

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
FEBRUARY 10, 2010**

The regular meeting of February 10, 2010, of the Wildomar City Council was called to order by Mayor Moore at 7:00 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade, Cashman, and Farnam. Absent: None.

Staff in attendance: City Manager Oviedo, City Attorney Biggs, Assistant City Manager Nordquist, Public Works Director Kashiwagi, Planning Director Hogan, Fire Chief Beach, Police Chief Cleary, and City Clerk Lee.

MOMENT OF SILENCE

A moment of silence was observed.

FLAG SALUTE

Wildomar Cub Scout Pack 323 led the flag salute.

Mayor Moore recognized Lake Elsinore Council Member McGee.

PRESENTATIONS

Council Member Farnam stated the sweatshirt and face make-up he is wearing is due to a wager he had with Mayor Moore regarding the Super Bowl. He lost, so he had to wear the colors of the New Orleans Saints. He then presented Mayor Moore with a trophy claiming she is the Super Bowl Predicting Goddess and he does not know anything about football.

Greg Morrison, EVMWD, gave an update on the Wildomar Recycled Water Project.

The Chamber of Commerce presented the monthly report.

Chief Beach presented the Fire Department monthly report.

Chief Cleary presented the Police Department second quarter report.

PUBLIC COMMENTS

Karen Chamberlain, resident of Canyon Ranch Road, stated there are several speeders on her street, including school busses. She has complained to the School District and CHP. She passed out pictures of skid marks on the street. She stated that even the Police are prone to speed down the street. She would like something done and that this street be made a priority.

APPROVAL OF THE AGENDA AS PRESENTED

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to approve the agenda as presented.

Roll call vote: Ayes – 5; Nays – 0; Motion carried.

1.0 CONSENT CALENDAR

City Clerk Lee advised that on item #1.7, there is a typo. It should say “Manufacturing-Service Commercial” and not “Industrial Park”.

Council Member Cashman requested that item #1.7 be pulled for separate discussion.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to approve the Consent Calendar, with the exception of item #1.7, as presented.

Roll call vote: Ayes – 5; Nays – 0; Motion carried.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – December 17, 2009 Joint Norming Session – City Council and Planning Commission

Approved the Minutes as submitted.

1.3 Minutes – January 13, 2010 Regular Meeting

Approved the Minutes as submitted.

1.4 Minutes – January 27, 2010 Regular Meeting

Approved the Minutes as submitted.

1.5 Warrant Registers

Approved the following Warrant Registers:

1. Dated January 27, 2010 in the amount of \$276,587.75; and
2. Dated February 3, 2010 in the amount of \$511,702.75.

1.6 California Office of Traffic Safety Grant Applications

Adopted:

RESOLUTION NO. 2010 - 09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO SUBMIT GRANT APPLICATIONS TO THE CALIFORNIA OFFICE OF TRAFFIC SAFETY AND TO SIGN ALL AGREEMENTS AND DOCUMENTS ASSOCIATED WITH THE GRANT

ITEMS REMOVED FROM THE CONSENT CALENDAR

1.7 Ordinance No. 39 Second Reading and Adoption – Clinton Keith Animal Hospital

Council Member Cashman stated he is in favor of this project; however he is still concerned with the sewer and water aspects. This is to be on a septic system and he feels it is not a good choice and is voicing his concerns. He would really like to fully support this project, but cannot due to the sewer and water concerns.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to adopt Ordinance No. 39 as corrected.

Roll call vote: Ayes – 4; Nays – 1, Cashman; Motion carried.

ORDINANCE NO. 39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF WILDOMAR FOR A PROPERTY LOCATED AT 35951 SALIDA DEL SOL FROM RURAL RESIDENTIAL TO INDUSTRIAL PARK, KNOWN AS ASSESSOR'S PARCEL NO. 362-250-014

2.0 PUBLIC HEARINGS

There were no public hearings.

3.0 GENERAL BUSINESS

3.1 Economic Development Ad-Hoc Committee

Mayor Pro Swanson, Council Member Cashman, and Council Member Ade were nominated. Votes were as follows:

Mayor Pro Tem Swanson – 5 – 0

Council Member Cashman – 1 – 4 (Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade and Farnam)

Council Member Ade – 5 - 0

Mayor Pro Tem Swanson and Council Member Ade were appointed to join the City Manager and Assistant City Manager as members of the City Economic Development Ad-Hoc Committee.

3.2 City Hall Hours of Operation – 90 Day Review (Cont. from 01-27-10)

A MOTION was made by Council Member Farnam, seconded by Mayor Moore, to authorize the City Manager to continue to operate a 4/10 work week schedule for an additional nine month period and direct Staff to bring back an evaluation report after a full twelve month period to determine if the schedule change should be made permanent.

Roll call vote: Ayes – 2; Nays – 3, Ade, Cashman, Swanson; Motion failed.

Council Member Cashman inquired if the public has commented since this was heard last month.

City Manager Oviedo stated that Staff has not received any comments from the public.

Mayor Pro Tem Swanson stated she is opposing it as she sees no advantage or savings. She feels City Hall should be open Monday – Friday.

Council Member Ade stated her agreement as well.

Council Member Farnam stated he liked the 4/10 schedule. The County is closed every Friday, so the City cannot do business with them anyway.

We were open earlier and stayed open later and this was a big help to the commuters. Additionally, if we do have to make cuts, the public is already used to the schedule.

Council Member Cashman stated he does not think we should plan around if we might make cuts. If we have to, we rearrange at that time.

A MOTION was made by Council Member Ade, seconded by Mayor Pro Tem Swanson, to return to office hours of Monday-Friday, 8:00 a.m. – 5:00 p.m.

Roll call vote: Ayes – 3; Nays – 2, Farnam, Moore; Motion carried.

CITY MANAGER REPORT

City Manager Oviedo reported the following:

- 1) Southwest Coalition City Managers met to discuss the Sheriff's contract.
- 2) He and Assistant City Manager Nordquist will be attending the annual Sheriff's meeting where they will inform us of the changes for the coming fiscal year.
- 3) The next Southwest Coalition meeting will be hosted by Wildomar as one of the topics of discussion will be higher education and Mt. San Jacinto Community College.
- 4) Animal Friends of the Valley will be making a presentation at the March 10, 2010 Council meeting. They have asked that the City become a member of the JPA for the animal facility. The first step is to hear their presentation.
- 5) The State of the City address will be on March 9, 2010, at 8:00 a.m. at La Cresta.
- 6) Assistant City Manager Nordquist will be the acting City Manager at the next City Council meeting as he will be out of town.

CITY ATTORNEY REPORT

City Attorney Biggs stated we are still waiting to hear on the Butz case.

COUNCIL COMMUNICATIONS

Council Member Cashman stated the Higher Education Committee had a very important meeting. They discussed the College and the economic benefit to the community. They discussed a "Friends of the College" type group to raise money.

Council Member Ade stated her concerns with lack of information on the calendars in the Council agenda notebook. Additionally, she asked if a list of the Council committees and appointments be placed in the agenda notebook. She also asked for that the Council receive an update on the census activities.

Council Member Farnam stated he attended a RCTC workshop for two days. They are trying hard to hold onto funding and keeping the State out of their monies. Also, WRCOG is close to getting funding for AB811 for homeowners. Southwest Cities Coalition talked about bringing industry into the region and more media time. They also spoke about the area hospitals.

Mayor Moore stated she also attended the Southwest Coalition and they also discussed emergency preparedness. She then gave a brief update on the activities taking place to support the census. Additionally she wished Council Member Ade a happy birthday.

FUTURE AGENDA ITEMS

There were no items.

ADJOURN TO CLOSED SESSION

At 7:49 p.m. the City Council adjourned to closed session, with all Council Members present, regarding the following:

LITIGATION – One Matter

Government Code Section 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

County of Riverside v. Hayes, et al; Case #RIC 505588.

POTENTIAL LITIGATION – One Matter

Government Code Section 54956.9(b)

CONFERENCE WITH LEGAL COUNSEL-POTENTIAL LITIGATION

The City Council will meet in closed session to confer with legal counsel

regarding one matter of significant exposure to litigation.

At 8:13 p.m. the City Council reconvened into open session, with all Council Members present, making no announcements.

ADJOURNMENT

There being no further business, at 8:13 p.m. Mayor Moore declared the meeting adjourned.

Respectfully submitted,

Debbie A. Lee, CMC
City Clerk

ITEM 1.3

WARRANT REGISTERS

CITY OF WILDOMAR CITY COUNCIL
Agenda Item #1.3
CONSENT CALENDAR
Meeting Date: February 24, 2010

TO: Mayor and Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Warrant Registers and Payroll Register

STAFF REPORT

RECOMMENDATION:

1. Approve Warrant Register dated February 10, 2010 in the amount of \$38,797.85;
2. Approve Warrant Register dated February 17, 2010 in the amount of \$38,823.26; and
3. Approve Payroll Warrant Register dated February 11, 2010 in the amount of \$787.25.

BACKGROUND:

The City of Wildomar requires that the City Council audit payments of demands and direct the City Manager to issue checks. The Warrant Registers are submitted for approval.

DISCUSSION:

None.

FISCAL IMPACTS:

These Warrant Registers will have a budgetary impact in the amount noted in the recommendation section of this report. These costs are included in the Fiscal Year 2009-10 Budget.

ALTERNATIVES:

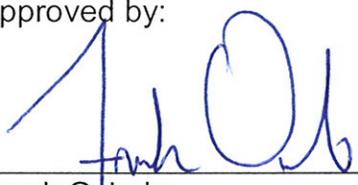
1. Take no action
2. Provide staff with further direction.

Submitted by:

Approved by:



Gary Nordquist
Assistant City Manager



Frank Oviedo
City Manager

**City of Wildomar
Warrant Register
February 10, 2010**

Date	Num	Name	Memo/Description	Amount
02/10/2010	2214	Wells Fargo Business Card	Supplies & Services for Fire, City Council, Emer Prep, Finance	\$ 2,277.17
02/10/2010	2215	Wildomar Chamber of Commerce	Business Networking Meeting	\$ 60.00
02/10/2010	2216	Ace Weed Abatement	24139 Rosita Drive - Weeds, Pool Drained	\$ 575.00
02/10/2010	2217	CTAI Pacific Greenscape	Park Maintenance Services - January 2010	\$ 4,260.00
02/10/2010	2218	DataQuick	Code Enforcement Software - January 2010	\$ 100.00
02/10/2010	2219	Edison	CSA-103 & Lamps for City of Wildomar	\$ 16,197.67
02/10/2010	2220	Gary Andre	Planning Commission Meetings - 1/6/10 & 2/3/10	\$ 150.00
02/10/2010	2221	Gary Nordquist	Reimbursement for Laptop for City Clerk, Office Supplies	\$ 780.35
02/10/2010	2222	Harv Dykstra	Planning Commission Meetings - 1/6/10 & 2/3/10	\$ 150.00
02/10/2010	2223	Michael Kazmier	Planning Commission Meetings - 1/6/10 & 2/3/10	\$ 150.00
02/10/2010	2224	Naples Plaza Ltd.-Oak Creek II	City Hall Lease - January 2010 Partial, February 2010	\$ 12,197.91
02/10/2010	2225	North County Times	Notices of Public Hearings - 09-0609 & 10-0016	\$ 200.02
02/10/2010	2226	OnTrac	Overnight Delivery Services for 1/4/10 - 1/27/10	\$ 21.94
02/10/2010	2227	Robert Devine	Planning Commission Meetings - 1/6/10	\$ 75.00
02/10/2010	2228	Scott Nowak	Planning Commission Meetings - 1/6/10 & 2/3/10	\$ 150.00
02/10/2010	2229	Petals the Clown and Friends	Clown for Egg Hunt	\$ 170.00
02/10/2010	2230	County of Riverside - TLMA Admin.	FY 2010 2nd QTR SLF Billing	\$ 1,282.79
Sub-Total				\$ 38,797.85

**City of Wildomar
Warrant Register
February 17, 2010**

Date	Num	Name	Memo/Description	Amount
02/17/2010	2231	Burke, Williams & Sorensen, LLP	City Attorney Services - January 2010	30,087.45
02/17/2010	2232	California Public Employee Retirement Sys	PERS Fee - Survivors (one-time fee)	324.00
02/17/2010	2233	MuniServices, LLC	SUTA Services for Tax QTR ending September 2009	5,375.00
02/17/2010	2234	Pitney Bowes	Meter Rental, Postage and Supplies	616.87
02/17/2010	2235	Edison	Utilities - January 2010 - CSA-142	1,821.86
02/17/2010	2236	Image Printing System	Business Cards - Scott Farnam	58.73
02/17/2010	2237	Verizon	Cell Phone Charges - City Council; Phone at Marna O'Brien Park	539.35
Sub-Total				\$ 38,823.26

**City of Wildomar
Payroll Warrant Register
11-Feb-10**

2/11/2010	2243	Sheryl Ade	January Stipend (Replacement Check for #5098)	290.35
2/11/2010	2244	Scott Farnam	January Stipend (Replacement Check for #5099)	223.58
2/11/2010	5100	Bridgette Moore	January Stipend	273.32
Total				787.25

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.4
CONSENT CALENDAR
Meeting Date: February 24, 2010

TO: Mayor and Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Treasurer's Report, January 2010

STAFF REPORT

RECOMMENDATION:

Staff recommends City Council to approve the Treasurer's Reports.

BACKGROUND/DISCUSSION:

Attached is the Treasurer's Report for Cash and Investments for the month of January 2010.

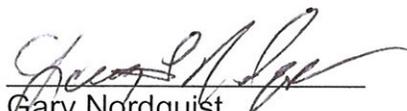
FISCAL IMPACTS:

None at this time.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction.

Submitted by:



Gary Nordquist
Assistant City Manager
Finance & Administration

Approved by:



Frank Oviedo
City Manager

ATTACHMENTS:

Treasurer's Report

**CITY OF WILDOMAR
TREASURER'S REPORT FOR
CASH AND INVESTMENT PORTFOLIO
January 2010**

CITY CASH

<u>FUND</u>	<u>ACCOUNT</u>	<u>INSTITUTION</u>	<u>BALANCE</u>	<u>RATE</u>
GENERAL	GENERAL	WELLS FARGO	\$ 2,801,810.35	0.00%
		TOTAL	\$ 2,801,810.35	

<u>FUND</u>	<u>ACCOUNT</u>	<u>INSTITUTION</u>	<u>BEGINNING BALANCE</u>	<u>+ DEPOSITS</u>	<u>(-) WITHDRAWALS</u>	<u>ENDING BALANCE</u>	<u>RATE</u>
GENERAL	GENERAL	WELLS FARGO	\$ 2,963,884.14	\$ 160,161.15	\$ (322,224.94)	\$ 2,801,810.35	0.000%
		TOTAL	\$ 2,963,884.14	\$ 160,161.15	\$ (322,224.94)	\$ 2,801,810.35	

CITY INVESTMENT

<u>FUND</u>	<u>ISSUER</u>	<u>BOOK VALUE</u>	<u>FACE VALUE</u>	<u>MARKET VALUE</u>	<u>PERCENT OF PORTFOLIO</u>	<u>DAYS TO MAT.</u>	<u>STATED RATE</u>
GENERAL	LOCAL AGENCY INVESTMENT FUND	\$ 1,520,139.58	\$ 1,520,139.58	\$ 1,520,139.58	100.00%	0	0.568%
	TOTAL	\$ 1,520,139.58	\$ 1,520,139.58	\$ 1,520,139.58	100.00%		

CITY - TOTAL CASH AND INVESTMENT \$ 4,321,949.93

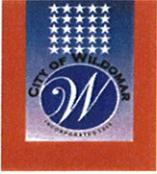
CITY INVESTMENT

<u>FUND</u>	<u>ISSUER</u>	<u>BEGINNING BALANCE</u>	<u>+ DEPOSITS/ PURCHASES</u>	<u>(-) WITHDRAWALS/ SALES/ MATURITIES</u>	<u>ENDING BALANCE</u>	<u>STATED RATE</u>
GENERAL	LOCAL AGENCY INVESTMENT FUNDS	\$ 1,517,826.37	\$ 2,313.21	\$ 0.00	\$ 1,520,139.58	0.568%
	TOTAL	\$ 1,517,826.37	\$ 2,313.21	\$ 0.00	\$ 1,520,139.58	

In compliance with the California Code Section 53646, as the Director of Finance/ City Treasurer of the City of Wildomar, I hereby certify that sufficient investment liquidity and anticipated revenues are available to meet the City's expenditure requirements for the next six months and that all investments are in compliance to the City's Statement of Investment Policy.
I also certify that this report reflects all Government Agency pooled investments and all City's bank balances.

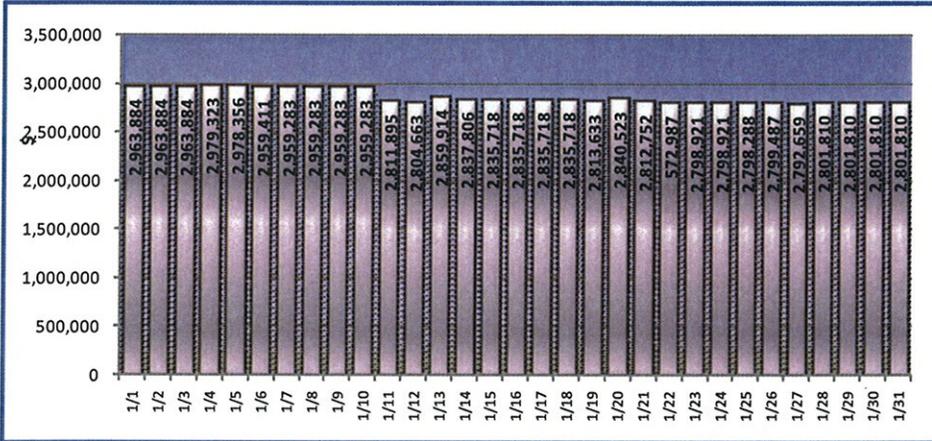
Gary Nordquist
ACM Finance & Administration /
City Treasurer

Date



January 2010

Daily Cash Balance
All Funds Checking Only
Pool Report Balance



January 2010

2008-2009	Ending Balance	Monthly Net Activity
July	\$ 20,855	\$ 20,855
August	2,297,920	2,277,065
September	2,402,083	104,163
October	2,340,436	(61,647)
November	2,203,169	(137,267)
December	747,664	(1,455,505)
January	826,502	78,838
February	733,251	(93,251)
March	571,857	(161,394)
April	644,285	72,428
May	687,746	43,461
June	1,266,750	579,004
July	2,027,072	760,322
August	4,745,827	2,718,755
September	4,201,825	(544,002)
October	3,674,234	(527,592)
November	3,098,110	(576,124)
December	2,963,884	(134,226)
January	2,801,810	(162,074)

Date	Ending Balance in Whole \$	Net Change from Prior Day
1/1	2,963,884	(134,226)
1/2	2,963,884	-
1/3	2,963,884	-
1/4	2,979,323	15,438
1/5	2,978,356	(967)
1/6	2,959,411	(18,945)
1/7	2,959,283	(128)
1/8	2,959,283	-
1/9	2,959,283	-
1/10	2,959,283	-
1/11	2,811,895	(147,388)
1/12	2,804,663	(7,232)
1/13	2,859,914	55,251
1/14	2,837,806	(22,108)
1/15	2,835,718	(2,088)
1/16	2,835,718	-
1/17	2,835,718	-
1/18	2,835,718	-
1/19	2,813,633	(22,085)
1/20	2,840,523	26,890
1/21	2,812,752	(27,771)
1/22	2,798,921	(13,831)
1/23	2,798,921	-
1/24	2,798,921	-
1/25	2,798,288	(633)
1/26	2,799,487	1,199
1/27	2,792,659	(6,828)
1/28	2,801,810	9,151
1/29	2,801,810	-
1/30	2,801,810	-
1/31	2,801,810	-

CITY OF WILDOMAR – COUNCIL
Agenda Item #1.5
CONSENT CALENDAR
Meeting Date: February 24, 2010

TO: Mayor and Council Members

FROM: Michael Kashiwagi, PE, City Engineer

SUBJECT: Lake Elsinore and Canyon Lake Total Maximum Daily Loads (TMDL) Task Force Agreement Amendment No. 1

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council approve Lake Elsinore and Canyon Lake TMDL Task Force Agreement Amendment No. 1 extending the duration of the agreement one full year and adding the cities of Wildomar and Menifee to the Task Force.

BACKGROUND:

The purpose of this Amendment No. 1 to the Agreement is for all Task Force Agencies to mutually extend the duration of the Agreement one full year and to add the cities of Wildomar and Menifee to the Task Force. The purpose of the Lake Elsinore and Canyon Lake Task Force is to facilitate a coordinated and cost effective approach to comply with the Lake Elsinore and Canyon Lake TMDL that was approved by the Santa Ana Regional Water Quality Control Board on December 20, 2004 and incorporated in the new Municipal Separate Storm Sewer System Permit (MS4) permit for the Santa Ana Region. The work of the Task Force includes the development and implementation of a (1) watershed-wide nutrient monitoring program, (2) a Lake Elsinore and Canyon Lake nutrient monitoring program, (3) a plan to reduce nutrients in Lake Elsinore sediments and develop a sediment nutrient treatment evaluation plan for Canyon Lake, (4) a plan and schedule for updating the existing Lake Elsinore/San Jacinto River Watershed Nutrient Model and the Canyon Lake and Lake Elsinore In-Lake Models, and (5) a Pollutant Trading Plan.

ENVIRONMENTAL ASSESSMENT:

The Planning Department reviewed the proposed project, the City's participation in the TMDL Task Force for compliance with the provisions of the California Environmental Quality Act (CEQA). The Program involves the collection and analysis of information and the development and implementation of solutions relating to the quality of the water in Lake Elsinore and Canyon Lake. The project is exempt from CEQA review pursuant to Sections 15306 and 15308 of CEQA Guidelines. The Class 6 Categorical Exemptions pursuant to Section

15306, Information Collection consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. The Class 8 pursuant to Section 15308, Actions by Regulatory Agencies for Protection of the Environment, consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption. Because the proposed project is exempt from additional environmental review under CEQA, no additional analysis is required. Consequently, staff recommends that the City Council direct the preparation and filing of a Notice of Exemption.

FISCAL IMPACT:

Up to this point in time, the County of Riverside has borne the costs associated with the TMDL Task Force for Wildomar. Moving forward, the City will be responsible for its pro-rata share of the Task Force costs as well as participating in Task Force meetings, activities, etc. Wildomar's estimated share of the regional Task Force budgets for 2010-11 and 2011-12 are \$4,669 and \$3,689, respectively – a detailed breakdown of the budget and tasks is shown in Attachment No. 2.

ALTERNATIVES:

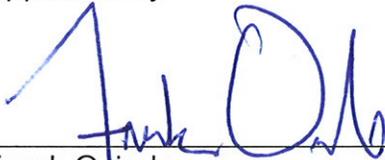
1. Attempt to address the NPDES requirements established by the Santa Ana Regional Water Quality Control Board independently without participation in the Task Force.

Submitted by:



Michael Kashiwagi, PE
City Engineer

Approved by:



Frank Oviedo
City Manager

ATTACHMENTS:

- 1 - Amendment No. 1 to the TMDL Task Force Agreement
- 2 – Draft Budget for 2010-11 and 2011-12 for the TMDL Task Force
- 3 – TMDL Task Force Agreement

**AMENDMENT NO. 1 TO AGREEMENT TO FORM
THE LAKE ELSINORE AND CANYON LAKE
TMDL TASK FORCE**

This Amendment No. 1 is made this ____ day of _____, 20____, by and among the Task Force Agencies that constitute the Lake Elsinore and Canyon Lake TMDL Task Force.

RECITALS

WHEREAS, the Lake Elsinore and Canyon Lake TMDL Task Force was created pursuant to that certain agreement entitled "*Agreement to Form the Lake Elsinore and Canyon Lake TMDL Task Force*" dated March 5, 2007. ("Agreement"); and

WHEREAS, it is the purpose of this Amendment No. 1 to the Agreement for all Task Force Agencies to mutually extend the duration of the Agreement one full year and to add the City of Menifee and the City of Wildomar to the Task Force.

NOW, THEREFORE, the parties mutually agree that the agreement is amended as follows:

1. The duration of the Agreement is extended one full year to **June 30, 2011**, and
2. The following Agencies are each hereby added as a "Task Force Agency" to the Agreement:

**CITY OF MENIFEE
CITY OF WILDOMAR**

IN WITNESS WHEREOF, the Parties hereto have executed this **Amendment No. 1** on the date opposite their respective signatures. This Amendment becomes effective as of the date of the latest signature page received.

LAKE ELSINORE AND SAN JACINTO WATERSHEDS AUTHORITY

BY _____

TITLE _____

DATE _____

IN WITNESS WHERE OF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE (SAN BERNARDINO NATIONAL
FOREST MANAGEMENT ZONE)**

BY _____

TITLE _____

DATE _____

APPROVED AS TO FORM

By _____
Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE (CLEVELAND NATIONAL FOREST
MANAGEMENT ZONE)**

BY _____

TITLE _____

DATE _____

APPROVED AS TO FORM

By _____
Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

US AIR FORCE (MARCH AIR RESERVE BASE)

BY _____

TITLE _____

DATE _____

APPROVED AS TO FORM

By _____
Attorney

IN WITNESS WHERE OF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

MARCH AIR RESERVE BASE JOINT POWERS AUTHORITY

BY _____

TITLE _____

DATE _____

APPROVED AS TO FORM

By _____
Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CALIFORNIA DEPARTMENT OF TRANSPORTATION

BY _____

TITLE _____

DATE _____

APPROVED AS TO FORM

By _____
Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CALIFORNIA DEPARTMENT OF FISH AND GAME

BY _____

TITLE _____

DATE _____

APPROVED AS TO FORM

By _____
Attorney

IN WITNESS WHERE OF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

ELSINORE VALLEY MUNICIPAL DISTRICT

BY _____

TITLE _____

DATE _____

APPROVED AS TO FORM

By _____
Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

EASTERN MUNICIPAL WATER DISTRICT

BY _____

TITLE _____

DATE _____

APPROVED AS TO FORM

By _____
Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

WESTERN RIVERSIDE COUNTY AGRICULTURE COALITION

BY _____

TITLE _____

DATE _____

APPROVED AS TO FORM

By _____
Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

By _____ By
WARREN D. WILLIAMS
General Manager-Chief Engineer

JEFF STONE, Chairman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM

ATTEST:

JOE S. RANK
County Counsel

NANCY ROMERO
Clerk to the Board

By _____ By
DAVID H.K. HUFF
Deputy County Counsel

Deputy

(SEAL)

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

COUNTY OF RIVERSIDE

RECOMMENDED FOR APPROVAL:

By _____ By
LARRY PARRISH
County Executive Officer

JEFF STONE, Chairman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM

JOE S. RANK
County Counsel

ATTEST:

NANCY ROMERO
Clerk to the Board

By _____ By
DAVID H.K. HUFF
Deputy County Counsel

Deputy

(SEAL)

IN WITNESS WHERE OF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF BEAUMONT

BY _____
Mayor

DATE _____

APPROVED AS TO FORM

By _____
City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF CANYON LAKE

BY _____
Mayor

DATE _____

APPROVED AS TO FORM

By _____
City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF HEMET

BY _____
Mayor

DATE _____

APPROVED AS TO FORM

By _____
City Attorney

IN WITNESS WHERE OF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF LAKE ELSINORE

BY _____
Mayor

DATE _____

APPROVED AS TO FORM

By _____
City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF MORENO VALLEY

BY _____
Mayor

DATE _____

APPROVED AS TO FORM

By _____
City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF MURRIETA

BY _____
Mayor

DATE _____

APPROVED AS TO FORM

By _____
City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF PERRIS

BY _____
Mayor

DATE _____

APPROVED AS TO FORM

By _____
City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF RIVERSIDE

BY _____
Mayor

DATE _____

APPROVED AS TO FORM

By _____
City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF SAN JACINTO

BY _____
Mayor

DATE _____

APPROVED AS TO FORM

By _____
City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF MENIFEE

By _____

DATE _____

APPROVED AS TO FORM

BY _____
Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF WILDOMAR

By _____

DATE _____

APPROVED AS TO FORM

BY _____

Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

**SANTA ANA REGIONAL WATER
QUALITY CONTROL BOARD**

BY _____

TITLE _____

DATE _____

JEU:cw
P8\
6/6/06

TMDL Task Force

1/25/10

Summary Task Force Expenditures

Summary Annual Expenses

Task Force Administration

	Budget 2010-11 annual	Draft Budget 2011-12 annual
Task Force Administrator	\$ 85,000	\$ 85,000
Annual Water Quality Reporting and Database Management	\$ 15,000	\$ 15,000
Prepare Amendment Extending the Task Force Agreement		
Grant Preparation		

TMDL Compliance Expert

Risk Sciences	\$ 85,000	\$ 85,000
Phase 2 Implementation Alternatives (Due Nov 2010)		
Submit Phase 2 Projects Plan (Due June 2011)		

TMDL Implementation Plan Requirements

Phase 1 - Lake Elsinore Nutrient Monitoring Program

Lake Elsinore Nutrient Monitoring and Lab Analysis (EVMWD)	EVMWD credit	EVMWD credit
Lake Elsinore Biological Monitoring and Analysis (UCR)	\$ 100,000	\$ 100,000

Phase 1 - Watershed-wide Nutrient Monitoring Program

Watershed-wide Nutrient Monitoring (TBD)	\$ 157,000	\$ 160,000
Wet Year Watershed-wide Nutrient Monitoring (RCFC&WCD)	RCFC&WCD credit	RCFC&WCD credit
Lab Analysis, Watershed-wide Monitoring (RCFC&WCD)	RCFC&WCD credit	RCFC&WCD credit
Stream gauge O&M (RCFC&WCD)	RCFC&WCD credit	RCFC&WCD credit

Phase 1 - Canyon Lake Nutrient Monitoring Program

Canyon Lake Nutrient Monitoring and Lab Analysis (EVMWD)	\$ 160,000	\$ 160,000
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Pollutant Trading Implementation Plan

Strategy outlining Pollutant Trading implementation options	carry over from FY 2009-10 budget	
O & M Agreement for Fishery Management Program (Due Dec 2010)		
O & M Agreement for Aeration & Mixing Systems (Due Dec 2010)		

Update Water Quality Models (Due Nov 2010)

Update TMDL Models (Lk Elsinore & Canyon Lk)	\$ 60,000	
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Canyon Lake Management Plan / Project Alternatives

Plan outlining Canyon Lake management strategies / Project Design	\$ 100,000	
Contingency (approximately 10% of direct stakeholder expenses)	\$ 13,500	\$ 60,500

TMDL Task Force Implementation Budget \$ 775,500 \$ 665,500

Stakeholder Funding \$ Credits

MS4 Funding Credits (RCFC&WCD)

	\$ 79,000	\$ 96,300
	\$ 64,000	\$ 64,000
Phase 1 - Lab Analysis, Watershed-wide Monitoring	\$ 15,000	\$ 32,300
Wet Year Watershed-wide Monitoring (weather dependant, funded by contingency)	\$ -	\$ -
Lk Elsinore Comp Water Mgt Agrmt Funding Credits (EVMWD)	\$ 150,000	\$ 150,000
Phase 1 - Lake Elsinore Nutrient Monitoring	\$ 150,000	\$ 150,000

Total Stakeholder Credits \$ 229,000 \$ 246,300

In-Kind Services Share (no Funding \$ Credit)

Phase 2 - Stream Gauge O&M (RCFC&WCD)	\$ 77,000	\$ 77,000
Storm water data collection at the Cranston gage station (USFS)	\$ 10,000	\$ 10,000
Total Stakeholder In-Kind Services	\$ 87,000	\$ 87,000

Detailed Stakeholder Contributions

Budget
2010-11

Draft Budget
2011-12

Stakeholder Allocation

MS4 Co-Permittees (Total)

Riverside County	\$ 39,830	\$ 31,473
City of Beaumont	4,720	3,729
City of Canyon Lake	4,109	3,247
City of Hemet	27,461	21,699
City of Lake Elsinore	14,595	11,533
City of Moreno Valley	63,546	50,213
City of Murrieta	787	622
City of Perris	20,061	15,852
City of Riverside	3,587	2,835
City of San Jacinto	13,471	10,644
City of Menifee	24,753	19,559
City of Wildomar	4,669	3,689

Riverside County Flood Control & Water Conservation District (RCFC&WCD)

Lake Elsinore Comprehensive Water Management Agreement (Total)

Elsinore Valley Municipal Water District (EVMWD)	\$ 75,294	\$ 60,698
City of Lake Elsinore	\$ 75,294	\$ 60,698
San Jacinto Agricultural Operators	\$ 300,588	\$ 271,396
San Jacinto Dairy & CAFO Operators	\$ 52,735	\$ 47,613
CALTRANS - freeway	\$ 10,000	\$ 10,000
CA DF&G - San Jacinto Wetlands	\$ 10,000	\$ 10,000
US Forest Service (USFS)		
Eastern Municipal Water District	\$ 10,000	\$ 10,000
March Air Reserve Base Joint Powers Authority	\$ 10,000	\$ 10,000
US Air Force (March Air Reserve Base)	\$ 10,000	\$ 10,000

Total Funding Required

\$ 775,500 \$ 665,500

**AGREEMENT TO FORM
THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE**

This Agreement, entered into as of this 5th day of March, 2007 to form the Lake Elsinore and Canyon Lake TMDL Task Force (hereinafter "Agreement") is made by and among the following entities, which are hereinafter sometimes collectively referred to as "TASK FORCE AGENCIES" or individually as "TASK FORCE AGENCY":

United States Forest Service (San Bernardino and Cleveland National Forest Management Zones)
US Air Force (March Air Reserve Base)
March Air Reserve Base Joint Powers Authority
California Department of Transportation
California Department of Fish and Game
County of Riverside
City of Beaumont
City of Canyon Lake
City of Hemet
City of Lake Elsinore
City of Moreno Valley
City of Murrieta
City of Perris

City of Riverside
City of San Jacinto
Elsinore Valley Municipal Water District
Eastern Municipal Water District
Western Riverside County Agriculture Coalition
on behalf of the Agricultural Operators in the San Jacinto River Basin
Western Riverside County Agriculture Coalition
on behalf of the Dairy Operators in the San Jacinto River Basin
Riverside County Flood Control and Water Conservation District

I. RECITALS

A. Whereas, in 1998, the Santa Ana Regional Water Quality Control Board (hereinafter "Regional Board") designated Lake Elsinore and Canyon Lake in the Lake Elsinore and San Jacinto Watersheds (Collectively the "Watersheds") as "impaired water bodies" pursuant to Section 303 of the federal Clean Water Act because of high levels of algae in both lakes and low dissolved oxygen in Lake Elsinore, attributed to excess phosphorus and nitrogen (Nutrients). As a result of said Section 303 designation, the Clean Water Act and California's Non-point Source Pollution Control Plan requires that total maximum daily loads (hereinafter "TMDLs") be established by the Regional Board for these waterbodies.

B. Whereas, in response to the Section 303(d) designation, the Regional Board adopted a Resolution R8-2004-0037 on December 20, 2004 amending the Water Quality Control Plan for the Santa Ana River Basin (BASIN PLAN AMENDMENT) to incorporate nutrient TMDLs for Canyon Lake and Lake Elsinore. The Basin Plan Amendment specifies, among other things, an Implementation Plan (TMDL IMPLEMENTATION PLAN), which holds specified stake holders (TASK FORCE AGENCIES) individually and/or jointly liable for complying with the TMDLs by means of specific tasks to be completed by specified dates under penalty of law. These tasks include development and implementation of a watershed-wide nutrient water quality monitoring program, development of an in-lake nutrient monitoring program for Canyon Lake and Lake Elsinore, development of a plan and schedule for in-lake sediment nutrient reduction for Lake Elsinore, development of a plan and schedule for evaluating in-lake sediment nutrient strategies for Canyon Lake, updating watershed and in-lake nutrient TMDL water quality models, developing a pollutant trading plan, and reviewing and revising the TMDL to reflect updated data and science.

C. Whereas, the purpose of this AGREEMENT is to form a task force (hereinafter "TASK FORCE") to implement certain tasks identified in the TMDL IMPLEMENTATION PLAN and to pursue TMDL related tasks agreed upon by TASK FORCE AGENCIES, and

D. Whereas, the TASK FORCE AGENCIES agree that the purpose of this TASK FORCE is to (1) review and update the TMDL BASIN PLAN AMENDMENT based on the best available scientific information, and (2) implement TMDL IMPLEMENTATION PLAN Tasks identified below and jointly assigned to TASK FORCE AGENCIES, and (3) propose appropriate revisions to the TMDL BASIN PLAN AMENDMENT to the Santa Ana RWQCB by June 30, 2010, and (4) allow watershed stakeholders to participate in efforts to meet appropriate water quality standards so that Canyon Lake and/or Lake Elsinore can be de-listed from the Clean Water Act 303(d) list of impaired water bodies, and

E. Whereas, hundreds of individual agricultural and dairy operators are subject to the Canyon Lake and Lake Elsinore TMDLs and its component TMDL IMPLEMENTATION PLAN, and

F. Whereas the Western Riverside County Agricultural Coalition(WRCAC) is a non-profit organization representing the interests of agricultural and dairy operators within the San Jacinto Watershed, and

G. Whereas WRCAC's membership is open to any and all agricultural and dairy operators within the San Jacinto watershed, and

H. Whereas, the TASK FORCE AGENCIES acknowledge and agree that the effectiveness of the TASK FORCE may be improved by the inclusion of other agencies as additional TASK FORCE AGENCIES to the TASK FORCE, and

I. Whereas, the Riverside County Flood Control and Water Conservation District (RCFC&WCD) serves as the Principal Permittee for the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System Permit (MS4) for the Santa Ana Region of Riverside County, and

J. Whereas, the County of Riverside and Cities of Beaumont, Canyon Lake, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Perris, Riverside, San Jacinto are MS4 CO-PERMITTEES for the NPDES MS4 Permit for the Santa Ana Region of Riverside County, and

K. Whereas, the MS4 PRINCIPAL PERMITTEE and MS4 CO-PERMITTEES collectively represent the MS4 PERMITTEES within the San Jacinto Watershed, and

L. Whereas, the NPDES MS4 Permit for the Santa Ana Region of Riverside County is regulated by the REGIONAL BOARD and subject to the requirements of the nutrient TMDLs for Canyon Lake and Lake Elsinore, and

M. Whereas RCFC&WCD has agreed to provide services on behalf of itself as an NPDES MS4 PERMITTEE and on behalf of the MS4 CO-PERMITTEES for the purposes of this AGREEMENT, and

N. Whereas RCFC&WCD has prepared and reviewed the MS4 CO-PERMITTEES cost share allocation with MS4 CO-PERMITTEE staff at the NPDES MS4 Permit Technical Advisory Committee Meetings and with the affected City Managers and County Executive Office, or designated representatives thereof during the NPDES MS4 Permit Management Steering Committee Meeting of February 16, 2006, and

O. Whereas, the TMDL assigned nutrient waste load allocations for supplemental water (herein SUPPLEMENTAL WATER) addition to Lake Elsinore to stabilize the Lake's elevation, and

P. Whereas, the nutrient waste load allocation for SUPPLEMENTAL WATER, which includes Island Well water, EVMWD treatment plant effluent, and other sources of non-stormwater, may reduce the TMDL waste load allocation and TMDL load allocation of other point and non-point sources because in-lake nutrient capacity was not adjusted to account for increased lake levels associated with the addition of SUPPLEMENTAL WATER, and

Q. Whereas, the assumptions regarding load allocations for SUPPLEMENTAL WATER may not be consistent with the actual operation of SUPPLEMENTAL WATER sources, and

R. Whereas, the City of Lake Elsinore and EVMWD previously entered into an agreement to equally share the cost of SUPPLEMENTAL WATER addition to the Lake under the "Lake Elsinore Comprehensive Water Management Agreement", and

S. Whereas, for the purposes of this AGREEMENT, the City of Lake Elsinore shall be acknowledged and recognized as a separate and equal contributor with EVMWD for the cost and voting rights accorded under this AGREEMENT attributed to EVMWD for SUPPLEMENTAL WATER addition, and

T. Whereas, the TASK FORCE AGENCIES have considered many alternative cost sharing methodologies based on TMDL assigned load allocation, load reduction, and permutations thereof; and

U. Whereas, certain TASK FORCE AGENCIES were strong proponents of cost sharing based on load allocation and other TASK FORCE AGENCIES were strong proponents of cost sharing based on load reduction, and

V. Whereas, these TASK FORCE AGENCIES have been unable to agree upon a methodology for distributing costs based on either an allocation or a load reduction methodology; and

W. Whereas, the TASK FORCE AGENCIES have reviewed and agreed upon an interim negotiated cost allocation methodology acceptable to all TASK FORCE AGENCIES for the purposes of initiating the TASK FORCE, based on consideration of TMDL assigned load allocations, load reductions, and permutations thereof, and

X. Whereas, the TASK FORCE AGENCIES agree that certain nutrient dischargers have been either inappropriately named or not named as responsible parties for various tasks in the BASIN PLAN AMENDMENT; and

Y. Whereas, the TASK FORCE AGENCIES agree that agricultural and dairy lands are converting to urban and open space lands, and

Z. Whereas, the TASK FORCE AGENCIES agree that an amendment to the TMDL to address, at minimum, the proper naming of responsible parties for various tasks in the TMDL IMPLEMENTATION PLAN, to correct the load allocation and waste load allocations to properly address the impacts of SUPPLEMENTAL WATER on Lake Elsinore, and to revise the load allocation and waste load allocations to address the ongoing conversion of agriculture and dairy lands to urban and/or open space should be addressed as part of a revision to the TMDL IMPLEMENTATION PLAN, and

AA. Whereas, the TASK FORCE AGENCIES agree that upon amendment of the existing BASIN PLAN AMENDMENT, including the TMDL IMPLEMENTATION PLAN, by the Regional Board to address, at a minimum, the issues described in Recital Z, the TASK FORCE AGENCIES will amend this AGREEMENT to revise the cost allocation methodology for future fiscal years to incorporate a task-specific cost sharing methodology, based on assigned load allocation or waste load allocation of TASK FORCE AGENCIES, or categories of TASK FORCE AGENCIES, responsible for each TMDL IMPLEMENTATION PLAN task.

II. COVENANTS

NOW, THEREFORE; in consideration of the foregoing recitals and mutual covenants contained herein, the TASK FORCE AGENCIES agree as follows:

1. Creation of a Task Force. There is hereby created a "Lake Elsinore and Canyon Lake TMDL Task Force" ("TASK FORCE") initially consisting of the TASK FORCE AGENCIES and certain Advisory Members as more specifically provided for in paragraph 2 below.
2. Representation on the Task Force.
 - a. Appointment. Concurrently with the execution of this Agreement, each TASK FORCE AGENCY shall, in accordance with such TASK FORCE AGENCY's own governing provisions, appoint one primary representative to the TASK FORCE and one alternate representative to act in the absence of the primary representative (hereinafter collectively referred to as "REPRESENTATIVES" or individually as "REPRESENTATIVE"). The REPRESENTATIVES shall have the authority to act on behalf of its appointing TASK FORCE AGENCY. The REPRESENTATIVES shall serve at the pleasure of the appointing TASK FORCE AGENCY and may be removed at any time, with or without cause by such TASK FORCE AGENCY; provided, however, that the TASK FORCE AGENCIES acknowledge and agree the continuity of representation on the TASK FORCE is important to the overall effectiveness of the TASK FORCE, and the TASK FORCE AGENCIES further agree to ensure such continuity whenever possible.
 - b. Additional Agencies. The TASK FORCE AGENCIES acknowledge and agree that the effectiveness of the TASK FORCE may be improved by the inclusion of other agencies as additional TASK FORCE AGENCIES to the TASK FORCE. Such agencies may join the TASK FORCE on such written terms and conditions as are acceptable to all then existing TASK FORCE AGENCIES of the TASK FORCE, including, but not limited to, agreed-upon cash contributions for past, present, and/or future work, of the TASK FORCE. The inclusion of such agencies as additional TASK FORCE AGENCIES to the TASK FORCE shall be effected by a written amendment to this AGREEMENT signed by all then existing TASK FORCE AGENCIES. Such additional TASK FORCE AGENCIES shall each appoint their TASK FORCE primary REPRESENTATIVE and alternate REPRESENTATIVE as provided in Section II.2.a. above or in said written amendment. The following agencies will be considered for inclusion as additional TASK FORCE AGENCIES in future amendments to this AGREEMENT within the meaning of this section:

Any other named stakeholder in any future amendments of the BASIN PLAN AMENDMENT.

- c. Advisory Members. The TASK FORCE may, from time-to-time, seek the advice and counsel of regulatory and special interest agencies, which agencies may serve as Advisory Members to the TASK FORCE. Such Advisory Members shall have no obligation to provide funding and no voting privileges. The Regional Board, Lake Elsinore and San Jacinto Watersheds Authority and the San Jacinto River Watershed Council are hereby appointed as Advisory Members of the TASK FORCE. Additional Advisory Members may be appointed by a majority vote of the TASK FORCE representatives.
- d. Dairy and Agricultural Operators. The TASK FORCE AGENCIES acknowledge that the Western Riverside County Agriculture Coalition (WRCAC) shall represent the collective interest of both agricultural and dairy operators in the San Jacinto River Watershed in the TASK FORCE at this time. WRCAC shall appoint two primary TASK FORCE REPRESENTATIVES and two alternate REPRESENTATIVES as provided in Section II.2.a. One set of REPRESENTATIVES shall be designated for agricultural operator interests, the other set of REPRESENTATIVES shall be designated for dairy interests for the purposes of this TASK FORCE.
- e. Committees. The TASK FORCE may establish subcommittees, consisting of REPRESENTATIVES and Advisory Members who shall be selected by, and serve at the pleasure of, the TASK FORCE.
- f. Task Force Administrator. A TASK FORCE administrator (hereinafter "TASK FORCE ADMINISTRATOR") shall be appointed by the TASK FORCE. The TASK FORCE ADMINISTRATOR shall have the following administrative responsibilities:
 - (1) Organizing and facilitating TASK FORCE meetings;
 - (2) Secretarial, clerical, and administrative services;
 - (3) Managing TASK FORCE funds and preparing annual reports of TASK FORCE assets and expenditures;
 - (4) Retaining TASK FORCE-authorized consultants; and
 - (5) Seeking funding grants to assist with achieving the work of the TASK FORCE and other goals and objectives approved by TASK FORCE AGENCIES.

The TASK FORCE AGENCIES hereby appoint the Lake Elsinore and San Jacinto Watersheds Authority as the initial TASK FORCE ADMINISTRATOR.

- g. Meetings of the Task Force.
 - (i) Frequency and Location. The TASK FORCE shall, by resolution or motion, agree upon the time and place for holding its regular meetings. Special meetings may be called at the request of the TASK FORCE ADMINISTRATOR or by a majority of the TASK FORCE REPRESENTATIVES.

- (ii) Task Force Chair. The TASK FORCE REPRESENTATIVES shall select a chair and a vice-chair. The term of the chair and vice-chair shall be one year and shall be rotated among the TASK FORCE REPRESENTATIVES interested in serving as chair.
- (iii) Quorum. One half or more of the REPRESENTATIVES of the TASK FORCE shall constitute a QUORUM.
- (iv) Voting. Actions of the TASK FORCE shall be validly taken only when a QUORUM is present and upon the affirmative vote of a MAJORITY of the TASK FORCE REPRESENTATIVES. A MAJORITY of the REPRESENTATIVES shall be determined as follows:

Each TASK FORCE AGENCY shall have one vote (herein VOTE) assigned for each \$1,000 increment of PRO RATA COST SHARE, as described in Paragraph II.5 below, contributed to the TASK FORCE budget developed for a given fiscal year (hereinafter "BUDGET"). A MAJORITY of the REPRESENTATIVES shall consist of greater than 50% of the total VOTES based on the BUDGET for the fiscal year during which the action is taken.

- (v) Brown Act. All meetings of the TASK FORCE or any of its committees shall be conducted as may be required by any applicable provisions of the Ralph M. Brown Act (California Government Code §§54950 et seq.). The provisions contained in the Ralph M. Brown Act shall prevail in the event of any conflict with provisions contained in this AGREEMENT.

The TASK FORCE may adopt such additional rules and regulations as may be required for the conduct of its affairs so long as such rules and regulations do not conflict with this AGREEMENT.

3. Work of the Task Force. The TASK FORCE shall perform the following tasks in accordance with guidelines established by the Regional Board:
 - a. To retain consulting services to review scientific and other assumptions contained within the TMDL. Consultant(s) shall provide a report identifying preliminary TMDL opportunities such as site specific objectives, pollutant trading strategies, and integration strategies. The final scope of work shall be approved by the Task Force. The report shall specifically consider assumptions supporting the TMDL. The report should also provide preliminary analysis of the ability to achieve in-lake nutrient reductions and verify that load assignments are appropriate. Upon completion of the report, Consultant(s) shall also review work described herein, and make recommendations to ensure that work is specifically designed to resolve any deficiencies, where appropriate. Consultant(s) shall also coordinate development of BASIN PLAN AMENDMENT language, in coordination with the Regional Board, which can be used to revise the TMDLs as part of the Regional Board's Triennial Reviews at a minimum, or no later than by June 2010.
 - b. TMDL IMPLEMENTATION PLAN Task 4 - Develop and Implement a Watershed-wide Nutrient Monitoring Program. This program shall obtain data necessary to update the Lake Elsinore and Canyon Lake Nutrient TMDL, and to determine

compliance with interim and final nitrogen and phosphorus allocations, and compliance with the nitrogen and phosphorus TMDLs. Monitoring and management of monitoring data to update the Lake Elsinore and Canyon Lake Nutrient TMDL shall commence immediately upon approval of this AGREEMENT. An annual report summarizing the data collected for the year shall be submitted to the Regional Board by August 15 of each year commencing in 2007.

- c. TMDL IMPLEMENTATION PLAN Task 4 - Develop and Implement a Lake Elsinore and Canyon Lake Nutrient Monitoring Program. This program shall obtain data necessary to update the Lake Elsinore and Canyon Lake Nutrient TMDLs, and to determine compliance with interim and final nitrogen, phosphorus, chlorophyll A and dissolved oxygen numeric targets. In addition, the monitoring program shall determine the relationship between ammonia toxicity and the total nitrogen allocation to ensure that the total nitrogen allocation will prevent ammonia toxicity in Lake Elsinore and Canyon Lake. Monitoring and management of monitoring data shall commence immediately upon approval of this agreement. An annual report summarizing the data collected for the year shall be submitted to the Regional Board by August 15 of each year commencing in 2007.
- d. TMDL IMPLEMENTATION PLAN Tasks 9 and 10 - Develop and Implement a Plan to Reduce NUTRIENTS in Lake Elsinore sediments and develop a sediment nutrient treatment evaluation plan for Canyon Lake. The plans shall evaluate the efficacy of various in-lake treatment technologies to prevent the release of NUTRIENTS from lake sediments as a long-term strategy for control of NUTRIENTS in the sediment. The program may also include a sediment nutrient monitoring program to evaluate the effectiveness of any technologies that may be implemented. Target Date for Completion: March 31, 2007.
- e. TMDL IMPLEMENTATION PLAN Task 11 - Develop and Implement a Plan and Schedule for Updating the Existing Lake Elsinore/San Jacinto River Watershed Nutrient Model and the Canyon Lake and Lake Elsinore In-Lake Models. Develop and implement a plan and schedule to update and execute Watersheds and in-lake models to track the progress of TMDL efforts. In-lake models should be analyzed as soon as sufficient data becomes available. Target Date for Completion: March 31, 2007.
- f. TMDL IMPLEMENTATION PLAN Task 12 - Investigate, Develop and Implement a Pollutant Trading Plan. Investigate the feasibility of pollutant trading in the Watersheds, and develop a feasibility plan for Regional Board review and approval. Target Date for Completion: September 30, 2007.
- g. Investigate Long Term TMDL Implementation Structure, Cost Sharing Formula and Funding Sources. Investigate possible long term administrative structures, cost sharing formulas and funding sources that can be used to obtain compliance with the TMDL requirements. Target Date for Completion: June 30, 2010.
- h. Other Tasks. The TASK FORCE may undertake such other plans, programs and studies as authorized by the TASK FORCE pursuant to II.2.g. of this AGREEMENT.

4. Budgets. Beginning in FY2007-2008, the total annual budget (BUDGET), adjusted to remove in-kind services, grant funding and funding credits associated with this AGREEMENT shall not exceed \$800,000, except as authorized by the TASK FORCE via two-thirds approval via VOTES based on the BUDGET for the then current fiscal year pursuant to II.2.g. of this AGREEMENT. The TASK FORCE ADMINSTRATOR shall prepare and submit a proposed BUDGET for each fiscal year of this AGREEMENT to the TASK FORCE AGENCIES by November 30th. The proposed BUDGET shall include all anticipated costs for the scope(s) of work developed by the TASK FORCE for the next fiscal year. The TASK FORCE REPRESENTATIVES shall approve the BUDGET by December 31st. Each TASK FORCE AGENCY shall pay its PRO-RATA SHARE of the approved fiscal year's TASK FORCE BUDGET and arrears by August 31st of the following year. The BUDGET for the eighteen (18) month period starting January 1, 2006 and extending through June 30, 2007 and estimated fiscal year BUDGETS through June 30, 2010 are included as Attachment A to the AGREEMENT. Approval of this AGREEMENT shall constitute approval of the BUDGET through June 30, 2007. Payment of the BUDGET through June 30, 2007 shall be by August 31, 2006, or within 30 days of the approval of this AGREEMENT by each TASK FORCE AGENCY, whichever is sooner.

The TASK FORCE ADMINISTRATOR shall endeavor to minimize carry-over fund balances to those necessary to complete work of the TASK FORCE and to maintain contingencies limited to those necessary to ensure work of the TASK FORCE is not impeded. Excess not necessary to complete budgeted work of the TASK FORCE or maintain adequate reserves shall be credited back to the TASK FORCE AGENCIES in the BUDGET consistent with the PRO-RATA SHARE methodology described in Paragraph II.5 below. THE TASK FORCE AGENCIES shall agree to a reasonable reserve balance as part of each year's BUDGET.

After September 30 of each year, the TASK FORCE ADMINSTRATOR shall provide an accounting of all PRO RATA SHARES collected via cash or in-kind contributions. If PRO RATA SHARES collected are less than BUDGET, the TASK FORCE shall meet with Regional Board staff to determine appropriate priorities for scheduled TASK FORCE work and revise BUDGET based on available funds.

5. Pro-Rata Share Calculation. The annual PRO-RATA SHARE shall be calculated in the following manner:

The PRO-RATA SHARE for MS4 CO-PERMITTEES, Agricultural Operators and EVMWD shall be based on the BUDGET reduced by the value of available grant funding identified in Section 1 of Attachment A and in-kind services identified in Section 3 of Attachment A (LINE 1k BUDGET). The PRO-RATA SHARE for MS4 CO-PERMITTEES, and Agricultural Operators shall each be 28.5% of the LINE 1k BUDGET. Based on the prior agreement of EVMWD and the CITY OF LAKE ELSINORE involving the sharing of cost for supplemental water into Lake Elsinore, the PRO-RATE SHARE for EVMWD and the CITY OF LAKE ELSINORE shall each be 14.25% of the LINE 1K BUDGET.

The PRO-RATA SHARE for Dairy shall be 5% of the LINE 1k BUDGET.

The PRO-RATA SHARE for RCFC&WCD shall be the cash value of the in-kind services described in Section 3 of Attachment A.

The PRO-RATA SHARE for all other TASK FORCE AGENCIES shall be as a base amount set forth in the BUDGET.

The PRO-RATA SHARE for additional TASK FORCE AGENCIES shall be per in kind services and/or an amount agreed upon via written amendment of this AGREEMENT per Section II.2.b.

If the estimated funds collected under the PRO-RATA SHARE calculations exceed the BUDGET, the contributions of MS4 CO-PERMITTEES, EVMWD, City of Lake Elsinore, Agricultural Operators, Dairy and other TASK FORCE AGENCIES contributing in excess of the base amount shall be raised or reduced proportionately based on the percentage of their PRO-RATA SHARE, until the estimated total PRO-RATA SHARES equals the BUDGET.

RCFC&WCD shall provide the TASK FORCE ADMINSTRATOR with annual individual MS4 CO-PERMITTEE cost share distribution of the MS4 CO-PERMITTEES PRO-RATA SHARE for budgets following Fiscal Year 2006-07. The methodology used by RCFC&WCD to calculate the MS4 CO-PERMITTEE cost share distribution may be amended at the NPDES MS4 Management Steering Committee.

6. In-Kind Credits. The PRO-RATA SHARE of a TASK FORCE AGENCY shall be reduced by the value of IN-KIND CREDITS provided toward agreed-upon budgeted tasks by, or on behalf, of the TASK FORCE AGENCY(S). Credits shall be applied to each budget period and adjusted at the end of each budget year based on actual verified costs.
7. Modifications to the TASK FORCE PRO-RATA SHARE methodology. The methodology deriving the TASK FORCE PRO-RATA SHARE as provided in Section II.5 of this AGREEMENT may be modified upon written approval of all then existing TASK FORCE AGENCIES whose PRO-RATA SHARE would be affected.
8. The TASK FORCE AGENCIES shall cooperate fully with one another to attain the purposes of this AGREEMENT.
9. Nothing in this AGREEMENT, nor the work set forth in this AGREEMENT, nor any activity approved or carried out by the TASK FORCE AGENCIES hereunder, is intended to be nor shall be interpreted as a waiver by TASK FORCE AGENCIES of the "Maximum Extent Practicable" standard set forth in the Clean Water Act (33 U.S.C. Section 1251 *et seq.*).
10. Each TASK FORCE AGENCY shall indemnify, defend, and hold each of the other TASK FORCE AGENCIES, including their special districts, officials, agents, officers, and employees, harmless from and against any and all liability and expense arising from any act or omission of such TASK FORCE AGENCY, its officials, agents, officers, and employees, in connection with this AGREEMENT, including but not limited to defense costs, legal fees, claims, actions, and causes of action for damages of any nature whatsoever, including but not limited to bodily injury, death, personal injury, or property damage; provided, however, that no TASK FORCE AGENCY shall indemnify another TASK FORCE AGENCY for that TASK FORCE AGENCY's own negligence or willful misconduct.

11. In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the TASK FORCE AGENCIES hereto, pursuant to the authorization contained in Sections 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees by law for injury caused by any act or omission occurring in the performance of this AGREEMENT to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above stated purpose, each of the TASK FORCE AGENCIES indemnifies, defends, and holds harmless each other TASK FORCE AGENCY for any liability, cost, or expense that may be imposed upon such other TASK FORCE AGENCY solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.
12. All obligations of CALTRANS, United States Forestry Service or the United States Air Force (hereinafter "CAL-US AGENCIES") under the terms of this AGREEMENT are subject to the appropriation of the resources by their relevant legislative body (i.e. the California State Legislature and U.S. Congress) and the allocation of resources by the corresponding executive branch of the state and federal government. This AGREEMENT has been written before ascertaining the availability of Federal or State legislative appropriation of funds, for the mutual benefit of the TASK FORCE AGENCIES in order to avoid program and fiscal delays that would occur if the AGREEMENT were executed after that determination was made. This AGREEMENT is valid and enforceable as to each of the CAL-US AGENCIES as if sufficient funds have been made available to CAL-US AGENCIES by the United States Government or California State Government for the purposes set forth in this AGREEMENT. If the United States Government or the California State Government does not appropriate sufficient funds for the CAL-US AGENCIES to participate in this AGREEMENT, this AGREEMENT may be amended in writing by the TASK FORCE AGENCIES to reflect any agreed-upon reduction in the percentage of funds contributed by any of the individual CAL-US AGENCIES in order to continue their participation in this AGREEMENT. The CAL-US AGENCIES, however, each have the option to withdraw from this AGREEMENT in the event sufficient funds are not appropriated for the particular individual agency. Should any of the individual participating CAL-US AGENCIES exercise its option to withdraw from this AGREEMENT, the withdrawing agency shall remain responsible for its share of liability, if any, incurred while participating in this AGREEMENT.
13. No TASK FORCE AGENCY shall have a financial obligation to any other TASK FORCE AGENCY under this AGREEMENT, except as expressly provided herein.
14. Any notices, invoices, reports, correspondence, or other communication concerning this AGREEMENT shall be directed to the TASK FORCE AGENCY REPRESENTATIVE on file with the TASK FORCE ADMINISTRATOR, except that any TASK FORCE AGENCY may change its name or address by giving the other TASK FORCE AGENCIES at least ten days written notice of the new name or address.
15. The TASK FORCE AGENCIES are, and shall at all times remain as to each other, wholly independent entities. No TASK FORCE AGENCY to this AGREEMENT shall have power to incur any debt, obligation, or liability on behalf of any other TASK FORCE AGENCY unless expressly provided to the contrary by this AGREEMENT. No employee, agent, or officer of a TASK FORCE AGENCY shall be deemed for any purpose whatsoever to be an agent, employee or officer of another TASK FORCE AGENCY.

16. This AGREEMENT shall be binding upon and shall inure to the benefit of the respective successors, heirs, and assigns of each TASK FORCE AGENCY.
17. This AGREEMENT shall be governed by, interpreted under and construed and enforced in accordance with the federal law or the laws of the State of California as appropriate.
18. If any provision of this AGREEMENT shall be determined by any court to be invalid, illegal or unenforceable to any extent, the remainder of this AGREEMENT shall not be affected and this AGREEMENT shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in this AGREEMENT.
19. Each individual TASK FORCE AGENCY has been represented by its own separate counsel in the preparation and negotiation of this AGREEMENT. Accordingly, this AGREEMENT shall be construed according to its fair language and any ambiguities shall not be resolved against the drafting TASK FORCE AGENCY.
20. Each of the persons signing below on behalf of a TASK FORCE AGENCY represents and warrants that he or she is authorized to sign this AGREEMENT on behalf of such TASK FORCE AGENCY.
21. Duration of Agreement. This AGREEMENT shall terminate June 30, 2010 (unless extended by mutual agreement of all TASK FORCE AGENCIES), provided that all debts and liabilities of the TASK FORCE are satisfied. Notwithstanding the foregoing, each TASK FORCE AGENCY reserves the right to withdraw from the TASK FORCE at any time, upon sixty (60) days' prior written notice to the TASK FORCE. TASK FORCE contingency, projects and studies underway at the time of withdrawal shall continue to be fully funded by the withdrawing TASK FORCE AGENCY until the end of the fiscal year in which the TASK FORCE AGENCY gave notice to withdraw.
22. Counterparts. This AGREEMENT may be executed simultaneously or in any number of counterparts, each of which shall be deemed an original and together shall constitute one and the same instrument.
23. Amendment. This AGREEMENT may not be amended except in a writing signed by all the TASK FORCE AGENCIES.
24. Effective Date. This AGREEMENT shall become effective when it has been executed by all of the TASK FORCE AGENCIES.

Attachment A - Lake Elsinore & Canyon Lake Nutrient TMDL Task Force Implementation Schedule and Budget

1 Summary : Task Force TMDL Implementation Budget		Phase IB : Emphasis on In-Lake Processes				Task Code
Fiscal Year		2006-07	2007-08	2008-09	2009-10	
1a	Required Tasks Budget	\$ 679,300	\$ 454,200	\$ 437,300	\$ 477,300	R
1b	Optional Study Budget	\$ 39,900	\$ 134,700	\$ 160,000	\$ -	O
1c	TMDL Compliance Expert Budget	\$ 110,000	\$ 85,000	\$ 85,000	\$ 85,000	E
1d	Task Force Administration Budget	\$ 98,800	\$ 65,800	\$ 65,800	\$ 65,800	A
1e	Estimated Annual TMDL Implementation Budget	\$ 928,000	\$ 739,700	\$ 748,100	\$ 628,100	
1f	Contingency(=10% of Budget-In Kind-Credits)	\$ 44,800	\$ 43,150	\$ 46,150	\$ 36,150	C
1g	TMDL Budget	\$ 972,800	\$ 782,900	\$ 794,300	\$ 664,300	
1h	Available Grant Funding	\$ (50,000)	\$ -	\$ -	\$ -	G
1i	TMDL Implementation Budget (grant funding adjusted)	\$ 882,600	\$ 782,900	\$ 794,300	\$ 664,300	
1j	In-Kind Services	\$ (194,000)	\$ (87,000)	\$ (107,000)	\$ (87,000)	I
1k	TMDL Implementation Budget (In-Kind Service Adjusted)	\$ 688,600	\$ 695,900	\$ 687,300	\$ 577,300	
1l	Applicable Stakeholder Funding \$ Credits	\$ (288,000)	\$ (221,200)	\$ (179,500)	\$ (179,500)	S
1m	TMDL Implementation Budget (stakeholder credit adjusted)	\$ 400,600	\$ 474,700	\$ 507,800	\$ 397,800	

2 Stakeholder Funding \$ Credits		Phase IB : Emphasis on In-Lake Processes				Task Code
Fiscal Year		2006-07	2007-08	2008-09	2009-10	
2a	MS4 Funding Credits	\$ (106,800)	\$ (64,000)	\$ (64,000)	\$ (64,000)	S
2b	L.k Elsinore Comp Water Mgt Agrmt Funding Credits	\$ (181,200)	\$ (157,200)	\$ (115,500)	\$ (115,500)	S
2c	Total Stakeholder Credits	\$ (288,000)	\$ (221,200)	\$ (179,500)	\$ (179,500)	S

3 In-Kind Services Share			Phase IB : Emphasis on In-Lake Processes				Task Code
Stakeholder	Fiscal Year		2006-07	2007-08	2008-09	2009-10	
3a	RCFC&WCD	TMDL Compliance Expert	\$ (25,000)				I
3b	RCFC&WCD	Phase 2 Stream Gauge O&M	\$ (154,000)	\$ (77,000)	\$ (77,000)	\$ (77,000)	I
3c	RCFC&WCD	Mystic lake In-Flow & Stage Outflow Relationships			\$ (20,000)		I
3d	USFS	S.B. Forest Natural Background Study	\$ (15,000)	\$ (10,000)	\$ (10,000)	\$ (10,000)	I
3e	Total Stakeholder Credits		\$ (194,000)	\$ (87,000)	\$ (107,000)	\$ (87,000)	I

Notes:

Fiscal Year : July 1 - June 30
FY 2006-07 : 18 Month Budget starting Jan 1, 2006

Task Type Codes:

R -	Required TMDL Task Force Funded Efforts
O -	Optional TMDL Task Force Funded Efforts
S -	Stakeholder Funded TMDL Tasks (stakeholder \$ credit eligible)
I -	Stakeholder In-Kinds Services (stakeholder)
C -	Stakeholder Contingency Funds
X -	Independently Funded TMDL Tasks (no stakeholder \$ credit)
E -	TMDL Compliance Expert
A -	TMDL Administration
G -	Grant Funding

4	Detailed : Task Force TMDL Implementation Task		Task Due Date	Phase 1B : Emphasis on In-Lake Processes				Task Code
	Fiscal Year			2006-07	2007-08	2008-09	2009-10	
4a	4.0	Develop Long Term TMDL Governance Structure, Budget, Schedule and Agreement	30-Jun-09				\$ 20,000	R
4b		Nutrient Water Quality Monitoring Database Management and Annual Report	Annual	\$ 40,000	\$ 15,000	\$ 15,000	\$ 15,000	R
4c	4.1	Phase 1 - Watershed-wide Monitoring	Annual	\$ 293,067	\$ 173,300	\$ 173,300	\$ 173,300	R
4d	4.11	MS4 Funded Phase 1 - Watershed-wide Monitoring and lab analysis	2005-06	\$ (10,767)				S
4e	4.12	MS4 Funded Phase 1 Stream gauge O&M	2006-10	\$ (96,000)	\$ (64,000)	\$ (64,000)	\$ (64,000)	S
4f	4.13	RCFC&WCD In-Kind Phase 2 Stream gauge O&M	2006-10	\$ (154,000)	\$ (77,000)	\$ (77,000)	\$ (77,000)	I
4g	4.14	Watershed Monitoring and Lab Analysis	2006-10	\$ 32,300	\$ 32,300	\$ 32,300	\$ 32,300	R
4h	4.15	Wet Year Watershed-wide Monitoring (Weather Dependant) **	2006-10	[-----]				C
4i	4.2	Phase 1 - Lake Elsinore Nutrient Monitoring	Annual	\$ 144,375	\$ 115,500	\$ 115,500	\$ 115,500	R
4j	4.21	EVMWD Funded Phase 1 - Lake Elsinore Nutrient Monitoring	2006-10	\$ (144,375)	\$ (115,500)	\$ (115,500)	\$ (115,500)	S
4k	4.3	Phase 1 - Canyon Lake Nutrient Monitoring	Annual	\$ 50,000	\$ 103,500	\$ 103,500	\$ 103,500	R
4l	4.31	Grant Funded Canyon Lake Nutrient Monitoring	2006-07	\$ (50,000)				G
4m	4.4	Monitoring Study - Local Dry-weather Runoff Flows and Water Quality	31-Dec-08		\$ 40,000			O
4n	4.5	Evaluation of In-lake Projects Nutrient Reduction Potential	31-Dec-08	\$ 19,900	\$ 19,900			O
4o	4.51	EVMWD Funded In-Lake Proj. Eval.	2006-10	\$ (19,900)	\$ (20,000)			S
4p	5.0	Incorporate Agricultural Dischargers Nutrient Management Data into TMDL Task Force Effort	30-Sep-07			required Task 11.1		X
4q	6.0	Incorporate On-Site Disposal Systems Nutrient Management Data into TMDL Task Force Effort	1-Oct-06			required Task 11.1		X
4r	7.0	Incorporate Urban Dischargers Nutrient Management Data into TMDL Task Force Effort	1-Aug-06			required Task 11.1		X
4s	8.0	Incorporate Forest Service Nutrient Management Data into TMDL Task Force Effort	30-Sep-07			required Task 11.1		X
4t	9.0	Lake Elsinore In-Lake Sediment Nutrient Reduction Plan	31-Mar-07	\$ 16,900	\$ 16,900			R
4u	9.01	EVMWD Funded In-Lake Sed Red Plan	2006-10	\$ (16,900)	\$ (16,900)			S
4v	9.1	Sediment Nutrient Flux & Oxygen Demand Study of Lake Elsinore	31-Mar-07		\$ 4,800			O
4w	9.11	EVMWD Funded Sed Treat Study	2006-10		\$ (4,800)			S
4x	10.0	Canyon Lake In-Lake Sediment Treatment Options Evaluation	31-Mar-07	\$ 20,000				R
4y		Grant Funded In-Lake Sed. Treatment Study	2006-07	\$ (20,000)				G
4z	10.1	Sediment Nutrient Flux & Oxygen Demand Study of Canyon Lake	31-Mar-07	\$ 20,000				O
4aa		Grant Funded Nut. Flux and O Demand Study	2006-07	\$ (20,000)				G
4ab	11.0	Watershed and Canyon Lake and Lake Elsinore In-Lake Modeling Plan	31-Mar-07	\$ 40,000				R
4ac	11.1	Watershed and Canyon Lake and Lake Elsinore In-Lake Model Updates	30-Jun-09		\$ 70,000	\$ 140,000		O
4ad	11.2	Update of SCAG Land Use	30-Jun-09			\$ 20,000		O

4ae	11.3	RCFC&WCD In-Kind	Develop Mystic Lake In-Flow and Stage Outflow Relationships	2005-08			\$ (20,000)		I
4af	11.4	USFS In-Kind	San Bern. Nat. Forest Natural Background Study	2005-2010	\$ (15,000)	\$ (10,000)	\$ (10,000)	\$ (10,000)	I
4ag	12.0		Pollutant Trading Options Plan	30-Sep-07	\$ 60,000	\$ 20,000			R
4ah	13.0		Review and Revise Nutrient Water Quality Objectives	31-Dec-09				\$ 20,000	R
4ai	14.0		Review of TMDL/WLA/LA	Tri-Annual				\$ 20,000	R

Notes:

Task Budgets : Estimates taken from TMDL Monitoring Report prepared by Tetra Tech, Inc.

C** : Task funded by Stakeholder Contingency Funds

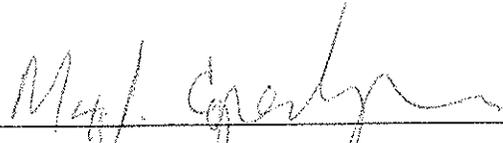
5 Stakeholder Cost Allocation (grant funding adjusted)		Annual Budget			
Fiscal Year		2006-07	2007-08	2008-09	2009-10
5a	MS4 Co-Permittees (Total)	\$ 193,200	\$ 203,400	\$ 200,700	\$ 166,100
	Riverside County	\$ 54,347	TBD	TBD	TBD
	City of Beaumont	\$ 3,318	TBD	TBD	TBD
	City of Canyon Lake	\$ 4,118	TBD	TBD	TBD
	City of Hemet	\$ 25,028	TBD	TBD	TBD
	City of Lake Elsinore	\$ 8,692	TBD	TBD	TBD
	City of Moreno Valley	\$ 56,813	TBD	TBD	TBD
	City of Murrieta	\$ 1,000	TBD	TBD	TBD
	City of Perris	\$ 16,829	TBD	TBD	TBD
	City of Riverside	\$ 2,323	TBD	TBD	TBD
	City of San Jacinto	\$ 10,732	TBD	TBD	TBD
5b	RCFC&WCD	\$ 179,080	\$ 77,900	\$ 97,000	\$ 77,000
5c	Lk Elsinore Comp Water Mgt Agrmt (Total) %	\$ 193,200	\$ 203,400	\$ 200,700	\$ 166,100
	Elsinore Valley Municipal Water Dist 50	\$ 96,600	\$ 101,700	\$ 100,350	\$ 83,050
	City of lake Elsinore 50	\$ 96,600	\$ 101,700	\$ 100,350	\$ 83,050
5d	San Jacinto Agricultural Operators	\$ 193,200	\$ 203,400	\$ 200,700	\$ 166,100
5e	San Jacinto Dairy & CAFO Operators	\$ 33,900	\$ 35,700	\$ 35,200	\$ 29,100
5f	CALTRANS - freeway	\$ 15,000	\$ 10,000	\$ 10,000	\$ 10,000
5g	CA DF&G - San Jacinto Wetlands	\$ 15,000	\$ 10,000	\$ 10,000	\$ 10,000
5h	US Forest Service Area	\$ 15,000	\$ 10,000	\$ 10,000	\$ 10,000
5i	Eastern Municipal Water District	\$ 15,000	\$ 10,000	\$ 10,000	\$ 10,000
5j	March ARB Joint Powers Authority	\$ 15,000	\$ 10,000	\$ 10,000	\$ 10,000
5k	US Air Force (March Air Reserve Base)	\$ 15,000	\$ 10,000	\$ 10,000	\$ 10,000
5l	Total:	\$ 882,500	\$ 782,900	\$ 794,300	\$ 664,400

6 Stakeholder Cost Allocation (stakeholder \$ credits and in-kind adjusted)		Annual Budget			
Fiscal Year		2006-07	2007-08	2008-09	2009-10
6a	MS4 Co-Permittees (Total)	\$ 86,400	\$ 139,400	\$ 136,700	\$ 102,100
	Riverside County	\$ 28,591	TBD	TBD	TBD
	City of Beaumont	\$ 1,474	TBD	TBD	TBD
	City of Canyon Lake	\$ 1,830	TBD	TBD	TBD
	City of Hemet	\$ 11,121	TBD	TBD	TBD
	City of Lake Elsinore	\$ 3,862	TBD	TBD	TBD
	City of Moreno Valley	\$ 25,244	TBD	TBD	TBD
	City of Murrieta	\$ 1,000	TBD	TBD	TBD
	City of Perris	\$ 7,475	TBD	TBD	TBD
	City of Riverside	\$ 1,032	TBD	TBD	TBD
	City of San Jacinto	\$ 4,768	TBD	TBD	TBD
6b	RCFC&WCD	\$	\$	\$	\$
6c	Lk Elsinore Comp Water Mgt Agrmt (Total) %	\$ 12,000	\$ 46,200	\$ 85,200	\$ 50,600
	Elsinore Valley Municipal Water Dist 50	\$ 6,000	\$ 23,100	\$ 42,600	\$ 25,300
	City of lake Elsinore 50	\$ 6,000	\$ 23,100	\$ 42,600	\$ 25,300
6d	San Jacinto Agricultural Operators	\$ 193,200	\$ 203,400	\$ 200,700	\$ 166,100
6e	San Jacinto Dairy & CAFO Operators	\$ 33,900	\$ 35,700	\$ 35,200	\$ 29,100
6f	CALTRANS - freeway	\$ 15,000	\$ 10,000	\$ 10,000	\$ 10,000
6g	CA DF&G - San Jacinto Wetlands	\$ 15,000	\$ 10,000	\$ 10,000	\$ 10,000
6h	US Forest Service Area	\$	\$	\$	\$
6i	Eastern Municipal Water District	\$ 15,000	\$ 10,000	\$ 10,000	\$ 10,000
6j	March ARB Joint Powers Authority	\$ 15,000	\$ 10,000	\$ 10,000	\$ 10,000
6k	US Air Force (March Air Reserve Base)	\$ 15,000	\$ 10,000	\$ 10,000	\$ 10,000
6l	Total:	\$ 400,500	\$ 474,700	\$ 507,800	\$ 397,900

7 Stakeholder Votes		Annual Budget				
		Fiscal Year	2006-07	2007-08	2008-09	2009-10
7a	MS4 Co-Permittees (Total)		189	126	104	89
	Riverside County		64	TBD	TBD	TBD
	City of Beaumont		3	TBD	TBD	TBD
	City of Canyon Lake		4	TBD	TBD	TBD
	City of Hemet		25	TBD	TBD	TBD
	City of Lake Elsinore		8	TBD	TBD	TBD
	City of Moreno Valley		56	TBD	TBD	TBD
	City of Murrieta		1	TBD	TBD	TBD
	City of Perris		16	TBD	TBD	TBD
	City of Riverside		2	TBD	TBD	TBD
	City of San Jacinto		10	TBD	TBD	TBD
7b	RCFC&WCD		179	77	97	77
7c	Lk Elsinore Comp Water Mgt Agrmt (Total)	%	193	203	200	166
	Elsinore Valley Municipal Water Dist	50	96	101	100	83
	City of lake Elsinore	50	96	101	100	83
7d	San Jacinto Agricultural Operators		193	203	200	166
7e	San Jacinto Dairy & CAFO Operators		33	35	35	29
7f	CALTRANS - freeway		15	10	10	10
7g	CA DF&G - San Jacinto Wetlands		15	10	10	10
7h	US Forest Service Area		15	10	10	10
7i	Eastern Municipal Water District		15	10	10	10
7j	March ARB Joint Powers Authority		15	10	10	10
7k	US Air Force (March Air Reserve Base)		15	10	10	10
7l		Total:	698	627	599	510

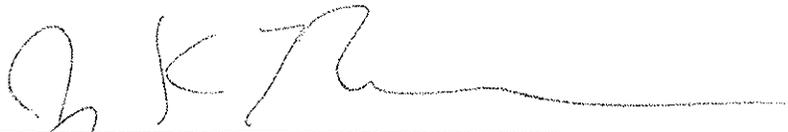
IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE (SAN BERNARDINO NATIONAL FOREST
MANAGEMENT ZONE)

BY 
TITLE DEPUTY FOREST SUPERVISOR
DATE 7/17/06

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled
"AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL
TASK FORCE"

US AIR FORCE (MARCH AIR RESERVE BASE)

BY 

JEFFREY K. BARNSON, Col, USAFR

TITLE Commander

DATE Jul 9 2006

APPROVED AS TO FORM

By 

CHRISTOPHER B. BENNETT, Maj, USAF

TITLE Staff Judge Advocate

DATE Jul 8 2006

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CALIFORNIA DEPARTMENT OF TRANSPORTATION

BY Michael A. Brown
TITLE CALIFORNIA DISTRICT 8 DIRECTOR
DATE October 13, 2015

APPROVED AS TO FORM

By [Signature]
Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CALIFORNIA DEPARTMENT OF FISH AND GAME

BY Michael C. Haynie

TITLE Deputy Regional Manager

DATE March 5, 2007

APPROVED AS TO FORM

By _____
Attorney

1 IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT
2 TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

3
4 COUNTY OF RIVERSIDE

RECOMMENDED FOR APPROVAL:

5 By _____
6 LARRY PARRISH
County Executive Officer

By Bob Buster
BOB BUSTER, Chairman
Riverside County Board of Supervisors

7 APPROVED AS TO FORM

ATTEST:

8 JOE S. RANK
9 County Counsel

NANCY ROMERO
Clerk of the Board

10 By David H.K. Huff
11 DAVID H.K. HUFF
Deputy County Counsel

By Nancy Romero
Deputy

(SEAL)

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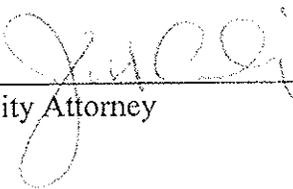
IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF BEAUMONT

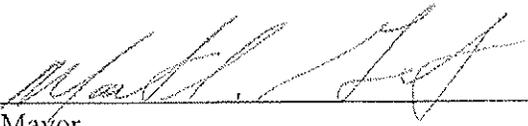
BY  _____
Mayor

DATE Nov 21, 2006

APPROVED AS TO FORM

By  _____
City Attorney

CITY OF CANYON LAKE

BY 
Mayor

DATE _____

APPROVED AS TO FORM

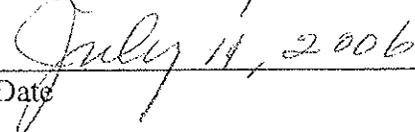
By _____
City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF HEMET



Robin Lowe, Mayor



Date

ATTEST:



Stephen Clayton, City Clerk

APPROVED AS TO FORM:



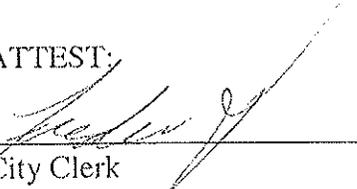
Eric S. Vail, City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

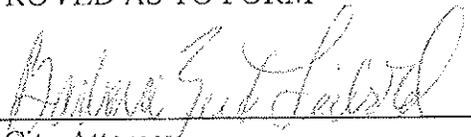
CITY OF LAKE ELSINORE

BY 
Mayor

DATE August 9th 2006

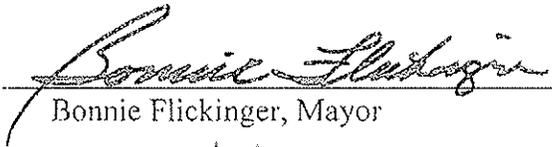
ATTEST:

City Clerk

APPROVED AS TO FORM

By 
City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF MORENO VALLEY

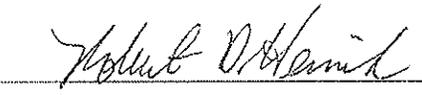
BY 
Bonnie Flickinger, Mayor

DATE July 17, 2004

ATTEST

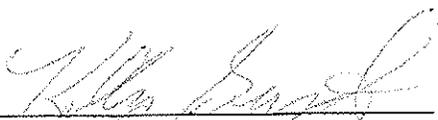
By 
Alice Reed, City Clerk

APPROVED AS TO FORM

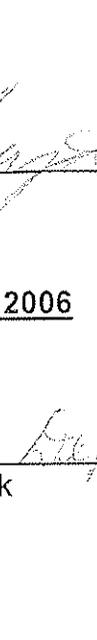
By 
Bob Herrick, City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSIONRE AND CANYON LAKE TMDL TASK FORCE"

CITY OF MURRIETA

BY: 
Mayor

DATE: September 5, 2006

ATTEST: 
City Clerk

APPROVED AS TO FORM

BY: 
City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

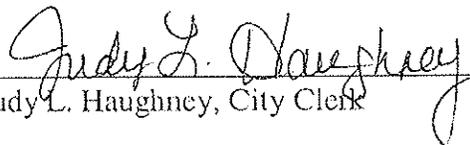
CITY OF PERRIS



Daryl R. Busch, Mayor

Date: 9/18/06

ATTEST:



Judy L. Haughney, City Clerk

APPROVED AS TO FORM:
Aleshire & Wynder, LLP



for Eric L. Dunn, City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

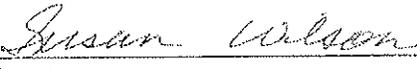
CITY OF RIVERSIDE

BY  Michael J. Beck for
Bradley J. Hudson, City Manager

DATE August 7, 2006

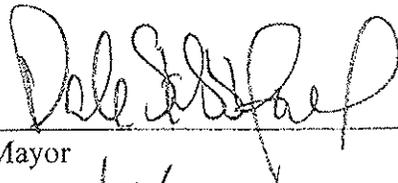
Attest: 
City Clerk

APPROVED AS TO FORM

By 
Dep. City Attorney

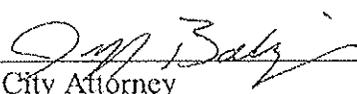
IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF SAN JACINTO

BY 
Mayor

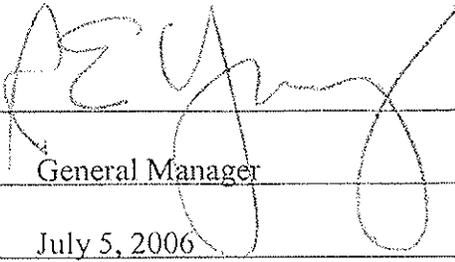
DATE 7/21/06

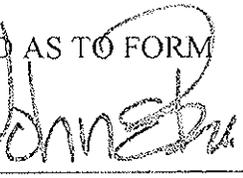
APPROVED AS TO FORM

By 
City Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

ELSINORE VALLEY MUNICIPAL DISTRICT

BY  _____
TITLE General Manager _____
DATE July 5, 2006 _____

APPROVED AS TO FORM
By  _____
Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

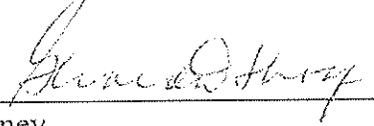
EASTERN MUNICIPAL WATER DISTRICT

BY 

TITLE Anthony J. Pack, General Manager

DATE 6/28/06

APPROVED AS TO FORM

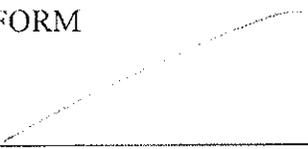
By 
Attorney

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

WESTERN RIVERSIDE COUNTY AGRICULTURE COALITION

BY 
TITLE WRACAC TMDL Task Force Representative
DATE June 19, 2006

APPROVED AS TO FORM

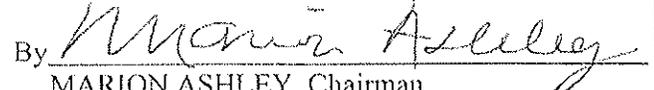
By 
Attorney

1 IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT
2 TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

3 RECOMMENDED FOR APPROVAL:

4 By 
5 WARREN D. WILLIAMS
6 General Manager-Chief Engineer

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By 
MARION ASHLEY, Chairman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

7 APPROVED AS TO FORM

8 JOE S. RANK
9 County Counsel

10 By 
11 DAVID H.K. HUFF
Deputy County Counsel

ATTEST:

NANCY ROMERO
Clerk of the Board

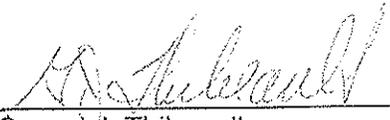
By 
Deputy

(SEAL)

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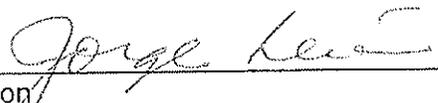
IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

**SANTA ANA REGIONAL WATER
QUALITY CONTROL BOARD**

BY 
Gerard J. Thibeault
Executive Officer

DATE 7/21/06

APPROVED AS TO FORM

By 
Jorge Leon
Legal Counsel

JEU:cw
P8\
6/6/06

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.1
PUBLIC HEARING
Meeting Date: February 24, 2010

TO: Mayor and Council Members
FROM: David Hogan, Planning Director
SUBJECT: Extension of the Trailer and Boat Storage, and Self- and Mini-Warehouse Moratorium

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council adopt an urgency ordinance entitled:

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR CALIFORNIA, CONTINUING THE PROVISIONS OF ORDINANCE NO. 43 FOR A PERIOD OF TEN (10) MONTHS AND FIFTEEN (15) DAYS ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF RECREATIONAL VEHICLE, TRAILER AND BOAT STORAGE, AND SELF-STORAGE FACILITIES AND MINI-WAREHOUSE USES IN COMMERCIAL AND RESIDENTIAL ZONES IN THE CITY

BACKGROUND:

At the January 13, 2010 meeting of the City Council, the Council approved an urgency ordinance establishing a moratorium on the approval of applications for the establishment or placement of mini-storage and recreational vehicle storage facilities in the Rural Residential (R-R), General Commercial (C-1/C-P) and Scenic Highway Commercial (C-P-S) zones. The Council's previous action did not affect these types of storage uses in the Manufacturing Service Commercial (M-SC), Industrial Park (I-P), Manufacturing – Medium (M-M), and Manufacturing – Heavy (M-H) zones. Urgency ordinances go into effect immediately and allow cities an opportunity to further study the matter and adopt appropriate regulations during the moratorium period.

The purpose of this urgency ordinance is to continue the moratorium to the end of the first year. The original ordinance established the moratorium for a period of 45 days (approximately 1½ months). The ordinance included in Attachment A will extend the moratorium another 10½ months to January 13, 2011.

Government Code Section 65858(d) requires that a written report be prepared describing the measures taken to alleviate the condition which led to the adoption of the urgency ordinance. A copy of the initial alleviation report is contained in Attachment B. Based upon the initial discussions of the topic, staff recommends that the City Council direct staff to initiate the following steps.

1. Consider the appropriateness of the listed permitted uses within the Rural Residential Zone to determine whether changes need to be made to the permitted uses list in the zoning ordinance.
2. Consider the availability and location of commercial lands to determine where these types of storage uses may, or may not, be appropriately located.

Prior to the expiration of the moratorium, the Council will have an additional opportunity to extend for moratorium for one more year (to maximum of two years) if additional time is required. In early 2011, staff expects to have completed these initial activities as well as have more detailed plans and solutions for the second year of the moratorium if needed.

ENVIRONMENTAL ASSESSMENT:

Staff recommends that the City Council find that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; rather it prevents changes in the environment pending the completion of the contemplated Municipal Code review.

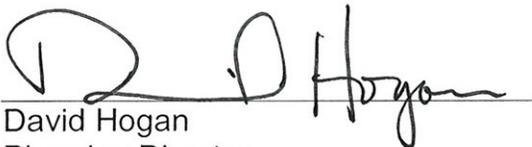
ALTERNATIVES:

1. Provide direction.

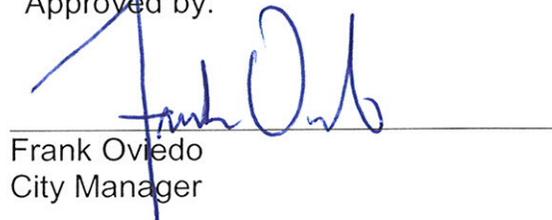
ATTACHMENTS:

- A. Draft Urgency Ordinance
- B. Report on Activities to Alleviate the Situation
- C. Planning Commission Staff Report

Submitted by:


David Hogan
Planning Director

Approved by:


Frank Oviedo
City Manager

ATTACHMENT A

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CONTINUING THE PROVISIONS OF ORDINANCE NO. 43 FOR A PERIOD OF TEN (10) MONTHS AND FIFTEEN (15) DAYS ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF RECREATIONAL VEHICLE, TRAILER AND BOAT STORAGE, AND SELF-STORAGE FACILITIES AND MINI-WAREHOUSE USES IN COMMERCIAL AND RESIDENTIAL ZONES IN THE CITY

THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES HEREBY ORDAIN AS FOLLOWS:

WHEREAS, at a public meeting on January 13, 2010, the City Council of the City of Wildomar adopted Ordinance 43 an urgency ordinance establishing a temporary prohibition on trailer and boat storage, recreational vehicle storage, and self storage and warehouse uses for a 45 day period of time which expires on February 27, 2010 unless extended in accordance with the provisions of Government Code Section 65858; and

WHEREAS, based on substantial evidence in the record, the Planning Department has recommended that the continued approval and issuance of permits for the development of trailer and boat storage, recreational vehicle storage, and self storage and warehouse uses presents an immediate threat to and specific adverse impact upon the public health, safety and welfare of the community. The Planning Department also advises that extension of Ordinance No. 43 will not have the effect of denying approvals needed for development projects with a significant component of multi-family housing within the meaning of Government Code Section 65858(c); and

WHEREAS, Government Code Section 65858(a) authorizes the City Council to continue the effect of Ordinance 43 for a period of ten (10) months and fifteen (15) days from the expiration of Ordinance 43 prohibiting self storage and warehouse uses; and

WHEREAS, on February 24, 2010, the City Council held a duly noticed public hearing to consider extending Ordinance 43 for an additional ten (10) months and fifteen (15) days from and after February 27, 2010, which is the date Ordinance 43 expires unless extended; and

WHEREAS, the City Council considered all of the written and oral testimony offered at the public hearing held on February 24, 2010, concerning whether to extend Ordinance 43.

NOW THEREFORE, THE CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1: The City Council finds and determines the following:

(a) The recitals set forth above are hereby adopted as findings of the City Council; and

(b) The recitals, provisions and findings made in Ordinance 43 are hereby reaffirmed, readopted and incorporated by reference as though they were fully restated herein; and

(c) Pursuant to Government Code Section 65858(d), more than 10 days prior to the expiration date of Ordinance 43, the City issued a written staff report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance 43; and

(d) The extension of Ordinance 43 will not have the effect of denying approvals needed for the development of projects with a significant component of multi-family housing within the meaning of Government Code Section 65858(c) in that: (1) trailer and boat storage, recreational vehicle storage, and self-storage units and warehouses are not considered multi-family housing; and (2) Ordinance 43 does not affect and will not prohibit multi-family housing or other affordable housing development projects; and

(f) The continued development of additional self-storage and warehouse uses within the City poses an immediate threat to the public health, safety and welfare by permanently limiting the amount of commercial development that might occur in locations now zoned for such uses without appropriate changes to the General Plan and Zoning Ordinance; and

(g) The immediate threat of adverse impacts to the public health, safety, and welfare that would result from allowing development of additional trailer and boat storage, recreational vehicle storage, and self-storage and warehouse within areas appropriate for commercial development that would generate both additional tax revenues and employment opportunities for city residents at the present time justifies the extension of Ordinance No. 43, even though such an ordinance may temporarily limit trailer and boat storage, recreational vehicle storage, and self-storage and warehouse uses in the region; and

(h) The extension of Ordinance 43 is necessary to mitigate deleterious effects that the approval and issuance of permits for self storage and warehouse developments would have on the community. No feasible alternative is available to satisfactorily mitigate or avoid these specific, adverse impacts as well or better with a less burdensome effect than the adoption of the proposed interim ordinance; and

(i) In order to sustain the policies of the General Plan and to allow the City appropriate time to complete an impact study relating to self-storage and warehouse uses and alternative commercial opportunities for development and to adopt, if necessary, amendments to the General Plan and Zoning Ordinance to assure adequate infrastructure and public services, an extension of Ordinance

43 establishing a temporary moratorium on approval of boat and recreational vehicle storage and self-storage and warehouse uses must be enacted.

SECTION 2. Pursuant to the authority granted to the City Council by California Government Code Section 65858 to protect the health, safety and general welfare of the residents of the City of Wildomar, the City Council hereby extends Ordinance 43 which established a moratorium on approval of trailer and boat storage, recreational vehicle storage, self-storage, and mini-warehouse uses in the General Commercial, Scenic Highway Commercial and the Rural Residential Zones of the City to take effect immediately upon the adoption of this ordinance as follows:

Moratorium on Trailer and Boat Storage, Recreational Vehicle Storage, and Self-Storage and Warehouse Facility Approvals

(a) No applications for the construction of any trailer and boat storage, recreational vehicle storage, and self-storage or mini-warehouse use in the General Commercial (C-1/C-P), Scenic Highway Commercial (C-P-S) and the Rural Residential (R-R) Zones shall be approved during the term of this interim urgency ordinance. Self-storage shall mean a space or place that is solely used to house goods, materials and/or personal property for more than 24 hours. Warehouse shall mean a space or place that is solely used to house household goods and/or materials. Facilities that have point of sale purchase shall not be considered warehouses.

(b) No permit or approval shall be issued for any subdivision (including parcel maps and condominium maps), site development permits, use permits, design review permits, variances, grading permits, building permits, building plans, or any other type of land use, zoning, or building permit or approval for the development of structures for any trailer and boat storage, recreational vehicle storage, and self-storage or mini-warehouse use in the General Commercial (C-1/C-P), Scenic Highway Commercial (C-P-S), and the Rural Residential (R-R) Zones during the term of this interim urgency ordinance. This prohibition shall not apply to construction related permits for trailer and boat storage, recreational vehicle storage, and self-storage or mini-warehouse projects previously approved by the City.

SECTION 3. Ordinance 43 is hereby extended and shall remain in effect for a period of ten (10) months and fifteen (15) days. Ordinance 43 was adopted on January 13, 2010, and the forty-five (45) day period is set to expire on February 26, 2010 and accordingly, by this extension that period of time is extended for an additional ten (10) months and fifteen (15) days until January 13, 2011 unless sooner terminated or further extended by the City Council of the City of Wildomar.

SECTION 4. Pursuant to Government Code Section 65858(d), ten (10) days prior to the expiration or any extension of this Interim Ordinance, the City will issue a written report describing the measures taken to alleviate the conditions which led to the adoption of this Interim Ordinance.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect immediately and shall pursuant to Government Code Section 65858(a), remain in effect for a period of ten (10) months and fifteen (15) days.

PASSED, APPROVED AND ADOPTED this 24th day of February, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

ATTACHMENT B

**REPORT ON ACTIVITIES
TAKEN TO ALLEVIATE THE CONDITIONS
WHICH LED TO THE ADOPTION OF THE URGENCY ORDINANCE**

On January 13, 2010, the City Council adopted an urgency ordinance to establish a moratorium on the approval of boat and recreational vehicle storage and mini-/self-storage facilities in the General Commercial, Scenic Highway Commercial, and Rural Residential Zones. The purpose of this preliminary report is to document the activities the City has taken in addressing this issue.

At this early stage of the urgency moratorium, the elected and appointed leadership of the City have discussed matter and provided a framework to evaluate the situation. This direction resulted in staff discussions on the following topics foundational to addressing the issues which led to the adoption of the urgency ordinance:

- Which zoning districts these types of uses would be appropriately located;
- The importance of beginning with an evaluation of the list of permitted uses within the Rural Residential Zone; and
- Approaches to evaluating the appropriateness of these uses within commercial retail zoning districts.

More time is needed to analyze and evaluate the existing conditions, to assess the current and future demand for these facilities, to consider possible alternatives to meet projected demands, and the other issues associated with boat and recreational vehicle storage and mini-/self-storage facilities within the City of Wildomar.

ATTACHMENT C

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item 6.2
GENERAL BUSINESS
Meeting Date: December 2, 2009

TO: Members of the Planning Commission

FROM: David Hogan, Planning Director

SUBJECT: Zoning Ordinance Modification – Trailer and Boat Storage, Mini Warehouses

RECOMMENDATION:

The Planning Department requests that the Planning Commission provide direction to staff on modifications to the zoning ordinance related to mini and recreational vehicle storage facilities.

BACKGROUND:

At the October 21, 2009 Planning Commission meeting members of the Commission expressed a concern about the number of mini storage and recreational vehicle being in located within the limited commercial and industrial areas of the City. This item was continued from the November 4, 2009 Commission meeting. The purpose of this staff report is to present information to the Planning Commission on the how recreational vehicle and mini storage facilities are addressed in the Zoning Ordinance.

The current zoning ordinance describes these types of uses as either trailer and boat storage or mini warehouse (or mini warehouse structures). Both land use types are allowed in the most common commercial and industrial zones, as well as the Rural Residential Zone (the countywide “holding zone”). To simplify the information, whether the use is permitted outright, permitted with a plot plan, or permitted with a conditional use permit is omitted from the following table since it is not relevant to the issue of prohibiting these uses. The approval mechanisms are summarized in Attachment A.

Zones		Trailer and Boat Storage	Mini Warehouse
Rural Residential	R-R	✓	-
General Commercial	C-1/C-P	✓	✓
Scenic Highway Commercial	C-P-S	✓	-
Manufacturing Service Commercial	M-SC	✓	✓
Industrial Park	I-P	-	✓
Manufacturing – Medium	M-M	✓	✓
Manufacturing – Heavy	M-H	✓	✓

In the process of preparing this staff report for the Commission, has staff discussed possible approaches with the City Attorney. Based upon these discussions, there appear to be two different approaches to addressing the immediate issue of too many recreational vehicle and mini-storage facilities.

Approach 1 – Prohibit new recreational vehicle and mini-storage businesses for an intermediate period. Staff believes that a period of two years would allow the City Council and Planning Commission an opportunity to better understand how future commercial and industrial development patterns will be affected by these uses.

Advantages - Temporarily restricts the establishment of addition recreational vehicle and mini-storage facilities while allowing the existing facilities to remain as allowable uses. A temporary prohibition of new uses allows the City time to better understand future commercial and industrial development needs.

Disadvantages - None.

Approach 2 – Amend the zoning ordinance to prohibit these land uses from some or all of the effected commercial and industrial zones.

Advantages - Does not require that this issue be re-examined in the future (though future planning commissions and city councils may choose to re-evaluate any prohibition action in the future).

Disadvantages - Would make all of the existing recreational vehicle and mini-storage businesses non-conforming uses which could adversely affect their ability to get financing, upgrade their facilities, and to expand or reconstruct their facilities.

There is one final issue related to any prohibition of these uses that would like the Commission to consider. This remaining is whether or not a future prohibition should apply to previously approved and unconstructed projects? It is possible that a future moratorium could prevent the City from approving any extensions of time. The practical effect of this would be that the project would expire at the end of the automatic two year period. Staff is aware of several approved recreational vehicle and mini-storage facilities that have not yet been constructed and concerned that this unintended consequence of the moratorium might be contrary to the intent of the Planning Commission. As a result, staff recommends that any future moratorium/prohibition not apply to the grading or building permits, and extensions of time, for previously approved but unconstructed projects since it does not seem fair to property owners who could not construct their projects because of problems within the current banking system. The exception would not prevent the Planning Commission from denying a request for an extension of time if local circumstances changed and the use was no longer appropriate. This exemption would not apply if an approved project has already been allowed to expire (by not filing a request for an extension of time).

Staff is also concerned that there may be recreational vehicle and mini-storage facilities that were established prior to incorporation without a permit. When these unpermitted businesses are identified and contacted by code enforcement, the current policy is to try to work with the owner/operator to bring these unpermitted activities into compliance with zoning requirements. A prohibition on new applications would mean that these facilities would have no option but to cease operation because there would be no way for the City to approve a permit to operate. Having reviewed the situation, there appear to be two options for addressing this potential concern. The first is to not allow these businesses to come into compliance with the code during the moratorium period, requiring them to cease operation.

The second option would be to exempt unpermitted recreational vehicle and mini-storage facilities (that were in full operation prior to incorporation) from the moratorium provisions. If the Planning Commission prefers the second option, staff would suggest that the exemption provision be conditional in that the owner/operator would be required to provide a full application to the City for processing within 60 to 90 days of the citation. A full application is defined as all of the required site, grading, and landscape plans, City-required technical studies, any off-site work permissions, and all application processing fees. In this way the City would be assured that the project owner/operator is serious about bringing their business into compliance.

If the Planning Commission is interested in prohibiting either permanently or temporarily these types of uses, staff recommends that the Commission provide the appropriate direction on the following questions:

1. Should the City prohibit the approval of new recreational vehicle and mini-storage facilities?
2. If these types of uses are prohibited, should the prohibition apply to all zones? Or only in commercial or residential zones?
3. Should any prohibition be temporary or permanent?
4. Should any future prohibition of these uses apply to previously approved, but un-constructed facilities (and potentially effect the City's ability to approve an extension of time)?
5. For un-permitted recreational vehicle and mini-storage facilities established prior to incorporation, should they uses be subject to this moratorium? This situation could apply when an unpermitted business is identified and code enforcement action is initiated against the property owner for a long-standing unpermitted facility.

ATTACHMENTS:

- A. Entitlement Process for Mini- and Recreational Vehicle Storage Facilities

ATTACHMENT A

Attachment A

ENTITLEMENT PROCESSES

Zones		Trailer and Boat Storage	Mini Warehouse
Rural Residential	R-R	CUP	-
General Commercial	C-1/C-P	PP	CUP
Scenic Highway Commercial	C-P-S	CUP	-
Manufacturing - Service Commercial	M-SC	P	P
Industrial Park	I-P	-	P
Manufacturing - Medium	M-M	P	P
Manufacturing - Heavy	M-H	P	P

- Not permitted (Not listed)
- P Permitted by right
- PP Permitted with a Plot Plan
- CUP Permitted with a Conditional Use Permit

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.2
PUBLIC HEARING
Meeting Date: February 24, 2010

TO: Mayor and Council Members
FROM: David Hogan, Planning Director
SUBJECT: Revisions to the Water Efficient Irrigation Ordinance & Program

STAFF REPORT

RECOMMENDATION:

The Planning Commission recommends that the City Council:

1. Introduce and Read by title an Ordinance entitled:

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, RESTATING CHAPTER 17.276 OF THE WILDOMAR MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF NEW WATER EFFICIENT LANDSCAPE REGULATIONS

2. Adopt a Resolution entitled:

RESOLUTION NO. 2010 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING THE IMPLEMENTING GUIDELINES FOR THE NEW WATER EFFICIENT LANDSCAPE REGULATIONS

BACKGROUND:

Recent changes to State Law require local governments to adopt local water efficient irrigation programs that are at least as effective in saving water as the State's current model program. The new state requirements represent an added increment of regulatory detail to improve the efficiency of landscape irrigation and reduce water usage. The updated model ordinance/program that was prepared by the State Department of Water Resources, pursuant to the provisions of Section 65595 of the Public Resources Code, addressed the following items:

- Establish provisions for water conservation and the appropriate use and groupings well adapted plants.
- Establish a landscape water budget component to limit the maximum amount of water to be applied.

- Include provisions for the use of automatic irrigation systems and irrigation schedules based on climatic conditions and soil types.
- Include provisions for onsite soil assessment and soil management plans.
- Include provisions for landscape maintenance practices that foster long-term landscape water conservation, such as routine irrigation system repair and adjustments, and water audits.
- Include provisions to minimize landscape irrigation overspray and runoff.
- Encourage the capture and retention of stormwater onsite.
- Promote the use of recycled water.
- Seek to educate water users on the efficient use of water and the benefits of doing so.

The proposed local program also addresses these issues within the local context. A copy of the requirements of State Law and the State's model program are contained in Attachments E and F, respectively.

The proposed City program consists of two components. The first is the Ordinance which establishes the basic program requirements and numeric criteria. The second component is the Implementation Guidelines which provides additional information on the project submittal requirements and samples of the necessary water calculation forms. In developing these program components, the Planning Department has worked with the City Attorney's office and the City's Landscape Architect. The process used to prepare the proposed program documents is summarized below.

1. The City Attorney's office evaluated the requirements of the State program, and utilizing programs developed by other jurisdictions, developed a sample ordinance and guidelines for the Planning Department's review that comply with the State's requirements.
2. The Planning Department reviewed the information provided by the City Attorney and adjusted the sample document to better integrate with the City's existing processes and procedures.
3. The Planning Department worked with the City's landscape architect to appropriately localize the program requirements and make sure that the requirements of the State program are being met.
4. The Planning Department worked with Elsinore Valley Municipal Water District to ensure that the City's and District's requirements are compatible.
5. The City Attorney's office reviewed the proposed ordinance and implementation guidelines to verify that the program appears to meet the requirements of the State. Following the Council's adoption of the ordinance and approval of the

implementation guidelines, these documents will be provided to the State to demonstrate that the City has adopted their own local program.

6. The City Planning Commission has reviewed the proposed ordinance and implementation guidelines and are recommending that the City Council adopt the two program components to comply with State Law.

The new program would apply to new landscape installation or rehabilitation of areas 2,500 square feet or greater by public agencies, private non-residential developers, and developers or property managers of single-family and multi-family residential projects. It would also apply to new landscape installation by individual homeowners of 5,000 square feet or more.

The proposed program further refines and builds upon previous water efficient landscaping programs. The following table compares the current requirements of the program required by Chapter 17.276 of the Municipal Code and the key requirements of State's new program.

WATER EFFICIENT IRRIGATION PROGRAM COMPARISONS			
COMPONENT	CURRENTLY REQUIRED	NEW REQUIREMENTS	COMMENTS
Irrigation Efficiency Calculations*	✓	✓	Irrigation efficiency requirements increased from 0.80 to 0.71.
Certificate of Landscape Design*	-	✓	The formalization of a similar existing practice
Landscape Design Plan*	✓	✓	No major changes from the existing program.
Soil Management Report*	-	✓	New requirement.
Grading Plan*	✓	✓	The formalization of an existing practice.
Irrigation Design Plan and Irrigation Scheduling*	✓	✓	No major changes from the existing program.
Irrigation and Plant Maintenance*	-	✓	New requirement.
Certificate of Completion (for the landscape installation)	-	✓	A pre-inspection before the City inspects the new landscape installation.
Irrigation Water Audit	-	✓	A pre-inspection of the irrigation system.
* Components of the Landscape Documentation Package			

The State's model program envisions the preparation of an extremely detailed landscape plan and specification submittal consisting of a landscape design plan, irrigation design plan, soil management design plan, irrigation schedule, and irrigation and plant material maintenance program along with certificates of proper landscape design and installation completeness. As describe in the preceding table, many of the State's new requirements are actually the typical components of the existing landscape construction plan submittal.

The biggest changes from the current program are the requirement of a soil management report, a new restriction on the planting and irrigation of turf areas, additional warranty information on the plant materials, and pre-City verification inspections of the plant materials and irrigation system. There is also a terminology change; what was previously called a Landscape Construction Plan is now being called a Landscape Documentation Package.

- The Soil Management Report is intended to provide a better understanding of the characteristics of the on-site soils to ensure that both the selected plant materials are appropriate and that the soil fertilizers and other amendments enable the plant materials to thrive.
- One of the objectives of the model State program is to further reduce the overspray and other problems associated with the irrigation of turf areas. The new program prohibits the use of spray irrigation within two feet of a hardscaped surface and prohibits the planting of turf within spaces less than eight feet wide for projects subject to the new restrictions.
- State program also wants the Landscape Document Package to contain information on the warranty for the plant materials, and an ongoing maintenance schedule for planted areas and irrigation system to ensure that dead or dying plants are quickly replaced and that the irrigation system is periodically inspected.
- The State program also requires a pre-inspection of the landscaping and irrigation system before the City's Landscape Architect does their inspection (which is required prior to the final inspection/occupancy). The program also creates a separate form, the "Certification of Completion" (i.e. landscape and irrigation installation) which is required after the pre-inspection.

In addition to these standard program components, there is one additional change that staff would like to highlight for the Council before it makes its decision. Staff is recommending that Landscape Documentation Packages be prepared only by licensed Landscape Architects. There are two reasons why staff is recommending this change. First, the new code requirements are more complicated and technical than previous landscape plan requirements. Second, virtually all of the current landscape plans have been prepared by licensed Landscape Architects even though there is no requirement for that in the current code. Consequently, this requirement does not seem to result in a major change from the current process. Staff believes that the use of a licensed Landscape Architect will result in more complete and accurate Landscape Document

Packages that can be approved sooner, with fewer re-submittals, and ultimately for less cost.

Elsinore Valley Municipal Water District

The State is suggesting that local jurisdictions institute programs in conjunction with the efforts of local water districts to achieve higher levels of irrigation efficiency. The Elsinore Valley Municipal Water District Board of Directors adopted Ordinance 185 in July 2009. This Ordinance contains water waster and other provisions consistent with State Program that are compatible with the proposed City Ordinance and Implementing Guidelines. This is referenced within the City's proposed Ordinance to ensure programmatic coordination. A copy of Water District Ordinance 185 is included in Attachment H.

Proposed Local Program

The proposed local program consists of two components, an ordinance and implementing guidelines, which have been designed to work together to achieve the water efficiency goals. The proposed Ordinance would provide the local legal foundation for the program and would replace the current generalized water efficient irrigation provisions of the zoning ordinance contained in Chapter 17.276. The text of the proposed restatement of Chapter 17.276 is located in Attachment A and has been developed to do the following.

- Provides the legal purpose(s) of the new program.
- Defines the new terms being used.
- Describes when the new program requirements apply.
- Establishes numeric criteria for water efficient irrigation and limits the hours of irrigation.
- Indicates how the program will be implemented and authorizes the adoption of implementation guidelines.
- Requires existing landscaping to be irrigated in the most efficient manner possible.
- Authorizes the City to enter into an agreement with the water district to implement various components of this program (should there be a desire to do so).

The proposed Implementing Guidelines contains many of the finer points and details associated with the Landscape Documentation Package. The Guidelines provide an explanation and establish standards for the water efficient landscape calculations, the soil management report, the landscape design plan, the irrigation design plan, the grading design plan, the certification of completion, the post-installation inspections, and the irrigation scheduling and maintenance. The proposed Implementing Guidelines are located in Attachment B (please see Exhibit A).

The Water Efficient Irrigation Program has been developed to implement the goals of the State's program into the local setting. It is anticipated that the proposed ordinance and guidelines together will implement the State's requirements in an efficient and effective manner that is integrated into the current permitting systems for the City of Wildomar. A comparative evaluation of the State's model program and the City's program documents is contained in Attachment G.

PLANNING COMMISSION:

The proposed ordinance and resolution were considered by the Planning Commission on February 3, 2010. At that meeting the Commission had questions concerning the applicability of the new program and that new landscape installation should be installed with the future availability of reclaimed water. The City's Landscape Architect, Laurie Levine, was also available to answer any potential technical questions. Much of the public testimony was related to alternative turf and lawn species, the importance of using reclaimed water, and the replacement of front yard landscaping when the landscaping has been allowed to die. As a result of this discussion, the Planning Commission is recommending that the City Council add the following subsection to Section 17.276 of the Ordinance.

"D. The replacement of front yard and streetside yard landscaping when the original landscaping has been allowed to die through a lack of watering or maintenance, all replacement landscaping shall comply with the provisions of this Chapter."

Following their deliberation, the Planning Commission recommended that the City Council review the proposed program materials and take the following actions:

- Approve the Ordinance contained in Attachment A; and
- Approve the Resolution approving the Implementation Guidelines that are contained in Attachment B.

The draft Planning Commission resolutions recommending approval of the proposed ordinance and implementation guidelines are contained in Attachments C and D, respectively.

ENVIRONMENTAL ASSESSMENT:

The Planning Commission recommends that the City Council make a determination that the proposed zoning ordinance amendment is covered by the CEQA Categorical Exemption described in Section 15307 of the CEQA Guidelines for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this ordinance will result in the enhancement and protection of water resources in the City, and will not result in cumulative adverse environment impacts. It is therefore exempt from the provisions of CEQA.

ATTACHMENTS:

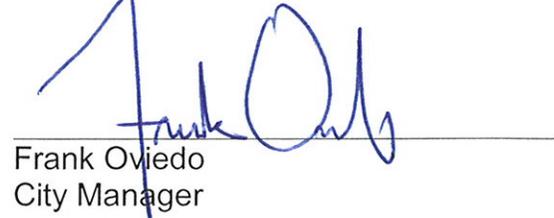
- A. Draft Ordinance
- B. Draft Resolution
Exhibit A - Implementing Guidelines
- C. Planning Commission Resolution on the Ordinance
- D. Planning Commission Resolution on the Implementing Guidelines
- E. State Water Conservation in Landscaping Act
- F. Model Ordinance
- G. Equivalency Comparison
- H. EVMWD Ordinance No. 185

Submitted by:



David Hogan
Planning Director

Approved by:



Frank Oviedo
City Manager

ATTACHMENT A

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, RESTATING CHAPTER 17.276
OF THE WILDOMAR MUNICIPAL CODE RELATING TO THE
ESTABLISHMENT OF NEW WATER EFFICIENT
LANDSCAPE REGULATIONS**

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Findings. The City Council of the City of Wildomar does hereby find, determine and declare that:

- A. In 2006, the State Legislature adopted AB 1881, the Water Conservation in Landscaping Act, related to water use, waste, conservation and efficiency.
- B. Pursuant to AB 1881, the California Department of Water Resources has developed a Model Water Efficient Landscape Ordinance. The City is required to adopt the State Model Ordinance or its own water efficient landscape ordinance that is "at least as effective in conserving water as" the State Model Ordinance.
- C. The City Council intends to amend Chapter 17.276 of the Wildomar Municipal Code so that it is "at least as effective in conserving water" as the State Model Water Efficient Landscape Ordinance as required by AB 1881.
- D. The local water purveyor for the City of Wildomar is implementing budget-based tiered-rate billing and/or enforcement of water waste prohibitions for all existing metered landscaped areas throughout their service area, which includes most of the City of Wildomar.

SECTION 2: Chapter 17.276 is hereby restated and amended in its entirety to read as follows:

"17.276 WATER EFFICIENT LANDSCAPES

- 17.276.010 Purpose.**
- 17.276.020 Definitions.**
- 17.276.030 Applicability.**
- 17.276.040 Exemptions.**
- 17.276.050 Landscape Water Use Standards.**
- 17.276.060 Implementation Procedures.**
- 17.276.070 Landscape Maintenance.**
- 17.276.080 Delegation.**

17.276.010 PURPOSE.

The purpose of this chapter is to establish water efficient landscape regulations that are “at least as effective in conserving water as” the State Model Water Efficient Landscape Ordinance in the context of conditions in the City in order to ensure that landscapes are planned, designed, installed, maintained, and managed in a manner that uses water efficiently, encourages water conservation, and prevents water waste. The intent of this ordinance is to encourage the cooperation between the City and local water purveyors to achieve irrigation efficiency and water conservation goals.

17.276.020 DEFINITIONS

For the purposes of this chapter and the Guidelines for the implementation of this chapter, the following terms are defined:

“Applied water” means the portion of water supplied by the irrigation system to the landscape.

“Estimated applied water use” means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the Guidelines. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system. Also known as the “EAWU”.

“Evapotranspiration adjustment factor” means the local reference for evapotranspiration using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area. It is calculated by dividing. Also known as the “ET adjustment factor” or “ETAF”.

“Guidelines” refers to the Guidelines for Implementation of the Water Efficient Landscape Ordinance, as approved by the City, which describes procedures, calculations, and requirements for landscape projects subject to this chapter.

“Hardscape” means any durable material or feature (pervious and non-pervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and are not considered hardscape.

“Homeowner-installed” means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired and paid directly by a homeowner. A homeowner, for purposes of this chapter, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under this chapter to the requirements applicable to developer-installed residential landscape projects.

“Hydrozone” means a portion of the landscaped area having plants with similar water needs and typically irrigated by one valve/controller station. A hydrozone may be irrigated or non-irrigated.

“Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the amount of water applied to the landscaped area. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. Also known as “IE”.

“Landscape documentation package” means the construction plans and specification and other supporting documentation required to review and approve landscape construction projects subject to this chapter.

“Landscape Architect” means a licensed landscape architect in the State of California.

“Landscape rehabilitation” means any re-landscaping project that meets the applicability criteria of Section 17.276.030(A) of this chapter and where the modified landscape area is greater than 2,500 square feet or where the cumulative modified area is greater than 2,500 square feet if the modifications are planned to occur incrementally within one year.

“Landscaped area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance and Estimated Applied Water Use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscape, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

“Maximum applied water allowance” means the upper limit of annual applied water for the landscaped area. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. Also known as “MAWA”.

“Mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

“New landscape” means, for the purposes of this chapter, a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.

“Pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.

“Plant factor” or **“plant water use factor”** is a factor, when multiplied by reference evapotranspiration that estimates the amount of water needed by plants. (The plant factors cited in this chapter are derived from the Department of Water Resources 2000

publication "Water Use Classification of Landscape Species" also known as "WUCOLS".)

"Recycled water" or "reclaimed water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

"Reference evapotranspiration" means a standard measurement of environmental parameters which affect the water use of plants. Reference evapotranspiration factor is given expressed in inches per day, month, or year as represented in the Guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances. Also known as "ET_o".

"Smart automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system and which schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

"Special landscape area" means an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens; areas irrigated with recycled water; water features using recycled water; and areas dedicated to active play where turf provides a playing surface, such as parks, sports fields, and golf courses.

"Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

"Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection, or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features.

17.276.030 APPLICABILITY.

This chapter shall apply to the following landscape projects:

A. New landscape installations or landscape rehabilitation projects by public agencies or private non-residential developers, except for cemeteries, with a landscaped area, including water features but excluding hardscape, equal to or greater than 2,500 square feet, and which are subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.

B. New landscape installations or landscape rehabilitation projects by developers or property managers of single-family and multi-family residential projects or complexes with a landscaped area, including water features but excluding hardscape, equal to or greater than 2,500 square feet, and which are subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.

C. New landscape installations that are homeowner-installed, including homeowner-hired, in single-family or multi-family residential lots with a total project landscaped area equal to or greater than 5,000 square feet and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for landscaping or water feature.

D. The replacement of front yard and streetside yard landscaping when the original landscaping has been allowed to die through a lack of watering or maintenance, all replacement landscaping shall comply with the provisions of this Chapter.

E. New cemeteries are only required to submit information on water calculations and irrigation scheduling and maintenance activities.

17.276.040 EXEMPTIONS.

This chapter shall not apply to:

- A. Registered local, state, or federal historical sites;
- B. Ecological restoration projects that do not require a permanent irrigation system;
- C. Mined-land reclamation projects that do not require a permanent irrigation system; or
- D. Plant collections, as part of botanical gardens and arboretums open to the public.
- E. Existing cemeteries, except that the water waster prevention provisions of Section 17.272.070 are still applicable to the existing facilities.
- F. The requirements of this chapter may be partially or wholly waived at the discretion of the City Manager or his/her designee, for landscape rehabilitation projects that are limited to the replacement of plantings with equal or lower water needs and where any modifications to the irrigation system do not require ministerial permits and the irrigation system is found to be designed, operable, and programmed consistent with minimizing water waste in accordance with local water purveyors regulations.

17.276.050 LANDSCAPE WATER USE STANDARDS.

A. For applicable new landscape or landscape rehabilitation projects subject to Section 17.276.030, the estimated applied water use allowed for the landscaped area may not exceed the maximum applied water allowance calculated using an evapotranspiration adjustment factor of 0.7, except for the portion of the maximum applied water allowance applicable to any special landscaped areas within the landscape project, which may be calculated using an evapotranspiration adjustment factor of 1.0.

B. Where the design of the landscaped area can be otherwise shown to be equivalently water efficient, the applicant may submit alternative or abbreviated information supporting the demonstration that the annual estimated applied water use is less than the maximum applied water allowance, at the discretion of and review and approval of the city manager or his designee.

C. The irrigation of all landscaped areas installed pursuant to this chapter shall be conducted in a manner conforming to the rules and requirements of the program and the approved Landscape Documentation Package. Violations are subject to penalties and/or incentives for water conservation and water waste prevention as determined and implemented by the City and/or local water purveyor.

17.276.060 IMPLEMENTATION PROCEDURES.

A. A landscape documentation package shall be submitted to the City for review and approval prior to the issuance of any permits to install or construct any landscape-related improvements.

B. A landscape documentation package submitted to the City shall comply with provisions of this chapter and any adopted guidelines. The landscape documentation package shall include, at a minimum, a certification of preparation by the project landscape architect stating that the landscape design plan, soil management report, irrigation design plan, and water use calculations have been prepared by or under the supervision of the landscape professional and are in compliance with the provisions of this chapter and any applicable guidelines.

C. Prior to the final inspection of a new landscape installation, the applicant shall submit a certification of completion to the planning director. The certification of completion shall, at a minimum, include information on the scheduling and timing of irrigation, system maintenance requirements, and identify City of Wildomar Planning Department approved changes to the approved plans that may have occurred during the construction/installation process.

D. The City may adopt guidelines to further refine, describe, and implement the requirements of this chapter.

17.276.070 WATER WASTE PREVENTION – EXISTING LANDSCAPING.

A. The irrigation of landscaping installed prior to the effective date of this ordinance, or exempt from the provisions of this ordinance, shall be operated and maintained to avoid wasteful practices such as the watering of adjacent hardscape areas, runoff to the street, and watering during windy conditions.

B. Irrigation of all landscaped areas must be conducted in a manner conforming to the rules and requirements, and be subject to penalties and incentives for water conservation and water waste prevention established by Elsinore Valley Municipal Water District Ordinance 185, as may be subsequently amended.

C. The City will work with the local water purveyor(s) to provide recommendations on how to increase water efficiency for existing landscapes.

17.276.080 Delegation.

The City may delegate to, or enter into an agreement with, one or more local agencies to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City.”

SECTION 4. The City Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) (California Public Resources Code Section 21000 et seq.), because pursuant to State CEQA Regulation 15307 (14 Cal. Code Regs., §15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this ordinance will result in the enhancement and protection of water resources in the City, and will not result in cumulative adverse environment impacts. It is therefore exempt from the provisions of CEQA. The City Council hereby directs the City Manager or designee to prepare and file a Notice of Exemption as soon as possible following adoption of this Ordinance.

SECTION 5. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 6. If any section, subsection, subdivision, sentence, clause, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. The city clerk shall certify to the adoption of this ordinance and shall cause the same to be published in accordance with law.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

ATTACHMENT B

RESOLUTION NO. 2010 -

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, APPROVING THE
IMPLEMENTING GUIDELINES FOR THE NEW WATER
EFFICIENT LANDSCAPE REGULATIONS**

WHEREAS, the Governor signed Assembly Bill 1881 which requiring the Department of Water Resources to prepare a model local program ordinance; and

WHEREAS, the State Department of Water Resources prepared a model program for local agencies to implement; and

WHEREAS, based upon the State's model program the City has prepared an ordinance and implementing guidelines which will be at least as effective as the State's model program; and

WHEREAS, on January 23, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed zoning code amendment and implementing guidelines would be considered; and

WHEREAS, on February 3, 2010 the Planning Commission, during a regularly scheduled meeting, considered these possible amendments to the Zoning Ordinance; and

WHEREAS, on February 14, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed zoning code amendment and implementing guidelines would be considered; and

WHEREAS, on February 24, 2010 the City Council, during a regularly scheduled meeting, introduced these ordinance amendments which when finally approved will enact the new water efficient landscaping program.

NOW THEREFORE, the City Council of the City of Wildomar does Resolve, Determine, Find and Order as follows:

SECTION 1. ENVIRONMENTAL FINDING. The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated February 3, 2010, determines that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), because pursuant to State CEQA Regulation 15307 (14 Cal. Code Regs., §15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for

protection of the environment. The adoption of this ordinance will result in the enhancement and protection of water resources in the City, and will not result in cumulative adverse environment impacts. It is therefore exempt from the provisions of CEQA.

SECTION 2. GENERAL PLAN FINDINGS. The proposed amendments to the zoning ordinance are consistent with and do not conflict with the provisions of the General Plan. The Multipurpose Open Space Element in the General Plan identifies the importance of water conservation. Specifically Goal 2 contains policies on the importance of installing water conservation devices, the use of native and drought tolerant plant materials to reduce irrigation water use, and the use of educational programs to promote conservation and water savings/efficiency. Based upon the direction provided with these General Plan policy statements, the proposed ordinance amendments are consistent with the adopted General Plan.

SECTION 3. CITY COUNCIL ACTIONS.

A. The City Council hereby makes a determination that the project is exempt from environmental review in accordance with the provisions of CEQA Guidelines Section 15037.

B. The City Council hereby approves the Implementing Guidelines for the Water Efficient Irrigation Program as attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED, AND ADOPTED this 24th day of February, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

EXHIBIT A

**WATER EFFICIENT
LANDSCAPING
IMPLEMENTATION GUIDELINES**

(IMPLEMENTING ORDINANCE NO. XX)

CITY OF WILDOMAR

**ADOPTED BY RESOLUTION ____
FEBRUARY XX, 2010**

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The Appendices are located at the back of the Guidelines.

- Appendix A – Sample Certification of Landscape Design
- Appendix B – Sample Water Efficient Landscape Worksheet
- Appendix C – Sample Certificate of Completion
- Appendix D – Definitions
- Appendix E – Example of Water Efficient Landscape Worksheet

I. PURPOSE

The primary purpose of these Guidelines is to provide procedural and design guidance for applicants proposing new landscape or landscape rehabilitation projects that are subject to Chapter 17.276 of the City of Wildomar Municipal Code. These Guidelines, in conjunction with the provisions of the Water Efficient Irrigation Ordinance, shall be used to prepare and review the plans and specification contained in the Landscape Documentation Package.

II. SUBMITTAL REQUIREMENTS FOR NEW LANDSCAPE INSTALLATIONS OR LANDSCAPE REHABILITATION PROJECTS

The key implementation tool for the requirements of Chapter 17.276 is the Landscape Document Package described in these Guidelines. Landscape Documentation Package is required to be submitted by the applicant for review and approval by the City prior to the issuance of any building permit or landscape construction/ installation permits (prior to the start of construction).

- A. Unless otherwise directed by the City, the Landscape Documentation Package must, at a minimum, include the following elements either on plan sheets or supplemental pages:
1. Date;
 2. Project name;
 3. Project address, assessors parcel number(s), and City project case number (if applicable);
 4. Total landscaped area (in square feet) and rehabilitated landscaped area (as applicable);
 5. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
 6. Water supply type (e.g., potable, recycled, or well) and identification of the local retail water purveyor if the project applicant is not served by a private well;
 7. Checklist or index of all documents included in the Landscape Documentation Package;
 8. Project contacts, including contact information for the project applicant and property owner;

9. Certification of Design in accordance with Exhibit A of these Guidelines that includes a landscape architect's professional stamp, as applicable, signature, contact information (including email and telephone number), license number, and date, certifying the statement that "The design of this project complies with the requirements of the City's Water Efficient Landscape Ordinance" and shall bear the signature of the landscape architect as required by law; and
 10. Other information requested by the Planning Director needed to determine whether the landscape project complies with the Water Efficient Landscape Ordinance and these Guidelines.
- B. Maximum Applied Water Allowance (MAWA) and Estimated Applied Water Use (EAWU) expressed as annual totals including, but not limited to, the following and further described in Section III of these Guidelines:
1. A Water Efficient Landscape Worksheet for the landscape project;
 2. Water budget calculations for the landscape project; and
 3. Hydrozone information table for the landscape project.
- C. A Soil Management Report or specifications, or specification provision requiring soil testing and amendment recommendations and implementation to be accomplished during construction of the landscape project and further described in Section IV of these Guidelines.
- D. A Landscape Design Plan for the landscape project and further described in Section V of these Guidelines.
- E. An Irrigation Design Plan for the landscape project and further described in Section VI of these Guidelines.
- F. A Grading Design Plan, unless grading information is included in the landscape design plan for the landscape project or unless the landscape project is limited to replacement planting and/or irrigation to rehabilitate an existing landscaped area and further described in Section VII of these Guidelines.

III. WATER EFFICIENT LANDSCAPE CALCULATIONS AND ALTERNATIVES

- A. The applicant must provide the calculated Maximum Applied Water Allowance (MAWA) and Estimated Applied Water Use (EAWU) for the landscaped area as part of the Landscape Documentation Package submittal to the City. The MAWA and EAWU must be calculated based upon the Water Efficient Landscape Worksheets (in accordance with the sample worksheets in Appendix B).
- B. The EAWU allowable for the landscaped area may not exceed the MAWA. The MAWA must be calculated using an Evapotranspiration Adjustment Factor (ETAF) of 0.7 except for the portion of the MAWA applicable to any special landscaped areas within the landscape project, which must be calculated using an ETAF of 1.0. Where the design of the landscaped area can otherwise be shown to be equivalently water-efficient, the applicant may submit alternative or abbreviated information supporting the demonstration that the annual EAWU is less than the MAWA, at the discretion of and for the review and approval of the City.
- C. Water budget calculations must adhere to the following requirements:
1. The MAWA must be calculated using the Water Efficient Landscape Worksheets and equation presented in Appendix B. (Example calculations are located in Appendix E.)
 2. The EAWU must be calculated using the Water Efficient Landscape Worksheets and equation presented in Appendix B. (Example calculations are located in Appendix E.)
 3. For the calculation of the MAWA and EAWU, a project applicant must use the Reference Evapotranspiration (ET_o) values, in inches per month or year, as described below.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
2.1	2.8	3.9	4.4	5.9	7.1	7.1	7.0	5.8	3.9	2.6	1.9	55.0

4. For calculation of the EAWU, the plant water use factor must be determined as appropriate to the project location from the Water Use Efficiency of Landscape Species (WUCOLS) Species Evaluation List. The plant factor is 0.1 for very low water use plants, 0.2 to 0.3 for low water use plants, 0.4 to 0.6 for moderate water use plants, and 0.7 to 1.0 for high water use plants.

5. For calculating the EAWU, the plant water use factor must be determined for each valve hydrozone based on the highest-water-use plant species within the zone. The plant factor for each hydrozone may be required to be further refined as a "landscape coefficient," according to protocols defined in detail in the WUCOLS document, to reflect planting density and microclimate effects on water need at the option of the applicant or the City.
6. For calculation of the EAWU, the area of a water feature is defined as a high water use hydrozone with a plant factor of 1.0.
7. For calculation of the EAWU, a temporarily irrigated hydrozone area, such as an area of highly drought-tolerant native plants that are not intended to be irrigated after they are fully established, is defined as a very low water use hydrozone with a plant factor of 0.1.
8. For calculation of the MAWA, the ETAF for special landscaped areas is set at 1.0. For calculation of the EAWU, the ETAF for special landscaped areas is calculated as the special landscaped area (SLA) plant factor divided by the SLA irrigation efficiency factor.
9. In calculating the Maximum Applied Water Allowance the effective precipitation (25% of annual precipitation) may be used to track water use and may use the following equation to calculate Maximum Applied Water Allowance: $MAWA = (ET_o - E_{ppt}) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$.
10. The average irrigation efficiency for each project should be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.
11. Irrigation efficiency must be calculated using the worksheet and equation presented in Appendix B.
12. The Maximum Applied Water Allowance must be calculated using the equation presented in Appendix B.

IV. SOIL MANAGEMENT REPORT

In order to reduce runoff and encourage healthy plant growth, a soil management report must be completed by the applicant, or his/her designee, as follows:

- A. Submit soil samples to a certified agronomic soils laboratory for analysis and recommendations.
 1. Soil sampling must be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

2. If significant mass grading is planned, the soil analysis report must be prepared after the mass grading.
3. The soil analysis should include:
 - a. Soil texture;
 - b. Infiltration rate determined by laboratory test or soil texture infiltration rate table;
 - c. pH;
 - d. Total soluble salts;
 - e. Sodium;
 - f. Percent organic matter;
 - g. Recommendations (including the micro-nutrients and macro-nutrients);
- B. The applicant, or their designee, must submit documentation verifying implementation of soil analysis report recommendations to the planning department with the Certification of Landscape Design.

V. LANDSCAPE DESIGN PLAN

For the efficient use of water, a landscape must be carefully designed and planned for the intended function of the project.

- A. The landscape design plan, at a minimum, must include the following:
 1. Delineate and label each hydrozone by number, letter, or other method;
 2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscaping must be included in the low water use hydrozone for the water budget calculation;
 3. Identify recreational areas;
 4. Identify areas permanently and solely dedicated to edible plants;
 5. Identify areas irrigated with recycled water;
 6. Identify type of mulch and application depth;
 7. Identify soil amendments, type, and quantity;
 8. Identify type and surface area of water features;

9. Identify hardscape areas (pervious and non-pervious) and the location of the utilities;
 10. Identify location and installation details of any applicable storm water best management practices that encourage on-site retention and infiltration of storm water. Storm water best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
 - a. Infiltration beds, swales, and basins that allow water to collect and soak into the ground.
 - b. Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants.
 - c. Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
 11. Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.); and
 12. Bear the signature of a California-licensed landscape architect and contain the following statement: "I have complied with the criteria of the City of Wildomar Water Efficient Landscape Ordinance (Chapter 17.276 of the Wildomar Municipal Code) and applied them for the efficient use of water in the landscape design plan."
- B. Each hydrozone must have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section VI.B of these Guidelines.
- C. Plants must be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended for inclusion in the landscape design plan:
1. Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate (or other professional references which provide pertinent information regarding water usage and plant communities that landscape architects would find more useful and complementary);
 2. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, and power lines);

3. In the plant legend the designer must designate the plant symbol, botanical name, common name, quantity of plants, container size, on center spacing, hydrozone designation, and special notes.
 4. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain;
 5. The use of non-invasive water-conserving plant species and water-conserving turf is strongly encouraged;
 6. Any plant may be selected for the landscaped area provided the EAWU in the landscaped area does not exceed the MAWA;
 7. The use of invasive plant species and/or noxious plant species is strongly discouraged (including the invasive species are included within the Western Riverside County Multi-Species Habitat Conservation Plan); and
 8. Turf is discouraged on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape without transitional level areas.
- D. A landscape design plan for projects in fire-prone areas and fuel modification zones shall comply with requirements of the fire department, where applicable. When conflicts between water conservation and fire safety design elements exist, the fire safety requirements have priority.
- E. Water Features
1. Recirculating water systems must be used for water features, except where interactive-types of water features may make this requirement infeasible.
 2. Where available and consistent with public health guidelines, recycled water must be used as a source for decorative water features.
 3. The surface area of a water feature must be included in the high water use hydrozone area of the water budget calculation.
 4. Pool and spa covers are highly recommended.
- F. Mulch and Soil Amendments

Based upon the recommendations contained in the Soil Management Report, the landscape plan specifications must comply with the following mulch and soil amendment requirements.

1. For shrubs and trees a minimum three to four inch layer of mulch and must be applied on all exposed soil surfaces of planting areas except in turf areas.
2. Ground covers installed from flats require a minimum two inch layer of mulch and must be applied on all exposed soil surfaces of planting areas except in turf areas.
3. Stabilizing mulching products must be used on slopes. Approved bark-based mulch, 3 to 4 inches deep is recommended.
4. The mulching portion of the seed/mulch slurry in hydro-seeded applications must meet the application requirements.
5. Soil amendments must be incorporated according to the recommendations from the soils management report and based upon the needs of the selected plant species.
6. All fertilizers should be organic-based or slow released formulated.

G. Planting Material

Unless required by other ordinances, programs, or project conditions of approval, all installed plant materials must comply with the following minimum container sizes.

1. For perennial and non-flatted ground cover species - 1 gallon.
2. For all other shrubs - 5 gallon.
3. For trees within the project site - 15 gallon minimum.
4. For trees along the road right of way – 24-inch box minimum.

H. A landscape maintenance schedule shall include the following items.

1. Irrigation System. Check, adjust, and repair irrigation equipment, repair irrigation equipment with originally specified equipment or as approved by the City, and reset automatic controller as required.
2. Soils and Mulches. Aerate and de-thatch turf areas, and the replenishment of mulch(es).
3. Plant Materials. Fertilization, pruning, weeding, disease and pest control, dead plant replacement and replacement, the cleaning of debris and trash, other special requirements unique to the project design. This should include the length of maintenance period by installing landscape contractor, the warranted materials, and length of warranty.

VI. IRRIGATION DESIGN PLAN

The irrigation system and its related components must be planned and designed to allow for proper installation, management, and maintenance. For the efficient use of water, an irrigation system must meet all the requirements listed in this section and the manufacturer's recommendations.

- A. The irrigation design plan, at a minimum, must contain the following information:
1. The location and size of dedicated water meters for landscape;
 2. The location, type, and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain shut off device, quick couplers, pressure regulators, and backflow prevention devices;
 3. Static water pressure at the point of connection to the public water supply;
 4. Flow rate (in gallons per minute or gallons per hour), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
 5. Irrigation schedule parameters necessary to program smart timers specified in the landscape design; and
 6. On the landscape design plan and irrigation design plan, hydrozone areas must be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve and assign a number to each valve.
- B. Hydrozone
1. Each valve should irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
 2. Sprinkler heads and other emission devices must be selected based on what is appropriate for the plant type within that hydrozone.
 3. Where feasible, trees must be placed on separate valves from shrubs, groundcovers, and turf.
 4. Individual hydrozones that mix plants of moderate and low water use or moderate and high water use may be allowed if:

- a. For hydrozones using drip irrigation devices, the plant factor calculation may be based on the proportions of the respective plant water uses and their respective plant factors;
- b. For hydrozones using spray-type irrigation devices, the plant factor of the higher water using plant is used for the calculations.

C. System Design Guidance

1. Dedicated landscape water meters are required on landscaped areas larger than 5,000 square feet to facilitate water management (except that dedicated landscape water meters for single family residences are not required by these Guidelines).
2. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data are required for irrigation scheduling in all irrigation systems.
3. The irrigation system must be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance. A friction factor calculation to determine residual pressure must be included with the calculations.
4. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices must be installed to meet the required dynamic pressure of the irrigation system.
5. Static water pressure, dynamic or operating pressure, and flow reading of the water supply must be measured at the point of connection. These pressure and flow measurements must be conducted at the design stage. The measurements must be verified at installation.
6. The design of irrigation systems should allow for use of recycled water when it becomes available.
7. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions are required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
8. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) are required as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency (such as a main line break) or routine repair.

9. Backflow prevention devices are required to protect the water supply from contamination by the irrigation system. A project applicant must refer to the applicable City code (i.e., public health) for additional backflow prevention requirements.
10. High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.
11. The irrigation system must be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscape, roadways, or structures.
12. Relevant information from the soil management plan, such as soil type and infiltration rate, must be utilized when designing irrigation systems.
13. The design of the irrigation system must conform to the hydrozones of the landscape design plan.
14. Unless otherwise indicated by the irrigation equipment manufacturer's specifications or demonstrated by the project applicant, the irrigation efficiency of the irrigation heads used within each hydrozone shall be assumed to be:
 - Pop-up stream rotator heads = 75%
 - Stream rotor heads = 75%
 - Microspray = 75%
 - Bubbler = 80%
 - Drip emitter = 85%
 - Subsurface irrigation = 90%
15. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
16. Sprinkler heads and other emission devices must have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
17. Head to head coverage is required. However, sprinkler spacing must be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

18. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
19. Check valves or anti-drain valves are required for all irrigation systems.
20. Narrow or irregularly shaped areas, less than eight (8) feet in width in any direction, must be irrigated with subsurface irrigation or other appropriate low volume irrigation methods.
21. Spraying type of sprinkler heads must not be located within two (2) feet of hardscape surfaced areas to reduce potential runoff.
22. Slopes greater than 25% should not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer of the landscape project specifies an alternative design or technology, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

VII. GRADING DESIGN PLAN

For the efficient use of water, grading of a landscape project site must be designed to minimize soil erosion, runoff, and water waste. To prevent excessive erosion and runoff, it is highly recommended that the project applicant:

- Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscape;
 - Avoid disruption of natural drainage patterns and undisturbed soil; and
 - Avoid soil compaction in landscaped areas.
- A. The finished grading configuration of the landscaped area, including pads, slopes, drainage, post-construction erosion control, and stormwater control best management practices, as applicable, must be shown on the Landscape Plan unless this information is included on separate grading plans, or unless the project is limited to replacement planting and/or irrigation to rehabilitate an existing landscaped area.
 - B. If separate landscape grading plans are provided, the Grading Plan must bear the signature of the landscape professional and contain the following statement: "I have complied with the criteria of the Wildomar Water Efficient Landscape Ordinance (Wildomar Municipal Code Chapter 17.276) and applied them accordingly for the efficient use of water in the grading design plan."

VIII. CERTIFICATION OF COMPLETION

- A. Landscape project installation may not proceed until the plans and specifications contained in the Landscape Documentation Package have been approved by the City.
- B. A Certification of Completion for the landscape project must be provided to the Planning Department prior to final inspection of the installed landscaping. The Certificate of Completion must contain the following information:
 - 1. A Landscape Installation Certificate of Completion in the form included as Appendix D of these Guidelines, which must include: (i) certification by a the project landscape architect that the landscape project has been installed per the approved Landscape Documentation Package; and (ii) the following statement: "The landscaping has been installed in substantial conformance to the design plans, and complies with the provisions of the Water Efficient Landscape Ordinance for the efficient use of water in the landscape."
 - 2. Documentation of the irrigation scheduling parameters used to set the controller(s);
 - 3. An irrigation audit to confirm that the installed irrigation system is operating properly.

IX. POST-INSTALLATION IRRIGATION SCHEDULING

For the efficient use of water, all irrigation schedules must be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules must be regulated by automatic irrigation controllers and scheduled to minimize water waste and maximize conservation. The operation of the irrigation system outside the normal watering window is allowed for system auditing and maintenance.

It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system. The City will work with the Elsinore Valley Municipal Water District to monitor compliance with the Maximum Allowable Water Allowance requirements.

X. PUBLIC EDUCATION

Public education is a key component to promote the efficient use of water in landscapes. Educational materials on the design, installation, management, and maintenance of water efficient landscaping will be included with the information to the buyers of new homes. In addition, all new model homes that are landscaped will use signs and provide other written information to demonstrate the principles of water efficient landscapes.

IMPLEMENTATION GUIDELINES APPENDICES

CERTIFICATION OF LANDSCAPE DESIGN

I hereby certify that:

- (1) I am a licensed landscape architect in the State of California to provide professional landscape design services.
- (2) The landscape project for the property located at _____

 (provide street address or parcel number(s)) was designed by me or under my supervision.
- (3) The landscape design and water use calculations for the identified property comply with the requirements of the City of Wildomar Water Efficient Landscape Ordinance and any adopted Implementation Guidelines for the efficient use of water in the landscape.
- (4) The information I have provided in this Certificate of Landscape Design is true and correct and is hereby submitted in compliance with the City of Wildomar Guidelines for Implementation of the City of Wildomar Water Efficient Landscape Ordinance.

Print Name

Date

Signature

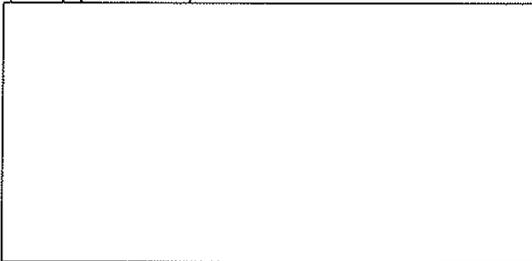
License Number

Address

Telephone

E-mail Address

Landscape Design Professional's Stamp
(If applicable)



WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the *project applicant* for each Point of Connection. Please complete all sections of the worksheet.

Point of Connection # _____

Maximum Applied Water Allowance (MAWA)

Total MAWA = (ETo x 0.7 x LA in Sq. Ft. x 0.62) + (ETo x 1.0 x SLA in Sq. Ft. x 0.62) = Gallons per year for LA+SLA

where:

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

0.7 = Evapotranspiration Adjustment Factor (ETAF)

1.0 = ETAF for Special Landscaped Area

LA = Landscaped Area (square feet)

0.62 = Conversion factor (to gallons per square foot)

SLA = Special Landscaped Area (square feet)

MAWA Calculation:

	ETo		ETAF		LA or SLA (ft ²)	Conversion	MAWA (Gallons Per Year)	
MAWA for LA =		x	0.7	x		x 0.62	=	
MAWA for SLA =		x	1.0	x		x 0.62	=	
Total MAWA =								

Estimated Applied Water Use

$EAUW = ETo \times K_L \times LA \times 0.62 \div IE =$ Gallons per year

where:

EAUW = Estimated Applied Water Use (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

K_L = Landscape Coefficient

LA = Landscaped Area (square feet)

0.62 = Conversion factor (to gallons per square foot)

IE = Irrigation Efficiency = *IME* x *DU*

IME = Irrigation Management Efficiency (90%)

DU = Distribution Uniformity of irrigation head

EAUW Calculation:

$K_L = K_s \times K_d \times K_{mc}$
K_s = species factor (range = 0.1-0.9) (see *WUCOLS* list for values)
K_d = density factor (range = 0.5-1.3) (see *WUCOLS* for density value ranges)
K_{mc} = microclimate factor (range = 0.5-1.4) (see *WUCOLS*)
WUCOLS – www.owue.water.ca.gov/docs/wucols00.pdf

	ETo	K _L	LA	Conversion	IE	EAUW (Gallons Per Year)
Special Landscaped Area	x	x	x	x 0.62	÷	=
Cool Season Turf	x		x	x 0.62	÷	=
Warm Season Turf	x		x	x 0.62	÷	=
High Water Using Shrub	x		x	x 0.62	÷	=
Medium Water Using Shrub	x		x	x 0.62	÷	=
Low Water Using Shrub	x		x	x 0.62	÷	=
Very Low Water Using Shrubs	x		x	x 0.62	÷	=
Other	x		x	x 0.62	÷	=
Total EAUW =						

List sprinkler heads, microspray, and drip emitters here along with average precipitation rate and Distribution Uniformity of Irrigation Head.

<u>Sprinkler Head Types</u>	<u>Average Precipitation Rate</u>	<u>Distribution Uniformity of Irrigation Head</u>
Drip		
Microspray		
Bubbler		
Low precipitation rotating nozzles		
Stream rotors		

**LANDSCAPE INSTALLATION
CERTIFICATE OF COMPLETION**

I hereby certify that:

- (1) I am a landscape contractor holding a C-27 license in the State of California to provide professional landscape installation services.
- (2) The landscape project for the property located at _____
_____ (provide street address or parcel number(s)) was installed by me or under my supervision.
- (3) The landscaping for the identified property has been installed in substantial conformance with the approved Landscape Documentation Package and complies with the requirements of the City of Wildomar Water Efficient Landscape Ordinance and any adopted Implementation Guidelines for the efficient use of water in the landscape.
- (4) The information I have provided in this Landscape Installation Certificate of Completion is true and correct and is hereby submitted in compliance with the City of Wildomar Guidelines for Implementation of the City of Wildomar Water Efficient Landscape Ordinance.

Print Name

Date

Signature

C-27 License Number

Address

Telephone

E-mail Address

Definitions

The terms used in these Guidelines have the meaning set forth below:

“Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

“Conversion factor” means the number that converts acre-inches per acre per year to gallons per square foot per year.

“Check valve” or **“anti-drain valve”** means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

“Certified landscape irrigation auditor” means person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.

“Certificate of Completion” means the certificate documenting the installation of the landscaping and irrigation included as Appendix C of these Guidelines.

“Certification of Landscape Design” means the certification included as Appendix C of these Guidelines that must be included in the Landscape Documentation Package.

“Common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351

“Distribution Uniformity” (DU) is a measure of how uniformly an irrigation head applies water to a specific target area and theoretically ranges from zero to 100 percent.

“Drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

“Emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.

“Evapotranspiration rate” (ET_o) means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

“Flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

“Infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

“Invasive plants species” or **“noxious species”** means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive plant species may be regulated by county agricultural agencies as noxious species.

“Irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

“Irrigation Management Efficiency” (IME) means the measurement used to calculate the irrigation efficiency of the irrigation system for a landscaped project. A 90% IME can be achieved by using evapotranspiration controllers, soil moisture sensors, and other methods that will adjust irrigation run times to meet plant water needs.

“Landscaped area” (LA) means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance and Estimated Applied Water Use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscape, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

“Landscape coefficient” (KL) is the product of a plant factor multiplied by a density factor and a microclimate factor. The landscape coefficient is derived to estimate water loss from irrigated landscaped areas and special landscaped areas.

“Lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

“Low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

“Main line” means the pressurized pipeline that delivers water from the water source to the valve or outlet.

“Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area, as specified in Section 2 of these Guidelines. It is based upon the area’s reference evapotranspiration, the ETAF, and the size of the landscaped area. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance.

“Mulch” means any organic material such as leaves, bark, straw or compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

“Operating pressure” means the pressure at which the parts of an irrigation system of sprinklers are designed to operate at by the manufacturer

“Overspray” means the irrigation water which is delivered beyond the target area.

“Precipitation rate” means the rate of application of water measured in inches per hour.

“Recycled water” or **“reclaimed water”** means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

“Runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

“Special Landscape Area” (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

“Sprinkler head” means a device which delivers water through a nozzle.

“Static water pressure” means the pipeline or municipal water supply pressure when water is not flowing.

“Station” means an area served by one valve or by a set of valves that operate simultaneously.

“Swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

“Water Efficient Landscape Worksheets” means the worksheets included in Appendix B of these guidelines.

“Watering window” means the time of day irrigation is allowed.

“WUCOLS” means the Water Use Classification of Landscape published by the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation, 2000.

EXAMPLE WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the project applicant for each Point of Connection. Please complete all sections of the worksheet.

Point of Connection # 1

Maximum Applied Water Allowance (MAWA)

Total MAWA = (ETo x 0.7 x LA in Sq. Ft. x 0.62) + (ETo x 1.0 x SLA in Sq. Ft. x 0.62) = Gallons per year for LA+SLA

where:

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

0.7 = Evapotranspiration Adjustment Factor (ETAF)

1.0 = ETAF for Special Landscaped Area

LA = Landscaped Area (square feet)

0.62 = Conversion factor (to gallons per square foot)

SLA = Special Landscaped Area (square feet)

Example Calculation: a hypothetical landscape project for Santa Ana, CA with an irrigated landscaped area of 40,000 square feet with 10,000 square feet of Special Landscaped Area. To calculate MAWA, the annual reference evapotranspiration value for Santa Ana is 48.2 inches as listed in the Reference Evapotranspiration Table in the State's Model Code.

	ETo	ETAF	LA or SLA (ft ²)	Conversion	MAWA (Gallons Per Year)
MAWA for LA	48.2	x 0.7	x 40,000	x 0.62	= 836,752
MAWA for SLA	48.2	x 1.0	x 10,000	x 0.62	= 298,840
Total MAWA =					1,135,592 Gallons per year for LA+SLA

Estimated Applied Water Use

$EAWU = ETo \times K_L \times LA \times 0.62 \div IE =$ Gallons per year

where:

$EAWU =$ Estimated Applied Water Use (gallons per year)

$ETo =$ Reference Evapotranspiration **Appendix C** (inches per year)

$K_L =$ Landscape Coefficient

$LA =$ Landscaped Area (square feet)

$0.62 =$ Conversion factor (to gallons per square foot)

$IE =$ Irrigation Efficiency = $IME \times DU$ (See definition in Appendix E for example IE percentages)

$IME =$ Irrigation Management Efficiency (90%)

$DU =$ Distribution Uniformity of irrigation head

Example Calculation:

$K_L = K_s \times K_d \times K_{mc}$

$K_s =$ species factor (range = 0.1-0.9) (see WUCOLS list for values)

$K_d =$ density factor (range = 0.5-1.3) (see WUCOLS for density value ranges)

$K_{mc} =$ microclimate factor (range = 0.5-1.4) (see WUCOLS)

WUCOLS – www.owue.water.ca.gov/docs/wucols00.pdf

	ETo	K _L	LA	Conversion	IE	EAWU (Gallons per year)
Special Landscaped Area	48.2	x 1.00	x 10,000	x 0.62	÷ 0.75	= 398,453
Cool Season Turf	48.2	x 1.00	x 0	x 0.62	÷ 0.71	= 0
Warm Season Turf	48.2	x 0.65	x 0	x 0.62	÷ 0.71	= 0
High Water Using Shrub	48.2	x 0.70	x 0	x 0.62	÷ 0.71	= 0
Medium Water Using Shrub	48.2	x 0.50	x 15,000	x 0.62	÷ 0.65	= 344,815
Low Water Using Shrub	48.2	x 0.30	x 25,000	x 0.62	÷ 0.75	= 298,840
Very Low Water Using Shrub	48.2	x 0.20	x 0	x 0.62	÷ 0.71	= 0
Other	48.2	x 0.50	x 0	x 0.62	÷ 0.71	= 0
Other	48.2	x 0.50	x 0	x 0.62	÷ 0.71	= 0
Total EAWU =			50,000			1,042,109 Gallons per year

Compare EAWU with MAWA.

The EAWU (1,042,109 gallons per year) is less than MAWA (1,135,592 gallons per year).

This example, the water budget complies with the MAWA.

List sprinkler heads, microspray, and drip emitters here along with average precipitation rate and Distribution Uniformity of Irrigation Head.

<u>Sprinkler Head Types</u>	<u>Average Precipitation Rate</u>	<u>Distribution Uniformity of Irrigation Head</u>
Drip		
Microspray		
Bubbler		
Low precipitation rotating nozzles		
Stream rotors		

ATTACHMENT C

RESOLUTION NO. PC10-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR RESTATING CHAPTER 17.276 OF THE WILDOMAR MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF NEW WATER EFFICIENT LANDSCAPE REGULATIONS" (ZONING CODE AMENDMENT 10-02)

WHEREAS, the Governor signed Assembly Bill 1881 which requiring the Department of Water Resources to prepare a model local program ordinance; and

WHEREAS, the State Department of Water Resources prepared a model program for local agencies to implement; and

WHEREAS, based upon the State's model program the City has prepared an ordinance and implementing guidelines which will be at least as effective as the State's model program; and

WHEREAS, on January 23, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed zoning code amendment and implementing guidelines would be considered; and

WHEREAS, on February 3, 2010 the Planning Commission, during a regularly scheduled meeting, considered these possible amendments to the Zoning Ordinance.

NOW THEREFORE, the Planning Commission of the City of Wildomar does Resolve, Determine, Find and Order as follows:

SECTION 1. ENVIRONMENTAL REVIEW. The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated February 3, 2010, recommends that this Ordinance be declared exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), because pursuant to State CEQA Regulation 15307 (14 Cal. Code Regs., §15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this ordinance will result in the enhancement and protection of water resources in the City, and will not result in cumulative adverse environment impacts.

SECTION 2. GENERAL PLAN CONSISTENCY. The proposed amendments to the zoning ordinance appear to be consistent with and do not conflict with the provisions of the General Plan. The Multipurpose Open Space Element in the General Plan identifies the importance of water conservation. Specifically Goal 2 contains policies on the importance of installing water conservation devices, the use of native and drought tolerant plant materials to reduce irrigation water use, and the use of educational programs to promote conservation and water savings/efficiency.

SECTION 3. PLANNING COMMISSION RECOMMENDATIONS. The Planning Commission hereby makes the following recommendations:

A. Notice of Exemption. That the City Council makes a determination that the project is exempt from environmental review in accordance with the provisions of CEQA Guidelines Section 15037.

B. Adopt an Ordinance. That the City Council adopt an ordinance entitled "An Ordinance of the City Council of the City of Wildomar Restating Chapter 17.276 of the Wildomar Municipal Code relating to the Establishment of New Water Efficient Landscape Regulations" as attached hereto and incorporated herein by this reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 3rd day of February 2010.

Robert Devine
Chairman

APPROVED AS TO FORM:

ATTEST:

Thomas Jex
Assistant City Attorney

David Hogan
Planning Commission Secretary

ATTACHMENT D

RESOLUTION NO. PC10-006

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF WILDOMAR APPROVE IMPLEMENTING GUIDELINES FOR THE NEW WATER EFFICIENT LANDSCAPE REGULATIONS

WHEREAS, the Governor signed Assembly Bill 1881 which requiring the Department of Water Resources to prepare a model local program ordinance; and

WHEREAS, the State Department of Water Resources prepared a model program for local agencies to implement; and

WHEREAS, based upon the State's model program the City has prepared an ordinance and implementing guidelines which will be at least as effective as the State's model program; and

WHEREAS, on January 23, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed zoning code amendment and implementing guidelines would be considered; and

WHEREAS, on February 3, 2010 the Planning Commission, during a regularly scheduled meeting, considered the implementing guidelines authorized by the proposed amendments to the Zoning Ordinance.

NOW THEREFORE, the Planning Commission of the City of Wildomar does Resolve, Determine, Find and Order as follows:

SECTION 1. ENVIRONMENTAL REVIEW. The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated February 3, 2010, recommends that the Implementing Guidelines authorized by the Water Efficient Landscaping Ordinance be declared exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), because pursuant to State CEQA Regulation 15307 (14 Cal. Code Regs., §15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of the implementing guidelines and ordinance will result in the enhancement and protection of water resources in the City, and will not result in cumulative adverse environment impacts.

SECTION 2. GENERAL PLAN CONSISTENCY. The proposed implementing guidelines established by the amendments to the zoning ordinance appear to be consistent with and do not conflict with the provisions of the General Plan. The Multipurpose Open Space Element in the General Plan identifies the importance of

water conservation. Specifically Goal 2 contains policies on the importance of installing water conservation devices, the use of native and drought tolerant plant materials to reduce irrigation water use, and the use of educational programs to promote conservation and water savings/efficiency.

SECTION 3. PLANNING COMMISSION RECOMMENDATIONS. The Planning Commission hereby makes the following recommendations:

A. Notice of Exemption. That the City Council makes a determination that the project is exempt from environmental review in accordance with the provisions of CEQA Guidelines Section 15037.

B. Approve a Resolution. That the City Council approve the resolution approving the Implementation Guidelines for the Water Efficient Irrigation Program as attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 3rd day of February 2010.

Robert Devine
Chairman

APPROVED AS TO FORM:

ATTEST:

Thomas Jex
Assistant City Attorney

David Hogan
Planning Commission Secretary

ATTACHMENT E

GOVERNMENT CODE SECTION 65591-65599

65591. This article shall be known and may be cited as the Water Conservation in Landscaping Act.

65592. Unless the context requires otherwise, the following definitions govern the construction of this article:

(a) "Department" means the Department of Water Resources.

(b) "Local agency" means any city, county, or city and county, including a charter city or charter county.

(c) "Water efficient landscape ordinance" means an ordinance or resolution adopted by a local agency, or prepared by the department, to address the efficient use of water in landscaping.

65593. The Legislature finds and declares all of the following:

(a) The waters of the state are of limited supply and are subject to ever increasing demands.

(b) The continuation of California's economic prosperity is dependent on adequate supplies of water being available for future uses.

(c) It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource.

(d) Landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development.

(e) Landscape design, installation, maintenance, and management can and should be water efficient.

(f) Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable use or unreasonable method of use.

(g) (1) The Legislature, pursuant to Chapter 682 of the Statutes of 2004, requested the California Urban Water Conservation Council to convene a stakeholders work group to develop recommendations for improving the efficiency of water use in urban irrigated landscapes.

(2) The work group report includes a recommendation to update the model water efficient landscape ordinance adopted by the department pursuant to Chapter 1145 of the Statutes of 1990.

(3) It is the intent of the Legislature that the department promote the use of this updated model ordinance.

(h) Notwithstanding Article 13 (commencing with Section 65700), this article addresses a matter that is of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Accordingly, it is the intent of the Legislature that this article, except as provided in Section 65594, apply to all cities and counties, including charter cities and charter counties.

65594. (a) Except as provided in Section 65595, if by January 1, 1993, a local agency did not adopt a water efficient landscape ordinance and did not adopt findings based on climatic, geological, or topographical conditions, or water availability that state that a water efficient landscape ordinance is unnecessary, the model water efficient landscape ordinance adopted by the department pursuant to Chapter 1145 of the Statutes of 1990 shall apply within the jurisdiction of the local agency as of that date, shall be enforced by the local agency, and shall have the same force and effect as if adopted by the local agency.

(b) Notwithstanding subdivision (b) of Section 65592, subdivision (a) does not apply to chartered cities.

(c) This section shall apply only until the department updates the model ordinance.

65595.(a) (1) To the extent funds are appropriated, not later than January 1, 2009, by regulation, the department shall update the model water efficient landscape ordinance adopted pursuant to Chapter 1145 of the Statutes of 1990, after holding one or more public hearings. The updated model ordinance shall be based on the recommendations set forth in the report prepared pursuant to Chapter 682 of the Statutes of 2004 and shall meet the requirements of Section 65596.

(2) Before the adoption of the updated model ordinance pursuant to paragraph (1), the department shall prepare and submit to the Legislature a report relating to both of the following:

(A) The extent to which local agencies have complied with the model water efficient landscape ordinance adopted pursuant to Chapter 1145 of the Statutes of 1990.

(B) The department's recommendations regarding the landscape water budget component of the updated model ordinance described in subdivision (b) of Section 65596.

(b) Not later than January 31, 2009, the department shall distribute the updated model ordinance adopted pursuant to subdivision (a) to all local agencies and other interested parties.

(c) On or before January 1, 2010, a local agency shall adopt one of the following:

(1) A water efficient landscape ordinance that is, based on evidence in the record, at least as effective in conserving water as the updated model ordinance adopted by the department pursuant to subdivision (a).

(2) The updated model ordinance described in paragraph (1).

(d) If the local agency has not adopted, on or before January 1, 2010, a water efficient landscape ordinance pursuant to subdivision (c), the updated model ordinance adopted by the department pursuant to subdivision (a) shall apply within the jurisdiction of the local agency as

of that date, shall be enforced by the local agency, and shall have the same force and effect as if adopted by the local agency.

(e) Nothing in this article shall be construed to require the local agency's water efficient landscape ordinance to duplicate, or to conflict with, a water efficiency program or measure implemented by a public water system, as defined in Section 116275 of the Health and Safety Code, within the jurisdictional boundaries of the local agency.

65596. The updated model ordinance adopted pursuant to Section 65595 shall do all the following in order to reduce water use:

(a) Include provisions for water conservation and the appropriate use and groupings of plants that are well-adapted to particular sites and to particular climatic, soil, or topographic conditions. The model ordinance shall not prohibit or require specific plant species, but it may include conditions for the use of plant species or encourage water conserving plants. However, the model ordinance shall not include conditions that have the effect of prohibiting or requiring specific plant species.

(b) Include a landscape water budget component that establishes the maximum amount of water to be applied through the irrigation system, based on climate, landscape size, irrigation efficiency, and plant needs.

(c) Promote the benefits of consistent local ordinances in neighboring areas.

(d) Encourage the capture and retention of stormwater onsite to improve water use efficiency or water quality.

(e) Include provisions for the use of automatic irrigation systems and irrigation schedules based on climatic conditions, specific terrains and soil types, and other environmental conditions. The model ordinance shall include references to local, state, and federal laws and regulations regarding standards for water-conserving irrigation equipment. The model ordinance may include climate information for irrigation scheduling based on the California Irrigation Management Information System (Chapter 2 (commencing with Section 10015) of Part 1.5 of Division 6 of the Water Code).

(f) Include provisions for onsite soil assessment and soil management plans that include grading and drainage to promote healthy plant growth and to prevent excessive erosion and runoff, and the use of mulches in shrub areas, garden beds, and landscaped areas where appropriate.

(g) Promote the use of recycled water consistent with Article 4 (commencing with Section 13520) of Chapter 7 of Division 7 of the Water Code.

(h) Seek to educate water users on the efficient use of water and the benefits of doing so.

(i) Address regional differences, including fire prevention needs.

(j) Exempt landscaping that is part of a registered historical site.

(k) Encourage the use of economic incentives to promote the efficient use of water.

(l) Include provisions for landscape maintenance practices that foster long-term landscape water conservation. Landscape maintenance practices may include, but are not limited to, performing routine irrigation system repair and adjustments, conducting water audits, and prescribing the amount of water applied per landscaped acre.

(m) Include provisions to minimize landscape irrigation overspray and runoff.

65597. Not later than January 31, 2010, each local agency shall notify the department as to whether the local agency is subject to the department's updated model ordinance adopted pursuant to Section 65595, and if not, shall submit to the department a copy of the water efficient landscape ordinance adopted by the local agency, and a copy of the local agency's findings and evidence in the record that its water efficient landscape ordinance is at least as effective in conserving water as the department's updated model ordinance. Not later than January 31, 2011, the department shall, to the extent funds are appropriated, prepare and submit a report to the Legislature summarizing the status of water efficient landscape ordinances adopted by local agencies.

65598. Any model ordinance adopted pursuant to this article shall exempt cemeteries from all provisions of the ordinance except those set forth in subdivisions (h), (k), and (l) of Section 65596. In adopting language specific to cemeteries, the department shall recognize the special landscape management needs of cemeteries.

65599. Any actions or proceedings to attach, review, set aside, void, or annul the act, decision, or findings of a local agency on the ground of noncompliance with this article shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

ATTACHMENT F

Model Water Efficient Landscape Ordinance

California Code of Regulations
Title 23. Waters
Division 2. Department of Water Resources
Chapter 2.7. Model Water Efficient Landscape Ordinance

§ 490. Purpose.

(a) The State Legislature has found:

- (1) that the waters of the state are of limited supply and are subject to ever increasing demands;
- (2) that the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
- (3) that it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
- (4) that landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development; and
- (5) that landscape design, installation, maintenance and management can and should be water efficient; and
- (6) that Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

(b) Consistent with these legislative findings, the purpose of this model ordinance is to:

- (1) promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- (2) establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- (3) establish provisions for water management practices and water waste prevention for existing landscapes;
- (4) use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount;
- (5) promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
- (6) encourage local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and
- (7) encourage local agencies to designate the necessary authority that implements and enforces the provisions of the Model Water Efficient Landscape Ordinance or its local landscape ordinance.

Note: Authority cited: Section 65593, Government Code. Reference: Sections 65591, 65593, 65596, Government Code.

§ 490.1 Applicability

(a) After January 1, 2010, this ordinance shall apply to all of the following landscape projects:

- (1) new construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;
- (2) new construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
- (3) new construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review;

(4) existing landscapes limited to Sections 493, 493.1 and 493.2; and
(5) cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11 and 492.12; and existing cemeteries are limited to Sections 493, 493.1 and 493.2.

(b) This ordinance does not apply to:

- (1) registered local, state or federal historical sites;
- (2) ecological restoration projects that do not require a permanent irrigation system;
- (3) mined-land reclamation projects that do not require a permanent irrigation system; or
- (4) plant collections, as part of botanical gardens and arboretums open to the public.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 491. Definitions.

The terms used in this ordinance have the meaning set forth below:

- (a) “applied water” means the portion of water supplied by the irrigation system to the landscape.
- (b) “automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
- (c) “backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- (d) “Certificate of Completion” means the document required under Section 492.9.
- (e) “certified irrigation designer” means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.
- (f) “certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.
- (g) “check valve” or “anti-drain valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- (h) “common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- (i) “conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year
- (j) “drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (k) “ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- (l) “effective precipitation” or “usable rainfall” (Eppt) means the portion of total precipitation which becomes available for plant growth.
- (m) “emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.
- (n) “established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
- (o) “establishment period of the plants” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.

(p) “Estimated Total Water Use” (ETWU) means the total water used for the landscape as described in Section 492.4.

(q) “ET adjustment factor” (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.

A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is $(0.7) = (0.5/0.71)$. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.

(r) “evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

(s) “flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

(t) “hardscapes” means any durable material (pervious and non-pervious).

(u) “homeowner-provided landscaping” means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

(v) “hydrozone” means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

(w) “infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

(x) “invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. “Noxious weeds” means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

(y) “irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

(z) “irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

(aa) “irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

(bb) “irrigation water use analysis” means an analysis of water use data based on meter readings and billing data.

(cc) “landscape architect” means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

(dd) “landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

- (ee) “landscape contractor” means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- (ff) “Landscape Documentation Package” means the documents required under Section 492.3.
- (gg) “landscape project” means total area of landscape in a project as defined in “landscape area” for the purposes of this ordinance, meeting requirements under Section 490.1.
- (hh) “lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- (ii) “local agency” means a city or county, including a charter city or charter county, that is responsible for adopting and implementing the ordinance. The local agency is also responsible for the enforcement of this ordinance, including but not limited to, approval of a permit and plan check or design review of a project.
- (jj) “local water purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service.
- (kk) “low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (ll) “main line” means the pressurized pipeline that delivers water from the water source to the valve or outlet.
- (mm) “Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 492.4. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.
- (nn) “microclimate” means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
- (oo) “mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
- (pp) “mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
- (qq) “new construction” means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.
- (rr) “operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- (ss) “overhead sprinkler irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).
- (tt) “overspray” means the irrigation water which is delivered beyond the target area.
- (uu) “permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
- (vv) “pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.
- (ww) “plant factor” or “plant water use factor” is a factor , when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant

factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species".

(xx) "precipitation rate" means the rate of application of water measured in inches per hour.

(yy) "project applicant" means the individual or entity submitting a Landscape Documentation Package required under Section 492.3, to request a permit, plan check, or design review from the local agency. A project applicant may be the property owner or his or her designee.

(zz) "rain sensor" or "rain sensing shutoff device" means a component which automatically suspends an irrigation event when it rains.

(aaa) "record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

(bbb) "recreational area" means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

(ccc) "recycled water", "reclaimed water", or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

(ddd) "reference evapotranspiration" or "ET_o" means a standard measurement of environmental parameters which affect the water use of plants. ET_o is expressed in inches per day, month, or year as represented in Section 495.1, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

(eee) "rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 490.1, and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.

(fff) "runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

(ggg) "soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

(hhh) "soil texture" means the classification of soil based on its percentage of sand, silt, and clay.

(iii) "Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

(jjj) "sprinkler head" means a device which delivers water through a nozzle.

(kkk) "static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.

(lll) "station" means an area served by one valve or by a set of valves that operate simultaneously.

(mmm) "swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

(nnn) "turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

(ooo) "valve" means a device used to control the flow of water in the irrigation system.

(ppp) "water conserving plant species" means a plant species identified as having a low plant factor.

(qqq) "water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in

the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

(rrr) "watering window" means the time of day irrigation is allowed.

(sss) "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

Note: Authority Cited: Section 65595, Government Code. Reference: Sections 65592, 65596, Government Code.

§ 492. Provisions for New Construction or Rehabilitated Landscapes.

(a) A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.1 Compliance with Landscape Documentation Package.

(a) Prior to construction, the local agency shall:

- (1) provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
- (2) review the Landscape Documentation Package submitted by the project applicant;
- (3) approve or deny the Landscape Documentation Package;
- (4) issue a permit or approve the plan check or design review for the project applicant; and
- (5) upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

(b) Prior to construction, the project applicant shall:

- (1) submit a Landscape Documentation Package to the local agency.

(c) Upon approval of the Landscape Documentation Package by the local agency, the project applicant shall:

- (1) receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;
- (2) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and
- (3) submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.2 Penalties.

(a) A local agency may establish and administer penalties to the project applicant for non-compliance with the ordinance to the extent permitted by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.3 Elements of the Landscape Documentation Package.

- (a) The Landscape Documentation Package shall include the following six (6) elements:
- (1) project information;
 - (A) date
 - (B) project applicant
 - (C) project address (if available, parcel and/or lot number(s))
 - (D) total landscape area (square feet)
 - (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
 - (G) checklist of all documents in Landscape Documentation Package
 - (H) project contacts to include contact information for the project applicant and property owner
 - (I) applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".
 - (2) Water Efficient Landscape Worksheet;
 - (A) hydrozone information table
 - (B) water budget calculations
 1. Maximum Applied Water Allowance (MAWA)
 2. Estimated Total Water Use (ETWU)
 - (3) soil management report;
 - (4) landscape design plan;
 - (5) irrigation design plan; and
 - (6) grading design plan.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.4 Water Efficient Landscape Worksheet.

- (a) A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections (see sample worksheet in Appendix B):
- (1) a hydrozone information table (see Appendix B, Section A) for the landscape project; and
 - (2) a water budget calculation (see Appendix B, Section B) for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.
- (b) Water budget calculations shall adhere to the following requirements:
- (1) The plant factor used shall be from WUCOLS. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
 - (2) All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
 - (3) All Special Landscape Areas shall be identified and their water use calculated as described below.
 - (4) ETAF for Special Landscape Areas shall not exceed 1.0.
- (c) Maximum Applied Water Allowance
The Maximum Applied Water Allowance shall be calculated using the equation:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations are from the Reference Evapotranspiration Table in Appendix A, for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required and shall use current reference evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

(1) Example MAWA calculation: a hypothetical landscape project in Fresno, CA with an irrigated landscape area of 50,000 square feet without any Special Landscape Area (SLA= 0, no edible plants, recreational areas, or use of recycled water). To calculate MAWA, the annual reference evapotranspiration value for Fresno is 51.1 inches as listed in the Reference Evapotranspiration Table in Appendix A.

$$MAWA = (ET_o) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

MAWA = Maximum Applied Water Allowance (gallons per year)
 ET_o = Reference Evapotranspiration (inches per year)
 0.62 = Conversion Factor (to gallons)
 0.7 = ET Adjustment Factor (ETAF)
 LA = Landscape Area including SLA (square feet)
 0.3 = Additional Water Allowance for SLA
 SLA = Special Landscape Area (square feet)

$$MAWA = (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 0)]$$

$$= 1,108,870 \text{ gallons per year}$$

To convert from gallons per year to hundred-cubic-feet per year:
 $= 1,108,870 / 748 = 1,482 \text{ hundred-cubic-feet per year}$
 (100 cubic feet = 748 gallons)

(2) In this next hypothetical example, the landscape project in Fresno, CA has the same ETo value of 51.1 inches and a total landscape area of 50,000 square feet. Within the 50,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a Special Landscape Area.

$$MAWA = (ET_o) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

$$MAWA = (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})]$$

$$= 31.68 \times [35,000 + 600] \text{ gallons per year}$$

$$= 31.68 \times 35,600 \text{ gallons per year}$$

$$= 1,127,808 \text{ gallons per year or } 1,508 \text{ hundred-cubic-feet per year}$$

(d) Estimated Total Water Use.

The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydrozones shall not exceed MAWA.

$$ETWU = (ET_o)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

Where:

- ETWU = Estimated Total Water Use per year (gallons)
- ET_o = Reference Evapotranspiration (inches)
- PF = Plant Factor from WUCOLS (see Section 491)
- HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
- SLA = Special Landscape Area (square feet)
- 0.62 = Conversion Factor
- IE = Irrigation Efficiency (minimum 0.71)

(1) Example ETWU calculation: landscape area is 50,000 square feet; plant water use type, plant factor, and hydrozone area are shown in the table below. The ETo value is 51.1 inches per year. There are no Special Landscape Areas (recreational area, area permanently and solely dedicated to edible plants, and area irrigated with recycled water) in this example.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	10,000	7,000
3	Medium	0.5	16,000	8,000
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	24,700

*Plant Factor from WUCOLS

$$ETWU = (51.1)(0.62) \left(\frac{24,700}{0.71} + 0 \right)$$

= 1,102,116 gallons per year

Compare ETWU with MAWA: For this example MAWA = (51.1) (0.62) [(0.7 x 50,000) + (0.3 x 0)] = 1,108,870 gallons per year. The ETWU (1,102,116 gallons per year) is less than MAWA (1,108,870 gallons per year). In this example, the water budget complies with the MAWA.

(2) Example ETWU calculation: total landscape area is 50,000 square feet, 2,000 square feet of which is planted with edible plants. The edible plant area is considered a Special Landscape Area (SLA). The reference evapotranspiration value is 51.1 inches per year. The plant type, plant factor, and hydrozone area are shown in the table below.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	9,000	6,300
3	Medium	0.5	15,000	7,500
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	23,500
6	SLA	1.0	2,000	2,000

*Plant Factor from WUCOLS

$$ETWU = (51.1)(0.62) \left(\frac{23,500}{0.71} + 2,000 \right)$$

= (31.68) (33,099 + 2,000)

= 1,111,936 gallons per year

Compare ETWU with MAWA. For this example:
MAWA = (51.1) (0.62) [(0.7 x 50,000) + (0.3 x 2,000)]
= 31.68 x [35,000 + 600]
= 31.68 x 35,600
=1,127,808 gallons per year

The ETWU (1,111,936 gallons per year) is less than MAWA (1,127,808 gallons per year). For this example, the water budget complies with the MAWA.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.5 Soil Management Report.

(a) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

(1) Submit soil samples to a laboratory for analysis and recommendations.

(A) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

(B) The soil analysis may include:

1. soil texture;
2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
3. pH;
4. total soluble salts;
5. sodium;
6. percent organic matter; and
7. recommendations.

(2) The project applicant, or his/her designee, shall comply with one of the following:

(A) If significant mass grading is not planned, the soil analysis report shall be submitted to the local agency as part of the Landscape Documentation Package; or

(B) If significant mass grading is planned, the soil analysis report shall be submitted to the local agency as part of the Certificate of Completion.

(3) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

(4) The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the local agency with Certificate of Completion.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.6 Landscape Design Plan.

(a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) Plant Material

(A) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. To encourage the efficient use of water, the following is highly recommended:

1. protection and preservation of native species and natural vegetation;
2. selection of water-conserving plant and turf species;

3. selection of plants based on disease and pest resistance;
4. selection of trees based on applicable local tree ordinances or tree shading guidelines; and
5. selection of plants from local and regional landscape program plant lists.

(B) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 492.7(a)(2)(D).

(C) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:

1. use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
2. recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and
3. consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

(D) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

(E) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

(F) The use of invasive and/or noxious plant species is strongly discouraged.

(G) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(2) Water Features

(A) Recirculating water systems shall be used for water features.

(B) Where available, recycled water shall be used as a source for decorative water features.

(C) Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

(D) Pool and spa covers are highly recommended.

(3) Mulch and Amendments

(A) A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

(B) Stabilizing mulching products shall be used on slopes.

(C) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

(D) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 492.5).

(b) The landscape design plan, at a minimum, shall:

- (1) delineate and label each hydrozone by number, letter, or other method;
- (2) identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
- (3) identify recreational areas;
- (4) identify areas permanently and solely dedicated to edible plants;
- (5) identify areas irrigated with recycled water;
- (6) identify type of mulch and application depth;
- (7) identify soil amendments, type, and quantity;
- (8) identify type and surface area of water features;
- (9) identify hardscapes (pervious and non-pervious);

- (10) identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
- (A) infiltration beds, swales, and basins that allow water to collect and soak into the ground;
 - (B) constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
 - (C) pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
- (11) identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
- (12) contain the following statement: “I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan”; and
- (13) bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code and Section 1351, Civil Code.

§ 492.7 Irrigation Design Plan.

(a) For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers’ recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) System

(A) Dedicated landscape water meters are highly recommended on landscape areas smaller than 5,000 square feet to facilitate water management.

(B) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.

(C) The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer’s recommended pressure range for optimal performance.

1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

(D) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

(E) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

(F) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.

(G) High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.

(H) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

(I) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

(J) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

(K) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 492.4 regarding the Maximum Applied Water Allowance.

(L) It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

(M) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

(N) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

(O) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

(P) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.

(Q) Check valves or anti-drain valves are required for all irrigation systems.

(R) Narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.

(S) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
3. the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 492.7 (a)(1)(H). Prevention of overspray and runoff must be confirmed during the irrigation audit.

(T) Slopes greater than 25% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(2) Hydrozone

(A) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

(B) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

(C) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.

(D) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

1. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
2. the plant factor of the higher water using plant is used for calculations.

(E) Individual hydrozones that mix high and low water use plants shall not be permitted.

(F) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.

(b) The irrigation design plan, at a minimum, shall contain:

- (1) location and size of separate water meters for landscape;
- (2) location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
- (3) static water pressure at the point of connection to the public water supply;
- (4) flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
- (5) recycled water irrigation systems as specified in Section 492.14;
- (6) the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
- (7) the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.8 Grading Design Plan.

(a) For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

(1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

- (A) height of graded slopes;
- (B) drainage patterns;
- (C) pad elevations;
- (D) finish grade; and
- (E) stormwater retention improvements, if applicable.

(2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:

- (A) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
- (B) avoid disruption of natural drainage patterns and undisturbed soil; and
- (C) avoid soil compaction in landscape areas.

(3) The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.9 Certificate of Completion.

- (a) The Certificate of Completion (see Appendix C for a sample certificate) shall include the following six (6) elements:
- (1) project information sheet that contains:
 - (A) date;
 - (B) project name;
 - (C) project applicant name, telephone, and mailing address;
 - (D) project address and location; and
 - (E) property owner name, telephone, and mailing address;
 - (2) certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;
 - (A) where there have been significant changes made in the field during construction, these “as-built” or record drawings shall be included with the certification;
 - (3) irrigation scheduling parameters used to set the controller (see Section 492.10);
 - (4) landscape and irrigation maintenance schedule (see Section 492.11);
 - (5) irrigation audit report (see Section 492.12); and
 - (6) soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 492.5).
- (b) The project applicant shall:
- (1) submit the signed Certificate of Completion to the local agency for review;
 - (2) ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his or her designee.
- (c) The local agency shall:
- (1) receive the signed Certificate of Completion from the project applicant;
 - (2) approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the local agency shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.10 Irrigation Scheduling.

- (a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
- (1) Irrigation scheduling shall be regulated by automatic irrigation controllers.
 - (2) Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
 - (3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
 - (4) Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - (A) the plant establishment period;

- (B) the established landscape; and
- (C) temporarily irrigated areas.
- (5) Each irrigation schedule shall consider for each station all of the following that apply:
 - (A) irrigation interval (days between irrigation);
 - (B) irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - (C) number of cycle starts required for each irrigation event to avoid runoff;
 - (D) amount of applied water scheduled to be applied on a monthly basis;
 - (E) application rate setting;
 - (F) root depth setting;
 - (G) plant type setting;
 - (H) soil type;
 - (I) slope factor setting;
 - (J) shade factor setting; and
 - (K) irrigation uniformity or efficiency setting.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.11 Landscape and Irrigation Maintenance Schedule.

- (a) Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- (b) A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- (c) Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
- (d) A project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.12 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

- (a) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
- (b) For new construction and rehabilitated landscape projects installed after January 1, 2010, as described in Section 490.1:
 - (1) the project applicant shall submit an irrigation audit report with the Certificate of Completion to the local agency that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule;
 - (2) the local agency shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.13 Irrigation Efficiency.

(a) For the purpose of determining Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.14 Recycled Water.

(a) The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted as described in Section 492.14(b).

(b) Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the local water purveyor stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.

(c) All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.

(d) Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for Special Landscape Areas shall not exceed 1.0.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.15 Stormwater Management.

(a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encouraged.

(b) Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater ordinances and stormwater management plans.

(c) Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.16 Public Education.

(a) Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

(1) A local agency shall provide information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.

(b) Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.

(1) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.

(2) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.17 Environmental Review.

(a) The local agency must comply with the California Environmental Quality Act (CEQA), as appropriate.

Note: Authority cited: Section 21082, Public Resources Code. Reference: Sections 21080, 21082, Public Resources Code.

§ 493. Provisions for Existing Landscapes.

(a) A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 493.1 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

(a) This section, 493.1, shall apply to all existing landscapes that were installed before January 1, 2010 and are over one acre in size.

(1) For all landscapes in 493.1(a) that have a water meter, the local agency shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (ET_o)(LA)(0.62)$.

(2) For all landscapes in 493.1(a), that do not have a meter, the local agency shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

(b) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 493.2 Water Waste Prevention.

(a) Local agencies shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.

(b) Restrictions regarding overspray and runoff may be modified if:

(1) the landscape area is adjacent to permeable surfacing and no runoff occurs; or

(2) the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

Note: Authority cited: Section 65594, Government Code. Reference: Section 65596, Government Code.

§ 494. Effective Precipitation.

(a) A local agency may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance:

$MAWA = (ET_o - Eppt) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

Appendices.

Appendix A. Reference Evapotranspiration (ET_o) Table.

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
ALAMEDA													
Fremont	1.5	1.9	3.4	4.7	5.4	6.3	6.7	6.0	4.5	3.4	1.8	1.5	47.0
Livermore	1.2	1.5	2.9	4.4	5.9	6.6	7.4	6.4	5.3	3.2	1.5	0.9	47.2
Oakland	1.5	1.5	2.8	3.9	5.1	5.3	6.0	5.5	4.8	3.1	1.4	0.9	41.8
Oakland Foothills	1.1	1.4	2.7	3.7	5.1	6.4	5.8	4.9	3.6	2.6	1.4	1.0	39.6
Pleasanton	0.8	1.5	2.9	4.4	5.6	6.7	7.4	6.4	4.7	3.3	1.5	1.0	46.2
Union City	1.4	1.8	3.1	4.2	5.4	5.9	6.4	5.7	4.4	3.1	1.5	1.2	44.2
ALPINE													
Markleeville	0.7	0.9	2.0	3.5	5.0	6.1	7.3	6.4	4.4	2.6	1.2	0.5	40.6
AMADOR													
Jackson	1.2	1.5	2.8	4.4	6.0	7.2	7.9	7.2	5.3	3.2	1.4	0.9	48.9
Shanandoah Valley	1.0	1.7	2.9	4.4	5.6	6.8	7.9	7.1	5.2	3.6	1.7	1.0	48.8
BUTTE													
Chico	1.2	1.8	2.9	4.7	6.1	7.4	8.5	7.3	5.4	3.7	1.7	1.0	51.7
Durham	1.1	1.8	3.2	5.0	6.5	7.4	7.8	6.9	5.3	3.6	1.7	1.0	51.1
Gridley	1.2	1.8	3.0	4.7	6.1	7.7	8.5	7.1	5.4	3.7	1.7	1.0	51.9
Oroville	1.2	1.7	2.8	4.7	6.1	7.6	8.5	7.3	5.3	3.7	1.7	1.0	51.5
CALAVERAS													
San Andreas	1.2	1.5	2.8	4.4	6.0	7.3	7.9	7.0	5.3	3.2	1.4	0.7	48.8
COLUSA													
Colusa	1.0	1.7	3.4	5.0	6.4	7.6	8.3	7.2	5.4	3.8	1.8	1.1	52.8
Williams	1.2	1.7	2.9	4.5	6.1	7.2	8.5	7.3	5.3	3.4	1.6	1.0	50.8
CONTRA COSTA													
Benicia	1.3	1.4	2.7	3.8	4.9	5.0	6.4	5.5	4.4	2.9	1.2	0.7	40.3
Brentwood	1.0	1.5	2.9	4.5	6.1	7.1	7.9	6.7	5.2	3.2	1.4	0.7	48.3
Concord	1.1	1.4	2.4	4.0	5.5	5.9	7.0	6.0	4.8	3.2	1.3	0.7	43.4
Courtland	0.9	1.5	2.9	4.4	6.1	6.9	7.9	6.7	5.3	3.2	1.4	0.7	48.0
Martinez	1.2	1.4	2.4	3.9	5.3	5.6	6.7	5.6	4.7	3.1	1.2	0.7	41.8
Moraga	1.2	1.5	3.4	4.2	5.5	6.1	6.7	5.9	4.6	3.2	1.6	1.0	44.9
Pittsburg	1.0	1.5	2.8	4.1	5.6	6.4	7.4	6.4	5.0	3.2	1.3	0.7	45.4
Walnut Creek	0.8	1.5	2.9	4.4	5.6	6.7	7.4	6.4	4.7	3.3	1.5	1.0	46.2
DEL NORTE													
Crescent City	0.5	0.9	2.0	3.0	3.7	3.5	4.3	3.7	3.0	2.0	0.9	0.5	27.7
EL DORADO													
Camino	0.9	1.7	2.5	3.9	5.9	7.2	7.8	6.8	5.1	3.1	1.5	0.9	47.3
FRESNO													
Clovis	1.0	1.5	3.2	4.8	6.4	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.4
Coalinga	1.2	1.7	3.1	4.6	6.2	7.2	8.5	7.3	5.3	3.4	1.6	0.7	50.9
Firebaugh	1.0	1.8	3.7	5.7	7.3	8.1	8.2	7.2	5.5	3.9	2.0	1.1	55.4
FivePoints	1.3	2.0	4.0	6.1	7.7	8.5	8.7	8.0	6.2	4.5	2.4	1.2	60.4
FRESNO													
Fresno	0.9	1.7	3.3	4.8	6.7	7.8	8.4	7.1	5.2	3.2	1.4	0.6	51.1
Fresno State	0.9	1.6	3.2	5.2	7.0	8.0	8.7	7.6	5.4	3.6	1.7	0.9	53.7
Friant	1.2	1.5	3.1	4.7	6.4	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.3
Kerman	0.9	1.5	3.2	4.8	6.6	7.7	8.4	7.2	5.3	3.4	1.4	0.7	51.2
Kingsburg	1.0	1.5	3.4	4.8	6.6	7.7	8.4	7.2	5.3	3.4	1.4	0.7	51.6
Mendota	1.5	2.5	4.6	6.2	7.9	8.6	8.8	7.5	5.9	4.5	2.4	1.5	61.7
Orange Cove	1.2	1.9	3.5	4.7	7.4	8.5	8.9	7.9	5.9	3.7	1.8	1.2	56.7
Panoche	1.1	2.0	4.0	5.6	7.8	8.5	8.3	7.3	5.6	3.9	1.8	1.2	57.2
Parlier	1.0	1.9	3.6	5.2	6.8	7.6	8.1	7.0	5.1	3.4	1.7	0.9	52.0
Reedley	1.1	1.5	3.2	4.7	6.4	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.3
Westlands	0.9	1.7	3.8	6.3	8.0	8.6	8.6	7.8	5.9	4.3	2.1	1.1	58.8

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
GLENN													
Orland	1.1	1.8	3.4	5.0	6.4	7.5	7.9	6.7	5.3	3.9	1.8	1.4	52.1
Willows	1.2	1.7	2.9	4.7	6.1	7.2	8.5	7.3	5.3	3.6	1.7	1.0	51.3
HUMBOLDT													
Eureka	0.5	1.1	2.0	3.0	3.7	3.7	3.7	3.7	3.0	2.0	0.9	0.5	27.5
Ferndale	0.5	1.1	2.0	3.0	3.7	3.7	3.7	3.7	3.0	2.0	0.9	0.5	27.5
Garberville	0.6	1.2	2.2	3.1	4.5	5.0	5.5	4.9	3.8	2.4	1.0	0.7	34.9
Hoopla	0.5	1.1	2.1	3.0	4.4	5.4	6.1	5.1	3.8	2.4	0.9	0.7	35.6
IMPERIAL													
Brawley	2.8	3.8	5.9	8.0	10.4	11.5	11.7	10.0	8.4	6.2	3.5	2.1	84.2
Calipatria/Mulberry	2.4	3.2	5.1	6.8	8.6	9.2	9.2	8.6	7.0	5.2	3.1	2.3	70.7
El Centro	2.7	3.5	5.6	7.9	10.1	11.1	11.6	9.5	8.3	6.1	3.3	2.0	81.7
Holtville	2.8	3.8	5.9	7.9	10.4	11.6	12.0	10.0	8.6	6.2	3.5	2.1	84.7
Meloland	2.5	3.2	5.5	7.5	8.9	9.2	9.0	8.5	6.8	5.3	3.1	2.2	71.6
Palo Verde II	2.5	3.3	5.7	6.9	8.5	8.9	8.6	7.9	6.2	4.5	2.9	2.3	68.2
Seeley	2.7	3.5	5.9	7.7	9.7	10.1	9.3	8.3	6.9	5.5	3.4	2.2	75.4
Westmoreland	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Yuma	2.5	3.4	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.6
INYO													
Bishop	1.7	2.7	4.8	6.7	8.2	10.9	7.4	9.6	7.4	4.8	2.5	1.6	68.3
Death Valley Jct	2.2	3.3	5.4	7.7	9.8	11.1	11.4	10.1	8.3	5.4	2.9	1.7	79.1
Independence	1.7	2.7	3.4	6.6	8.5	9.5	9.8	8.5	7.1	3.9	2.0	1.5	65.2
Lower Haiwee Res.	1.8	2.7	4.4	7.1	8.5	9.5	9.8	8.5	7.1	4.2	2.6	1.5	67.6
Oasis	2.7	2.8	5.9	8.0	10.4	11.7	11.6	10.0	8.4	6.2	3.4	2.1	83.1
KERN													
Arvin	1.2	1.8	3.5	4.7	6.6	7.4	8.1	7.3	5.3	3.4	1.7	1.0	51.9
Bakersfield	1.0	1.8	3.5	4.7	6.6	7.7	8.5	7.3	5.3	3.5	1.6	0.9	52.4
Bakersfield/Bonanza	1.2	2.2	3.7	5.7	7.4	8.2	8.7	7.8	5.7	4.0	2.1	1.2	57.9
Bakersfield/Greenlee	1.2	2.2	3.7	5.7	7.4	8.2	8.7	7.8	5.7	4.0	2.1	1.2	57.9
KERN													
Belridge	1.4	2.2	4.1	5.5	7.7	8.5	8.6	7.8	6.0	3.8	2.0	1.5	59.2
Blackwells Corner	1.4	2.1	3.8	5.4	7.0	7.8	8.5	7.7	5.8	3.9	1.9	1.2	56.6
Buttonwillow	1.0	1.8	3.2	4.7	6.6	7.7	8.5	7.3	5.4	3.4	1.5	0.9	52.0
China Lake	2.1	3.2	5.3	7.7	9.2	10.0	11.0	9.8	7.3	4.9	2.7	1.7	74.8
Delano	0.9	1.8	3.4	4.7	6.6	7.7	8.5	7.3	5.4	3.4	1.4	0.7	52.0
Famoso	1.3	1.9	3.5	4.8	6.7	7.6	8.0	7.3	5.5	3.5	1.7	1.3	53.1
Grapevine	1.3	1.8	3.1	4.4	5.6	6.8	7.6	6.8	5.9	3.4	1.9	1.0	49.5
Inyokern	2.0	3.1	4.9	7.3	8.5	9.7	11.0	9.4	7.1	5.1	2.6	1.7	72.4
Isabella Dam	1.2	1.4	2.8	4.4	5.8	7.3	7.9	7.0	5.0	3.2	1.7	0.9	48.4
Lamont	1.3	2.4	4.4	4.6	6.5	7.0	8.8	7.6	5.7	3.7	1.6	0.8	54.4
Lost Hills	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
McFarland/Kern	1.2	2.1	3.7	5.6	7.3	8.0	8.3	7.4	5.6	4.1	2.0	1.2	56.5
Shafter	1.0	1.7	3.4	5.0	6.6	7.7	8.3	7.3	5.4	3.4	1.5	0.9	52.1
Taft	1.3	1.8	3.1	4.3	6.2	7.3	8.5	7.3	5.4	3.4	1.7	1.0	51.2
Tehachapi	1.4	1.8	3.2	5.0	6.1	7.7	7.9	7.3	5.9	3.4	2.1	1.2	52.9
KINGS													
Caruthers	1.6	2.5	4.0	5.7	7.8	8.7	9.3	8.4	6.3	4.4	2.4	1.6	62.7
Corcoran	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Hanford	0.9	1.5	3.4	5.0	6.6	7.7	8.3	7.2	5.4	3.4	1.4	0.7	51.5
Kettleman	1.1	2.0	4.0	6.0	7.5	8.5	9.1	8.2	6.1	4.5	2.2	1.1	60.2
Lemoore	0.9	1.5	3.4	5.0	6.6	7.7	8.3	7.3	5.4	3.4	1.4	0.7	51.7
Stratford	0.9	1.9	3.9	6.1	7.8	8.6	8.8	7.7	5.9	4.1	2.1	1.0	58.7

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
LAKE													
Lakeport	1.1	1.3	2.6	3.5	5.1	6.0	7.3	6.1	4.7	2.9	1.2	0.9	42.8
Lower Lake	1.2	1.4	2.7	4.5	5.3	6.3	7.4	6.4	5.0	3.1	1.3	0.9	45.4
LASSEN													
Buntingville	1.0	1.7	3.5	4.9	6.2	7.3	8.4	7.5	5.4	3.4	1.5	0.9	51.8
Ravendale	0.6	1.1	2.3	4.1	5.6	6.7	7.9	7.3	4.7	2.8	1.2	0.5	44.9
Susanville	0.7	1.0	2.2	4.1	5.6	6.5	7.8	7.0	4.6	2.8	1.2	0.5	44.0
LOS ANGELES													
Burbank	2.1	2.8	3.7	4.7	5.1	6.0	6.6	6.7	5.4	4.0	2.6	2.0	51.7
Claremont	2.0	2.3	3.4	4.6	5.0	6.0	7.0	7.0	5.3	4.0	2.7	2.1	51.3
El Dorado	1.7	2.2	3.6	4.8	5.1	5.7	5.9	5.9	4.4	3.2	2.2	1.7	46.3
Glendale	2.0	2.2	3.3	3.8	4.7	4.8	5.7	5.6	4.3	3.3	2.2	1.8	43.7
Glendora	2.0	2.5	3.6	4.9	5.4	6.1	7.3	6.8	5.7	4.2	2.6	2.0	53.1
Gorman	1.6	2.2	3.4	4.6	5.5	7.4	7.7	7.1	5.9	3.6	2.4	1.1	52.4
Hollywood Hills	2.1	2.2	3.8	5.4	6.0	6.5	6.7	6.4	5.2	3.7	2.8	2.1	52.8
Lancaster	2.1	3.0	4.6	5.9	8.5	9.7	11.0	9.8	7.3	4.6	2.8	1.7	71.1
Long Beach	1.8	2.1	3.3	3.9	4.5	4.3	5.3	4.7	3.7	2.8	1.8	1.5	39.7
Los Angeles	2.2	2.7	3.7	4.7	5.5	5.8	6.2	5.9	5.0	3.9	2.6	1.9	50.1
LOS ANGELES													
Monrovia	2.2	2.3	3.8	4.3	5.5	5.9	6.9	6.4	5.1	3.2	2.5	2.0	50.2
Palmdale	2.0	2.6	4.6	6.2	7.3	8.9	9.8	9.0	6.5	4.7	2.7	2.1	66.2
Pasadena	2.1	2.7	3.7	4.7	5.1	6.0	7.1	6.7	5.6	4.2	2.6	2.0	52.3
Pearblossom	1.7	2.4	3.7	4.7	7.3	7.7	9.9	7.9	6.4	4.0	2.6	1.6	59.9
Pomona	1.7	2.0	3.4	4.5	5.0	5.8	6.5	6.4	4.7	3.5	2.3	1.7	47.5
Redondo Beach	2.2	2.4	3.3	3.8	4.5	4.7	5.4	4.8	4.4	2.8	2.4	2.0	42.6
San Fernando	2.0	2.7	3.5	4.6	5.5	5.9	7.3	6.7	5.3	3.9	2.6	2.0	52.0
Santa Clarita	2.8	2.8	4.1	5.6	6.0	6.8	7.6	7.8	5.8	5.2	3.7	3.2	61.5
Santa Monica	1.8	2.1	3.3	4.5	4.7	5.0	5.4	5.4	3.9	3.4	2.4	2.2	44.2
MADERA													
Chowchilla	1.0	1.4	3.2	4.7	6.6	7.8	8.5	7.3	5.3	3.4	1.4	0.7	51.4
Madera	0.9	1.4	3.2	4.8	6.6	7.8	8.5	7.3	5.3	3.4	1.4	0.7	51.5
Raymond	1.2	1.5	3.0	4.6	6.1	7.6	8.4	7.3	5.2	3.4	1.4	0.7	50.5
MARIN													
Black Point	1.1	1.7	3.0	4.2	5.2	6.2	6.6	5.8	4.3	2.8	1.3	0.9	43.0
Novato	1.3	1.5	2.4	3.5	4.4	6.0	5.9	5.4	4.4	2.8	1.4	0.7	39.8
Point San Pedro	1.1	1.7	3.0	4.2	5.2	6.2	6.6	5.8	4.3	2.8	1.3	0.9	43.0
San Rafael	1.2	1.3	2.4	3.3	4.0	4.8	4.8	4.9	4.3	2.7	1.3	0.7	35.8
MARIPOSA													
Coulterville	1.1	1.5	2.8	4.4	5.9	7.3	8.1	7.0	5.3	3.4	1.4	0.7	48.8
Mariposa	1.1	1.5	2.8	4.4	5.9	7.4	8.2	7.1	5.0	3.4	1.4	0.7	49.0
Yosemite Village	0.7	1.0	2.3	3.7	5.1	6.5	7.1	6.1	4.4	2.9	1.1	0.6	41.4
MENDOCINO													
Fort Bragg	0.9	1.3	2.2	3.0	3.7	3.5	3.7	3.7	3.0	2.3	1.2	0.7	29.0
Hopland	1.1	1.3	2.6	3.4	5.0	5.9	6.5	5.7	4.5	2.8	1.3	0.7	40.9
Point Arena	1.0	1.3	2.3	3.0	3.7	3.9	3.7	3.7	3.0	2.3	1.2	0.7	29.6
Sanel Valley	1.0	1.6	3.0	4.6	6.0	7.0	8.0	7.0	5.2	3.4	1.4	0.9	49.1
Ukiah	1.0	1.3	2.6	3.3	5.0	5.8	6.7	5.9	4.5	2.8	1.3	0.7	40.9
MERCED													
Kesterson	0.9	1.7	3.4	5.5	7.3	8.2	8.6	7.4	5.5	3.8	1.8	0.9	55.1
Los Banos	1.0	1.5	3.2	4.7	6.1	7.4	8.2	7.0	5.3	3.4	1.4	0.7	50.0
Merced	1.0	1.5	3.2	4.7	6.6	7.9	8.5	7.2	5.3	3.4	1.4	0.7	51.5

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
MODOC													
Modoc/Alturas	0.9	1.4	2.8	3.7	5.1	6.2	7.5	6.6	4.6	2.8	1.2	0.7	43.2
MONO													
Bridgeport	0.7	0.9	2.2	3.8	5.5	6.6	7.4	6.7	4.7	2.7	1.2	0.5	43.0
MONTEREY													
Arroyo Seco	1.5	2.0	3.7	5.4	6.3	7.3	7.2	6.7	5.0	3.9	2.0	1.6	52.6
Castroville	1.4	1.7	3.0	4.2	4.6	4.8	4.0	3.8	3.0	2.6	1.6	1.4	36.2
Gonzales	1.3	1.7	3.4	4.7	5.4	6.3	6.3	5.9	4.4	3.4	1.9	1.3	45.7
MONTEREY													
Greenfield	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
King City	1.7	2.0	3.4	4.4	4.4	5.6	6.1	6.7	6.5	5.2	2.2	1.3	49.6
King City-Oasis Rd.	1.4	1.9	3.6	5.3	6.5	7.3	7.4	6.8	5.1	4.0	2.0	1.5	52.7
Long Valley	1.5	1.9	3.2	4.1	5.8	6.5	7.3	6.7	5.3	3.6	2.0	1.2	49.1
Monterey	1.7	1.8	2.7	3.5	4.0	4.1	4.3	4.2	3.5	2.8	1.9	1.5	36.0
Pajaro	1.8	2.2	3.7	4.8	5.3	5.7	5.6	5.3	4.3	3.4	2.4	1.8	46.1
Salinas	1.6	1.9	2.7	3.8	4.8	4.7	5.0	4.5	4.0	2.9	1.9	1.3	39.1
Salinas North	1.2	1.5	2.9	4.1	4.6	5.2	4.5	4.3	3.2	2.8	1.5	1.2	36.9
San Ardo	1.0	1.7	3.1	4.5	5.9	7.2	8.1	7.1	5.1	3.1	1.5	1.0	49.0
San Juan	1.8	2.1	3.4	4.6	5.3	5.7	5.5	4.9	3.8	3.2	2.2	1.9	44.2
Soledad	1.7	2.0	3.4	4.4	5.5	5.4	6.5	6.2	5.2	3.7	2.2	1.5	47.7
NAPA													
Angwin	1.8	1.9	3.2	4.7	5.8	7.3	8.1	7.1	5.5	4.5	2.9	2.1	54.9
Carneros	0.8	1.5	3.1	4.6	5.5	6.6	6.9	6.2	4.7	3.5	1.4	1.0	45.8
Oakville	1.0	1.5	2.9	4.7	5.8	6.9	7.2	6.4	4.9	3.5	1.6	1.2	47.7
St Helena	1.2	1.5	2.8	3.9	5.1	6.1	7.0	6.2	4.8	3.1	1.4	0.9	44.1
Yountville	1.3	1.7	2.8	3.9	5.1	6.0	7.1	6.1	4.8	3.1	1.5	0.9	44.3
NEVADA													
Grass Valley	1.1	1.5	2.6	4.0	5.7	7.1	7.9	7.1	5.3	3.2	1.5	0.9	48.0
Nevada City	1.1	1.5	2.6	3.9	5.8	6.9	7.9	7.0	5.3	3.2	1.4	0.9	47.4
ORANGE													
Irvine	2.2	2.5	3.7	4.7	5.2	5.9	6.3	6.2	4.6	3.7	2.6	2.3	49.6
Laguna Beach	2.2	2.7	3.4	3.8	4.6	4.6	4.9	4.9	4.4	3.4	2.4	2.0	43.2
Santa Ana	2.2	2.7	3.7	4.5	4.6	5.4	6.2	6.1	4.7	3.7	2.5	2.0	48.2
PLACER													
Auburn	1.2	1.7	2.8	4.4	6.1	7.4	8.3	7.3	5.4	3.4	1.6	1.0	50.6
Blue Canyon	0.7	1.1	2.1	3.4	4.8	6.0	7.2	6.1	4.6	2.9	0.9	0.6	40.5
Colfax	1.1	1.5	2.6	4.0	5.8	7.1	7.9	7.0	5.3	3.2	1.4	0.9	47.9
Roseville	1.1	1.7	3.1	4.7	6.2	7.7	8.5	7.3	5.6	3.7	1.7	1.0	52.2
Soda Springs	0.7	0.7	1.8	3.0	4.3	5.3	6.2	5.5	4.1	2.5	0.7	0.7	35.4
Tahoe City	0.7	0.7	1.7	3.0	4.3	5.4	6.1	5.6	4.1	2.4	0.8	0.6	35.5
Truckee	0.7	0.7	1.7	3.2	4.4	5.4	6.4	5.7	4.1	2.4	0.8	0.6	36.2
PLUMAS													
Portola	0.7	0.9	1.9	3.5	4.9	5.9	7.3	5.9	4.3	2.7	0.9	0.5	39.4
Quincy	0.7	0.9	2.2	3.5	4.9	5.9	7.3	5.9	4.4	2.8	1.2	0.5	40.2
RIVERSIDE													
Beaumont	2.0	2.3	3.4	4.4	6.1	7.1	7.6	7.9	6.0	3.9	2.6	1.7	55.0
Blythe	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Cathedral City	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Coachella	2.9	4.4	6.2	8.4	10.5	11.9	12.3	10.1	8.9	6.2	3.8	2.4	88.1

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
RIVERSIDE													
Desert Center	2.9	4.1	6.4	8.5	11.0	12.1	12.2	11.1	9.0	6.4	3.9	2.6	90.0
Elsinore	2.1	2.8	3.9	4.4	5.9	7.1	7.6	7.0	5.8	3.9	2.6	1.9	55.0
Indio	3.1	3.6	6.5	8.3	10.5	11.0	10.8	9.7	8.3	5.9	3.7	2.7	83.9
La Quinta	2.4	2.8	5.2	6.5	8.3	8.7	8.5	7.9	6.5	4.5	2.7	2.2	66.2
Mecca	2.6	3.3	5.7	7.2	8.6	9.0	8.8	8.2	6.8	5.0	3.2	2.4	70.8
Oasis	2.9	3.3	5.3	6.1	8.5	8.9	8.7	7.9	6.9	4.8	2.9	2.3	68.4
Palm Deser	2.5	3.4	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.6
Palm Springs	2.0	2.9	4.9	7.2	8.3	8.5	11.6	8.3	7.2	5.9	2.7	1.7	71.1
Rancho California	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
Rancho Mirage	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Ripley	2.7	3.3	5.6	7.2	8.7	8.7	8.4	7.6	6.2	4.6	2.8	2.2	67.8
Salton Sea North	2.5	3.3	5.5	7.2	8.8	9.3	9.2	8.5	6.8	5.2	3.1	2.3	71.7
Temecula East II	2.3	2.4	4.1	4.9	6.4	7.0	7.8	7.4	5.7	4.1	2.6	2.2	56.7
Thermal	2.4	3.3	5.5	7.6	9.1	9.6	9.3	8.6	7.1	5.2	3.1	2.1	72.8
Riverside UC	2.5	2.9	4.2	5.3	5.9	6.6	7.2	6.9	5.4	4.1	2.9	2.6	56.4
Winchester	2.3	2.4	4.1	4.9	6.4	6.9	7.7	7.5	6.0	3.9	2.6	2.1	56.8
SACRAMENTO													
Fair Oaks	1.0	1.6	3.4	4.1	6.5	7.5	8.1	7.1	5.2	3.4	1.5	1.0	50.5
Sacramento	1.0	1.8	3.2	4.7	6.4	7.7	8.4	7.2	5.4	3.7	1.7	0.9	51.9
Twitchell Island	1.2	1.8	3.9	5.3	7.4	8.8	9.1	7.8	5.9	3.8	1.7	1.2	57.9
SAN BENITO													
Hollister	1.5	1.8	3.1	4.3	5.5	5.7	6.4	5.9	5.0	3.5	1.7	1.1	45.1
San Benito	1.2	1.6	3.1	4.6	5.6	6.4	6.9	6.5	4.8	3.7	1.7	1.2	47.2
San Juan Valley	1.4	1.8	3.4	4.5	6.0	6.7	7.1	6.4	5.0	3.5	1.8	1.4	49.1
SAN BERNARDINO													
Baker	2.7	3.9	6.1	8.3	10.4	11.8	12.2	11.0	8.9	6.1	3.3	2.1	86.6
Barstow NE	2.2	2.9	5.3	6.9	9.0	10.1	9.9	8.9	6.8	4.8	2.7	2.1	71.7
Big Bear Lake	1.8	2.6	4.6	6.0	7.0	7.6	8.1	7.4	5.4	4.1	2.4	1.8	58.6
Chino	2.1	2.9	3.9	4.5	5.7	6.5	7.3	7.1	5.9	4.2	2.6	2.0	54.6
Crestline	1.5	1.9	3.3	4.4	5.5	6.6	7.8	7.1	5.4	3.5	2.2	1.6	50.8
Lake Arrowhead	1.8	2.6	4.6	6.0	7.0	7.6	8.1	7.4	5.4	4.1	2.4	1.8	58.6
Lucerne Valley	2.2	2.9	5.1	6.5	9.1	11.0	11.4	9.9	7.4	5.0	3.0	1.8	75.3
Needles	3.2	4.2	6.6	8.9	11.0	12.4	12.8	11.0	8.9	6.6	4.0	2.7	92.1
Newberry Springs	2.1	2.9	5.3	8.4	9.8	10.9	11.1	9.9	7.6	5.2	3.1	2.0	78.2
San Bernardino	2.0	2.7	3.8	4.6	5.7	6.9	7.9	7.4	5.9	4.2	2.6	2.0	55.6
Twentynine Palms	2.6	3.6	5.9	7.9	10.1	11.2	11.2	10.3	8.6	5.9	3.4	2.2	82.9
Victorville	2.0	2.6	4.6	6.2	7.3	8.9	9.8	9.0	6.5	4.7	2.7	2.1	66.2
SAN DIEGO													
Chula Vista	2.2	2.7	3.4	3.8	4.9	4.7	5.5	4.9	4.5	3.4	2.4	2.0	44.2
Escondido SPV	2.4	2.6	3.9	4.7	5.9	6.5	7.1	6.7	5.3	3.9	2.8	2.3	54.2
SAN DIEGO													
Miramar	2.3	2.5	3.7	4.1	5.1	5.4	6.1	5.8	4.5	3.3	2.4	2.1	47.1
Oceanside	2.2	2.7	3.4	3.7	4.9	4.6	4.6	5.1	4.1	3.3	2.4	2.0	42.9
Otay Lake	2.3	2.7	3.9	4.6	5.6	5.9	6.2	6.1	4.8	3.7	2.6	2.2	50.4
Pine Valley	1.5	2.4	3.8	5.1	6.0	7.0	7.8	7.3	6.0	4.0	2.2	1.7	54.8
Ramona	2.1	2.1	3.4	4.6	5.2	6.3	6.7	6.8	5.3	4.1	2.8	2.1	51.6
San Diego	2.1	2.4	3.4	4.6	5.1	5.3	5.7	5.6	4.3	3.6	2.4	2.0	46.5
Santee	2.1	2.7	3.7	4.5	5.5	6.1	6.6	6.2	5.4	3.8	2.6	2.0	51.1
Torrey Pines	2.2	2.3	3.4	3.9	4.0	4.1	4.6	4.7	3.8	2.8	2.0	2.0	39.8
Warner Springs	1.6	2.7	3.7	4.7	5.7	7.6	8.3	7.7	6.3	4.0	2.5	1.3	56.0

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
SAN FRANCISCO													
San Francisco	1.5	1.3	2.4	3.0	3.7	4.6	4.9	4.8	4.1	2.8	1.3	0.7	35.1
SAN JOAQUIN													
Farmington	1.5	1.5	2.9	4.7	6.2	7.6	8.1	6.8	5.3	3.3	1.4	0.7	50.0
Lodi West	1.0	1.6	3.3	4.3	6.3	6.9	7.3	6.4	4.5	3.0	1.4	0.8	46.7
Manteca	0.9	1.7	3.4	5.0	6.5	7.5	8.0	7.1	5.2	3.3	1.6	0.9	51.2
Stockton	0.8	1.5	2.9	4.7	6.2	7.4	8.1	6.8	5.3	3.2	1.4	0.6	49.1
Tracy	1.0	1.5	2.9	4.5	6.1	7.3	7.9	6.7	5.3	3.2	1.3	0.7	48.5
SAN LUIS OBISPO													
Arroyo Grande	2.0	2.2	3.2	3.8	4.3	4.7	4.3	4.6	3.8	3.2	2.4	1.7	40.0
Atascadero	1.2	1.5	2.8	3.9	4.5	6.0	6.7	6.2	5.0	3.2	1.7	1.0	43.7
Morro Bay	2.0	2.2	3.1	3.5	4.3	4.5	4.6	4.6	3.8	3.5	2.1	1.7	39.9
Nipomo	2.2	2.5	3.8	5.1	5.7	6.2	6.4	6.1	4.9	4.1	2.9	2.3	52.1
Paso Robles	1.6	2.0	3.2	4.3	5.5	6.3	7.3	6.7	5.1	3.7	2.1	1.4	49.0
San Luis Obispo	2.0	2.2	3.2	4.1	4.9	5.3	4.6	5.5	4.4	3.5	2.4	1.7	43.8
San Miguel	1.6	2.0	3.2	4.3	5.0	6.4	7.4	6.8	5.1	3.7	2.1	1.4	49.0
San Simeon	2.0	2.0	2.9	3.5	4.2	4.4	4.6	4.3	3.5	3.1	2.0	1.7	38.1
SAN MATEO													
Hal Moon Bay	1.5	1.7	2.4	3.0	3.9	4.3	4.3	4.2	3.5	2.8	1.3	1.0	33.7
Redwood City	1.5	1.8	2.9	3.8	5.2	5.3	6.2	5.6	4.8	3.1	1.7	1.0	42.8
Woodside	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
SANTA BARBARA													
Betteravia	2.1	2.6	4.0	5.2	6.0	5.9	5.8	5.4	4.1	3.3	2.7	2.1	49.1
Carpenteria	2.0	2.4	3.2	3.9	4.8	5.2	5.5	5.7	4.5	3.4	2.4	2.0	44.9
Cuyama	2.1	2.4	3.8	5.4	6.9	7.9	8.5	7.7	5.9	4.5	2.6	2.0	59.7
Goleta	2.1	2.5	3.9	5.1	5.7	5.7	5.4	5.4	4.2	3.2	2.8	2.2	48.1
Goleta Foothills	2.3	2.6	3.7	5.4	5.3	5.6	5.5	5.7	4.5	3.9	2.8	2.3	49.6
Guadalupe	2.0	2.2	3.2	3.7	4.9	4.6	4.5	4.6	4.1	3.3	2.4	1.7	41.1
Lompoc	2.0	2.2	3.2	3.7	4.8	4.6	4.9	4.8	3.9	3.2	2.4	1.7	41.1
Los Alamos	1.8	2.0	3.2	4.1	4.9	5.3	5.7	5.5	4.4	3.7	2.4	1.6	44.6
Santa Barbara	2.0	2.5	3.2	3.8	4.6	5.1	5.5	4.5	3.4	2.4	1.8	1.8	40.6
SANTA BARBARA													
Santa Maria	1.8	2.3	3.7	5.1	5.7	5.8	5.6	5.3	4.2	3.5	2.4	1.9	47.4
Santa Ynez	1.7	2.2	3.5	5.0	5.8	6.2	6.4	6.0	4.5	3.6	2.2	1.7	48.7
Sisquoc	2.1	2.5	3.8	4.1	6.1	6.3	6.4	5.8	4.7	3.4	2.3	1.8	49.2
Solvang	2.0	2.0	3.3	4.3	5.0	5.6	6.1	5.6	4.4	3.7	2.2	1.6	45.6
SANTA CLARA													
Gilroy	1.3	1.8	3.1	4.1	5.3	5.6	6.1	5.5	4.7	3.4	1.7	1.1	43.6
Los Gatos	1.5	1.8	2.8	3.9	5.0	5.6	6.2	5.5	4.7	3.2	1.7	1.1	42.9
Morgan Hill	1.5	1.8	3.4	4.2	6.3	7.0	7.1	6.0	5.1	3.7	1.9	1.4	49.5
Palo Alto	1.5	1.8	2.8	3.8	5.2	5.3	6.2	5.6	5.0	3.2	1.7	1.0	43.0
San Jose	1.5	1.8	3.1	4.1	5.5	5.8	6.5	5.9	5.2	3.3	1.8	1.0	45.3
SANTA CRUZ													
De Laveaga	1.4	1.9	3.3	4.7	4.9	5.3	5.0	4.8	3.6	3.0	1.6	1.3	40.8
Green Valley Rd	1.2	1.8	3.2	4.5	4.6	5.4	5.2	5.0	3.7	3.1	1.6	1.3	40.6
Santa Cruz	1.5	1.8	2.6	3.5	4.3	4.4	4.8	4.4	3.8	2.8	1.7	1.2	36.6
Watsonville	1.5	1.8	2.7	3.7	4.6	4.5	4.9	4.2	4.0	2.9	1.8	1.2	37.7
Webb	1.8	2.2	3.7	4.8	5.3	5.7	5.6	5.3	4.3	3.4	2.4	1.8	46.2

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
SHASTA													
Burney	0.7	1.0	2.1	3.5	4.9	5.9	7.4	6.4	4.4	2.9	0.9	0.6	40.9
Fall River Mills	0.6	1.0	2.1	3.7	5.0	6.1	7.8	6.7	4.6	2.8	0.9	0.5	41.8
Glenburn	0.6	1.0	2.1	3.7	5.0	6.3	7.8	6.7	4.7	2.8	0.9	0.6	42.1
McArthur	0.7	1.4	2.9	4.2	5.6	6.9	8.2	7.2	5.0	3.0	1.1	0.6	46.8
Redding	1.2	1.4	2.6	4.1	5.6	7.1	8.5	7.3	5.3	3.2	1.4	0.9	48.8
SIERRA													
Downieville	0.7	1.0	2.3	3.5	5.0	6.0	7.4	6.2	4.7	2.8	0.9	0.6	41.3
Sierraville	0.7	1.1	2.2	3.2	4.5	5.9	7.3	6.4	4.3	2.6	0.9	0.5	39.6
SISKIYOU													
Happy Camp	0.5	0.9	2.0	3.0	4.3	5.2	6.1	5.3	4.1	2.4	0.9	0.5	35.1
MacDoel	1.0	1.7	3.1	4.5	5.9	7.2	8.1	7.1	5.1	3.1	1.5	1.0	49.0
Mt Shasta	0.5	0.9	2.0	3.0	4.5	5.3	6.7	5.7	4.0	2.2	0.7	0.5	36.0
Tule lake FS	0.7	1.3	2.7	4.0	5.4	6.3	7.1	6.4	4.7	2.8	1.0	0.6	42.9
Weed	0.5	0.9	2.0	2.5	4.5	5.3	6.7	5.5	3.7	2.0	0.9	0.5	34.9
Yreka	0.6	0.9	2.1	3.0	4.9	5.8	7.3	6.5	4.3	2.5	0.9	0.5	39.2
SOLANO													
Dixon	0.7	1.4	3.2	5.2	6.3	7.6	8.2	7.2	5.5	4.3	1.6	1.1	52.1
Fairfield	1.1	1.7	2.8	4.0	5.5	6.1	7.8	6.0	4.8	3.1	1.4	0.9	45.2
Hastings Tract	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Putah Creek	1.0	1.6	3.2	4.9	6.1	7.3	7.9	7.0	5.3	3.8	1.8	1.2	51.0
Rio Vista	0.9	1.7	2.8	4.4	5.9	6.7	7.9	6.5	5.1	3.2	1.3	0.7	47.0
Suisun Valley	0.6	1.3	3.0	4.7	5.8	7.0	7.7	6.8	5.3	3.8	1.4	0.9	48.3
Winters	0.9	1.7	3.3	5.0	6.4	7.5	7.9	7.0	5.2	3.5	1.6	1.0	51.0
SONOMA													
Bennett Valley	1.1	1.7	3.2	4.1	5.5	6.5	6.6	5.7	4.5	3.1	1.5	0.9	44.4
Cloverdale	1.1	1.4	2.6	3.4	5.0	5.9	6.2	5.6	4.5	2.8	1.4	0.7	40.7
Fort Ross	1.2	1.4	2.2	3.0	3.7	4.5	4.2	4.3	3.4	2.4	1.2	0.5	31.9
Healdsburg	1.2	1.5	2.4	3.5	5.0	5.9	6.1	5.6	4.5	2.8	1.4	0.7	40.8
Lincoln	1.2	1.7	2.8	4.7	6.1	7.4	8.4	7.3	5.4	3.7	1.9	1.2	51.9
Petaluma	1.2	1.5	2.8	3.7	4.6	5.6	4.6	5.7	4.5	2.9	1.4	0.9	39.6
Santa Rosa	1.2	1.7	2.8	3.7	5.0	6.0	6.1	5.9	4.5	2.9	1.5	0.7	42.0
Valley of the Moon	1.0	1.6	3.0	4.5	5.6	6.6	7.1	6.3	4.7	3.3	1.5	1.0	46.1
Windsor	0.9	1.6	3.0	4.5	5.5	6.5	6.5	5.9	4.4	3.2	1.4	1.0	44.2
Denair	1.0	1.9	3.6	4.7	7.0	7.9	8.0	6.1	5.3	3.4	1.5	1.0	51.4
La Grange	1.2	1.5	3.1	4.7	6.2	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.2
Modesto	0.9	1.4	3.2	4.7	6.4	7.7	8.1	6.8	5.0	3.4	1.4	0.7	49.7
Newman	1.0	1.5	3.2	4.6	6.2	7.4	8.1	6.7	5.0	3.4	1.4	0.7	49.3
STANISLAUS													
Oakdale	1.2	1.5	3.2	4.7	6.2	7.7	8.1	7.1	5.1	3.4	1.4	0.7	50.3
Patterson	1.3	2.1	4.2	5.4	7.9	8.6	8.2	6.6	5.8	4.0	1.9	1.3	57.3
Turlock	0.9	1.5	3.2	4.7	6.5	7.7	8.2	7.0	5.1	3.4	1.4	0.7	50.2
SUTTER													
Nicolaus	0.9	1.6	3.2	4.9	6.3	7.5	8.0	6.9	5.2	3.4	1.5	0.9	50.2
Yuba City	1.3	2.1	2.8	4.4	5.7	7.2	7.1	6.1	4.7	3.2	1.2	0.9	46.7
TEHAMA													
Corning	1.2	1.8	2.9	4.5	6.1	7.3	8.1	7.2	5.3	3.7	1.7	1.1	50.7
Gerber	1.0	1.8	3.5	5.0	6.6	7.9	8.7	7.4	5.8	4.1	1.8	1.1	54.7
Gerber Dryland	0.9	1.6	3.2	4.7	6.7	8.4	9.0	7.9	6.0	4.2	2.0	1.0	55.5
Red Bluff	1.2	1.8	2.9	4.4	5.9	7.4	8.5	7.3	5.4	3.5	1.7	1.0	51.1

Appendix A - Reference Evapotranspiration (ETo) Table*

County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
TRINITY													
Hay Fork	0.5	1.1	2.3	3.5	4.9	5.9	7.0	6.0	4.5	2.8	0.9	0.7	40.1
Weaverville	0.6	1.1	2.2	3.3	4.9	5.9	7.3	6.0	4.4	2.7	0.9	0.7	40.0
TULARE													
Alpaugh	0.9	1.7	3.4	4.8	6.6	7.7	8.2	7.3	5.4	3.4	1.4	0.7	51.6
Badger	1.0	1.3	2.7	4.1	6.0	7.3	7.7	7.0	4.8	3.3	1.4	0.7	47.3
Delano	1.1	1.9	4.0	4.9	7.2	7.9	8.1	7.3	5.4	3.2	1.5	1.2	53.6
Dinuba	1.1	1.5	3.2	4.7	6.2	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.2
Lindcove	0.9	1.6	3.0	4.8	6.5	7.6	8.1	7.2	5.2	3.4	1.6	0.9	50.6
Porterville	1.2	1.8	3.4	4.7	6.6	7.7	8.5	7.3	5.3	3.4	1.4	0.7	52.1
Visalia	0.9	1.7	3.3	5.1	6.8	7.7	7.9	6.9	4.9	3.2	1.5	0.8	50.7
TUOLUMNE													
Groveland	1.1	1.5	2.8	4.1	5.7	7.2	7.9	6.6	5.1	3.3	1.4	0.7	47.5
Sonora	1.1	1.5	2.8	4.1	5.8	7.2	7.9	6.7	5.1	3.2	1.4	0.7	47.6
VENTURA													
Camarillo	2.2	2.5	3.7	4.3	5.0	5.2	5.9	5.4	4.2	3.0	2.5	2.1	46.1
Oxnard	2.2	2.5	3.2	3.7	4.4	4.6	5.4	4.8	4.0	3.3	2.4	2.0	42.3
Piru	2.8	2.8	4.1	5.6	6.0	6.8	7.6	7.8	5.8	5.2	3.7	3.2	61.5
Port Hueneme	2.0	2.3	3.3	4.6	4.9	4.9	4.9	5.0	3.7	3.2	2.5	2.2	43.5
Thousand Oaks	2.2	2.6	3.4	4.5	5.4	5.9	6.7	6.4	5.4	3.9	2.6	2.0	51.0
Ventura	2.2	2.6	3.2	3.8	4.6	4.7	5.5	4.9	4.1	3.4	2.5	2.0	43.5
YOLO													
Bryte	0.9	1.7	3.3	5.0	6.4	7.5	7.9	7.0	5.2	3.5	1.6	1.0	51.0
Davis	1.0	1.9	3.3	5.0	6.4	7.6	8.2	7.1	5.4	4.0	1.8	1.0	52.5
Esparto	1.0	1.7	3.4	5.5	6.9	8.1	8.5	7.5	5.8	4.2	2.0	1.2	55.8
Winters	1.7	1.7	2.9	4.4	5.8	7.1	7.9	6.7	5.3	3.3	1.6	1.0	49.4
Woodland	1.0	1.8	3.2	4.7	6.1	7.7	8.2	7.2	5.4	3.7	1.7	1.0	51.6
Zamora	1.1	1.9	3.5	5.2	6.4	7.4	7.8	7.0	5.5	4.0	1.9	1.2	52.8
YUBA													
Browns Valley	1.0	1.7	3.1	4.7	6.1	7.5	8.5	7.6	5.7	4.1	2.0	1.1	52.9
Brownsville	1.1	1.4	2.6	4.0	5.7	6.8	7.9	6.8	5.3	3.4	1.5	0.9	47.4

* The values in this table were derived from:
 1) California Irrigation Management Information System (CIMIS);
 2) Reference EvapoTranspiration Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999; and
 3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922 4) Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426

SECTION B. WATER BUDGET CALCULATIONS

Section B1. Maximum Applied Water Allowance (MAWA)

0 62 0 7 0 3

0 7

0 62

0 3

1 0 0 7 0 3

Maximum Applied Water Allowance

gallons per year

Effective Precipitation (Eppt)

25

- 0 62 0 7 0 3

Maximum Applied Water Allowance

gallons per year

Section B2. Estimated Total Water Use (ETWU)

$$ETWU = (ET_o)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

0.62

0.71

Hydrozone Table for Calculating ETWU

Estimated Total Water Use = _____ **gallons**

Appendix C – Sample Certificate of Completion.

CERTIFICATE OF COMPLETION

PART 1. PROJECT INFORMATION SHEET

Project Address and Location:

Property Owner or his/her designee:

Property Owner

"

"

Please answer the questions below:

- 1
- 2
- 3

ATTACHMENT G

COMPARISON WITH STATE MODEL ORDINANCE

Model Ordinance Sections/Titles	Description	Wildomar Municipal Code/Guideline Section*	Comments Effective Equivalency?
490 Purpose	State legislative intent for the new water efficient irrigation ordinance	WMC 17.276.010	Yes
490.1 Applicability	The situations when the new requirements apply	WMC 17.176.030	Yes
491 Definition	Provided definitions for specific terms used in model ordinance	WMC 17.276.020 and Guidelines Appendix E	Yes, the specific definitions are described consistently with the model ordinance.
492 Provisions for New Construction or Rehabilitated Landscapes	Authorizes a local jurisdiction to allow another agency (e.g. water district) to implement any or all of these provisions	WMC 17.276.080	Yes
492.1 Compliance with Landscape Design Package	Requires that landscape design packages be submitted and approved prior to the installation of the new landscaping	WMC 17.276.060 and Guidelines Section II	Yes
494.2 Penalties	Authorizes a local jurisdiction to establish penalties for violation	Penalties are identified in elsewhere within the municipal code.	Yes
492.3 Elements of the Landscape Design Package	Identifies the six primary components of the landscape design packages	Guideline Section II	Yes
492.4 Water Efficient Landscape Worksheet	Describes the required water efficient irrigation worksheets and provides an example of the associated calculations	Guideline Section III	Yes
492.5 Soil Management Report	Describes what should be included in a soil management report	Guideline Section IV	Yes
492.6 Landscape Design Plan	Describes what should be included in landscape design plans	Guideline Section V	Yes
492.7 Irrigation Design Plan	Describes what should be included in irrigation design plans	Guideline Section VI	Yes

Model Ordinance Sections/Titles	Description	Wildomar Municipal Code/Guideline Section*	Comments Effective Equivalency?
492.8 Grading Design Plan	Describes what should be included in the grading design plan	Guideline Section VII	Yes
492.9 Certificate of Completion	Describes what should be included in the certificates of completion	Guideline Section VIII	Yes
492.10 Irrigation Scheduling	Describes the importance of, and the items to consider, in the scheduling of the irrigation	WMC 17.276.060 and Guideline Section IX	Yes
492.11 Landscape and Irrigation Maintenance Schedule	Describes the importance of, and the items to consider, concerning ongoing maintenance	WMC 17.276.060.C and Guideline Section VIII	Yes
492.12 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis	Describes the requirements for irrigation audits and analysis	Guideline Section VIII.B.3 and Guideline Section IX	Yes
492.13 Irrigation Efficiency	Definitions irrigation efficiency	Guideline Section III.C.10	Yes
492.14 Recycled Water	Indicates that the future use of recycled water should be considered in the design of new landscaping	Guideline Section VI.C.6	Yes
492.15 Stormwater Management	Indicates that this program should operate in conjunction with existing urban runoff programs	Guideline Section V.A.10	Yes
492.16 Public Education	Indicates that local jurisdictions should provide information efficient irrigation and the prevention of water waste	Guideline Section X	Yes
492.17 Environmental Review	CEQA should be compiled with.	<i>Located in other State laws.</i>	Yes
493 Provisions for Existing Landscaping	Authorizes a local jurisdiction to allow another agency (e.g. water district) to implement any or all of these provisions	WMC 17.276.070	Yes
493.1 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis	Describes the requirements for irrigation audits and analysis for existing landscape areas larger than one acre	WMC 17.267.010 and WMC 17.276.070	Yes

Model Ordinance Sections/Titles	Description	Wildomar Municipal Code/Guideline Section*	Comments Effective Equivalency?
493.2 Water Waste Prevention	Water waste and overspray should be prohibited	Guideline Section VI.C.11	Yes
494 Effective Precipitation	Authorizes the local jurisdiction to consider 25% of the annual precipitation in considering water use	Guideline Section III.C.9	Yes
Appendix A – Reference Evapotranspiration (ETo) Table	Provides sample monthly evapotranspiration rates for different locations in California	Guideline Section III.C.3	Yes
* Program components and details contained in the Guidelines are either introduced and/or authorized by the Water Efficient Irrigation Regulations (Chapter 17.276 of the Wildomar Municipal Code).			

ATTACHMENT H

ORDINANCE NO. 185

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE ELSINORE VALLEY MUNICIPAL WATER DISTRICT
ESTABLISHING REGULATIONS GOVERNING WATER
WASTE AND WATER CONSERVATION PRACTICES

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the southern California region; and,

WHEREAS, Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the State and in the western United States, make the region highly susceptible to water supply reliability issues; and,

WHEREAS, careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs; and,

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the state of California (the "State"), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code section 375, Elsinore Valley Municipal Water District ("District") is authorized to adopt and enforce a water conservation program to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies; and

WHEREAS, because of the prevailing conditions in the State, the current statewide drought, and the declared policy of the State, the District hereby finds and determines that it is necessary and appropriate for the District to adopt, implement, and enforce a water conservation program to reduce the quantity of water used by its Customers to ensure that there is sufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, the District has the power and the authority to adopt and enforce water conservation measures within its district boundaries pursuant to Water Code Sections 350 et seq., 375 et seq., and 71640 et seq.; and,

WHEREAS, the adoption and enforcement of a water waste ordinance is necessary to manage the District's potable water supply in the short and long-term and to maximize water use efficiency within the District. Such programs are essential to ensure a reliable and sustainable minimum supply of water for the public health, safety, and welfare.

NOW THEREFORE, the Board of Directors of the Elsinore Valley Municipal Water District does hereby resolve, determine and order as follows:

Section 1. The District hereby finds and determines that the above recitals are true and correct and incorporated herein.

Section 2. The District hereby adopts the following Ordinance prohibiting the waste and inefficient use of water:

Section 1. Findings and Declaration of Policy.

- (a) The District finds and determines that because of the prevailing conditions in the State, and the declared policy of the State, it is necessary and appropriate for the District to adopt, implement, and enforce a water conservation program to ensure that there is sufficient water for human consumption, sanitation, and fire protection. The District further finds and determines that the general welfare requires that the District maximize the beneficial use of its available water resources to the extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and that water conservation practices shall be encouraged at all times.
- (b) In times of drought or water supply cutbacks, provisions of this Ordinance may be modified in accordance with the Metropolitan Water District of Southern California's Water Surplus and Drought Management Plan, as well as Elsinore Valley Municipal Water District's Water Shortage Contingency Plan.

Section 2. Declaration of Purpose and Intent.

- (a) This Ordinance establishes regulations prohibiting the waste or unreasonable use of water and encourages water conservation practices in the District.
- (b) This Ordinance establishes permanent water conservation regulations intended to alter behavior related to water use during non-shortage conditions.
- (c) This Ordinance adopts regulations to reduce water waste and encourage conservation practices consistent with the goals of Metropolitan Water District of California's Water Supply Allocation Plan.
- (d) This Ordinance shall be known as the Prohibition of Water Waste Ordinance.
- (e) This Ordinance is not intended to repeal, abrogate, annul, impair or in any way interfere with the free use of property by covenant, deed, or other private agreement or with restrictive covenants running with the land to which the District provides water services.
- (f) The provisions of this Ordinance shall apply to Customers of the District and all property served by the District, wherever situated.

Section 3. Definitions.

- (a) "Appellant" means the Customer appealing a decision of the General Manager, or other designated official for relief from the requirements of this Ordinance.
- (b) "Board of Directors" means the Board of Directors of the Elsinore Valley Municipal Water District.
- (c) "District" means the Elsinore Valley Municipal Water District.
- (d) "Customer" means any person, firm, partnership, association, corporation, or local political entity using water obtained from the water system of Elsinore Valley Municipal Water District.
- (e) "General Manager" means the General Manager of the Elsinore Valley Municipal Water District or his or her authorized designee.
- (f) "Waste" means any unreasonable or non beneficial use of water, or any unreasonable method of use of water, including, but not limited to, the specific uses prohibited and restricted by this Ordinance as hereinafter set forth.
- (g) "Water" means water supplied by Elsinore Valley Municipal Water District.

Section 4. Water Conservation Requirements.

- (a) All Customers shall abide by the following requirements at all times unless otherwise excused from compliance by the terms of this Section 4, a Variance granted pursuant to Section 6 of this Ordinance, or a grant of relief issued in compliance with Section 9 of this Ordinance.
- (b) It shall be a violation of this Ordinance for any Customer, at any time, to make, cause, use or permit the use of water for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner constituting Waste within the meaning of this Ordinance. Waste includes, but is not limited to, the following practices:
 - 1. allowing excessive water flow or runoff. Watering or irrigating any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited;
 - 2. excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than seven (7) days is prohibited;
 - 3. washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom;

4. watering or irrigating lawn, landscape or other vegetated area is prohibited between the hours of 9:00 a.m. and 5:00 p.m. on any day except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
 5. using decorative fountains that are not equipped with a recirculating system;
 6. allowing water to run while washing automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, rather than using a bucket or a hose with an automatic shutoff valve to avoid run off into gutters, streets or alleys; and
 7. operating irrigation systems when it is raining.
- (c) In addition to avoiding water Waste as defined in Section 4(b), Customers shall abide by the following requirements:
1. Customers shall adjust and operate all landscape irrigation systems in a manner which will maximize irrigation efficiency, and avoid over watering, watering of hardscape, and runoff.
 2. Customers shall refrain from excessively irrigating any lawn or landscaped area, and shall eliminate water runoff from lawns or landscaped areas unless it is used to irrigate other landscaped portions of their property.
 3. Customers shall install plumbing fixtures with low-flow devices, unless high-flow fixtures are required for health and/or sanitary reasons.
 4. Where possible, Customers shall install pool and spa covers to minimize water loss due to evaporation.
 5. When installing new landscaping, Customers shall plant low-water demand trees and plants, and shall not install or otherwise incorporate non-functional turf areas into new landscape designs.
 6. Water served in restaurants only upon request.
 7. Restaurants must use low-flow pre-rinse spray valves.
 8. Commercial lodging establishments shall provide option to not launder linens.
 9. No single pass cooling systems installed in new construction.
 10. No new non-re-circulating commercial car washes or commercial laundries.

Section 5. Penalties.

- (a) All Customers found to be in violation of the requirements of this Ordinance shall be subject to the following penalties:
1. For the first violation, the District shall issue a final written notice of fact of such violation to the Customer.
 2. For a second violation within twelve months from the first notice of violation, the District shall issue a final written notice of the fact of such violation to the Customer.
 3. For a third violation within twelve months from the first notice of violation, a surcharge in the amount of \$100 shall be added to the Customer's water bill.
 4. For a fourth violation within twelve months from the first notice of violation, a surcharge in the amount of \$200 shall be added to the Customer's water bill.
 5. For a fifth and any subsequent violation within twelve months from the first notice of violation, a surcharge of \$250 shall be added to the Customer's water bill.

Section 6. Variance Conditions

- (a) The District may issue Variances to the requirements of this Ordinance, in writing, to temporarily allow water uses otherwise prohibited under this Ordinance.
- (b) Written applications for a Variance shall be accepted, and may be granted or denied, by the General Manager at his or her sole discretion. The grounds for granting or conditionally granting a relief are:
1. due to unique circumstances, application of this Ordinance would result in undue hardship that is disproportionate to the impacts to other Customers generally or to similar property or classes of water users;
 2. failure to grant a Variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance, and if one or more of the following conditions are met:
 - a. Compliance with this Ordinance cannot be technically accomplished without adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance; and
 - b. Alternative methods can be implemented which will achieve the same level of reduction in water use;
- (a) The application for a Variance shall be accompanied, as appropriate, with photographs, maps, drawings, and other information substantiating the applicant's request. The District may request such other additional information

as it deems appropriate in order to process and/or review the application for relief.

- (b) An application for relief shall be denied unless the General Manager, or the Board of Directors on appeal, finds that based on the information provided in the application, supporting documentation, or such other additional information as may be requested, and on water use information for the property as shown by the records of the city, all of the following are true:
 - 1. granting the Variance would not constitute a grant of special privilege inconsistent with the limitations upon other Customers;
 - 2. authorization of the Variance will not cause substantial detriment to adjacent properties, will not materially affect the ability of the District to effectuate the purposes of this Ordinance, and will not be detrimental to the public interest; and
 - 3. the condition or situation of (a) the subject property or the intended use of the property for which the relief is sought is not common, recurrent, or general in nature, or (b) the applicant's health or safety is not common, recurrent, or general in nature.
- (b) Appeals of the denial of a request for a Variance shall be made in accordance with the requirements of Section 7 of this Ordinance.

Section 7. Appeals

- (a) Any Customer may appeal the imposition of penalties or non-compliance settlement charges, or denial of a Variance by filing an appeal in accordance with the requirements of this Section.
- (b) Appeals shall be made in writing to the General Manager within 30 days of the Customer's receipt of notice of the District action that is the subject of the appeal. Any such appeal should include the following:
 - 1. A description of the reasons why the penalties and/or charges should not be imposed, or in the case of a Variance, reasons why the proposed use or activity meets the requirements of Section 6 of this Ordinance;
 - 2. A description of the Appellant's efforts to conserve water, avoid Waste, and increase water efficiency, if any; and
 - 3. Documentation of the Appellant's actions to conserve water and their effectiveness.
- (c) The General Manager shall have the discretion to approve or deny any appeal based upon the merits of the Appellant's claim, and the requirements of this Ordinance.
- (d) If, upon receipt of documentation of the Appellant's water conservation efforts, the General Manager determines that an Appellant's actions resulted in a sufficient increase of efficient water use, it shall be in the General Manager's discretion to waive penalties and charges imposed for non-compliance with the provisions of this Ordinance.

- (e) Within thirty days of the District's receipt of an appeal, the General Manager shall notify the Appellant of the General Manager's decision. Notice of the decision shall be provided by certified mail, and shall include a description of steps the Appellant could take to increase water efficiency in the future, including site audits and installation of water efficient devices.
- (f) Any Appellant who is dissatisfied with the decision of the General Manager may appeal such decision to the Board of Directors. The District must receive the notice of appeal within 30 days of the mailing of the District's decision on the reconsideration request. The decision of the Board of Directors on the matter shall be final.

Section 8. District Actions.

- (a) The Board of Directors hereby directs staff to take immediate steps to implement water conservation measures and to intensify its public information and education programs accordingly:
 - 1. Immediately notify all retail water users of the conservation measures required by this Ordinance;
 - 2. Immediately provide all wholesale Customers with a copy of the Ordinance, together with a letter signed by the General Manager explaining the Board's request that wholesale Customers adopt similar conservation measures; and
 - 3. Develop emergency water management plans for consideration by the Board for use in the event more stringent mandatory conservation measures are required.

Section 9. Relief from Compliance.

- (a) A Customer may file an application for relief from any provisions of this Ordinance. The General Manager shall develop such procedures as he or she considers necessary to resolve such applications and shall, upon the filing by a Customer of an application for relief, take such steps as he or she deems reasonable to resolve the application for relief.
- (b) The application for relief may include a request that the Customer be relieved, in whole or in part, from the water use curtailment provisions of Section 4.
- (c) In determining whether to grant relief, and the nature of any relief, the General Manager shall take into consideration all relevant factors including, but not limited to:
 - 1. Whether any additional reduction in water consumption will result in unemployment;
 - 2. Whether additional members have been added to the household;
 - 3. Whether any additional landscaped property has been added to the property since the corresponding billing period of the prior calendar year;
 - 4. Changes in vacancy factors in multi-family housing;

5. Increased number of employees in commercial, industrial, and governmental offices;
 6. Increased production requiring increased process water;
 7. Water uses during new construction;
 8. Adjustments to water use caused by emergency health or safety hazards;
 9. First filling of a permit-constructed swimming pool;
 10. Water use necessary for reasons related to family illness or health; and
 11. The needs of livestock on the Customer's property.
- (e) In order to be considered, an application for relief must be filed with the District within (15) fifteen days from the date the provision from which relief is sought becomes applicable to the Customer. No relief shall be granted unless the Customer shows that he or she has achieved the maximum practical reduction in water consumption other than in the specific areas in which relief is being sought.
- (f) No relief shall be granted to any Customer who, when requested by the General Manager, fails to provide any information necessary for resolution of the Customer's application for relief.
- (g) Any Customer shall have the right to appeal the General Manager's to the Board of Directors. The Board of Director's decision on the matter shall be final.

Section 10. Incompatible Provisions.

- (a) To the extent any provision of this ordinance is incompatible with or contradictory of any prior adopted ordinance or resolution, the provisions of this ordinance shall take precedence, and all prior ordinances shall be interpreted to harmonize with and not change the provisions of this Ordinance.

Section 11. Severability.

- (a) If any section, subsection, paragraph, sentence, clause, phrase or word of this Ordinance is declared by a court of competent jurisdiction, adjudicated to a final determination, to be void, this Board of Directors finds that said voided part is severable, and that this Board of Directors would have adopted the remainder of this Ordinance without the severed and voided part, and that the remainder of this Ordinance shall remain in full force and effect.

Section 12. Public Health and Safety Not to be Affected.

- (a) Nothing in this ordinance shall be construed to require the District to curtail the supply of water to any Customer when such water is required by that Customer to maintain an adequate level of public health and safety.

Section 13. Exemption from California Environmental Quality Act.

- (a) The Board of Directors hereby determines that: this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code Section 21080(b)(4).) because it is an action taken to prevent a water shortage emergency. The Board of Directors hereby directs the General Manager or his designee to prepare and file a Notice of Exemption as soon as possible following adoption of this Ordinance.

ADOPTED this 11th day of June, 2009, at Lake Elsinore, California.

Phil Williams, President of the
Board of Directors of
Elsinore Valley Municipal Water District

ATTEST:

Terese Quintanar, Secretary
Board of Directors of
Elsinore Valley Municipal Water District

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.3
PUBLIC HEARING
Meeting Date: February 24, 2010

TO: Mayor and City Council
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: FY 2009/10 Mid-Year Budget Report and FY 2010/11 Budget Program Calendar.

STAFF REPORT

RECOMMENDATION:

Approve the recommended mid-year budget changes listed in the Mid-Year Budget Status Report for Fiscal Year 2009/10.

Approve the recommended Fiscal Year 2010/11 Budget Program Schedule.

BACKGROUND:

The Finance Department prepares quarterly budget updates for the City Council. The purpose of the City's mid-year budget status report is to conduct a comprehensive review of all of the City's funds to:

- Recommended budgetary changes to address known budget deficiencies.
- Recommend budget changes to align the budget with projected fiscal year end actual costs.
- Identify changes which materially impact fund balances.

DISCUSSION:

On June 24, 2009, the City Council adopted the fiscal year 2009-10 Operating Budget for the City of Wildomar and the Capital Improvement Program ("CIP"). At the September 9, 2009 meeting, the City Council adopted budget amendments for various Landscape Maintenance Districts/CSA's which were passed on to the City from the County after July 1, 2009 and several Grant programs which were awarded to the City in August 2009.

The FY 2009-10 First Quarter Budget Report was provided for review at the City Council meeting held on January 13, 2010. At that time there were no recommended budget changes. This Mid-Year Report, providing a review of six months of fiscal activities, recommends several budget changes to more accurately align the fiscal plan with recent fiscal activities and proposed projects. While the recommend changes are minor, they do reflect a continued conservative theme for the City's fiscal future.

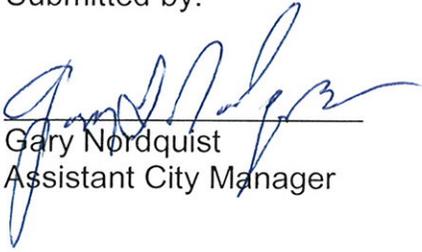
The continued effects of the strained economy have resulted in the reduction to several revenue budgets, specifically property taxes. Even though, property taxes were initially budgeted at 10% less than last year's actual revenue levels, another 5% reduction is recommended. This revenue source will be watched and if needed, adjusted again at the 3rd quarter budget review. Overall, total General Fund revenues are recommended to be reduced by \$7,100 and expenditures by \$14,600. The majority of budget changes listed in the report (Table 2) is concerned with clean up items and has little effect on the bottom line.

The concluding document of this report is the Recommend Calendar for the activities of the FY 2010/11 Budget Program.

ALTERNATIVES:

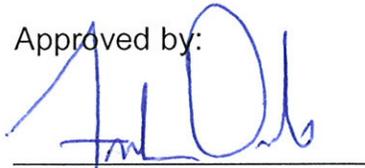
1. Take no action
2. Provide staff with further direction.

Submitted by:



Gary Nordquist
Assistant City Manager

Approved by:



Frank Oviedo
City Manager

City of Wildomar Mid Year Budget Report FY 2009/10

This report reviews the first six months of actual revenues and expenditures, projects the estimated financial activity for the remaining six months of the fiscal year and provides a listing of recommended budget changes to achieve the year end fiscal objectives

Summary Revenues and Expenditure

Table 1

City	Activity	July 1, 2009 Adopted Budget	Recommended Mid-Year Adjustments	Recommended Budget After Adjustments	Actuals at 12/31/2009	Actuals as a Percentage of Recommended Budget
General Fund	Revenues	\$ 9,355,800	\$ (7,100)	\$ 9,348,700	\$ 3,906,360	42%
	Expenditures	9,029,900	(14,600)	9,015,300	3,619,144	40%
Other Funds	Revenues	2,685,476	715,500	3,400,976	1,373,698	40%
	Expenditures	2,133,252	854,100	2,987,352	752,960	25%
Total of All Funds						
	Revenues	12,041,276	708,400	12,749,676	5,280,058	41%
	Expenditures	11,163,152	839,500	12,002,652	4,881,140	41%

	Actual	Budget	Budget Variance Favorable (Unfavorable)	Actuals as a % of Budget	Recommended Change to Budget; Increase (Decrease)	Total Budget with Changes
General Fund Revenues						
10 3100 1 Sales & Use Tax	\$ 213,308	\$ 900,000	\$ (686,692)	24%	\$ -	\$ 900,000
10 3101 1 Sales & Use Tax TFL	-	175,000	(175,000)	0%	-	175,000
10 3102 1 Prop. Tax ILO Sales	-	350,000	(350,000)	0%	-	350,000
10 3105 1 Property Tax	903,473	3,322,000	(2,418,527)	27%	(166,100)	3,155,900
10 3110 1 Property Transfer Tax	40,256	150,000	(109,744)	27%	(15,000)	135,000
10 3116 1 Bus. License Regist.	5,085	10,000	(4,915)	51%	-	10,000
10 3150 1 Motor Veh ILO Fees	2,127,654	2,300,000	(172,346)	93%	(100,000)	2,200,000
10 3151 1 Off Highway Veh Lic	-	1,000	(1,000)	0%	(1,000)	-
10 3152 1 County Augmentation	-	237,000	(237,000)	0%	-	237,000
10 3200 1 Planning Fees	14,710	-	14,710	0%	25,000	25,000
10 3201 1 Code Enforcement Fee	-	20,000	(20,000)	0%	(18,000)	2,000
10 3202 1 Abandoned Prop Registration	4,480	-	4,480	0%	9,000	9,000
10 3210 1 B&S/Engineering Fees	472	100,000	(99,528)	0%	(95,000)	5,000
10 3211 1 Engineering Fees	184	45,000	(44,816)	0%	(40,000)	5,000
10 3212 1 Build. & Safety Fees	49,782	514,400	(464,618)	10%	(410,400)	104,000
10 3218 1 Building Standards Fee	192	-	192	-	-	-
10 3219 1 SMIP	526	-	526	-	-	-
10 3220 1 Franchise Fees - Solid Waste	20,648	170,000	(149,352)	12%	-	170,000
10 3221 1 Franchise Fees - Elec	-	150,000	(150,000)	0%	-	150,000
10 3222 1 Franchise Fees - Gas	-	52,000	(52,000)	0%	-	52,000
10 3224 1 Franchise Fees - Cable	22,744	120,000	(97,256)	19%	-	120,000
10 3225 1 Franchise Fees - Telecommunication	12,523	-	12,523	-	48,000	48,000
10 3230 1 Animal License Fees	-	30,000	(30,000)	0%	(30,000)	-
10 3240 1 Developer Revenue	414,607	414,400	207	100%	545,400	959,800
10 3250 1 Fines & Forfeitures	34,930	50,000	(15,070)	70%	20,000	70,000
10 3251 1 Public Safety Revenue	7,712	-	7,712	-	15,000	15,000
10 3260 1 Interest Income	-	15,000	(15,000)	0%	(5,000)	10,000
10 3270 1 Special Event Rev	17,024	15,000	2,024	113%	10,000	25,000
10 3271 1 Parks & Recreation Revenue	2,236	-	2,236	-	5,000	5,000
10 3800 1 Misc. Revenues	13,815	215,000	(201,185)	6%	20,000	235,000
10 TBD Non General Fund Transfers	-	-	-	-	176,000	176,000
Total General Fund Revenues	3,906,360	9,355,800	(5,449,440)	42%	(7,100)	9,348,700

City of Wildomar
Budget vs. Actuals: Mid Year FY 09-10

	Actual	Budget	Budget Variance Favorable (Unfavorable)	Actuals as a % of Budget	Recommended Change to Budget; Increase (Decrease)	Total Budget with Changes
General Fund Expenses						
<i>City Council</i>						
10 411 11 Payroll Tax Liability	664	3,600	2,936	18%	(3,600)	-
10 411 13 Stipends	6,840	18,000	11,160	38%	-	18,000
10 411 14 Health Benefits	38,723	77,000	38,277	50%	-	77,000
10 411 15 PERS	1,582	-	(1,582)		3,600	3,600
10 411 20 Travel/Meetings	3,846	22,900	19,054	17%	-	22,900
10 411 21 Utilities	1,925	6,000	4,075	32%	(1,500)	4,500
10 411 22 Membership Due	4,709	-	(4,709)		2,000	2,000
10 411 23 Supplies/Services	350	17,000	16,650	2%	(10,000)	7,000
10 411 27 Legal Fees	4,324	-	(4,324)		6,000	6,000
Total City Council	62,963	144,500	81,537	44%	(3,500)	141,000
<i>City Manager's Office</i>						
10 412 10 Salaries	42,831	210,000	167,169	20%	(90,000)	120,000
10 412 11 Payroll Tax Liability	19,262	-	(19,262)		40,000	40,000
10 412 12 Other Compensation	24,400	-	(24,400)		36,400	36,400
10 412 14 Health Benefits	535	26,684	26,149	2%	(16,484)	10,200
10 412 15 PERS	8,867	41,916	33,049	21%	(5,916)	36,000
10 412 20 Travel/Meetings	7,157	6,000	(1,157)	119%	2,000	8,000
10 412 22 Professional Memberships	1,475	-	(1,475)		2,000	2,000
10 412 23 Supplies/Services	5,053	33,300	28,247	15%	(21,000)	12,300
10 412 25 Contractual Services	129,203	150,000	20,797	86%	40,000	190,000
10 412 27 Legal Fees	5,007	-	(5,007)		10,000	10,000
Total City Manager's Office	243,790	467,900	224,110	52%	(3,000)	464,900

City of Wildomar
Budget vs. Actuals: Mid Year FY 09-10

	Actual	Budget	Budget Variance Favorable (Unfavorable)	Actuals as a % of Budget	Recommended Change to Budget; Increase (Decrease)	Total Budget with Changes
City Clerks Office						
10 413 10 Salaries	24,427	74,000	49,573	33%	(14,800)	59,200
10 413 11 Payroll Tax Liability	10,522	-	(10,522)		14,800	14,800
10 413 14 Health Benefits	4,250	23,030	18,780	18%	-	23,030
10 413 15 PERS	5,830	14,770	8,940	39%	-	14,770
10 413 20 Travel/Meetings	925	2,000	1,075	46%	-	2,000
10 413 23 Supplies/Services	582	17,600	17,018	3%	(13,000)	4,600
10 413 24 - Legal Notices - City Clerk	837	-	(837)		3,000	3,000
10 413 25 Contractual Services	15,065	59,800	44,735	25%	(25,000)	34,800
10 413 27 Legal Services	2,797	-	(2,797)		5,000	5,000
Total City Clerks Office	65,234	191,200	125,966	34%	(30,000)	161,200
City Attorney						
10 414 27 Legal Services	85,120	300,000	214,880	28%	(150,000)	150,000
Total City Attorney	85,120	300,000	214,880	28%	(150,000)	150,000
Finance and Administration						
10 420 10 Salaries	14,821	150,000	135,179	10%	(78,000)	72,000
10 420 11 Payroll Tax Liability	1,581	-	(1,581)		18,000	18,000
10 420 14 Health Benefits	1,196	25,860	24,664	5%	(12,260)	13,600
10 420 15 PERS	656	29,940	29,284	2%	(10,940)	19,000
10 420 20 Travel/Meetings	197	2,300	2,103	9%	(1,500)	800
10 420 22 - Membership Dues	100	-	(100)		400	400
10 420 23 Supplies/Services	7,981	6,300	(1,681)	127%	6,700	13,000
10 420 25 Contractual Services	125,031	169,600	44,569	74%	63,000	232,600
10 420 27 Legal Services	2,280	-	(2,280)		4,000	4,000
Total Finance/Admin	153,843	384,000	230,157	40%	(10,600)	373,400

City of Wildomar
Budget vs. Actuals: Mid Year FY 09-10

	Actual	Budget	Budget Variance Favorable (Unfavorable)	Actuals as a % of Budget	Recommended Change to Budget; Increase (Decrease)	Total Budget with Changes
<i>Community Development Admin</i>						
10 430 13 Stipends	3,450	9,000	5,550	38%	-	9,000
10 430 20 Travel/Meetings	20	1,000	980	2%	-	1,000
10 430 23 Supplies/Services	1,226	500	(726)	245%	2,000	2,500
10 430 25 Contractual Services	18,427	-	(18,427)		45,000	45,000
Total Community Dev. Admin.	23,123	10,500	(12,623)	285%	47,000	57,500
<i>Building and Safety</i>						
10 431 23 Supplies/Services - B&S	1,844	8,000	6,156	23%	(5,000)	3,000
10 431 25 Contractual Services - B&S	170,403	549,500	379,097	31%	(100,000)	449,500
Total Building & Safety	172,247	557,500	385,253	340%	(105,000)	452,500
<i>Planning</i>						
10 432 23 Supplies/Services - Planning	973	8,000	7,027	12%	(4,000)	4,000
10 432 24 Legal Notices - Planning	1,466	-	(1,466)		4,000	4,000
10 432 25 Contractual Services - Planning	94,481	579,900	485,419	16%	(485,400)	94,500
10 432 27 Legal Fees	69,641	-	(69,641)		130,000	130,000
Total Planning	166,561	587,900	421,339	28%	(355,400)	232,500
<i>Private Development</i>						
10 433 25 Private Development Processing	333,267	-	(333,267)		543,400	543,400
Total Private Development	333,267	-	(333,267)		543,400	543,400
<i>Development Engineering</i>						
10 434 23 Supplies/Services - Dev. Eng.	-	1,000	1,000	0%	-	1,000
10 434 25 Contractual Services - Dev. Eng.	52,835	199,300	146,465	27%	(40,000)	159,300
10 434 27 Legal Services	165	-	(165)		500	500
Total Dev. Eng.	53,000	200,300	147,301	26%	(39,500)	160,800

City of Wildomar
Budget vs. Actuals: Mid Year FY 09-10

	Actual	Budget	Budget Variance Favorable (Unfavorable)	Actuals as a % of Budget	Recommended Change to Budget; Increase (Decrease)	Total Budget with Changes
Code Enforcement						
10 435 23 Supplies/Services - Code Enf.	2,024	3,000	976	67%	-	3,000
10 435 25 Contractual Services - Code Enf.	65,343	130,000	64,658	50%	-	130,000
10 435 27 Legal Services	18,199	-	(18,199)		25,000	25,000
Total Code Enforcement	85,566	133,000	47,434	64%	25,000	158,000
Public Works						
10 450 21 Utilities	2,196	-	(2,196)		2,500	2,500
10 450 23 Supplies/Services	106	40,000	39,894	0%	(39,800)	200
10 450 25 Public Works Contractual Services	30,352	-	(30,352)		34,000	34,000
10 450 26 AB939 & NPDES	-	57,000	57,000	0%	-	57,000
10 450 27 Legal Services	6,463	-	(6,463)		13,000	13,000
10 450 52 Equipment	3,286	-	(3,286)		3,300	3,300
Total Public Works	42,402	97,000	54,598	44%	13,000	110,000
Police Services						
10 461 20 Travel & Meetings - Police Services	12	-	(12)		100	100
10 461 23 Supplies/Services - Sheriff	36,365	281,441	245,076	13%	(100)	281,341
10 461 25 Cont. Serv. - Sheriff	1,408,075	3,416,859	2,008,784	41%	-	3,416,859
Total Police	1,444,440	3,698,300	2,253,860	39%	-	3,698,300
Fire Services						
10 465 23 Supplies/Services - Fire	1,566	10,000	8,434	16%	11,000	21,000
10 465 25 Cont. Serv. - Fire	430,049	1,759,800	1,329,751	24%	(11,000)	1,748,800
Total Fire	431,616	1,769,800	1,338,184	24%	-	1,769,800
Animal Control						
10 466 25 Cont. Serv. - Animal Control	58,013	125,000	66,987	46%	(15,000)	110,000
Total Animal Control	58,013	125,000	66,987	46%	(15,000)	110,000
Emergency Preparedness Office						
10 467 20 Travel & Meeting - Emergency Prepa	3,573	-	(3,573)		6,000	6,000
10 467 23 Supplies/Services - Emergency Prep:	208	11,000	10,792	2%	(10,000)	1,000
10 467 25 Cont. Serv. - Emergency Preparedne:	11,530	12,000	470	96%	4,000	16,000
Total Emergency Prep.	15,310	23,000	7,690	67%	-	23,000

City of Wildomar
Budget vs. Actuals: Mid Year FY 09-10

	Actual	Budget	Budget Variance Favorable (Unfavorable)	Actuals as a % of Budget	Recommended Change to Budget; Increase (Decrease)	Total Budget with Changes
Community Services						
10 470 20 Travel and Meetings	1,223	1,000	(223)	122%	1,000	2,000
10 470 21 Utilities	300	-	(300)		500	500
10 470 23 Supplies & Services	8,367	61,300	52,933	14%	(1,500)	59,800
10 470 25 Contractual Services	39,911	64,400	24,489	62%	-	64,400
10 470 27 - Legal Notices - Comm. Services	75	-	(75)		500	500
Total Community Services	49,877	126,700	76,823	39%	500	127,200
Non-Departmental						
10 480 21 Utilities	11,491	24,000	12,509	48%	-	24,000
10 480 23 Misc. Serv./Supplies	18,125	12,600	(5,525)	144%	18,000	30,600
10 480 25 Contractual Services	37,649	20,200	(17,449)	186%	50,000	70,200
10 480 27 Legal Services	494	-	(494)		500	500
10 480 28 LAFCO Fee	-	3,000	3,000	0%	-	3,000
10 480 29 Insurance	7,347	31,100	23,753	24%	-	31,100
10 480 32 City Hall Lease & Ops	57,668	122,400	64,732	47%	-	122,400
Total Non Departmental	132,773	213,300	80,527	62%	68,500	281,800
Total General Fund Expenses	3,619,144	9,029,900	5,410,756	40%	(14,600)	9,015,300
<i>City with out Police, Fire and Animal Control</i>	<i>1,685,075</i>	<i>3,436,800</i>	<i>1,751,725</i>	<i>49%</i>	<i>400</i>	<i>3,437,200</i>
Net Revenue (Expense)	287,216	325,900	(10,860,196)	88%	(7,500)	333,400

City of Wildomar
Budget vs. Actuals: Mid Year FY 09-10

	Actual	Budget	Budget Variance Favorable (Unfavorable)	Actuals as a % of Budget	Recommended Change to Budget; Increase (Decrease)	Total Budget with Changes
Gas Tax Fund						
Gas Tax Revenue						
20 3130 1 GTSIF Section 2105 GT	80,654	250,000	(169,346)	32%	-	250,000
20 3131 1 GTSIF Section 2106 GT	49,404	126,500	(77,096)	39%	-	126,500
20 3132 1 GTSIF Section 2107 GT	108,561	300,000	(191,439)	36%	-	300,000
20 3133 1 GTSIF Section 2107.5	6,000	6,000	-	100%	-	6,000
Gas Tax Revenue	244,619	682,500	(437,881)	36%	-	682,500
Gas Tax Expense						
20 450 21 GTSIF Utilities	11,777	-	(11,777)		12,000	12,000
20 450 23 Supplies & Services	3,009	-	(3,009)		4,000	4,000
20 450 25 GTSIF Contractual S.	347,050	450,000	102,950	77%	100,000	550,000
20 450 XX General Fund Allocation	-	-	-		68,000	68,000
Gas Tax Expense	361,836	450,000	88,164	80%	184,000	634,000
Gas Tax Net Revenue (Expense)	(117,217)	232,500	(349,717)	-50%	184,000	48,500
AQMD Total Revenue						
25 3130 1 AQMD AB2766 - Subvention Fund	9,110	11,000	(1,890)	83%	-	11,000
Measure A						
28 3153 1 Measure 'A' Revenue	154,664	500,000	(345,336)	31%	59,000	559,000
Measure A Expense						
28 450 25 Contractual Servies - Measure A	132,218	413,000	(280,783)	32%	(263,000)	150,000
28 901 25 Access Improvements					45,000	45,000
28 902 25 Roadway Safety					50,000	50,000
28 903 25 Slurry Seal					80,000	80,000
28 904 25 Traffic Signal Program					550,000	550,000
28 905 25 Unpaved Roadway Enhancements					59,000	59,000
28 405 XX Gen Fund allocation					55,000	55,000
Total Measure A Expense	132,218	413,000	(280,783)		576,000	989,000
Measure A Net Revenue (Expense)	22,446	87,000	(626,119)	26%	635,000	(430,000)

City of Wildomar
 Budget vs. Actuals: Mid Year FY 09-10

	Actual	Budget	Budget Variance Favorable (Unfavorable)	Actuals as a % of Budget	Recommended Change to Budget; Increase (Decrease)	Total Budget with Changes
TCRP Fund						
30 3153 1 TCRP (Prop 42) Revenue	-	233,000	(233,000)	0%	-	233,000
30 450 XX General Fund Allocation	-	-	-		23,000	23,000
Total Expenses	-	-	-		23,000	23,000
TCRP Net Revenue (Expense)	-	233,000	(233,000)	0%	(23,000)	210,000
City Development Impact Fees						
42 3153 1 Dev. Impact Fee	524,517	-	524,517		600,000	600,000
42 420 450 XX General Fund Allocation	-	-	-		30,000	30,000
Total Expenses	-	-	-		30,000	30,000
City DIF Net Revenue (Expense)	524,517	-	524,517		570,000	570,000

City of Wildomar
Budget vs. Actuals: Mid Year FY 09-10

	Actual	Budget	Budget Variance Favorable (Unfavorable)	Actuals as a % of Budget	Recommended Change to Budget; Increase (Decrease)	Total Budget with Changes
LMD 2006-1 "Parks"						
50 3153 1 LMD 2006-1 Revenue	198,672	192,024	6,648	103%	-	192,024
Expenses						
50 450 21 Utilities - Public Works - CSA103	-	-	-		-	-
50 450 23 Supplies and Services	-	-	-		-	-
50 450 25 LMD 2006-1 Contractual Services	4,170	-	(4,170)		-	-
50 470 21 LMD Utilities	103	-	(103)		-	-
50 470 24 Legal Notices	646	-	(646)		-	-
50 470 25 LMD Contractual Services	27,704	23,300	(4,404)	119%	-	23,300
50 471 21 LMD Utilities - Marna O'Brien Park	36,098	64,200	28,102	56%	-	64,200
50 471 23 LMD Supplies & Services - Marna O'Brien	1,979	5,800	3,821	34%	-	5,800
50 471 25 LMD Contractual Services - Marna C	19,214	38,700	19,486	50%	-	38,700
50 472 21 LMD Utilities - Heritage Park	10,650	11,000	350	97%	-	11,000
50 472 23 LMD Supplies & Services - Heritage Park	758	1,400	642	54%	-	1,400
50 472 25 LMD Contractual Services-Heritage	8,498	16,700	8,202	51%	-	16,700
50 473 21 LMD Utilities - Windsong Park	8,968	15,400	6,432	58%	-	15,400
50 473 23 LMD Supplies & Services - Windsong	1,767	1,400	(367)	126%	-	1,400
50 473 25 LMD Contractual Services - Windsong	6,784	14,200	7,416	48%	-	14,200
Total Expenses	127,340	192,100	64,760		-	192,100
LMD 2006-1 Net Revenue (Expense)	71,332	(76)	71,408	-93858%	-	(76)
LLMD 89-1						
51 3153 1 LLMD 89-1 Revenue	-	288,792	(288,792)	0%	-	288,792
Expenses						
51 450 24 LLMD Legal Notices	15	-	(15)		100	100
51 470 25 LLMD Contractual Services	-	288,792	288,792	0%	(100)	288,692
Total Expenses	15	288,792	288,777		-	288,792
LLMD 89-1 Net Revenue (Expense)	(15)	-	(577,569)		-	(282,992)

City of Wildomar
Budget vs. Actuals: Mid Year FY 09-10

	Actual	Budget	Budget Variance Favorable (Unfavorable)	Actuals as a % of Budget	Recommended Change to Budget; Increase (Decrease)	Total Budget with Changes
CSA -22						
55 3153 1 CSA-22 Revenue	25,403	29,600	(4,197)	86%	-	29,600
Expenses						
55 450 21 CSA-22 Utilities	18,100	26,100	8,000	69%	(4,200)	21,900
55 450 24 CSA-22 Legal Notices	15	-	(15)		100	100
55 450 24 Legal Notices for CSA-22	62	-	(62)		100	100
55 450 25 Contractual Services CSA-22	-	3,500	3,500	0%	-	3,500
55 470 25 - Community Service - Contractual S	2,581	-	(2,581)		4,000	4,000
Total Expenses	20,758	29,600	8,842		-	29,600
CSA 22 Net Revenue (Expense)	4,645	-	4,645		-	59,200
CSA 103						
56 3153 1 CSA-103 Revenue	177,820	140,000	37,820	127%	38,000	178,000
56 450 21 Utilities CSA-103	77,926	117,500	39,574	66%	3,200	120,700
56 450 23 CSA 103 Supplies and Services	-	-	-		-	-
56 450 24 CSA-103 Legal Notices	77	-	(77)		200	200
56 470 25 Community Service - Contractual Se	13,080	-	(13,080)		26,000	26,000
56 474 21 Utilities - CSA 103 - Cervera Street	3,067	-	(3,067)		8,000	8,000
56 474 23 Supplies & Services - CSA 103 - Cerv	604	400	(204)	151%	600	1,000
56 474 25 Contractual Services - CSA 103 - Ce	2,454	22,100	19,646	11%	-	22,100
Total Expenses	97,207	140,000	42,793		38,000	178,000
CSA 103 Net Revenue (Expense)	80,613	-	80,613		76,000	-

City of Wildomar
Budget vs. Actuals: Mid Year FY 09-10

	Actual	Budget	Budget Variance Favorable (Unfavorable)	Actuals as a % of Budget	Recommended Change to Budget; Increase (Decrease)	Total Budget with Changes
CSA 142						
57 3153 1 CSA-142 Revenue	48,003	29,600	18,403	162%	18,500	48,100
57 450 21 Utilities CSA-142	11,082	27,900	16,818	40%	-	27,900
57 450 24 CSA-142 Legal Notices	77	-	(77)		100	100
57 450 25 CSA 142 Contractural Services	848	1,900	1,053	45%	-	1,900
57 470 25 Community Service - Contractural Se	1,549	-	(1,549)		3,000	3,000
Total Expenses	13,556	29,800	16,244		3,100	32,900
CSA 103 Net Revenue (Expense)	34,447	(200)	34,647	-1723%	21,600	15,200
Grants Fund						
61 3153 1 Grant Funds Revenue	-	589,960	(589,960)	0%	-	589,960
61 3260 1 Grant Funds Interest Income	-	-	-		-	-
Total Revenue	-	589,960	(589,960)	0%	-	589,960
61 610 24 Legal Notices - Grant Funds	15	589,960	(589,945)	0%	(186,760)	403,200
61 611 24 Legal Notices - Grant Funds	15	-	15		186,760	186,760
Total Expenses	30	589,960	(589,930)	0%	-	589,960
Grants Net Revenue (Expense)	(30)	-	(30)		-	-

Budget Development Guideline Concepts:

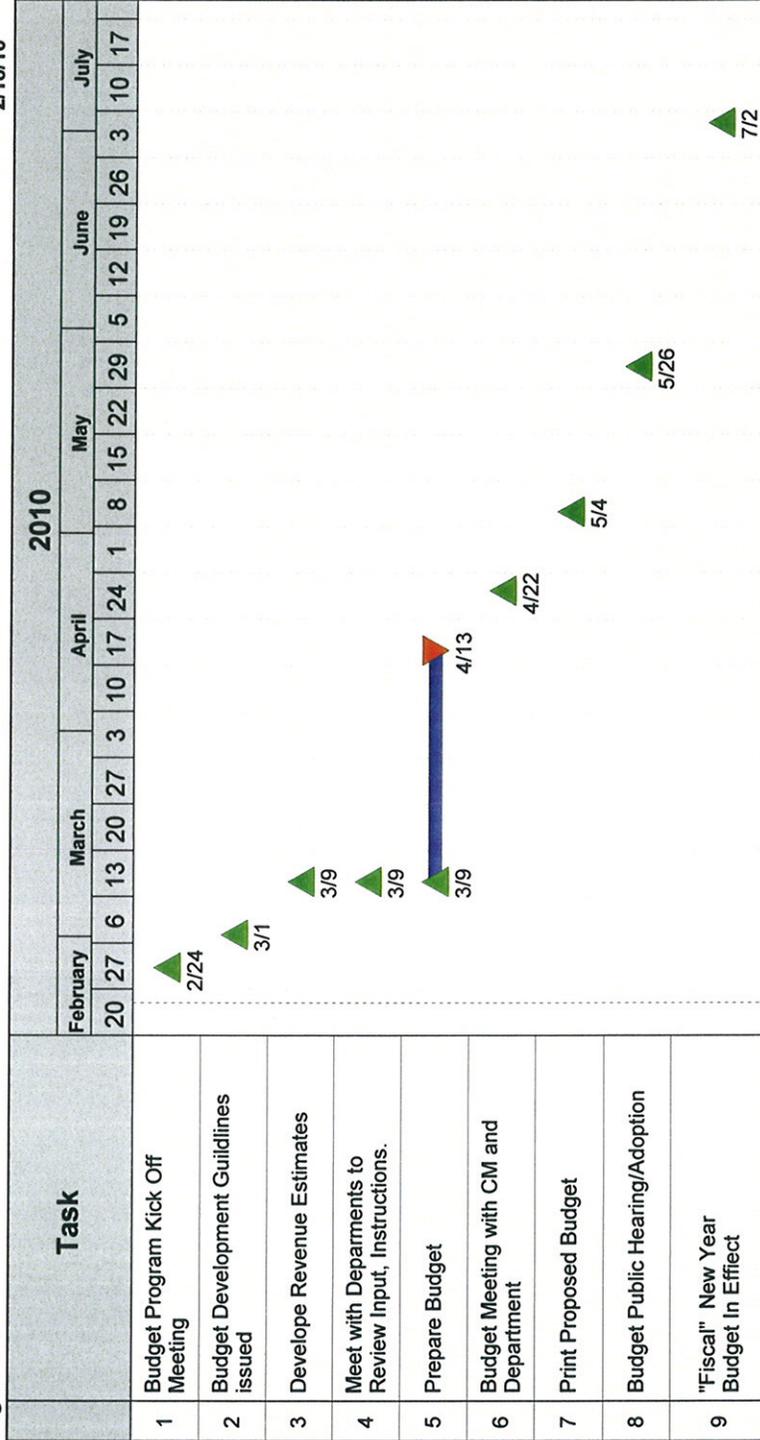
- **The Budget.....Legal Authorization to Spend Money.**
- **Budget proposals should be reflective of the City's Vision Statement and City Councils Goals and Objectives.**
- **The Budget should exhibit priorities established by the City Council.**
- **Budget Development will adhere to the City Councils directive to Operate in a businesslike manner by:**
 - **...Cost justifying all contractual services**
 - **....Invest in the utilization of new technologies and staff training**
- **Budgets will adhere to a policy whose emphasis:**
 - **...A Fiscally balanced budget**
 - **...Non-Recurring Revenues for Non- Recurring Expenses**
 - **...An operationally Balanced Budget**
 - **...Enhancement of Revenue**
- **...Established Adequate Reserves/Program**

**FY 2009/10
Budget Program Calendar of Events**

**City of Wildomar
Operating Budget Calendar
FY 20010/11**

Page 1 of 1

2/18/10



Budget Development Guideline Concepts:

- **The Budget.....Legal Authorization to Spend Money.**
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 - **...Enhancement of Revenue**
- **...Established Adequate Reserves/Program**

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 3.1
GENERAL BUSINESS
Meeting Date: February 24, 2010

TO: Mayor and Council Members

FROM: Michael Kashiwagi, Development Services, Public Works
Julie Cline, Public Works, Real Property Manager

SUBJECT: Resolution Agreeing to Hear Future Resolutions of Necessity for the I-15/Clinton Keith Road Interchange Project

STAFF REPORT

RECOMMENDATION:

That the City Council approve:

RESOLUTION NO. 2010 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AGREEING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE I-15/CLINTON KEITH ROAD INTERCHANGE PROJECT

BACKGROUND:

The I-15/Clinton Keith Road Interchange Project ("Project") involves widening Clinton Keith Road in the vicinity of I-15, reconstructing the current two-lane interchange with a six-lane facility and adding limited length auxiliary lanes on I-15 prior to and after the exit and entrance ramps. The reconstruction of the interchange will utilize the existing diamond interchange configuration. The new interchange is intended to be consistent with the City of Wildomar and County of Riverside's General Plan. The General Plan identifies Clinton Keith Road as a six-lane Urban Arterial.

The County of Riverside is funding the Project's Right of Way costs with Transportation Uniform Mitigation Fee and Road and Bridge Benefit District funds, and the City, in cooperation with the County of Riverside, is responsible for acquiring the necessary real property interests to construct the Project.

A total of eight (8) properties have been identified as being potentially impacted by this Project. Pursuant to the most recent Project plans, seven of the eight properties involve partial fee takes, while the eighth property involves the taking of a single temporary

construction easement. These properties are listed in Table 1 below. Importantly, nothing in this agenda report or the Resolution to be considered pertinent hereto is meant to pre-commit Wildomar's City Council or otherwise limit the options available to it in regard to the acquisition(s) of property necessary for the Project.

Table 1

**I-15/Clinton Keith Road
Interchange Project
Right of Way Acquisitions**

APN	Owner's Name	Present Use	Type of Take
376-410-022	Thomas Plott and Elizabeth R. Plott	Vacant	Partial Fee Take
380-110-045	Wildomar Square Partners, LLC	Vacant	Partial Fee Take
380-240-001	CHOA Murrieta, LLC	Vacant	Partial Fee Take
380-240-003	Kim / Kwak	Vacant	Partial Fee Take
380-240-007	Richard S. Pavelec and Cissy Fisher, Trustees	Chevron/Mini Mart	Partial Fee Take
380-110-034	Sierra Noble, Inc.	AM PM	Partial Take TCE only
380-240-008	Archland Property II, L.P.	McDonald's	Partial Fee Take
380-240-023	Tesoro Sierra Properties, LLC	USA Gas/Mini Mart	Partial Fee Take

ANALYSIS

In order to acquire any real property rights necessary for the construction of the improvements along Clinton Keith Road and to ensure any affected property owners are afforded their legal rights, the City of Wildomar and the County of Riverside will follow the land acquisition procedures as provided for in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. This law was passed by the U.S. Congress in 1970, and the State of California, Department of Housing and Community Development, subsequently adopted Title 25 of Chapter 6 of the California Code of Regulations. This requires the City of Wildomar to adopt certain practices and procedures to be followed with respect to the acquisition of real property.

The City of Wildomar's Right-of-Way (Land) Acquisition process includes the following basic steps:

1. Obtaining appropriate environmental clearance regarding the Project.
2. Submitting the location, purpose and extent of any proposed property acquisition to the City's planning agency for consideration as to whether it conforms with the City's general plan.
3. Completing Project design and identifying, by way of legal and plat descriptions, the property rights needed to construct the Project.
4. Conducting an independent appraisal by a State certified appraiser for each of the properties identified as being affected by the Project. The County of Riverside has contracted for an outside independent appraiser to appraise all such properties.
5. Giving notice of the preparation of said appraisal, and requesting permission for the appraiser to inspect the property. The property owner has an opportunity to accompany and provide relevant information to the appraiser at that time.
6. Review of the appraisal by County staff.
7. Establishing Just Compensation based on the full amount of the appraisal.
8. Making a written offer of Just Compensation to each of the property owners affected by the Project based on the full amount of Just Compensation.
9. Negotiating in good faith with all of the property owners with the goal of reaching mutually agreeable settlements, and preparing a final contract for purchase and sale for each agreement reached.
10. If no agreement can be reached with a particular property owner, seeking permission to condemn by holding a hearing on a Resolution of Necessity which, if adopted, would authorize the City to exercise its eminent domain powers should condemnation become necessary. A Resolution of Necessity is the City's formal decision to acquire property by eminent domain, and must be adopted by the City Council at a public meeting before the City may commence an eminent domain action in court.
11. In advance of the hearing, providing any affected property owner with a "Notice of Intent to Adopt Resolution of Necessity." The Notice of Intent sets forth the date, time, and place of the hearing and is typically sent at least 45 days prior to the public hearing to reasonably allow for the opportunity for meaningful negotiations.
12. For any Resolution of Necessity adopted by the City Council, filing an eminent domain action in State Court that seeks to condemn any interests deemed necessary for the Project.
13. Seeking an "Order of Possession" from the Court in the eminent domain action allowing the City to obtain prejudgment legal possession of the property in order to proceed with constructing the Project on schedule. The City would continue negotiations with the property owners while such court orders are being sought.

In addition to the foregoing, should the City reach an impasse with an affected property owner, the City in conjunction with the County and Caltrans must hold a First Level Hearing and a Second Level Hearing (collectively, the "Hearing Process") prior to holding a hearing regarding the adoption of a Resolution of Necessity. This Hearing Process, as required by Caltrans, is a mechanism to allow for settlement opportunities, prior to the City Council's hearing regarding the adoption of a Resolution of Necessity.

Section 113 of the Streets and Highways Code and Section 17.04.08.01 of the Caltrans Right of Way Manual state that, upon Caltrans' request, a city may acquire property for state highway purposes and may take title in the name of the State or the City. Such acquisitions are subject to the requirements and procedures of the Caltrans Right of Way Manual and, in particular, are subject to the requirements and procedures of Sections 17.04.09.00 through 17.04.09.09 of that Manual (Exhibit A).

Pursuant to Section 17.04.09.00 of the Caltrans Right of Way Manual, in order to acquire property for the Project, the City of Wildomar must first pass a resolution, by two-thirds vote, agreeing to hear resolutions of necessity for the Project. The attached resolution identifies the City Council for the City of Wildomar as the hearing body to determine the City's authority to utilize its power of eminent domain to acquire property for the Project. Based on the foregoing, this resolution must be adopted before the City of Wildomar may acquire property for the Project.

FISCAL IMPACTS:

There are no costs associated with this resolution.

ATTACHMENTS:

1. Resolution of the City Council of the City of Wildomar agreeing to Hear Future Resolutions of Necessity for the I-15/Clinton Keith Road Interchange Project.
2. Exhibit A

Submitted by:



Mike Kashiwagi
Development Services

Approved by:



Frank Oviedo
City Manager

RESOLUTION NO. 2010 -

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AGREEING TO HEAR FUTURE
RESOLUTIONS OF NECESSITY FOR THE I-15/CLINTON
KEITH ROAD INTERCHANGE PROJECT**

WHEREAS, the City of Wildomar ("City") is empowered to acquire property by eminent domain pursuant to Article 1, Section 19 of the California Constitution, and pursuant to various statutes including but not limited to Section 113 of the Streets and Highways Code and Sections 1230.010 et seq. of the California Code of Civil Procedure;

WHEREAS, pursuant to California Streets and Highways Code Section 102, the State of California, acting by and through its Department of Transportation ("Caltrans"), may acquire by eminent domain any property necessary for state highway purposes;

WHEREAS, the City, in conjunction with the County of Riverside, has proposed a project to improve the I-15/Clinton Keith Road Interchange, including reconstructing the current two-lane interchange with a six-lane facility and adding limited length auxiliary lanes on I-15 prior to and after the exit and entrance ramps. The reconstruction of the interchange will utilize the existing diamond interchange configuration (the "Project");

WHEREAS, the Project has been designated by Caltrans (for reference purposes) as Caltrans EA 0F5800;

WHEREAS, City projects to condemn property for state highway purposes are subject to the requirements and procedures of the Caltrans Right of Way Manual and, in particular, are subject to the requirements and procedures of Sections 17.04.09.00 through 17.04.09.09 of that manual (true and correct copies of which are attached hereto as Exhibit A and are incorporated herein by this reference); and

WHEREAS, Section 17.04.09.00 of the Caltrans Right of Way Manual states (in pertinent part) as follows: "State statute allows the California Transportation Commission, cities and counties to hear and adopt resolutions of necessity for the acquisition of property needed for projects on the State Highway System....If the LPA [*i.e.*, the City] is to hear the resolutions, then the city council must pass a resolution, by two-thirds vote, agreeing to hear the Resolutions of Necessity for the project."

NOW THEREFORE, the City Council of the City of Wildomar does Resolve, Determine, Find and Order, not less than two-thirds of all members concurring, in regular session assembled on February 24, 2010 as follows:

1. This Council hereby agrees to hear and determine whether to adopt Resolutions of Necessity regarding the Project;

2. City Staff is hereby designated to prepare (in conformance with applicable laws), to review, to approve, and to otherwise process resolution of necessity packages for the Project (including the Notice of Intention to Adopt Resolutions of Necessity and the Resolution of Necessity) prior to those matters being considered by the Council; and
3. Nothing in this Resolution is meant to pre-commit the City Council or otherwise limit the options available to it in regard to the acquisition(s) of any property that may be impacted by the Project.

PASSED, APPROVED AND ADOPTED this 24th day of February, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

EXHIBIT "A"

17.04.09.00 Condemnation for LPA Projects - General

The power of eminent domain can only be exercised if the condemning authority can establish:

- The necessity of the project,
- The project location is most compatible with the greatest public good and least private injury,
- And, the property is necessary for the project.

State statute allows the California Transportation Commission, cities and counties to hear and adopt resolutions of necessity for the acquisition of property needed for projects on the State Highway System. The exercise of eminent domain to acquire property for state highway purposes can be accomplished only by the state (Department) or by the county or city in which the property is located. (Also see Exhibit 17-EX-10 in this Chapter.)

The steps involved in taking resolution requests to a local board begin during the draft cooperative agreement phase. The local agency must have entered into negotiations to draft an agreement for the project. There must be a draft cooperative agreement. The decision to take Resolutions of Necessity to the Local Board of Supervisors or City Council is made for the project in its entirety. In addition to any language that may appear in the Cooperative Agreement, the local entity must obtain approval in writing from Headquarters Right of Way to proceed to take Resolutions of Necessity before the appropriate local body.

If the LPA is to hear the resolutions, then the city council must pass a resolution, by two-thirds vote, agreeing to hear the Resolutions of Necessity for the project. If the county is to hear the resolutions, then the county must pass a resolution, by four-fifths vote, agreeing to hear the Resolution of Necessity for the project.

If the county or city elects not to undertake this activity on behalf of another LPA (e.g., a Transportation Authority), then the Department should assume this task. The cost for providing legal services is reimbursable and the requirement for this service must be included in the Cooperative Agreement or Right of Way Services Agreement. In addition, prior budgetary authority for reimbursable work must be obtained.

17.04.09.01 Approval for Local Agencies to Hear Resolutions of Necessity

The Region/District will help to facilitate the submission of an approval package to the Chief of the Division of Right of Way in Headquarters. The package must include all of the following:

- Justification for the request
- Documentation of the resolution from the governing body of the city or county agreeing to acquire property for State Highway purposes and to hear resolutions
- Description of the project, i.e., number of parcels, maps, proposed construction project
- Proposed schedule for acquisition
- Draft copy of the cooperative agreement

The package will be logged in at Headquarters Right of Way and forwarded to the appropriate office chief, either Acquisition or Local Programs for review and recommendation. Final decision will rest with the Chief, Division of Right of Way.

A log will be kept in Headquarters of the approvals and denials. Once Headquarters has notified the Region/District of approval, then the Region/District is responsible for notifying the local agency in writing that they may proceed with the acquisition of real property or interest therein. The notification must designate the limits of the project under recommendation.

17.04.09.02 **Notice of Intent**

The local agency is required to follow the Department's Notice procedures. Please see Section 9.01.04.00. A Notice of Intent to adopt a Resolution of Necessity can only be served after the grantor has been given a reasonable amount of time to consider the offer presented. The Notice of Intent cannot be served immediately following the offer to acquire.

NOTE: In all cases, a copy of each Notice of Intent is to be sent to the Region/District Right of Way Local Programs Coordinator.

17.04.09.03 **Resolution of Necessity**

In all cases the resolution package must be reviewed and approved by the appropriate Legal Office in accordance with the authorizing agreement prior to being heard. The resolution must satisfy all of the requirements of the Code of Civil Procedures (CCP), Title 7, Chapter 4, Article 2. In the case where the LPA performs the legal activities, the LPA's Legal Counsel may be designated by the agreement to process the resolution package.

The Resolution of Necessity must contain a general statement of the public use for which the property is being acquired and must reference the appropriate statute for the property rights to be acquired by eminent domain. Frequently cited references are:

- Streets and Highways Code Section 102 allows for acquisition by eminent domain for state highway purposes
- CCP Section 1240.410 – the acquiring agency is acquiring a remnant of such size, shape or condition that it will have little market value
- CCP Section 1240.510 – the property is being acquired from another public agency for a compatible use
- CCP Section 1240.610 – the property is being acquired from another public agency for a more necessary public use
- CCP Section 1240.220 – the public agency is acquiring additional property for future use, requires owner's consent
- CCP Section 1240.150 – entire parcel is to be acquired when the remainder would be of little value to the owner, requires owner's consent

The resolution must also contain a general location and extent of property rights to be acquired to allow for reasonable identification. The resolution document must declare the public finds each of the following:

- Public interest and necessity require the project
- The project is located in a manner to provide the greatest public good and least private injury
- The property is necessary for the project
- An offer has been made to purchase the property in accordance with Section 7267.2 of the Government Code

Upon passage of a resolution, a copy of that resolution must be sent to Region/District Right of Way Local Programs.

17.04.09.04 Request to Appear

Statute allows the property owner fifteen days within which to request an appearance before the board hearing the resolution request. If a Request to Appear is not timely, then the right to appear has been waived and the resolution will be heard as a consent item. Exceptions to timely requests may be granted jointly by the delivering agency and the governing body. The reasons for exception will be documented in every case. Possible reasons are documented illness or documented travel.

If the owner requests an appearance, then the local agency must follow a review process. The review process may require postponement of the date the resolution is heard before the CTC, County Board of Supervisors or City Council.

The Condemnation Evaluation Meeting and Condemnation Panel Review Meeting provide a forum where property owners can meet with Local Agency Right of Way and Design managers in an effort to resolve design issues. These reviews address the concerns of the property owner. It is important that a decision-maker be included in the review process. Occasionally, certain acceptable design exceptions with minor impact can satisfy the property owner's concerns. The Condemnation Evaluation Meeting and the Condemnation Panel Review Meeting may be combined only when there are no design issues. If there are no design issues, then the decision to combine the two meetings is made by the LPA.

17.04.09.05 Reviews Prior to Appearance (Heard by California Transportation Commission)

When a request for an appearance is on a Resolution of Necessity to be heard by the California Transportation Commission (CTC), regardless of who is performing the right of way and design activities, the Department will conduct the Reviews, and will make the presentation before the Commission. Appropriate local agency staff shall participate in the reviews and may be asked to be present at the Commission meeting.

17.04.09.06 Reviews Prior to Appearance (Heard by City Council or County Board of Supervisors)

Refer to Exhibit 17-EX-10.

17.04.09.07 Condemnation Responsibilities (Department)

Following are the usual responsibilities of the respective parties whenever the Department undertakes legal services for the acquiring agency and which must be included in the Cooperative Agreement:

- A. Legal opinions and advice in all matters relating to the right to acquire the property for the project or to the valuation of said property.
- B. Department will obtain the necessary Resolution of Necessity from the CTC, or other appropriate body.
- C. Attorney services in connection with selection of witnesses for trial, the preparation and conduct of the trial, post-trial motions and appellate proceedings in condemnation cases for the acquisition of property or actions to acquire possession of property.
- D. Attorney services as necessary or required for property management and/or relocation assistance proceedings.

17.04.09.08 Condemnation Responsibilities (LPA)

In preparation for condemnation, the LPA will *normally* provide the following:

- A. Current title reports with indications of each interest to be named in the lawsuit and updates of such reports as necessary.
- B. Relocation assistance certificates of occupancy indicating names of persons of other entities in possession of the property.
- C. An adequate legal description of the property.
- D. Right of Way/Parcel maps as required for condemnation complaints.
- E. All notices and reports necessary to obtain Resolutions of Necessity including reports and/or presentations where an owner seeks to exercise his right to appear before the appropriate governing body to contest the necessity for the taking.
- F. Documents necessary to deposit the just compensation with the State Treasurer.
- G. Necessary information for obtaining orders of possession.
- H. All efforts required to process suit papers and to file, serve, and prepare proof of service documents for required summons, complaints, and orders for possession.
- I. An authorized representative from the LPA who will appear at the hearing before the appropriate governing body to adopt the Resolution of Necessity.

17.04.09.09 Condemnation Trials Responsibilities (LPA)

In preparation for trial, the LPA will *usually* provide the following:

- A. A copy of the LPA's staff appraisal report.
- B. Relevant acquisition files and data, including copies of parcel diaries, correspondence, and other related material.
- C. Engineering witnesses familiar with the property to be acquired, the proposed project and the improvements associated therewith.
- D. All maps, exhibits, and photographs required for trial.

- E. Expert appraisal witnesses, subject to prior approval by the Department's Legal Division. All witnesses shall be made available to Legal for preappraisal and presubmission meetings to ensure they are proceeding on legally proper grounds.
- F. If private sector consultants are used, service of the LPA's acquisition consultant to assist Legal at the trial, to the extent that Right of Way Agents typically provide such services.

The LPA is also responsible for depositing sufficient funds with the Department to cover jury fees, deposits of probable just compensation for orders of possession, all trial preparation costs such as witness fees, deposition fees, and attorneys' fees.

17.04.10.01 Property Management - Income

Pursuant to Streets and Highways Code Sections 104.6 and 104.10, twenty-four percent (24%) of the gross rental income derived from property acquired in the state's name is to be transferred to the county in which rental income is derived. These sections are applicable whenever property is vested in the state's name regardless of the source of money to acquire the property and who will provide the property management services to the LPA. Pursuant to Streets and Highways Code Section 104.13, the Department is responsible for the payment of possessory interest taxes on leased property held for future state highway needs and for excess lands. All funds distributed to a county (24%) pursuant to Section 104.10 are considered to be the full or partial payment of the total possessory interest taxes due.

The above distribution of funds must be clearly detailed in the Cooperative Agreement or Right of Way Services Agreement with the LPA, particularly in situations where another LPA is acting as an agent for the Department in providing the property management services.

If Department is providing the property management, the balance of gross rental receipts (less adjustments for possessory interests and/or 24% allocation) will be transferred to the LPA. Costs incurred in conjunction with property management activities are reimbursable costs and will be part of the advance deposit for estimated support costs. The LPA will not be paid interest on rental income.

17.04.11.01 Local Agency Relocation Assistance Appeals Process

Whenever the LPA is proposing to do their own relocation assistance work, they must have an appeal process that meets the Uniform Act/CFR requirements and is approved by the Department.

The District must approve the process and the Appeals Board members or hearing officers designated by the LPA. The submittal to the Department should include the following:

1. Assurances that all persons receiving relocation assistance will be advised of their right to appeal.
2. The names and qualifications of prospective members of an Appeals Board or appeal review officers. (Note: Appeals Board members should not be persons who are involved in the relocation claims process nor any supervising persons involved in the claims process.)