

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: JUNE 8, 2007

**AGENDA ITEM
E-5
JUNE 13, 2007**

ADOPT ORDINANCE AMENDING NCSD WATER ALLOCATION PROGRAM

ITEM

Public Hearing – Consider second reading and adoption of ordinance amending NCSD Water Allocation Program [RECOMMEND ADOPTION].

BACKGROUND

Your Honorable Board, on March 28, 2007, reviewed draft amendments to NCSD's Water Allocation Program, revised the draft text to address annexations and directed staff to circulate the proposed draft ordinance to interested parties for review. On April 25, 2007, your Honorable Board conducted the first reading of the draft ordinance and authorized the filing of the Notice of Exemption. The Notice of Exemption was filed on April 27, 2007 and no legal challenge was filed within the 35 day challenge filing period. Staff has noticed this public hearing.

As noted previously, this ordinance does not address fees for secondary units.

RECOMMENDATION

Staff believes that the revisions to the program incorporated into the draft ordinance are prudent. Staff recommends that your Honorable Board receive public comment and then vote on final adoption of the ordinance.

ATTACHMENT

- DRAFT ORDINANCE

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ORDINANCE NO. 2007-106

**AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE RULES AND REGULATIONS
FOR ALLOCATION OF INTENT-TO-SERVE LETTERS
CHAPTER 3.05 OF THE DISTRICT CODE**

WHEREAS, it is essential for the protection of the health, welfare, and safety of the residents of the Nipomo Community Services District ("District"), and the public benefit of the State of California ("State"), that the groundwater resources of the Nipomo Mesa be conserved; and

WHEREAS, the District's current water supply is groundwater extracted primarily from the Nipomo Mesa Management Area (NMMA), (also referred to as the Nipomo Water Conservation Area by the County of San Luis Obispo), of the Santa Maria Groundwater Basin. A small proportion of NCSD's water is pumped from groundwater in the Nipomo Valley; and

WHEREAS, the primary source of recharge of the NMMA is deep percolation of rainwater, with contributions from agricultural and urban return flows, and sub-surface inflows within the Santa Maria Basin; and

WHEREAS, the District has reviewed and has on file a report titled Resource Capacity Study Water Supply Nipomo Mesa Area November 2004, prepared by the San Luis Obispo County Department of Planning and Building. Said report confirms that current water demand presently equals or exceeds the dependable yield of the Groundwater Basin and further concludes that in order to address the projected deficits a combination of conservation and additional supply totaling four thousand two hundred forty-nine (4,249) AFY should be in place by the year 2010; and

WHEREAS, the District is in receipt of Science Application International Corporation's ("SAIC") October 9, 2006, Draft Technical Memorandum that estimates that the volume of groundwater underlying the NMMA in storage above sea level was reduced by approximately three thousand (3,000) acre feet between April of 2000 and April of 2006 (approximately 500 acre feet per year); and

WHEREAS, the resource protection goals of the San Luis Obispo County South County Area Plan include the following:

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
- Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels; and

WHEREAS, since July 1997 the Santa Maria Groundwater Basin has been the subject of ongoing litigation between nearly eight hundred (800) parties, including the NCSD, with competitive claims to pump groundwater. (Superior Court of the State of California, County of Santa Clara, Case No. 770214); and

ORDINANCE NO. 2007-106

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
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CHAPTER 3.05 OF THE DISTRICT CODE

WHEREAS, as part of the Groundwater Adjudication referenced, above, a majority of parties, including the NCS D, ConecoPhillips, the Woodlands Mutual Water Company, Golden State Water Company and Rural Water Company have entered into a Stipulation, imposing a physical solution to establish a legal and practical means of assuring the longterm sustainability of the groundwater basin underlying the NMMA (herein "Stipulation"). The Stipulation contemplates the formation of a NMMA Technical Group to develop a monitoring program for the NMMA. Additionally, the NMMA Technical Group will develop, for Court approval, criteria for declaring Potentially Severe Water Shortage Conditions and Severe Water Shortage Conditions; and

WHEREAS, the County of San Luis Obispo has adopted a "Growth Management Ordinance" (Title 26 of the County Code) that imposes a 1.8 percent growth limitation for non-exempt projects for the Nipomo Mesa area (said Title 26 and implementing Ordinance and supporting studies, including the supporting CEQA analysis are incorporated herein by this reference). The stated purpose of Title 26 is to establish regulations to protect and promote the public health, safety and welfare including:

1. To establish an annual rate of growth that is consistent with the ability of community's resources to support the growth, as established by the Resource Management System (RMS) of the County General Plan;
2. To establish a system for allocating the number of residential construction permits to be allowed each year by the annual growth rate set by the County Board of Supervisors; and
3. To minimize adverse effects on the public resulting from a rate of growth which will adversely affect the resources necessary to support existing and proposed new development as envisioned by the County General Plan; and

WHEREAS, it is essential for conservation purposes, and for the protection of groundwater resources, that the District further restrict the District's Rules, Regulations and Procedures for allocating new water service; and

WHEREAS, the District Board of Directors, at a public meeting, on February 14, 2007, considered a Staff Report, and public testimony regarding potential revisions to Chapter 3.05 of the District Code; and

WHEREAS, on March 28, 2007, the District Board of Directors conducted a public hearing to further consider revisions to Chapter 3.05 to the District Code; and

WHEREAS, on April 26, 2007, the District Board of Directors, at a public meeting, took the following actions in considering the amendments to Chapter 3.05:

ORDINANCE NO. 2007-106

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE RULES AND REGULATIONS
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CHAPTER 3.05 OF THE DISTRICT CODE

- A. Considered the facts and analysis as presented in the Staff Report prepared for the adoption of this Ordinance;
- B. Conducted a public hearing to obtain public testimony on the proposed Ordinance;

WHEREAS, in amending Chapter 3.05, the District does not intend to limit other authorized means of managing, protecting and conserving the groundwater basin, and intends to work cooperatively with the NMMA Technical Group and other agencies to implement joint groundwater management practices; and

WHEREAS, based on the Staff Report, Staff presentation, and public comment, the District Board of Directors finds:

- A. That the purpose and intent in further amending Chapter 3.05 is consistent with the purposes found in Section 3.05.010 and the Stipulation imposing a physical solution to assure longterm sustainability of the groundwater basin;
- B. Allocating Intent-to-Serve Letters for water service will provide greater assurance that there will be adequate groundwater to meet present and future needs of District residents consistent with the resource protection goals of the San Luis Obispo County South County Area Plan;
- C. That adopting the amendments to Chapter 3.05 will further conserve the water supply for the greater public benefit, with particular regards to domestic use, sanitation and fire protection consistent with Water Code §§353 and 354.

NOW, THEREFORE BE IT ORDAINED, by the Board of Directors of the District as follows:

Section 1. Repeal of Chapter 3.05 to the District Code

Chapter 3.05 of the District Code is hereby repealed in its entirety effective 12 midnight September 30, 2007.

Section 2. Amended Code

Chapter 3.05 as provided in Exhibit "A" attached hereto is hereby adopted by the District Board of Directors to take effect October 1, 2007.

Section 3. Incorporation of Recitals

The recitals to this Ordinance are true and correct, support the implementation of conservation measures and procedures adopted by this Ordinance and are incorporated herein by this reference.

ORDINANCE NO. 2007-106

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE RULES AND REGULATIONS
FOR ALLOCATION OF INTENT-TO-SERVE LETTERS
CHAPTER 3.05 OF THE DISTRICT CODE

Section 4. Water Code § 350 Findings

The Recitals to this Ordinance constitute findings consistent with Water Code §350 that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent there would be insufficient water for human consumption, sanitation and fire protection. On that basis, a water emergency as defined by Water Code §350 exists. The rules and regulations of this Ordinance are adopted to conserve the water supply for the greatest public benefit and those purposes identified in Section 3.05.010 of Chapter 3.05 of the District Code.

Section 5. Severability

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 Governing Board of the District 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. Effect of headings in Ordinance

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

Section 7. Inconsistency

To the extent that the terms of provision of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior District Ordinance(s), Motions, Resolutions, Rules, or Regulations adopted by the District, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed effective midnight September 30, 2007

Section 8. CEQA

The District performed an environmental assessment in adopting Chapter 3.05. Said CEQA checklist confirmed that the adoption of the rules and regulations allocating Intent-to-Serve Letters could not have a significant effect on the environment. Said environmental checklist and negative declaration are incorporated herein by reference. Based on the prior CEQA review the Board of Directors finds that the adoption of the rules and regulations established by this Ordinance fall within the activities described in Section 15061 (b)(3) of the CEQA Guidelines which are deemed not to be projects for the purposes of CEQA because they can be seen with certainty that there is no

ORDINANCE NO. 2007-106

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE RULES AND REGULATIONS
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CHAPTER 3.05 OF THE DISTRICT CODE

possibility that the rules and regulations in question may have a significant effect on the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

Section 9. Effective Date

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage it shall be posted in three (3) public places with the names of the members voting for and against the Ordinance and shall remain posted thereafter for at least one (1) week. The Ordinance shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in the Five Cities Times Press Recorder.

Section 10. Implementation Date

The rules, regulations and procedures adopted by this Ordinance shall be implemented on October 1, 2007.

Introduced on the 25th day of April, 2007 and adopted by the Board of Directors of the Nipomo Community Services District June 13, 2007, by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAINING:

MICHAEL WINN,
President of the Board of Directors
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

DONNA K. JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel

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NIPOMO COMMUNITY SERVICES DISTRICT

EXHIBIT "A"

CHAPTER 3.05 OF THE DISTRICT CODE

WATER SERVICE LIMITATIONS

3.05.010 Purpose.

The purposes of this Chapter include the following:

- A. To promote public health and safety and to avoid water shortage emergencies by establishing a maximum annual water allocation for residential water service within the District boundaries.
- B. To promote conservation by establishing goals for the maximum beneficial use of water by residential category.
- C. To allocate water service by categories to avoid a particular category from being excluded from participation and receiving water service.
- D. To establish a maximum allocation for any one project during an allocation year, so as to allow greater opportunity for all projects in a category to participate and to receive water service.
- E. To avoid speculation by requiring applicants to diligently process their projects consistent with the rules and regulations of the County of San Luis Obispo.
- F. To grant a priority for the provision of available resources to proposed housing developments which help meet the County of San Luis Obispo's share of regional housing need for lower income households as identified in the Housing Element adopted by the San Luis Obispo County Board of Supervisors.
- G. To provide flexibility by allowing the Board to consider redistributing allocations at the end of the second (2nd) quarter and in the middle of the fourth (4th) quarter of each allocation year.

3.05.020 Definitions.

- A. **AFY** – means acre feet per year.
- B. **Allocation Year** – means October 1st through September 30th of each calendar year.
- C. **Lower income housing** – means lower income housing as identified in the Housing Element of the San Luis Obispo County General Plan, as amended from time to time.

**NIPOMO COMMUNITY SERVICES DISTRICT
EXHIBIT "A"
CHAPTER 3.05 OF THE DISTRICT CODE
WATER SERVICE LIMITATIONS**

D. **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.

E. **Two family dwelling unit (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.

F. **Single family dwelling unit** – means a building designed for or used to house not more than one family.

G. **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.

3.05.030. Limitations on Water Use.

The following total demand certifications, including landscaping, are established for the following uses:

- A. 0.33 AFY per Multi-Family Dwelling Unit;
- B. 0.24 AFY per Dwelling Unit for duplexes and Secondary Dwellings;
- C. 0.29 AFY per Single Family Dwelling Unit located on a parcel size of four thousand five hundred (4,500) square feet or less;
- D. 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.;
- E. 0.69 AFY per Single Family Dwelling Unit located on a parcel size that exceeds ten thousand (10,000) square feet.

3.05.040 Water Allocation per Allocation Year.

A total of 34.3 acre feet (total allocation) per allocation year is allocated to projects on a first come, first served basis as follows:

- A. 34.3 for residential projects as follows:
 - 1. Category 1: A total of 21.86 AFY, including landscaping, is reserved for:
 - a. For Single Family Dwelling Units; and
 - b. Two Family Dwelling Units (duplexes).
 - 2. Category 2: A total of 6.86 AFY, including landscaping, is reserved for Multi-Family Dwelling Units.
 - 3. Category 3: A total of 3.36 AFY is reserved for Secondary Dwelling Units and local agency maintained landscaping projects.

**NIPOMO COMMUNITY SERVICES DISTRICT
EXHIBIT "A"
CHAPTER 3.05 OF THE DISTRICT CODE
WATER SERVICE LIMITATIONS**

B. During the end of the second (2nd) quarter and in the middle of the fourth (4th) quarter of each allocation year the unused allotments for Categories referenced in Section A, above, may be re-allocated by the Board of Directors to other Categories referenced in Section A, above.

C. Notwithstanding subparagraph B, above, the District shall reserve 2.22 AFY for proposed housing developments which help meet the County of San Luis Obispo's share of regional housing needs for lower income housing as identified in the Housing Element adopted by the San Luis Obispo County Board of Supervisor's. Said reservation shall be applied only to Category 1 and Category 2 projects referenced in Subparagraph A, above. Further, said reservation may only be re-allocated during the fourth (4th) quarter of each allocation year.

3.05.050 Water Demand Certifications Required.

A. Will-Serve Letters: All applications for Will-Serve Letters for residential projects referenced in 3.05.040 require an engineer's or architect's certification that:

1. Low use landscape irrigation systems will be installed to irrigate landscaping; and
2. The Maximum total water demand, including landscaping does not:
 - a. Exceed the limitations established in Section 3.05.030, above;
 - b. For Family Dwelling Units with Secondary Dwelling Units – exceed a total water demand of 0.8 AFY, combined, for both the secondary and the primary dwelling unit.

B. Intent-to-Serve Letters: All applications for Intent-to-Serve Letters require a registered engineer's or architect's certification that:

1. That low use landscape irrigation systems will be installed to irrigate landscaping; and
2. That the design maximum total water demand, including landscaping, does not exceed the limitations on water use established in 3.05.030, above.

3.05.060 Reduction in Total Allocation by Residential Categories

The total allocation, per allocation year, for each residential category designated in 3.05.040 shall be reduced (or accounted for) by the observed actual use by category plus a multiplier of 1.05 to account for commercial growth in water demand resulting from residential development as follows:

**NIPOMO COMMUNITY SERVICES DISTRICT
EXHIBIT "A"
CHAPTER 3.05 OF THE DISTRICT CODE
WATER SERVICE LIMITATIONS**

		Observed Actual Use	Commercial Multiplier	Accounted for Reduction
A.	Multi-Family	0.47 AFY	1.05	0.50 AFY
B.	Duplex	0.34 AFY	1.05	0.36 AFY
C.	SF (<4,500 sf lot)	0.41 AFY	1.05	0.43 AFY
D.	SF (4,500 to 10,000 sf)	0.55 AFY	1.05	0.58 AFY
E.	SF (>10,000 sf)	0.98 AFY	1.05	1.03 AFY

3.05.070 Application for Intent-to-Serve Letters, Will-Serve Letters and Termination

The following procedures, are in addition to other District Rules and Regulations relating to Intent-to-Serve Letters and Will-Serve Letters, and shall apply to all applications for Intent-to-Serve Letters and Will-Serve Letters approved by the District:

A. Application shall be made on District's Application for Intent-to-Serve Letter or Will-Serve Letter form. In order to be considered for an Intent-to-Serve Letter or Will-Serve Letter applications shall contain a verification that applicant has submitted the proposed project for initial review to the County Planning and Building Department.

B. Intent-to-Serve Letters shall automatically terminate on the first to occur:

1. Failure of the applicant to provided District with written verification, within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued, that the County has deemed the County's project application to be complete; or
2. Two (2) years. However, applicant shall be entitled to a one year extension upon proof of reasonable due diligence in processing the project.

3.05.080 Exempt Projects.

The following projects are exempt from the requirements of Section 3.05.040 and 3.05.060:

A. Commercial Projects that submit and implement a landscape plan consistent with best management practices, including that low use landscape irrigation systems will be installed.

B. Projects with existing Intent-to-Serve Letters that have not expired.

C. Projects with existing Will-Serve Letters.

D. Remodels, and changes of use (i.e. commercial to residential) where the resulting water demand does not exceed the requirements of Section 3.05.030, above.

**NIPOMO COMMUNITY SERVICES DISTRICT
EXHIBIT "A"
CHAPTER 3.05 OF THE DISTRICT CODE
WATER SERVICE LIMITATIONS**

3.05.090 Mixed Use Projects.

Projects that include both commercial and dwelling units (mixed use) will only be approved if the dwelling units associated with the project meet the Dwelling Unit Standard set forth in Section 3.05.030 (A), above.

3.05.100 Limitation on Secondary Units

In addition to the other requirements contained in this Chapter, applications for water service to secondary units will only be accepted that include an engineer's or architect's certification that the total water demand for the secondary unit and the primary dwelling unit will not exceed 0.8 AFY. Applications for secondary units will be allocated Will-Serve Letters under 3.05.040 (A)(3), above.

3.05.110 Limitations on Allocations

A. Only one (1) request for an Intent-to-Serve Letter will be considered for any one (1) project or parcel. The District will not allocate more than twenty percent (20%) of the allocations referenced in 3.05.040 (A) (1) (2) or (3) to a project during any one allocation year.

B. A maximum of fifty percent (50%) of the annual water allocation for each successive allocation year may be reserved for projects requiring phasing of water commitments.

C. Water not allocated during a water year shall not be transferred to the succeeding water year.

3.05.120. Waiting List

A. The General Manager shall maintain a waiting list for the issuance of Intent-to-Serve Letters.

B. Only applicants who have submitted a completed Intent-to-Serve/Will-Serve application shall be placed on the waiting list and/or considered for approval.

3.05.130 Transfer of Allocations

Allocations provided in the District's Intent-to-Serve Letter shall run with the land and cannot be transferred to other parcels.

3.05.140 Implementing Procedures

The General Manager is hereby authorized to develop and implement procedures for allocating Intent-to-Serve Letters and Will-Serve Letters consistent with this Chapter and its purposes and intent.

**NIPOMO COMMUNITY SERVICES DISTRICT
EXHIBIT "A"
CHAPTER 3.05 OF THE DISTRICT CODE
WATER SERVICE LIMITATIONS**

3.05.150 Annexations

Water demand for annexations shall be charged against the total allocation referenced in Section 3.05.040 at the date the District approves the annexation agreement.

3.05.160 Annual Review


A. During the fourth quarter of each allocation year, the District Board of Directors shall hold a public hearing to:

- Evaluate the water allocation formulas contained in this Ordinance; and
- To evaluate the water allotment for ensuing year.

B. The Board of Directors reserves the right, at any time, to evaluate, amend or modify this Ordinance.

3.05.170 Re-evaluation

The District Board of Directors will re-evaluate Chapter 3.05 concurrently with any final agreement that obligates the parties for the delivery of supplemental water.

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: JUNE 8, 2007

**AGENDA ITEM
E-6
JUNE 13, 2007**

REJECT WINGERDEN NURSERY ANNEXATION APPLICATION

ITEM

Reject without prejudice Van Wingerden Nursery annexation application regarding property at 790 Live Oak Ridge Road [RECOMMEND ADOPTION].

BACKGROUND

Attached is the application from Rene Wingerden for annexation of APN 091-245-009 and 015 to the District.

Your Honorable Board in February directed staff to recommend denial on a case by case basis annexation applications received prior to the development of supplemental water.

RECOMMENDATION

Staff recommends that your Honorable Board reject the attached application and advise the applicant that the District is willing to re-consider his application once NCSD has developed its supplemental water project.

Should your Honorable Board wish to consider approving the annexation, this item should be rescheduled for subsequent consideration.

ATTACHMENT

- * Van Wingerden Annexation Application

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NIPOMO COMMUNITY SERVICES DISTRICT
REQUEST FOR ANNEXATION
INITIAL LAYOUT PLAN

Property/Project Information and Proposal
(To be completed by Project Proponents/Owners)

1. Property Owner: René Van Wingerden (René + June Van Wingerden
Address: 790 Live Oak Ridge + 4444 Foothill Family Trust)
775 Willow Road Carpinteria CA 93013
2. Developer: _____
3. Engineer: _____
4. Assessor's Parcel Number: 091-245-009 and 091-245-015
5. Location: NIPOMO / 790 Live Oak Ridge + 775 Willow Road
 - A. Text/Legal Description: attached
 - B. Provide Map (attachments: of a scale that all notes can be easily read)
attached
6. General Description of Project: Replace existing well with
district water.
7. Services Requested from NCSD (types and number of connections):
Water: Domestic and irrigation
2 dwellings and greenhouse agriculture
Sewer: _____
Other (solid waste, lighting, landscaping, drainage, etc.): _____
8. Current Zoning (Include map if more than one zone applies): RR - Rural Residential
9. Identify any proposed or pending zone changes on the property to be annexed:
NONE

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NIPOMO COMMUNITY
SERVICES DISTRICT

NIPOMO COMMUNITY SERVICES DISTRICT
REQUEST FOR ANNEXATION

10. Maximum number of units based on current zoning: _____
Maximum number of units based on proposed zoning: _____
Maximum number of units based on greatest potential zoning: _____

11. Proposed number of Residential units: (Describe phased construction plan if applicable): No change proposed

12. If non-residential use, provide information as to number of plumbing fixtures, flows, loading, intended use, etc. (Describe phased construction plan if applicable):

13. Total acreage of proposed project: _____

14. Total acreage of proposed annexation: lot 4 = 8.06 acres Lot 7 = 5.00 acres

15. If total acreage to be annexed differs from the acreage to be developed, ^{TOTAL} 13.06 acres explain the difference:

16. Status of water resources available on proposed annexation acreage:

A. Quantity - pumping log(s) and date(s): _____

B. Quality - quality test(s) and date(s): _____

C. To the best of your knowledge, which of the following more accurately describes your situation?

- 1) The parcel overlies a large and reliable supply of water.
 2) The parcel does not overlie a large and reliable supply of water.

D. Is there any existing or threatened litigation regarding the property? Y / N
If Yes, attach explanation.

E. Other information: _____

F. Water resources currently on the site: Well on parcel 7. (352 ft. deep /

G. Water resources to be offered in dedication to NCSD: water at 318 feet / 35 gals. per minute)

??

NIPOMO COMMUNITY SERVICES DISTRICT
REQUEST FOR ANNEXATION

17. Description of existing and proposed wastewater disposal system:

18. Reason proponents are requesting annexation: Secure WATER SOURCE
for greenhouse operation

19. If the annexation involves clustering, submit a description of how the open space parcel to be created will be used for public benefit, including any plans to dedicate and funding method for sustaining that use:

20. Who do you anticipate will provide the following services, as many as may apply:

Lighting? _____
Drainage? _____ *N A*
Solid Waste? _____
Landscaping? _____

21. Other comments:


We are used to "expensive" water
for irrigation in Carpinteria.

Note:

In its effort to make a competent and informed annexation decision, NCSD may, at its sole discretion, request additional information from the proponent(s) for the annexation and/or revise this checklist as NCSD deems necessary.

NIPOMO COMMUNITY SERVICES DISTRICT
REQUEST FOR ANNEXATION

By signing below, I certify that I am the Owner of said property, or am empowered to act on the Owner's behalf, and that I understand the information provided herein by me or my representatives is true to the best of my knowledge.

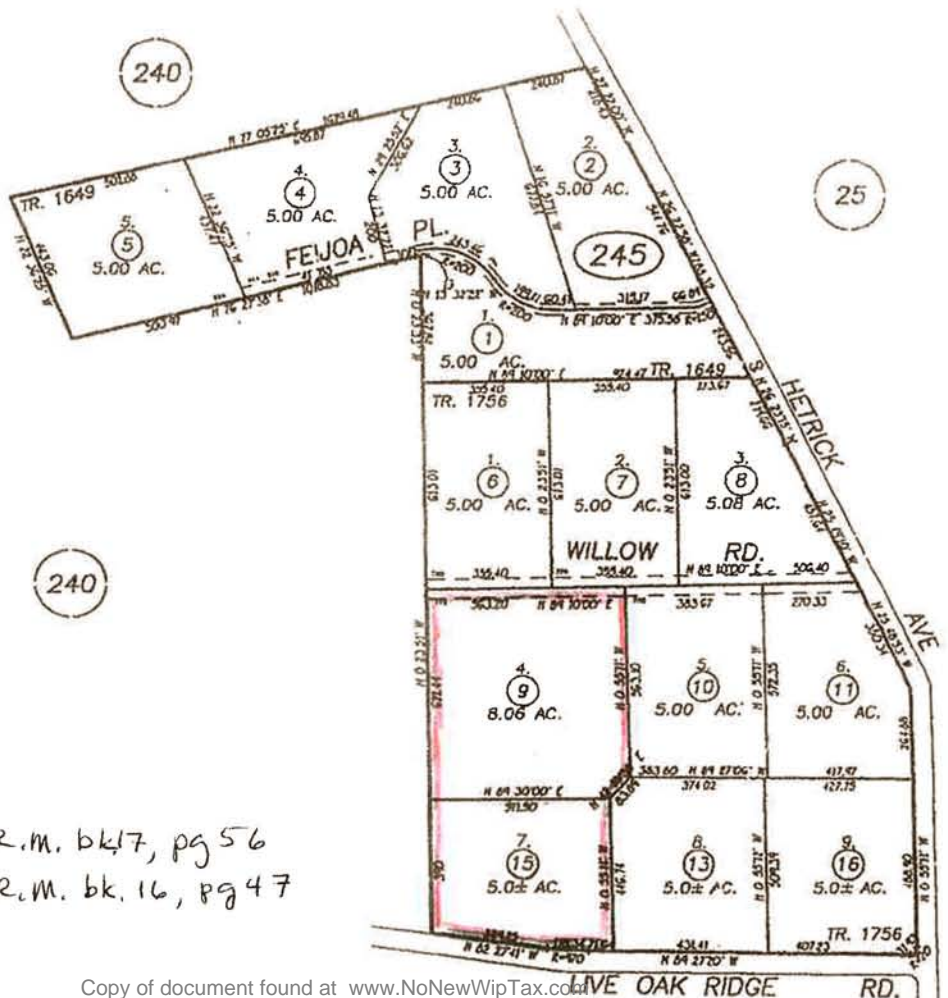
Signed: 
Full Name: René T. Van Wingerden
Street Address: 4444 Foothill Rd.
Mail Address (if different): Carpinteria CA 93013
Home telephone number: 805 684 6537
Work telephone number: 805 684-1747 / cell 805-896-1646
FAX number: 805-684-1237
email address: rene@oceanbreezeintl.com

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ASSESSOR'S PARCEL MAP

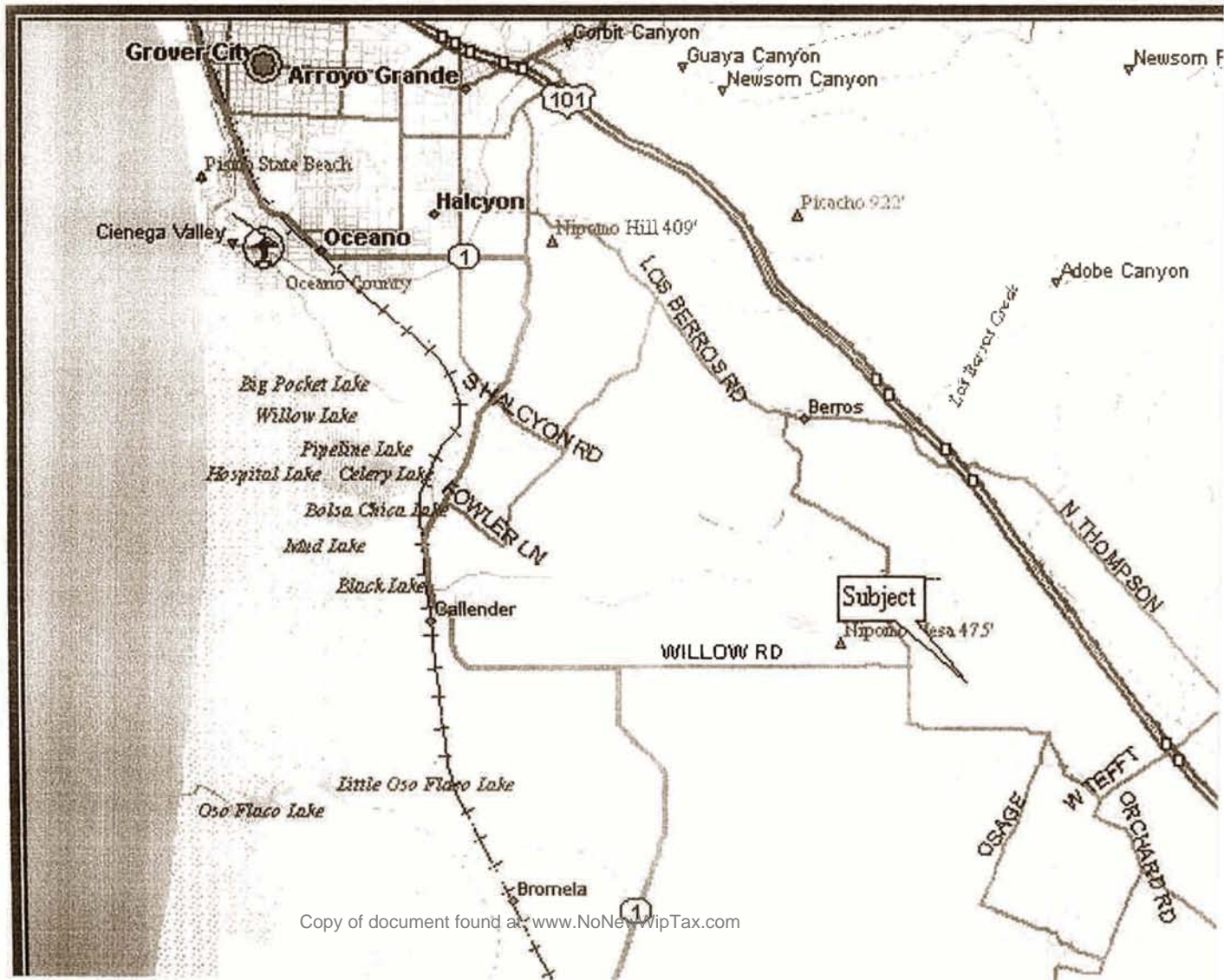
091-245

Assessor's map County of
 San Luis Obispo, CA
 BOOK 091 Page 245



TRACT 1756; R.M. bk 17, pg 56
 TRACT 1649; R.M. bk. 16, pg 47

LOCATION MAP



Order No. 810445

EXHIBIT "ONE"

Lots 4 and 7 of Tract No. 1756, in the County of San Luis Obispo, State of California,
according to map recorded September 8, 1995 in Book 17, Page 56 of Maps.

Assessor's Parcel No: 091,245,009 and 091,245,015

LEGAL DESCRIPTION IS CORRECT

BY:

William H. Co

DATE:

10/01/05