

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS  
GENERAL MANAGER



FROM: CRAIG STEELE  
DISTRICT LEGAL COUNSEL

DATE: APRIL 3, 2020

**AGENDA ITEM**

**E-1**

**APRIL 8, 2020**

**ADOPT ORDINANCE AMENDING  
NIPOMO COMMUNITY SERVICES DISTRICT CODE CHAPTER 5.01  
REGARDING REIMBURSEMENT OF COSTS OF CONSTRUCTING  
IMPROVEMENTS FOR THE BENEFIT OF THE DISTRICT**

**ITEM**

Adopt an ordinance amending Chapter 5.01 of the Nipomo Community Services District ("District") Code regarding the District's authority to reimburse developers and applicants for the costs of constructing improvements for the benefit of the District [RECOMMEND CONDUCT SECOND READING OF THE ORDINANCE, READ BY TITLE ONLY, WAIVE FURTHER READING OF THE ORDINANCE, AND DIRECT DISTRICT COUNSEL AND STAFF TO PREPARE AND PUBLISH SUMMARY OF ORDINANCE PER GOVERNMENT CODE SECTION 25124]

**BACKGROUND**

At your Board's March 11, 2020 Board Meeting, staff introduced an ordinance amending District Code 5.01 regarding reimbursement to applicants for the costs of constructing improvements for the benefit of the District. Your Board is required to have a second reading of the proposed ordinance amendment per Government Code Section 25131. This staff report addresses the Government Code requirement.

From time to time, developers or applicants may be asked to install "oversize" water or sewer improvements in connection with a project that will serve not only the project itself, but also adjacent properties when those properties develop. The District's existing code provides the District the authority to enter into an agreement with the developer or applicant to collect the costs of the "oversize" improvements from future developers or applicants and reimburse those funds to the party that incurs the cost of construction.

In the future, staff can foresee cases where the District may need to have improvements constructed or installed as a part of a development that will benefit all of the District's customers. In those cases, the District needs the authority to spread the costs and reimburse the developer or applicant for improvements that are called out in the current Master Plan, or that are indicated as improvements for the District as a part of a hydraulic study. Combining construction with project-related improvements would be more efficient and less disruptive. This proposed ordinance would give the District, subject to Board approval, the authority to enter into a reimbursement agreement in this situation.

The proposed amendments before your Board would allow the District's existing review and cost-allocation process to apply to facility improvements that benefit District

customers and are beyond the needs of the development. The District would only reimburse those costs that the District Engineer determines will benefit the District as a whole, and not reimburse the costs that benefit individual private properties. It is anticipated that the need for such an agreement would be relatively rare, but having the legal authority in place enables the District and the Board to act if an opportunity arises.

**FISCAL IMPACT**

Budgeted staff time was used to prepare, review, and drafting the proposed ordinance.

**STRATEGIC PLAN**

Strategic Plan Goal 6. – Governance and Administration. Periodically review, update and reaffirm District policies and procedures.

**RECOMMENDATION**

It is recommended that your Board conduct the second reading of the Ordinance, read by title only, waive further reading of the ordinance, and direct District Counsel and staff to prepare and publish a summary of the ordinance, utilizing the following language: "I move that we introduce and read by title only ORDINANCE NUMBER 131, waive further reading of the ordinance, and direct District Counsel and staff to prepare and publish a summary of the ordinance in accordance with Government Code section 25124."

**ATTACHMENT**

- A. Ordinance No. 2020-XXXX: Ordinance Adding Provisions Relating to District Facility Cost Reimbursements (Blackline)
- B. Ordinance No. 2020-XXXX: Ordinance Adding Provisions Relating to District Facility Cost Reimbursements (Clean)

APRIL 8, 2020

ITEM E-1

ATTACHMENT A

ORDINANCE NO. 2020-XXXX

**AN ORDINANCE OF BOARD OF THE DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING CHAPTER 5.01 OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT CODE AND ADDING  
PROVISIONS RELATING TO DISTRICT FACILITY COST REIMBURSEMENTS**

The Board of Directors of the Nipomo Community Services District ordains as follows:

SECTION 1. From time to time, developers or other private parties construct certain water and/or sewer facilities that benefit both an individual property or project as well as the customers of the Nipomo Community Services District as a whole, either as a condition of development or through an agreement. The costs of these facilities should equitably be shared by the developer and the customers of the district. The purpose of this ordinance is to authorize a mechanism whereby customers who construct such facilities may be reimbursed by the district for a determined amount of excess costs of construction and installation in specified circumstances.

SECTION 2. Section 5.01.010 of the Nipomo Community Services District Code ("District Code") is hereby amended to read as follows (text added is underlined, text deleted is ~~struck through~~).

"5.01.010 - Purpose and applicability.

- A. The district may impose a requirement that improvements installed by a developer for the benefit of the developer's project shall contain supplemental size, capacity, number, or length for the benefit of property not within the subdivision and that those improvements be dedicated to the district.
- B. The district may impose a requirement, or may agree with a developer, for the developer to construct and install district facilities which are called out in the then-current district Water and Sewer Master Plan or the district's most current hydraulic model, or which are otherwise necessary to support the district's Supplemental Water Project or other district projects, and that those improvements be dedicated to the district.
- C. This chapter is intended to provide an equitable procedure for at least partial reimbursement to private parties who construct and dedicate district facilities to serve their private property, if such facilities are also used thereafter to directly serve and benefit private property owned by others, or to provide a means of cost recovery through reimbursements if the facilities benefit the district as a whole.
- D. Whenever an applicant is required as a condition of development, to construct and install district facilities, which are dedicated to the district, and which have the future potential and capacity to provide service to real property parcels, not under the control or ownership of the applicant, the reimbursement provisions of this chapter shall apply, unless the district specifically provides otherwise by ordinance or resolution.
- E. Whenever a developer or applicant is required as a condition of development, or agrees with the district, to construct and install district facilities which are called out in the then-current district Water and Sewer Master Plan or the district's most current hydraulic model, or which are otherwise necessary to support the district's Supplemental Water Project or other district projects, are such facilities are not otherwise eligible for reimbursement of excess costs pursuant to this chapter, and are dedicated to and accepted by the district, the "District Facility Construction Cost Reimbursement"

provisions of Section 5.01.065 of this chapter shall apply unless the district specifically provides otherwise by ordinance or resolution. The excess costs of such construction and installation shall be eligible for reimbursement only to the extent the costs thereof are for 'Oversizing' or 'Off-site development' as defined in this chapter. No person shall be eligible for a reimbursement for the cost of constructing and installing facilities necessary to provide water and sewer service to that person's property or properties."

SECTION 3. Section 5.01.065 is hereby added to the District Code to read as follows:

"5.01.065 District Facility Construction Cost Reimbursement

- A. The applicable procedural provisions and requirements of Sections 5.01.030 and 5.01.031 of this Chapter shall be used at the discretion of the District Engineer to determine the amount of a developer's or applicant's District Facility Construction Cost Reimbursement, if any, pursuant to Section 5.01.010.
- B. The District Facility Construction Cost Reimbursements may, in applicable cases, be combined with reimbursements of excess costs as provided in Section 5.01.030, but in no event shall the total reimbursement by this district to any developer or applicant exceed the "Maximum Recovery" of as defined in this chapter and determined by the District Engineer.
- C. Once the Maximum Recovery and final proration of costs of improvements subject to reimbursements pursuant to this Chapter have been established by the District Engineer pursuant to this Chapter, and upon application of the developer or applicant for District Facility Construction Cost reimbursement, the district Board shall consider such requests and the recommendation of the District Engineer and, if granted, shall adopt a resolution stating the total amounts to be reimbursed and the schedule for reimbursement.
- D. If the recipient of such reimbursement sells or otherwise transfers its interest in the property to any other person prior to reimbursement, the transferor shall forfeit to the transferee any further right to reimbursements from the district.

SECTION 4. Any sections, portions of sections, or subsections of the District Code not specifically amended and replaced herein shall remain in full force and effect.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause, or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

SECTION 6. The Board of Directors of the District finds, to the best of their knowledge, that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15378(b)(2) and 15378(b)(4) because it constitutes general policy and procedure making and government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The Board of Directors further finds, to the best of their knowledge, that the adoption of this Ordinance is not a project as defined in CEQA Guidelines Section 15378 because it can be seen with certainty that it will not result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change

in the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

SECTION 7. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the fifteenth (15th) day after passage, this Ordinance shall be published, in accordance with Government Code section 25124(b)(2), with the names of the members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation within the District.

INTRODUCED at its regular meeting of the Board of Directors held on March 25, 2020, and PASSED and ADOPTED by the Board of Directors of the Nipomo Community Services District at its regular meeting on April 8, 2020, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

CONFLICTS:

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DAN ALLEN GADDIS  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

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MARIO IGLESIAS  
General Manager and  
Secretary to the Board

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CRAIG A. STEELE  
District Legal Counsel

APRIL 8, 2020

ITEM E-1

ATTACHMENT B

ORDINANCE NO. 2020-XXXX

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- B. The District Facility Construction Cost Reimbursements may, in applicable cases, be combined with reimbursements of excess costs as provided in Section 5.010.30, but in no event shall the total reimbursement by this district to any developer or applicant exceed the "Maximum Recovery" of as defined in this chapter and determined by the District Engineer.
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AYES:

NOES:

ABSENT:

CONFLICTS:

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DAN ALLEN GADDIS  
President, Board of Directors

ATTEST:


APPROVED AS TO FORM:

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MARIO IGLESIAS  
General Manager and  
Secretary to the Board

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CRAIG A. STEELE  
District Legal Counsel

TO: BOARD OF DIRECTORS  
REVIEWED: MARIO IGLESIAS  
GENERAL MANAGER   
FROM: PETER V. SEVCIK, P.E.  
DIRECTOR OF ENGINEERING  
AND OPERATIONS  
DATE: April 2, 2020



**CONSIDER REQUEST FOR WATER, SEWER AND  
SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR  
CO 03-0301, A COMMERCIAL SUBDIVISION  
LOCATED AT THE CORNER OF NORTH FRONTAGE ROAD AND  
SANDYDALE DRIVE**

**ITEM**

Consider request for water, sewer, and solid waste service (Intent-to-Serve Letter) for a 3 lot commercial development located at the corner of North Frontage Road and Sandydale Drive, APN 091-325-022 [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS].

**BACKGROUND**

The District received an application for water, sewer, and solid waste service for a project located at the corner of North Frontage Road and Sandydale Drive, APN 091-325-022, on March 9, 2020. The applicant, Howard and Pepper, Inc., is requesting water, sewer and solid waste service for a 3 parcel commercial development. The District has previously issued three (3) Intent-to-Serve letters for the Project since 2003, all of which have expired. The applicant is represented by Dennis Schmidt, Granite Ridge Development Consultants.

In addition, the District issued an Intent-to-Serve letter for a private 6-inch fire service on December 12, 2019. In accordance with District code, the existing Intent-to-Serve letter for the private fire service will be rescinded if the Board approves the applicant's request for the new Intent-to-Serve letter for the parcel map.

The project will consist of a subdivision of 1 existing parcel into 3 commercial parcels. The existing 4.45 acre parcel is zoned Commercial Service and the District does not currently provide water, sewer or solid waste service for the parcel.

The project will be required to obtain water, sewer and solid waste service in compliance with current District standards. Any existing well(s) on the property will not be utilized to provide domestic water service to any part of the project.

In accordance with the District's Supplemental Water Accounting Policy, Resolution 2015-1372, water demand for the project will be tracked against the 500 AFY supplemental water project capacity reservation for new development. Based on the preliminary information provided, total water demand for the project is estimated at 3.2 acre-feet per year (AFY). Sufficient supplemental water for the project is available.

Sufficient wastewater treatment capacity for the project is available in the District's Southland WWTF.

### **FISCAL IMPACT**

Water and sewer capacity fees will be based on the domestic and irrigation meter sizes requested for the final County approved project as well as CAL FIRE's fire service requirements. Based on the preliminary information provided, the following services are proposed:

- Domestic: 3 @ 1-inch
- Irrigation: 3 @ 1-inch
- Fire: 3 @ 3-inch
- Sewer: 3 services

The estimated fee deposit for the project is \$144,000 based on the current FY 19-20 District fee schedule. Fees for Connection shall be calculated and owing as of the date the District accepts the public water and sewer improvements for the project and sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.

### **RECOMMENDATION**

Staff recommends that the Board approve the Applicant's request for an Intent-to-Serve letter for the project with the following conditions:

#### **PROJECT-SPECIFIC CONDITIONS**

- The Intent-to-Serve Letter issued for a private fire service dated December 12, 2019, is rescinded.
- A sewer and water system master plan/hydraulic model review of project impacts shall be required. Applicant shall be required to install all necessary water and sewer facilities adjacent to project. Improvements anticipated include but are not limited to extending water and sewer lines on Frontage Road to the District's northerly boundary.
- Applicant shall provide updated plans consistent with current District Standards and based on the proposed lot configuration.
- Three (3) separate 1-inch meters and backflow assemblies shall be provided for indoor water use. Water capacity charges are applicable.
- Three (3) separate 1-inch irrigation meters and backflow assemblies shall be provided for outdoor irrigation use. Water capacity charges are applicable.
- Three (3) separate 3-inch or larger fire sprinkler services, as required and approved by CAL FIRE of SLO County, shall be provided for fire sprinkler service. Fire capacity charges are applicable.

#### **STANDARD CONDITIONS**

- Project shall obtain water, sewer, and solid waste service for all parcels.
- CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges are applicable for dedicated fire service laterals.
- Properly abandon any existing groundwater wells and provide documentation to District.

- Record a restriction, subject to District approval, on the property prohibiting the use of well(s) to provide water service to any parcel within the Project.
- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- 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.
- Any easements required for private water and sewer laterals shall be recorded prior to final improvement plan approval and shall be subject to District approval.
- All water and sewer improvements to be dedicated to the District shall be bonded for or otherwise secured in the District's name prior to issuance of Will-Serve letter.
- A Will-Serve letter for the Project will be issued after improvement plans are approved and signed by the District.
- 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 (PDF) which includes engineer, developer, tract number, and water and sewer improvements
  - Offer of Dedication
  - Engineer's Certification
  - Summary of all water and sewer improvement costs
- Solid waste collection services are mandatory. Applicant shall provide proof that the Project is provided with solid waste removal services in accordance with District regulations.
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo, the District's acceptance of improvements to be dedicated to the District, if applicable, and the final payment of all charges and fees owed to the District.
- This letter is void if land use is other than commercial as defined by the District.
- Intent-to-Serve letters shall automatically terminate three (3) years, from date of issuance. However, Applicant shall be entitled to a one-year extension upon the following conditions:
  - Applicant makes written application for the extension prior to the expiration of the Intent-to-Serve Letter.
  - Applicant provides proof of reasonable due diligence in processing the Project.
  - Applicant agrees to revisions of the conditions contained in the Intent-to-Serve letter consistent with then existing District policies.
- 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.

- District service is conditioned on the applicant complying with all terms, conditions, rules, and regulations of other agencies that have jurisdiction over the project.
- This Intent-to-Serve letter shall not be interpreted as the District's Board of Directors endorsement of the project.
- The District reserves the right to revoke this Intent-to-Serve letter at any time.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

**ATTACHMENTS**

- A. Application
- B. Site Plan

APRIL 8, 2020

ITEM E-2

ATTACHMENT A



# NIPOMO COMMUNITY SERVICES DISTRICT

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

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

## INTENT-TO-SERVE APPLICATION

1. This is an application for:  Sewer and Water Service  Water Service Only
2. SLO County Planning Department/Tract or Development No.: Parcel Map CO 03-0301
3. Project location: N Frontage and Sandydale
4. Assessor's Parcel Number (APN) of parcel(s) to be served: 191-325-022
5. Owner Name: Howard and Pepper, Inc
6. Mailing Address: 215 N Frontage Road, Nipomo, CA 93444
7. Email: trailerhitchrv@gmail.com
8. Phone: 805 929-8095 FAX: \_\_\_\_\_
9. Agent's Information (Architect or Engineer):  
 Name: Granite Ridge Development Consultants  
 Address: 8679 Santa Rosa Road, Atascadero, CA 93422  
 Email: dennis@graniteridgegroup.com  
 Phone: 805 835-3582 FAX: 805 461-0851

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

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

11. Does this project require a sub-division?  Yes  No  
 If yes, number of new lots created 3

12. Site Plan:  
**For all projects**, submit three (3) standard size (24" x 36") and one reduced copy (8½" x 11") of site plans.

Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable. **Note that the District only provides one domestic meter per parcel.**

13. Board Approval:  
 Board approval is required for the following type of projects:
  - more than four dwelling units
  - property requiring sub-divisions
  - higher than currently permitted housing density
  - commercial developments



14. **RESIDENTIAL SERVICE**

Single Family Residential (SFR)

Number of Parcel's created		Proposed number of SFR	
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Multi-Family Residential (MFR)

Number of Parcel's created		Proposed number of MFR	
Number of Domestic Meter(s)		Estimated Meter Size(s)	
Number of Landscape Meter(s)		Estimated Meter Size(s)	
Number of Fire System(s)		Estimated Meter Size(s)	

15. **COMMERCIAL AND/OR MIXED USE SERVICE DEMAND ESTIMATES:**

Commercial and Mixed Use

Number of Parcel's created	3	Proposed number of residential dwellings	0
Number of Domestic Meter(s)	3	Estimated Meter Size(s)	1"
Number of Landscape Meter(s)	3	Estimated Meter Size(s)	1"
Number of Fire System(s)	3	Estimated Meter Size(s)	1"

Provide an estimate of yearly water (AFY) and sewer (gallons) demand for the project prepared by a licensed Engineer/Architect.

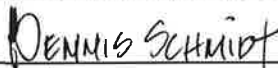
**Agreement:**

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 on Page 3**

The District will only accept cashier's check or bank wire for the payment of Water Capacity, Sewer Capacity and other related development fees.

Date 09 March 2020 Signed   
 (Must be signed by owner or owner's agent)  
 Print Name Dennis Schmidt, Agent

**DEFINITIONS**

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

**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.

**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.

**Commercial** – all non-residential and mixed-use projects.

**APPLICATION FEES AND CHARGES**  
**EFFECTIVE July 1, 2018**

PROJECT SIZE/TYPE	TOTAL AMOUNT DUE AT TIME OF APPLICATION**
Residential <4 units	\$1,241.25
Residential 4-20 units	\$1,704.97
Residential > 20 units	\$2,007.39
Commercial <1 acre	\$1,704.97
Commercial 1-3 acres	\$2,007.39
Commercial > 3 acres	<b>\$2,773.51</b>
Mixed Use with less than 4 Dwelling Units	\$2,007.39
Mixed Use with four or more Dwelling Units	\$2,773.51
*Outside Consulting and Legal fees will be billed to the Applicant at direct rate.	

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

APRIL 8, 2020

ITEM E-2

ATTACHMENT B

**OWNER'S STATEMENT**

We, the undersigned, hereby state that we are all the owners of, (and all record holders of security interest in,) and all parties having any record title interest in the real property included within the subdivision and project shown on this map, and that each of us does hereby consent to the filing and/or recordation of this map and we hereby dedicate to the public all streets shown on this map.

We hereby reserve to ourselves, our heirs, and assigns for the use and benefit of the several public utility companies which are authorized to serve in said subdivision, easements for public utility purposes, delineated on said map as "Public Utility Easement", or "P.U.E."

We also reserve to ourselves, our heirs, and assigns certain private road, drainage, and storm drain easements for the use and benefit of the present or future owners of the lots affected by such easements as delineated on said map.

HOWARD AND PEPPER, INC, a California Corporation

\_\_\_\_\_

\_\_\_\_\_

**NOTARY**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of \_\_\_\_\_

On before me, (here insert name and title of the officer), personally appeared (here insert name of signator), who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature \_\_\_\_\_

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

County of \_\_\_\_\_

Commission Expires \_\_\_\_\_

Commission # \_\_\_\_\_

**BOARD OF SUPERVISOR'S STATEMENT**

I do hereby state that the Board of Supervisors of the County of San Luis Obispo, State of California, did, on \_\_\_\_\_, 2020, approve this map of Parcel Map CO 03-0301 in accordance with the provisions of the Subdivision Map Act, and the offers of dedication shown hereon for streets were rejected without prejudice.

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

Dated \_\_\_\_\_

**SURVEYOR'S STATEMENT**

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of MICHAEL HOWARD on \_\_\_\_\_, 2017. I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.

\_\_\_\_\_  
Dennis Schmidt, PLS 8408  
Expires 05/30/2020



**COUNTY SURVEYOR'S STATEMENT**

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

\_\_\_\_\_  
Edward M. Reading, PLS 8081  
County Surveyor

**RECORDER'S STATEMENT**

Filed this \_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_ m., in Book \_\_\_\_\_ of PARCEL MAPS at Page \_\_\_\_\_, at the request of Dennis Schmidt.

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

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

Tommy Gong, County Recorder

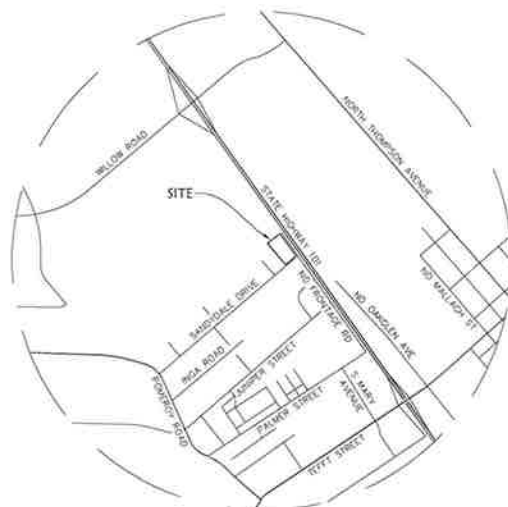
By \_\_\_\_\_  
Deputy

**PARCEL MAP CO 03-0301**

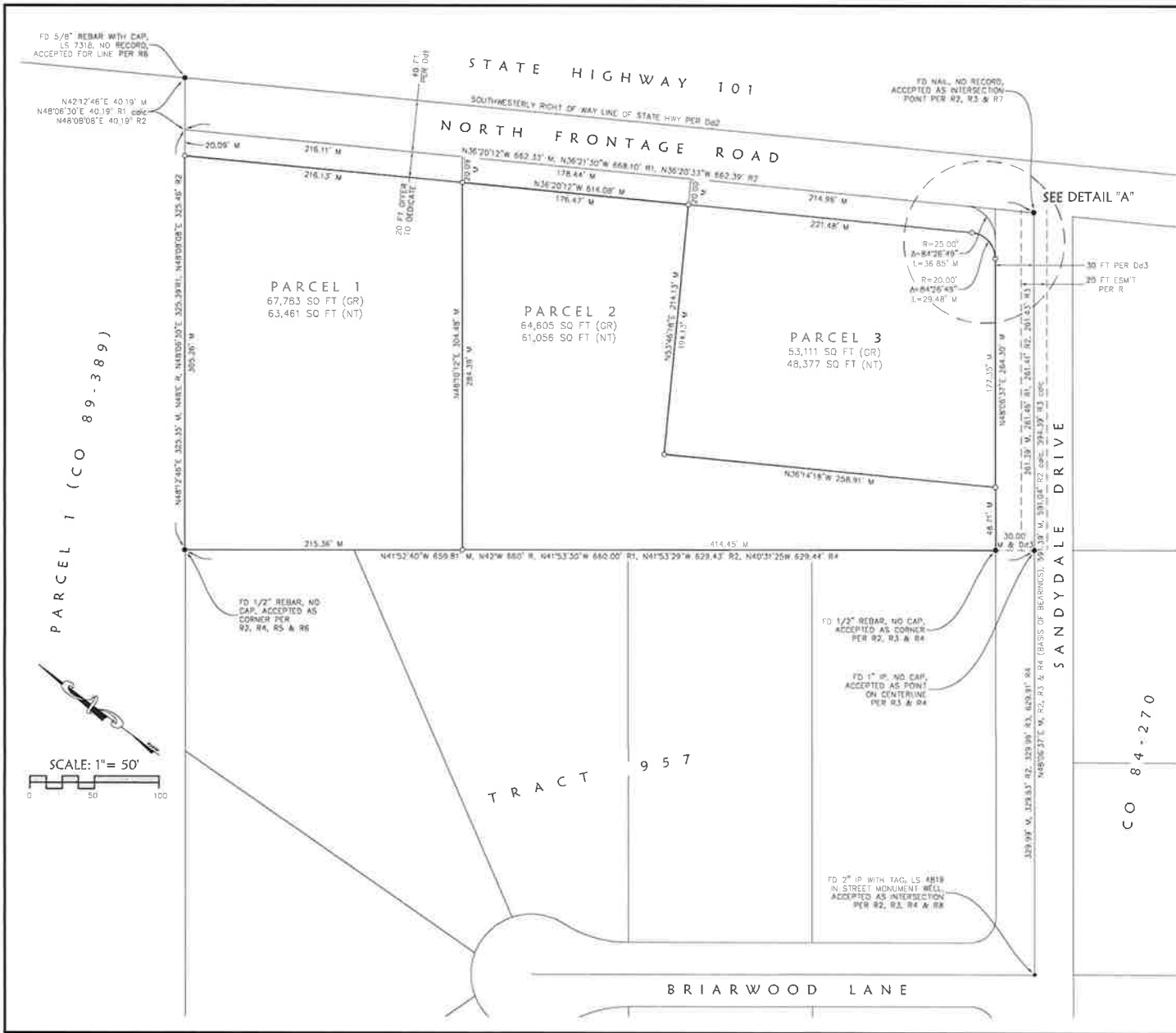
Being a subdivision of a portion of Lot 3 of Division "A" of the Calimex Plantation Nipome Tract as shown on the map filed in Book 1 of Maps at Page 23 in the Office of the County Clerk/Recorder, County of San Luis Obispo, State of California.



**GRANITE RIDGE**  
DEVELOPMENT CONSULTANTS  
8679 SANTA ROSA ROAD ATASCADERO CALIFORNIA 93422  
(805)835-3582 ph (805)461-0851 fax dennis@graniteridgegroup.com



**VICINITY MAP**  
No Scale

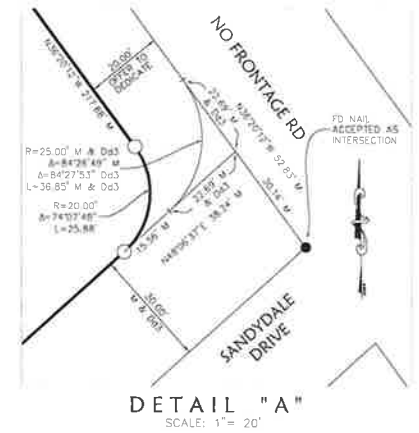


### BASIS OF BEARINGS

Being between a found nail and street monument along the centerline of Sandysdale Road bearing N46°08'37"E per R2, R3, and R4.

### LEGEND

- Found monument as noted
- Set 5/8" rebar with cap, LS 8408
- Nothing Set
- R 1 Map Books 23
- R1 10 Licensed Surveys 26
- R2 11 Map Books 22
- R3 39 Parcel Maps 77
- R4 106 Licensed Surveys 67
- R5 49 Parcel Maps 25
- R6 115 Licensed Surveys 93
- R7 34 Parcel Maps 25
- R8 34 Parcel Maps 25
- Dd1 938 Official Records 500
- Dd2 921 Official Records 30
- Dd3 1952 Official Records 278




### PARCEL MAP CO 03-0301

Being a subdivision of a portion of Lot 3 of Division "A" of the Calimex Plantation Nipomo Tract as shown on the map filed in Book 1 of Maps at Page 23 in the Office of the County Clerk/Recorder, County of San Luis Obispo, State of California.



**GRANITE RIDGE**  
DEVELOPMENT CONSULTANTS  
8679 SANTA ROSA ROAD ATASCADERO CALIFORNIA 93422  
(805)835-3582 px (805)461-8851 fax devils@graniteridgegroup.com

TO: BOARD OF DIRECTORS  
REVIEWED: MARIO IGLESIAS  
GENERAL MANAGER   
FROM: PETER V. SEVCIK, P.E.  
DIRECTOR OF ENGINEERING  
AND OPERATIONS

**AGENDA ITEM  
E-3  
APRIL 8, 2020**

DATE: April 1, 2020

**CONSIDER REQUEST FOR WATER, SEWER AND  
SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR  
TRACT 2312, A MIXED USE SUBDIVISION  
LOCATED AT SOUTH FRONTAGE ROAD**

**ITEM**

Consider request for water, sewer, and solid waste service (Intent-to-Serve Letter) for a 71 lot mixed use development located on South Frontage Road between Hill Street and Grande Street, APN 092-579-006, APN 092-579-007, APN 092-579-008, and APN 092-579-009 [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS].

**BACKGROUND**

The District received an application for water, sewer, and solid waste service for a project located on South Frontage Road between Hill Street and Grande Street, APN 092-579-006, APN 092-579-007, APN 092-579-008, and APN 092-579-009. The applicant, SLO Investments LLC, is requesting water, sewer and solid waste service for a 71 parcel mixed use development. The District previously issued a Will Serve letter for the project in 2003, the project was not constructed, and the project as currently envisioned has changed from the original design. The applicant is represented by Garing, Taylor & Associates, Inc.

The project will consist of a subdivision of 4 existing parcels into 59 residential parcels, 10 commercial parcels, 1 open space parcel, and 1 drainage basin parcel. The existing parcels total approximately 11 acres and are zoned Commercial Retail. The District does not currently provide water, sewer or solid waste service for the parcels.

The project will be required to obtain water, sewer and solid waste service in compliance with current District standards. Any existing well(s) on the property will not be utilized to provide domestic water service to any part of the project.

In accordance with the District's Supplemental Water Accounting Policy, Resolution 2015-1372, water demand for the project will be tracked against the 500 AFY supplemental water project capacity reservation for new development. Since the project fee deposit was paid prior to the January 25, 2008 groundwater litigation judgement date and thus the project is on the District's reserved capacity list, only the portion of water required over and above the initially approved project will be counted towards the District's Supplemental Water Accounting Policy. Based on the preliminary information provided, total water demand for the project is estimated at 67.5 acre-feet per year (AFY). The previous project had an estimated demand of 36.6 AFY so the difference of 30.9 AFY will be tracked towards the District's Supplemental Water Accounting Policy. Sufficient supplemental water for the project is available.

Sufficient wastewater treatment capacity for the project is available in the District's Southland WWTF.

**FISCAL IMPACT**

Water and sewer capacity fees will be based on the domestic and irrigation meter sizes requested for the final County approved project as well as CAL FIRE's fire service requirements. Based on the preliminary information provided, the following services are proposed:

- Domestic: 59 @ 1-inch
- Domestic: 10 @ 2-inch
- Irrigation: 11 @ 1-inch
- Irrigation: 2 @ 2-inch
- Fire: 10 @ 2-inch
- Fire: 10 @ 4-inch
- Sewer: 69 services

The estimated fee deposit for the project is \$2,396,975 based on the current FY 19-20 District fee schedule including a credit for the deposit of \$510,731 paid in 2003. Fees for Connection shall be calculated and owing as of the date the District accepts the public water and sewer improvements for the project and sets the water meter(s) to serve the affected property from which the amount of the deposit shall be deducted.

**RECOMMENDATION**

Staff recommends that the Board approve the Applicant's request for an Intent-to-Serve letter for the project with the following conditions:

**PROJECT-SPECIFIC CONDITIONS**

- A sewer and water system master plan/hydraulic model review of project impacts shall be required. Applicant shall be required to install all necessary water and sewer facilities adjacent to project. Improvements anticipated include but are not limited to extending and /or upsizing water and sewer lines on Frontage Road, Grande Avenue, and Hill Street adjacent to the project.
- A review to assess impact of the proposed County realignment of South Frontage Road to existing water and sewer lines is required. Relocation of existing water and/or sewer lines may be required.
- Applicant shall provide updated plans consistent with current District Standards and based on the proposed lot configuration.
- 59 separate 1-inch meters and backflow assemblies shall be provided for indoor water use. Water capacity charges are applicable.
- 10 separate 2-inch meters and backflow assemblies shall be provided for indoor water use. Water capacity charges are applicable.
- 11 separate 1-inch irrigation meters and backflow assemblies shall be provided for outdoor irrigation use. Water capacity charges are applicable.
- 2 separate 2-inch irrigation meters and backflow assemblies shall be provided for outdoor irrigation use. Water capacity charges are applicable.

- 10 separate 2-inch or larger fire sprinkler services, as required and approved by CAL FIRE of SLO County, shall be provided for fire sprinkler service. Fire capacity charges are applicable.
- 10 separate 4-inch or larger fire sprinkler services, as required and approved by CAL FIRE of SLO County, shall be provided for fire sprinkler service. Fire capacity charges are applicable.

### **STANDARD CONDITIONS**

- Project shall obtain water, sewer, and solid waste service for all parcels.
- CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges are applicable for dedicated fire service laterals.
- Properly abandon any existing groundwater wells and provide documentation to District.
- Record a restriction, subject to District approval, on the property prohibiting the use of well(s) to provide water service to any parcel within the Project.
- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- 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.
- Any easements required for private water and sewer laterals shall be recorded prior to final improvement plan approval and shall be subject to District approval.
- All water and sewer improvements to be dedicated to the District shall be bonded for or otherwise secured in the District's name prior to issuance of Will-Serve letter.
- A Will-Serve letter for the Project will be issued after improvement plans are approved and signed by the District.
- 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 (PDF) which includes engineer, developer, tract number and water improvements
  - Offer of Dedication
  - Engineer's Certification
  - Summary of all water improvement costs
- Solid waste collection services are mandatory. Applicant shall provide proof that the Project is provided with solid waste removal services in accordance with District regulations.
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo, the District's acceptance of improvements to be dedicated to the District, if applicable, and the final payment of all charges and fees owed to the District.
- This letter is void if land use is other than mixed use as defined by the District.



- Intent-to-Serve letters shall automatically terminate three (3) years, from date of issuance. However, Applicant shall be entitled to a one-year extension upon the following conditions:
  - Applicant makes written application for the extension prior to the expiration of the Intent-to-Serve Letter.
  - Applicant provides proof of reasonable due diligence in processing the Project.
  - Applicant agrees to revisions of the conditions contained in the Intent-to-Serve letter consistent with then existing District policies.
- 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.
- District service is conditioned on the applicant complying with all terms, conditions, rules, and regulations of other agencies that have jurisdiction over the project.
- This Intent-to-Serve letter shall not be interpreted as the District's Board of Directors endorsement of the project.
- The District reserves the right to revoke this Intent-to-Serve letter at any time.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

**ATTACHMENTS**

- A. Application
- B. Site Plan

APRIL 8, 2020

ITEM E-3

ATTACHMENT A



# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 328 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932  
Website: ncsd.ca.gov

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

## INTENT-TO-SERVE APPLICATION

1. This is an application for: XX Sewer and Water Service          Water Service Only
2. SLO County Planning Department/Tract or Development No.: Tract 2312, SUB2004-00091
3. Project location: South Frontage Rd between Hill and Grande Streets
4. Assessor's Parcel Number (APN) of lot(s) to be served: 092-579-006, -007, -008, -009
5. Owner Name: SLO Investments LLC, JG King Managing Member
6. Mailing Address: 285 Bridge Street, San Luis Obispo, CA 93401
7. Email: jgking@kingventures.net
8. Phone: 805-544-4444 FAX: 805-544-5637
9. Agent's Information (Architect or Engineer):  
 Name: GARING TAYLOR ASSOCIATES, Ron Reilly  
 Address: 141 So. Elm Street, Arroyo Grande, CA 93420  
 Email: rreilly@garingtaylor.com  
 Phone: 805-489-1321 FAX: 805-489-6723

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

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

11. Total Number of Dwelling Units 59 Number of Low Income Units ~30
12. Does this project require a sub-division?  Yes  No  
 If yes, number of new lots created 71 total parcels / 59 MFResidential, 10 Commercial,  
1 open space parcel and 1 drainage basin parcel
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 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.

**Note: NCSO only provides one domestic meter per Assessor Parcel Number**

**14. RESIDENTIAL SERVICE**

Single Family Residential (SFR)

Number of APN's created		Number of SFR to be built	
-------------------------	--	---------------------------	--

Multi-Family Residential (MFR)

Number of APN's created	60*		
Number of Domestic Meter(s)	59	Estimated Meter Size(s)	1"
Number of Landscape Meter(s)	1	Estimated Meter Size(s)	2"
Number of Fire System(s)	10	Estimated Meter Size(s)	2"

**15. Commercial Projects Service Demand Estimates: \*59 MFR, 1 open space**

Commercial and Mixed Use

Number of APN's created	11**	**10 commercial and 1 drainage basin	
Number of Domestic Meter(s)	10	Estimated Meter Size(s)	2"
Number of Landscape Meter(s)	12	Estimated Meter Size(s)	1 1/2"
Number of Fire System(s)	10	Estimated Meter Size(s)	2"-4"

Provide an estimate of yearly water (AFY) and sewer (gallons) demand for the project prepared by a licensed Engineer/Architect. *Water @ 0.28 AFY/unit = 16.5 AFY/year*  
*Commercial - 0.1020 d/sf (75,868 sf) = 8.5 AFY/year*


**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 on Page 4

The District will only accept cashier's check or bank wire for the payment of Water Capacity, Sewer Capacity and other related development fees.

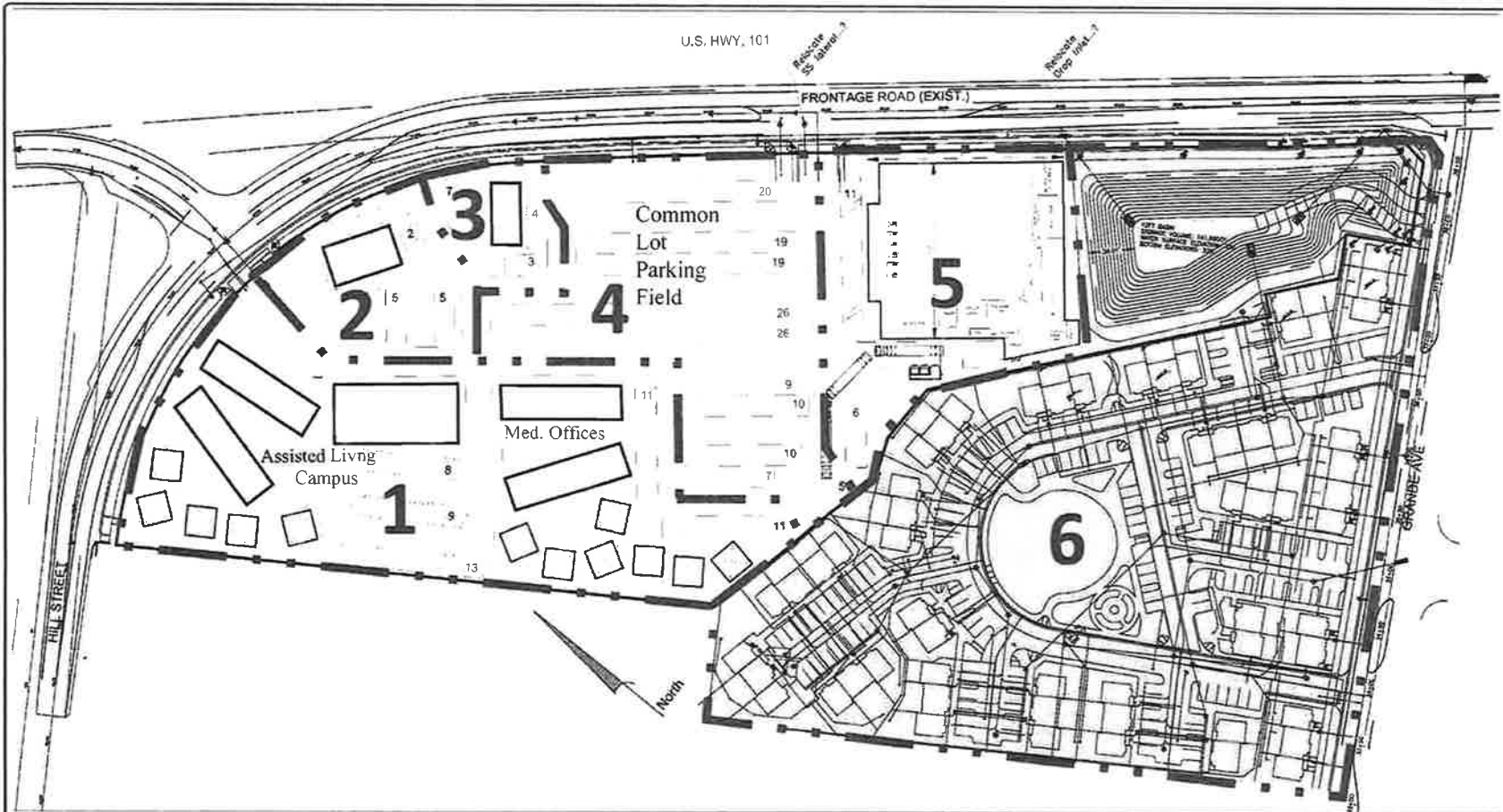
Date Aug, 28, 2018 Signed   
 (Must be signed by owner or owner's agent)

Print Name Ronald Reilly, GTA

APRIL 8, 2020

ITEM E-3

ATTACHMENT B



**Areas & Parking Requirement**

Retail Market – 30,000 sf gross / 25,000 sf net for parking calc  
 Storage – 6,600 sf / 600 = 11 stalls  
 Sales – 18,400 sf / 200 = 92 stalls  
 Check stands – 6 at 1 each = 6 stalls

Assisted Living Residences – 15,000 sf gross / 10,000 sf net  
 Independent Living - 12 units = 12 stalls  
 Assisted Living - 35 units = 35 stalls  
 Guest/Staff = 10 stalls

Fast Food – 10,868 sf gross / 3,250 sf net  
 Customer area – 2,050 sf / 60 = 34 stalls  
 Kitchen – 1,200 sf / 100 = 12 stalls  
 Employees – 3,250 sf / 360 = 9 stalls

Medical-Professional Offices – 20,000 sf gross / 5,000 sf net  
 at 5,000 sf / 200 = 25 stalls

Shared Parking at ~23%

**Total Required = 246 stalls**  
**Total Provided = 246 stalls**

**Nipomo Retail**

Updated 3-5-2020

scale 1"= 40'

Total Commercial / Retail = 75,868 sf  
 Assisted Living Units = 47 rooms



Site

TO: BOARD OF DIRECTORS  
FROM: MARIO IGLESIAS  
GENERAL MANAGER  
DATE: APRIL 3, 2020

**AGENDA ITEM  
E-4  
APRIL 8, 2020**

**REVIEW AND COMMENT ON LETTER FROM NIPOMO COMMUNITY SERVICES DISTRICT (“DISTRICT”) TO SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS REGARDING THE POTENTIAL IMPACTS ON DISTRICT FACILITIES WITH RECENT AMENDMENTS TO THE COUNTY’S ORDINANCE GOVERNING ACCESSORY DWELLING UNITS**

**ITEM**

Review and comment on the attached letter from Nipomo Community Services District (“District”) to San Luis Obispo Board of Supervisors regarding the potential impacts on District facilities with recent amendments to the County of San Luis Obispo Ordinance governing Accessory Dwelling Units (“ADU”) [RECOMMEND REVIEW LETTER, COMMENT, AND DIRECT STAFF]

**BACKGROUND**

On January 28, 2020, the San Luis Obispo Board of Supervisors (“Supervisors”) took action and passed an ordinance adopting specific amendments to Title 22 (Land Use Ordinance) of the County Code for the accessory dwelling unit ordinance, Phase II. As required by State law, the County Ordinance amendments reduce regulatory barriers and streamline the permitting processes for Accessory Dwelling Units (“ADU”).

The Nipomo Community Services District’s Board of Directors (“Board”) directed staff to investigate the potential impact the amended County Code could have on District infrastructure and its ability to meet the community’s needs. At the District’s Board Meeting of February 26, 2020, staff presented its findings for your Board’s review. At the conclusion of the item, your Board directed staff to prepare a letter to the Supervisors registering your Board’s concerns.

**FISCAL IMPACT**

Budgeted staff time was used to prepare, review, and drafting the letter for your Board’s review.

**STRATEGIC PLAN**

Goal 1. WATER SUPPLIES. Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

- B.1 Seek to have the County implement sustainable water supply policies that match the level of development they approve, including all the features described in the Water Resources Policy Statement.

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT.  
Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

**RECOMMENDATION**

Staff recommends your Board review the attached letter to the Board of Supervisors, discuss the language therein, and direct staff.

**ATTACHMENT**

- A. NCSD Letter Registering Concern to San Luis Obispo Board of Supervisors



APRIL 8, 2020

ITEM E-4

ATTACHMENT A

# NIPOMO COMMUNITY

## **BOARD MEMBERS**

DAN ALLEN GADDIS, **PRESIDENT**  
CRAIG ARMSTRONG, **VICE PRESIDENT**  
BOB BLAIR, **DIRECTOR**  
ED EBY, **DIRECTOR**  
DAN WOODSON, **DIRECTOR**



# SERVICES DISTRICT

## **STAFF**

MARIO IGLESIAS, **GENERAL MANAGER**  
LISA BOGNUDA, **FINANCE DIRECTOR**  
PETER SEVCIK, P.E., **DIRECTOR OF ENG. & OPS.**  
CRAIG STEELE, **GENERAL COUNSEL**

*Serving the Community since 1965*

---

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

---

April 9, 2020

Board of Supervisors  
County of San Luis Obispo  
1055 Monterey Street  
San Luis Obispo, CA 93408

Re: San Luis Obispo County – Accessory Dwelling Unit Ordinance Amendments

Dear Supervisors:

On January 28, 2020, your Board took action and passed an ordinance adopting specific amendments to Title 22 (Land Use Ordinance) of the County Code for the accessory dwelling unit ordinance, Phase II. As required by State law, the County Ordinance amendments reduce regulatory barriers and streamline the permitting processes for Accessory Dwelling Units (“ADU”).

The Nipomo Community Services District Board of Directors (“NCSD Board”) is concerned that the above mentioned action will have an adverse impact on the District’s facilities and ability to adequately serve our customers. Specifically, the housing intensification made possible by the reduced regulatory barriers for construction of ADUs will add to water demand on the Nipomo Mesa Water Conservation Area. Given that State law and the County’s ADU unit could, effectively, triple the number of dwelling units on a given lot, the impacts on water (up to 583 acre-feet of new demand) and sewer usage could be significant. Because ADUs will essentially be allowed by right, and not in particular zones, we have been forced to plan for ADU development in a worst case scenario across the District and its Sphere of Influence.

The County should be acutely aware of the fact that the Nipomo Mesa Water Conservation Area (“NMWCA”) overlies the Santa Maria Valley Basin. This basin is one of twenty-four groundwater basins identified on the California Department of Water Resources (“DWR”) list of adjudicated basins. As an adjudicated basin, the Courts oversee water use within the basin and, in the case of Santa Maria Valley Basin, have issued a Judgement (2008) the parties stipulated to in the 2005 Stipulation. Of significant note is the requirement in the Judgement that new urban water users within the boundaries and sphere of influence “shall obtain water service from local public water suppliers.” Additionally, the local public water suppliers “shall provide a source of supplemental water, or a water resource development fee, to off-set the water demand....”

The NCSD Board appreciates the fact that the County is obligated to interpret and implement State law as developed in Sacramento. The NCSD Board can anticipate that, with the adjudicated

basin under Court oversight and the State's efforts to address housing issues, our Boards are constrained and have limited opportunities to consider how best to serve our constituents. The potential for conflicting interests between the Court and parties to the adjudication with established rights to manage the groundwater basin, on the one hand, and the State with its intent to increase housing, could create conflict between NCSD and the County as we are pressed to conform to regulations we have little to no control over. The NCSD Board is keenly aware of this and is committed to working closely with the County where appropriate in an effort to avoid potential conflicts between agencies. We hope that the County will similarly be cognizant of NCSD's potential challenges arising out of ADU development.

In conclusion, the intent of this letter is to register with the County, NCSD's Board of Directors concern regarding the potential impacts of the County's amended ADU Ordinance. The added stress ADUs could potentially add to an already stressed water basin may compromise ongoing groundwater level recover efforts of the Nipomo Mesa water purveyors. NCSD will do all it can to meet the challenge, and expects the County will do all it can within its power to assist in the effort.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

Mario Iglesias  
General Manager

c: NCSD Board of Directors  
Craig A. Steele, NCSD General Counsel

APRIL 8, 2020

ITEM F

ATTACHMENT A

## RESPONSE TO COVID19 EMERGENCY

### **Level 1: Normal Operations**

Environment: No Emergency

Staff Schedule: No change to established work hours.

### **Level 2: Cautious Operations – Operating at this Level**

Environment: Emergency Declaration from the Governor, County CAO, Health authority, NCSD Board

Staff Schedule: Shift Separation

#### Two shift Scheduled:

##### ADMINISTRATION OFFICE

- Shift 1 operates between the hours of 6:00am and 12:00pm
- Shift 2 operates between the hours of 12:00pm and 6:00pm

##### OPERATIONS

- Shift 1 operates between the hours of 6:00am and 12:30pm
- Shift 2 operates between the hours of 12:30pm and 6:30pm

### **Level 3: High Alert Operations**

Environment: Elevated risk to staff due to significant community infection

Staff Schedule: Operator Rotation

#### Two Shift Schedule:

- Shift 1 operates between the hours of 6:00am and 12:00pm
- Shift 2 operates between the hours of 12:00pm and 6:00pm

#### Two Operators Sequestered On-site:

- Wastewater Operator (7-day/week rotation between two operators)
- Water Operator (7-day/week rotation between two operators)

### **Level 4: Critical Operations**

Environment: High risk of infection to staff due to quarantine or detection of COVID19 within NCSD staff

Staff Schedule: Work from Home, Operator Sequestered, Employee Reserves Shelter at Home

#### Employees work or shelter at home:

- Admin: Work from Home
- Operations: Work from Home or Shelter at Home as Reserve staff

#### Four Operators Sequestered On-site:

- 2 Wastewater Operator (sequestered on-site until relieved)
- 2 Water Operator (sequestered on-site until relieved)

TO: BOARD OF DIRECTORS  
 FROM: MARIO IGLESIAS  
 GENERAL MANAGER  
 DATE: April 3, 2020

**AGENDA ITEM  
 F  
 APRIL 8, 2020**

**GENERAL MANAGER'S REPORT**

**ITEM**

Standing report to your Honorable Board -- *Period covered by this report is March 8, 2020 through April 4, 2020.*

**DISTRICT BUSINESS**

**Administrative**

The District encourages residents to provide reports of any observed water waste. The District keeps an accounting of leak adjustments as a measure of non-revenue water lost to leaks as well as tracking late fee waivers. For the month of March 2020, the District approved 5 Late Fee Waivers totaling \$2,443 – 4 of the waivers were granted to San Luis Obispo County accounts totaling \$2,410. There were 2 Leak Adjustments applied for and granted. The table below provides current month and cumulative data for 2020 on these measured Office Activities.

**Office Activities**

	Mar 20	Jan 20 - Mar 2020
Reports of Water Waste	0	0
Leak Adjustments	2	7
Leak Adjustment Amount	\$581	\$1,461
Late Fee Waivers	5	15
Late Fee Waiver Adjustment Amount	\$2,443	\$2,940

**Water Resources**

**Table 1. Total Production Acre Feet (AF)**

	Mar-20	Jul 19 - Mar 20
Groundwater Production	43.0	720.3
Supplemental Water Imported	78.0	726.7
Total Production	121.0	1,447.0

NCSD imported 78 AF of water over the 31 day period in March averaging 569 gallons per minute for an average total of 819,883 gallons per day. For fiscal year 2019-20 the District must import at least 800 AF of supplemental water to meet its contractual obligation with the City of Santa Maria. On average, the District must import an average of 67 AF per month. For the eight-month period, July 1, 2019 through March 31, 2020, a total of 603 AF would indicate the District was on target to meet its import water obligation. Compared to the 727 AF imported in this time period (July through March), the District has reached 121% of its import water obligation.

The District's total combined production, including groundwater production wells and supplemental water imported at the Joshua Road Pump Station, registered 121.0 AF for the

month and 1,447 AF for the first nine months of FY 2020. Compared to 1,351 AF in FY 2019 for the same period, the current fiscal years total water production is a 7% increase year over year.

**NCSD GW Reduction**

Table 2 compares the District’s total water production for the month of March and the fiscal year-to-date (July 2019 through March 2020) total against the same period for 2013 (pre-drought production). The Department of Water Resources (“DWR”) designated 2013 as the pre-drought production year. The pre-drought production data is included in the monthly water production report and compared to current usage, all of which is submitted by water purveyors statewide to DWR. There is no mandate by DWR at this time for the District to reach a particular conservation level. The rainy March of 2020 helped the community’s water conservation effort exceed the 2013 conservation of 28%. The District’s year-to-date conservation effort improved to 23% for the fiscal year.

**Table 2. FY 2020 Total Demand To-date Compared to 2013**

	Mar-20	July – Mar 2020
Total Production (AF) for FY 2019-20	121.1	1,447.0
Total Production (AF) for 2013	<u>185.5</u>	<u>1,884.0</u>
Reduction (AF)	<u>64.4</u>	<u>437.0</u>
Percentage Reduction	<u>34.7%</u>	<u>23.2%</u>

The District’s purveyor customers, Golden State Water Company and Woodlands Mutual Water Company, each claim 16.66% (cumulatively 33.33%) of the imported water NCSD brings onto the basin through the NSWP. Of the 800 AF minimum imported water from the City of Santa Maria, 266.6 AF or 33.33 % of the imported water – whichever is greater – will be credited to these two purveyor customers. The credited amount must be added to the District’s groundwater pumping total every month to reflect the groundwater pumped by these customers in-lieu of taking imported water from the District. Table 3 below demonstrates the calculus for determining the District’s groundwater pumping reduction.

**Table 3. NCSD GW Production (NCSD GW Well Production plus Purveyor Credit)**

	Mar-20	Jul 19 - Mar 20
NCSD GW Well Production	43.0	720.3
Purveyor Customer Credit (33.3% of Import Water)	<u>26.0</u>	<u>242.1</u>
NCSD Total Calculated GW Production	69.1	962.4
Average GW Production for 2009-2013	<u>160.4</u>	<u>1,809.1</u>
NCSD Percentage of GW Reduction	57%	47%

Taking into consideration the above referenced purveyor customer credit, the District can claim a groundwater pumping reduction of 46% for the month of March compared to the 5-year average from 2009 to 2013 (NMMA-TG assigned comparator). For Fiscal Year 2020, the total groundwater pumping reduction for the District is 47%. At the current Stage IV level of

NMMA's Water Shortage Condition and Response Plan, the District is short of achieving its targeted groundwater pumping reduction level of 50% for the year.

**2020 Fiscal Year Groundwater Pumping Forecast**

Table 4 projects the District's groundwater pumping reduction effectiveness for Fiscal Year 2020. The targeted groundwater pumping reduction as stated above is 50%. At current usage through in March 2020, and using last year's production values for the remaining 3 months of the fiscal year inserted, the District is predicted to miss its pumping reduction goals by 1% for fiscal year 2020. This exercise demonstrates that there would be approximately 34 acft of ground water pumped in excess of the 50% target. Each year, water use trends slightly differ depending upon the weather – a major factor that drives consumer water demand. Table 4 is a forecasting tool used to help staff respond and adjust its actions to help reach the groundwater pumping reduction target.

**Table 4. Projected Groundwater Pumping**

	Year-to-Date		Target	Over/(Under)	AcFt
	Mar-20	Jul-Jun 2020			
NCSD GW Well Production	43.0	977.1			
Purveyor Customer Credit (33.3% of Import Water)	25.9	322.8			
NCSD Total Calculated GW Production	68.9	1,299.9	1,266.0	(33.89)	
Average GW Production for 2009-2013	160.4	2,533.3	2,533.3		
NCSD Percentage of GW Reduction	57%	49%	50.0%		

**Table 5. FY 2019 v. FY 2020 Groundwater Pumping**

	Mar-20	Jul 19-Mar 20	Mar-19	Jul 18-Mar 19
	NCSD GW Well Production	43.0	720.3	24.6
Purveyor Customer Credit (33.3% of Import Water)	26.0	242.1	25.9	243.1
NCSD Total Calculated GW Production	69.1	962.4	50.5	866.3
Average GW Production for 2009-2013	160.4	1,809.1	160.4	1,809.1
NCSD Percentage of GW Reduction	57%	47%	69%	52%

Table 5 compares the previous year's groundwater pumping with the current year's groundwater pumping for the same period. The District's overall water demand is up for the current year. The community may achieve the same level of groundwater pumping reduction year over year depending upon the weather. The data leaves open a possibility that, all things being equal, the District may not reach its groundwater pumping reduction target for the fiscal year.

**Rainfall Gauge – (gathered from the following websites)**

Note 1: SLO County Website

[https://wr.slocountywater.org/site.php?site\\_id=3&site=935e7af7-0e94-4042-bc11-e02906d5ba44](https://wr.slocountywater.org/site.php?site_id=3&site=935e7af7-0e94-4042-bc11-e02906d5ba44)

Note 2: SLO County Website

[https://wr.slocountywater.org/site.php?site\\_id=2&site=878bfdbf-5c40-4398-8226-418372e4039b](https://wr.slocountywater.org/site.php?site_id=2&site=878bfdbf-5c40-4398-8226-418372e4039b)



(Reported in inches)	Nipomo East (Dana Hills Reservoirs)	Nipomo South (Southland Plant)
March 2020 Total	4.57	4.73
July-2019 through January-2020 (Seasonal Total)	11.70	10.01
April 1, 2020 to April 3, 2020	<u>0.0</u>	<u>0.0</u>
Total Rainfall to date	11.70	10.01
Average Annual Year Rainfall	18.0 <sup>1</sup>	14.0 <sup>2</sup>

**Safety Program**

Safety Meeting Scheduled for Friday, March 13, 2002.  
Subject: Corona Virus – Take Reasonable Precautions

**Other Items and News of Interest**

COVID19 RESPONSE PLAN [ATTACHEMENT A]

**Supplemental Water Capacity Accounting**

Summary Since January 25, 2008

	Number of Equivalent Meters	AFY
<b>Supplemental Water Available for Allocation</b>	947	500
<b>Supplemental Water Reserved (Will Serve Letter Issued)</b>	123	-64.9
<b>Subtotal Net Supplemental Water Available for Allocation</b>	<b>824</b>	<b>435.1</b>
<b>Supplemental Water Assigned (Intent-to-Serve Issued)</b>	126	-66.5
<b>Total Remaining Supplemental Water Available for Allocation</b>	<b>698</b>	<b>368.5</b>

As of April 3, 2020

**Connection Report**

Nipomo Community Services District  
Water and Sewer Connections

END OF MONTH REPORT

	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20
Water Connections (Total)	4441	4444	4444									
Sewer Connections (Total)	3208	3211	3211									
New Water Connections	0	3	0									
New Sewer Connection	1	3	0									
Galaxy & PSHH at Orchard and Division Sewer Connections billed to the County	476	476	476									

The Connection Report is current through March 1, 2020.

**Meetings (March 8, through April 4)**

Meetings Attended (telephonically or in person):

- Mar 9, waterTalent Candidate Interview
- Mar 9, NCSD/SCSS Meeting

- *Mar 10, Engineering/Adm Coordination Mtg.*
- *Mar 11, Rotary*
- *Mar 11, Regular NCSD Board Meeting*
- *Mar 11, Exec. Team After-Board Meeting*
- *Mar 12, Assessment District Team Meeting*
- *Mar 13, NCSD All-Staff Safety Meeting*
- *Mar 13, Internal Review – SB Co. Flood Control Agreement*
- *Mar 16, NCSD Management Team Meeting*
- *Mar 16, NCSD Board Officer Meeting*
- *Mar 18, NMMA-TG Meeting*
- *Mar 19, NMMA Manager's Meeting*
- *Mar 20, NCSD COVID19 Response Meeting*
- *Mar 23, SLO County COVID 19 Briefing*
- *Mar 24, IT Meeting – Remote Meeting Platforms*
- *Mar 24, SLO County COVID 19 Briefing*
- *Mar 24, Special NCSD Board Meeting – Declaring Emergency*
- *Mar 25, Eng/Admin Coordination Meeting*
- *Mar 25, NCSD Executive Team Meeting*
- *Mar 25, SLO County COVID 19 Briefing*
- *Mar 26, SLO County COVID 19 Briefing*
- *Mar 27, Remote Access (computer) Meeting*
- *Mar 27, NCSD Assessment District – Ballot Issues*
- *Mar 27, SLO County COVID 19 Briefing*
- *Mar 30, NCSD Assessment District – Ballot Issues*
- *Mar 30, NCSD Management Team Meeting*
- *Mar 30, NCSD Board Officer Meeting*
- *Mar 30, SLO County COVID 19 Briefing*
- *Mar 31, SLO County COVID 19 Briefing*
- *April 1, SLO County COVID 19 Briefing*
- *April 2, SLO County COVID 19 Briefing*
- *April 3, SLO County COVID 19 Briefing*

**Meetings Scheduled (April 5 through April 11):**

*Upcoming Meetings (telephonically or in person):*

- *April 6, Finance and Audit Committee Meeting*
- *April 6, SLO County COVID 19 Briefing*
- *April 6, SLO County COVID 19 Briefing*
- *April 7, SLO County COVID 19 Briefing*
- *April 7, SLO County COVID 19 Briefing*
- *April 7, Eng/Admin Coordination Meeting*
- *April 7, BLMA Monthly Meeting*
- *April 8, Regular NCSD Board Meeting*
- *April 8, Exec. Team After-Board Meeting*

**Upcoming Water Resource and Other Meetings**

*Upcoming Standing Meetings:*

- *NMMA-TG: April 16<sup>th</sup> (Wednesday) @ 10:00 AM, NCSD Board Room*
- *RWMG: No Meeting Scheduled*

- *WRAC: No Meeting Scheduled*
- *NMMA Purveyor Meeting: April 23<sup>rd</sup> @ 10:00 AM, NCSD Conf. Rm.*
- *NCSD Board Officer Meeting: April 13<sup>th</sup> @2:00 PM, NCSD Conf. Rm.*

**RECOMMENDATION**

Staff seeks direction and input from your Board

**ATTACHMENTS**

- A. COVID19 - NCSD Response Plan