



October 13, 2020

Nate Whaley
Martin Point LLC
P.O. Box 2
Kirkwood, CA 95656

Re: Utility Conditional Will Serve for Timber Creek Townhomes
APN: 026-270-033

Dear Mr. Whaley:

The Kirkwood Meadows Public Utility District ("District") has received your request dated October 9, 2019, for a Conditional Will Serve ('CWS') for your development: Timber Creek Townhomes ('Development'), Tentative Subdivision Map No. 180 in Amador County. We understand that your Development is on approximately 2.7 acres located on APN 026-270-033 in Kirkwood. The District understands your Development consists of 1 lot, Planned Development – Multi-Family and you are requesting a total of 21 connections for Water, Wastewater, Propane, and Electric for your Development.

The District has determined that presently there is adequate water and electric capacity to serve your Development. The District has determined that presently there may not be adequate wastewater and propane capacity to serve your Development. Capacity is or may become available, subject to the following conditions:

- 1) The Development will be responsible to design and construct all on and off site improvements deemed necessary by the State, County, and the District to adequately serve the Development. The Development will be responsible to obtain all permits, licenses, acceptances, pay all associated fees, design, construct and make acceptable to the State, County, and the District a water, wastewater, propane, and electric distribution/collection system to serve this Development. The Development will be responsible to provide all on-site and off-site improvements necessary for proper domestic, irrigation, and fire protection water, wastewater, propane, and electric needs for serving the Development.
- 2) Execution of a Mainline Extension Agreement ('MLX') with the District prior to the start of construction of the utility facilities and full compliance with the terms thereof within two (2) years of the date of this letter.
- 3) Should the District determine that facilities need to be oversized to accommodate planned growth and avoid unnecessary duplicated facilities, the District shall provide a Reimbursement Agreement, consistent with the additional capacity and equitable cost sharing.
- 4) This letter is subject to the Kirkwood Meadows Public Utility District Code, Rates, Rules and Regulations, as may be amended from time to time.

WATER

- 5) For those lots where the static pressure is higher than 80 psig, customers will be required to install a customer owned and maintained pressure reducing valve prior to service. These lots should be noted on the Final Map and disclosed to the Department of Real Estate prior to the District's acceptance of the project.
- 6) The existing water distribution system may have insufficient delivery capacity to serve the addition of this project to the system without adversely impacting existing customers. Distribution capacity of the existing system may require improvement by the Developer as part of this project.

WASTEWATER

- 7) The District is currently refining wastewater treatment capacity. Based on current data available, the wastewater treatment plant may not have sufficient permitted capacity to serve your Development and may require re-permitting in order to provide service for this Development. Wastewater service to this Development may be contingent upon successful re-permitting.
- 8) The existing wastewater collection system may have insufficient capacity to serve the addition of this project to the system. Collection capacity of the existing system may require improvement by the Developer as part of this project.

PROPANE

- 9) Based on current data available, the propane tanks have insufficient capacity to serve your Development and must be expanded in order to provide service for this Development. The District has fully allocated all existing capacity and is currently contemplating a plan to replace or add propane tanks. Propane service to this Development is contingent upon one of these options being implemented.
- 10) The existing propane distribution system may have insufficient capacity to serve the addition of this project to the system. Distribution capacity of the existing system may require improvement by the Developer as part of this project.

ELECTRIC

- 11) The existing electric distribution system may have insufficient capacity to serve the addition of this project to the system. Distribution capacity of the existing system may require improvement by the Developer as part of this project.

GENERAL

- 12) The Development shall provide the District access to all facilities in the form of an exclusive easement, sufficiently wide to accommodate the facilities including any separation requirements between dissimilar facilities.
- 13) The Development shall provide protection and/or relocation of the District's utilities and easements that are located within the Project boundaries as necessary.
- 14) All District facilities currently existing on developer property shall be protected and/or relocated at developers' expense by means and methods acceptable to the District.
- 15) Any encroachment on existing utility easements shall require protection and possible relocation of said facilities solely at developers' expense.

- 16) All facility designs are subject to District review and approval.
- 17) Prior to service from the District, Development is subject to and must provide approval from Amador County.
- 18) Upon the receipt of an approved Final Map for the Development you are required to provide two copies full size and one PDF to the District.
- 19) The District will require a \$5,000 deposit for all engineering, inspection and construction services to be billed on a time and material basis for your project.
- 20) The Development may be responsible for Reimbursement Fees.
- 21) Payment of applicable fees for engineering review, administration, and construction inspection per the District's rules and regulations in force at the time of application and/or service.
- 22) Payment of all applicable Connection Fees per the District's rules and regulations in force at the time of payment and/or service. In order to serve this Development, the District may require the payment of Connection Fees at the time of Final Map Approval. Current fees are available from the District and increase every July first.
- 23) No service shall be initiated until the system has met all conditions above and been accepted by the District.
- 24) Subdivision shall obtain a Will Serve Commitment from the District prior to Final Map Recording or service being initiated.

Failure to satisfy all Conditions within two (2) years of this Conditional Will Serve Commitment will result in the commitment becoming null and void. You will be required to file a new application for a Conditional Will Serve Commitment, subject to available utility and facility capacity; rates, rules, and regulations of the District's Utility Systems, as may be amended from time to time.

Upon compliance with all of the terms of the Conditional Will Serve Commitment, the District will issue a Will Serve Commitment to the subdivision, after which, service may be initiated.

Please feel free to call me at (209)258-4444 with any questions, comments, or concerns regarding the contents of this letter.

Sincerely,



Erik M. Christeson
General Manager

cc: Amador County Planning Department