

**ORDINANCE NO. \_\_\_\_**  
**AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**AMENDING CHAPTER 3.05 OF THE DISTRICT CODE**  
**WATER SERVICE LIMITATIONS**

**BE IT ORDAINED**, by the Board of Directors of the Nipomo Community Services District as follows:

**Section 1. Amendments to Chapter 3.05 of the District Code**

**A.** The Nipomo Community Services District Board of Directors, hereby adopts and approves the Amendment of Section 3.05.020 of Chapter 3.05 of the District Code to include the definition of Observed Demand as follows:

3.05.020 Definitions.

D. "Observed Demand" means the water demand as calculated/averaged (applying irrigation demand), using the analysis in the draft Engineers Report for the water line inter-tie project for the following categories:

- A. 0.33 AFY per multi-family dwelling unit or duplex units;
- B. 0.48 AFY per single-family dwelling unit located on a parcel of twelve thousand seven hundred sixty-eight square feet or less;
- C. 0.80 AFY per single-family dwelling unit located on a parcel size between twelve thousand seven hundred sixty-nine and twenty-five thousand five hundred thirty-six square feet;
- D. 0.96 AFY per single-family dwelling unit located on a parcel size of two thousand five hundred thirty-seven square feet or greater;

**B.** The Nipomo Community Services District Board of Directors, hereby adopts and approves the Amendments and Restatement of Sections 3.05.030, 3.05.040, 3.05.050, 3.05.060, 3.05.070, 3.05.100 and 3.05.110 of Chapter 3.05 of the District Code as follows:

3.05.030 Limitations on water use.

Total demand certifications, including landscaping, are established, to achieve a 15% reduction in observed demand for the following uses:

- A. 0.28 AFY per multi-family dwelling unit and duplex unit;
- B. 0.4 AFY per single-family dwelling unit located on a parcel of twelve thousand seven hundred sixty-eight square feet or less;
- C. 0.68 AFY per single-family dwelling unit located on a parcel size between twelve thousand seven hundred sixty-nine and twenty-five thousand five hundred thirty-six square feet;

D. 0.82 AFY per single-family dwelling unit located on a parcel size of twenty-five thousand five hundred thirty-six square feet or greater;

#### 3.05.040 Water allocation per allocation year.

A. 34.3 acre feet is the initial reservation for residential projects. The initial reservation is reduced by 5% or to 32.5 AFY to account for commercial growth in water demand resulting from residential development. The 32.5 AFY (total per allocation year) is allocated to projects as follows:

1. Category 1: A total of 20.8 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 6.5 AFY, including landscaping, is reserved for multi-family dwelling units.
3. Category 3: A total of 3.2 AFY is reserved for secondary dwelling units and local agency maintained landscaping projects.

B. During the end of the second quarter and in the middle of the fourth 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 2.00 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 Supervisors. 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 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 Section 3.05.040 require a registered engineer's or architect's certification that:

1. Low-water use landscape and 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 referenced in 3.05.100.

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

1. Low-water use landscape irrigation systems will be installed to irrigate landscaping; and
2. The design maximum total water demand, including landscaping, does not exceed the limitations on water use established in Section 3.05.030, above.
3. For nonresidential/commercial/industrial projects, Intent-to-Serve applications shall include the following: an irrigation plan, a plant material layout plan, and a plant material list (if not included in the plant material layout plan); and a hardscape plan shall be submitted if there are any water features (such as fountains and swimming pools) included in the project design.

C. Will-Serve letters will not be issued to nonresidential/commercial/industrial projects until the General Manager verifies that the landscape irrigation and plant material layout plans and/or hardscape plan comply with the total project water demand established by Section 3.05.035.

#### 3.05.060 Project Water Demand Allocation.

Projects shall be assigned water, and the allocations established in Section 3.05.040 reduced, or accounted for, by the Observed Demand as follows:

- A. 0.33 AFY per multi-family dwelling unit or duplex unit;
- B. 0.48 AFY per single-family dwelling unit located on a parcel of twelve thousand seven hundred sixty-eight square feet or less;
- C. 0.80 AFY per single-family dwelling unit located on a parcel size between twelve thousand seven hundred sixty-nine and twenty-five thousand five hundred thirty-six square feet;
- D. 0.96 AFY per single-family dwelling unit located on a parcel size of twenty-five thousand five hundred thirty-six square feet or greater;

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. Applications: Application for Intent-to-Serve letters shall be made on the District's form. In order to be considered for an Intent-to-Serve letter the application shall contain a verification that applicant has submitted the proposed project for initial review to the County Planning and Building Department.

B. Termination: Intent-to-Serve letters shall automatically terminate as follows:

1. Failure of the applicant to provide District with written verification, within two hundred forty calendar days from the date the Intent-to-Serve letter is issued, that the County has deemed the project application to be complete.

2. The failure of the applicant to receive both the acceptance of the project improvements and a final Will-Serve letter within three years from the date the Intent-to-Serve letter is issued.
3. An applicant shall be entitled to a one-year extension of the three year limitation upon the following conditions:
  - (a). Applicant makes written application for the extension prior to the expiration of the Intent-to-Serve letter.
  - (b). Proof of reasonable due diligence in processing the project.
  - (c). Applicant agrees to revisions of the conditions contained in the Intent-to-Serve letter consistent with then existing District policies.

C. Extensions: All Intent-to-Serve letters that have not expired on or before the second reading of the ordinance adopting this section shall be extended for an additional twelve months.

#### 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 a registered engineer's or architect's certification that the total water demand for the secondary unit and the primary dwelling unit will not exceed 110% of the limitations established for the primary unit identified in Section 3.05.030.

#### 3.05.110 Limitations on allocations.

- A. Only one request for an Intent-to-Serve letter will be considered for anyone project or parcel. The District will not allocate more than twenty percent of the allocations referenced in Section 3.05.040 (A)(1)(2) or (3) to a project during any one allocation year.
- B. A maximum of fifty percent 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.
- D. Commencing with allocation year 2009/2010, the District may, during the 4th quarter, adjust the 20% limitation referenced subparagraph A upon a finding that there is an unused allocation in a designated category. The priorities for distributing the adjusted allotment are as follows:

1. Projects on the waiting list,
2. Projects with existing phased Intent-to-Serve letters,
3. New Projects.

Introduced at regular meeting of the Board of Directors held on September 30, 2009, and passed and adopted by the District Board of Directors on the \_\_\_\_\_ day of October, 2009, by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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JAMES HARRISON,  
President of the Board of Directors  
Nipomo Community Services District