



November 7, 2019

TO: LOCSO Board of Directors
FROM: Ron Munds, General Manager

SUBJECT: Agenda Item 8C – 11/7/19 Board Meeting
Consider a request from the property owners of 1748 Mountain View Drive to develop a parcel within the District's water service area using an existing well.

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DESCRIPTION

The property owners of parcel number 074-281-016, 1748 Mountain View Drive are requesting a Conditional Intent to Serve approval from the District to construct a single family residence on their 0.8 acre lot. The parcel is outside the Prohibition Zone but within the District's water service area and has a County certified onsite well.

STAFF RECOMMENDATION

Staff recommends that the Board consider the three proposed alternative and provide direction to staff on the preferred option with Alternative 2 being the staff recommendation.

Motion: I move that the Board allow the project to proceed and provide a Conditional Intent to Serve Letter with the conditions (Alternative 2) that the project install a water service line to the property, all appurtenances required to connect the property to the water system, pay the appropriate fees and establish a water account when the District exits Stage III drought restrictions.

DISCUSSION

District staff in April 2019 received an inquiry from Mr. and Mrs. Krause, the property owners of 1748 Mountain View Drive, asking if the District would object to their parcel being developed using the existing well on the property as their potable source of water. This property is unique in that it is outside the Prohibition Zone but inside the District's water service area and has its own County certified onsite well.

The initial response from the District to the Krause's was that the District would have no objections to the requested variance and allow the well to be the sole water source given the unique circumstance described above, the fact that the District code is silent on allowing or disallowing the use of wells in the District's service area for new development and that the District is currently not providing new water services because of the Stage III drought declaration. When the property owners submitted their building application and the County

Building Division requested the “official” approval of the variance to not connect to the District’s water system in September 2019, it was evident that staff did not have the authority to make this decision without Board direction. Per County code, Title 19.07.041, the County requires District action on this issue and will not accept a building application from the property owner until such action is received. Upon further discussions with the Krause’s, they would like to proceed with their project using their well as their source of potable water but are agreeable to connect to the District’s water system when new service is available.

Taking into account the circumstances, staff has three alternatives for the Board to consider to address the Krause’s request to proceed with their project with the District’s approval:

Alternative 1. Approve the requested variance and allow the Krause’s to use their well as their sole potable water supply source without any future connection to the District’s water system;

Alternative 2. Provide a Conditional Intent to Serve approval with the conditions that the project install a water service line to the property, all appurtenances required to connect the property to the water system, pay the appropriate fees and establish a water account when the District exits Stage III drought restrictions; or

Alternative 3. Deny the variance request at this time and have the Krause’s wait until water service is available from the District.

OTHER RELEVANT INFORMATION

It is important to note that the Krause’s are subject to all County Title 19 requirements to offset the estimated water use of their proposed single family home at a 2:1 ratio (water supply neutral), adhere to the County’s water efficient landscape standards and all other codes that apply to this type of development. Additionally, of the six developed parcels on this block of Mountain View Drive, four have water service and two do not and use private wells for their water needs. Of the four that have water service, two have wells and either intermittently or rarely use the District’s water service but do pay the base fee. All properties in this area are provide fire protection through the District’s water distribution system.

COMMITTEE ACTION

Because of the special circumstances surrounding the property owner’s request, the Utilities Advisory Committee deliberated for some time on this project. Ultimately, the Committee concurred with the staff recommendation (Alternate 2) based on the unique situation summarized in this report.

FINANCIAL IMPACT

There is no direct fiscal impact associated with the recommended action at this time. If this project proceeds through the County building process, the property owner will be required all water related connections fees and costs for the appurtenances needed to connect to the District’s water system prior to building permit issuance.

Attachments

Marshall Ochylski, Esq.

President of the Board

Los Osos Community Service District

Reference: APN: 074-281-016, 1748 Mountain View Drive Los Osos, CA 93402

Dear Mr. President, Mr. Munds and members of the Board

In the interest of brevity and in respect for your valuable time may we please present to you in writing our request for your consideration in formally issuing for the record a “no opposition” (with qualification?) statement with regard to our pending variance application to the County of San Luis Obispo to allow us to use our County certified well to serve our new single family home. After discussions with Ron Munds, we are amenable and see much value in becoming a District customer at such a time when water meter installation is available. We would very much like to make Los Osos our final home and contribute to the community. Our well was completed in 2017 at 200 feet in depth with a ten gallons per minute yield. It is sanitary finished and has been lab tested to County health department domestic usage specifications. Static water level is at 75 feet. It is currently operational with all PG&E electrical having been permitted and properly installed to code underground.

Our in-fill lot is not in any Prohibition, Moratorium, Conservation, Liquefaction, High Fire, Toxic, or Tsunami Danger Zones. It is not within 2,000 feet of any Nitrate or Pathogen impaired waters.

Geo Solutions has recently completed a percolation series and finds our property percolating to within County standards at 1.3 inches per minute. The County Growth Management Office has informed us that there is no waiting list for an allocation to build on our property.

For months, we have diligently followed County Planning’s instructions in accumulating more than the 300 Title 19 Retro-fit to Build water credit commitments (gallons per day savings offset) and we are ready to make good on our promises to several very nice Los Osos residents pending your decision and subsequent County cooperation.

1748 Mountain View may have been “undeveloped” for over 65 years but it cannot be said to have been “vacant”. We have spent one weekend a month for the past three years removing a great deal of trash, drug paraphernalia, transient habitat, liquor bottles and sundry other unmentionables which tangibly attest to its past uses.

Thank you for your kind consideration of this request,

Ray and Tammy Krause

19.07.041 - Verification of water supply required.

No grading, building or plumbing permit application or plans for a project which will require new service with potable water shall be issued unless:

- (1) The chief building official is provided a written statement from the operator of a community or domestic water system that the purveyor will provide potable water service to the dwelling and that the water purveyor has sufficient water resource and system capacity to provide such service; or
- (2) The chief building official is provided evidence that a permit or other authorization has been granted by the water purveyor for the proposed project to connect to and use the community or domestic water system; or
- (3) An on-site well is installed, tested, and is certified to satisfy the requirements of Section 19.07.040(2), or the chief building official is provided evidence showing that potable water adequate to satisfy the standards of Section 19.07.040(2) is available on site. Evidence provided to prove availability of potable water shall include:
 - a. Existing county data; or
 - b. A report submitted by a registered hydrologist, geologist; or
 - c. Satisfactory evidence from a test well drilled on the parcel.
 - d. No final building inspection for a dwelling shall be approved until the dwelling is connected to an operating water supply approved pursuant to this section.

(Ord. No. 3343, § 1, 12-6-16)

