0	0.0	(2.1)	30.9	BOD Approved 7/9/08
CO 08-0125 Brown						(0.6)	0.0	0.0	0.0	(0.6)	30.3	GM Approved 10/21/08
Tract 2906 Alishouse	1					(1.0)	0.0	0.0	0.0	(1.0)	29.3	GM Approved 12/5/08
CO 06-0225: Blume at Flint, Kengle; Phase 1/5					5	(1.8)	0.0	0.0	0.0	(1.8)	27.5	BOD Approved 1/28/2009
						0.0	0.0	(5.0)	0.0	(5.0)	22.5	BOD Pending
Totals	3	1	0	0	12	0	(5.5)	0.0	(6.3)	0.0	(11.8)	
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 = 4.4												