



CITY OF WILDOMAR
PLANNING COMMISSION

Commission Members

Chairman Robert Devine · Vice-Chairman Scott Nowak
Harv Dykstra · Gary Andre · Michael Kazmier

REGULAR MEETING

WEDNESDAY, FEBRUARY 3, 2010 AT 7:00 P.M.

Council Chambers, Wildomar City Hall, 23873 Clinton Keith Road, Wildomar, CA 92595

PUBLIC COMMENTS: Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the Chairperson prior to an individual being heard. Lengthy testimony should be presented to the Planning Commission in writing (8 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker or less if a large number of requests are received on a particular item.

AGENDA

1.0 CALL TO ORDER

- 1.1 Roll Call
- 1.2 Pledge of Allegiance

2.0 PUBLIC COMMENT: *Members of the audience may comment on matters that are not included on the agenda. Each person will be allowed three (3) minutes or less if a large number of requests are received on a particular item. No action may be taken on a matter raised under "public comment" until the matter has been specifically included on an agenda as an action item.*

3.0 CONSENT ITEMS:

- 3.1 January 6, 2010 Regular Meeting Minutes.

4.0 CONTINUED PUBLIC HEARING ITEMS: The Planning Commission will review the proposed request, receive public input and consider action for the following items:

- 4.1 **ZONE CODE AMENDMENT 09-04:** Revisions to the Outdoor Advertising Display Ordinance.

4.2 ZONE CODE AMENDMENT 10-01: Revisions to the Second Dwelling Units & Rural Residential Zone Ordinances.

5.0 PUBLIC HEARING ITEMS: The Planning Commission will review the proposed request, receive public input and consider action for the following items:

5.1 ZONE CODE AMENDMENT 10-02: Revisions to the Water Efficient Landscape Ordinance.

6.0 GENERAL BUSINESS ITEMS:

None.

7.0 ADMINISTRATIVE HEARINGS REPORT:

None.

8.0 PLANNING DIRECTOR'S REPORT: This item is reserved for the Planning Director to comment or report on items not on the agenda. No action will be taken.

9.0 PLANNING COMMISSION COMMENTS: This portion of the agenda is reserved for Planning Commission business, for the Planning Commission to make comments on items not on the agenda, and/or for the Planning Commission to request information from staff.

10.0 ADJOURNMENT

The next scheduled Regular Meeting of the City of Wildomar Planning Commission is March 3, 2010 at 7:00 P.M.

RIGHT TO APPEAL: Any decision of the Planning Commission may be appealed to the City Council within ten (10) calendar days after the date of Planning Commission's action.

REPORTS: All agenda items and reports are available for review at Wildomar City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, California 92595. Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at City Hall during regular business hours. If you wish to be added to the regular mailing list to receive a copy of the agenda, a request must be made through the Planning Department in writing or by e-mail.

PUBLIC COMMENTS: Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the Chairperson prior to an individual being heard. Lengthy testimony should be presented to the Planning Commission in writing (8 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker.

ADDITIONS/DELETIONS: Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Planning Commission.

ADA COMPLIANCE: If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Planning Department either in person or by telephone at (951) 667-7751, no later than 10:00 A.M. on the day preceding the scheduled meeting.

POSTING STATEMENT: On January 28, 2010, a true and correct copy of this agenda was posted at the three designated posting places: Wildomar City Hall, 23873 Clinton Keith Road; U. S. Post Office, 21392 Palomar Street; and the Mission Trail Library, 34303 Mission Trail Blvd.

**CITY OF WILDOMAR
PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 6, 2010**

1.0 CALL TO ORDER

The regular meeting of the Wildomar Planning Commission was called to order by Planning Commission Chairman Devine at 7:00 P.M. at Wildomar City Hall, Council Chambers.

1.1 ROLL CALL OF PLANNING COMMISSION

Present: Robert Devine, Chairman
Scott Nowak, Vice-Chairman
Harv Dykstra, Commissioner
Gary Andre, Commissioner
Michael Kazmier, Commissioner

Absent:

Staff Present: David Hogan, Planning Director
Thomas Jex, Assistant City Attorney
Jon Crawford, Supervising Engineer
Sean del Solar, Planner

1.2 PLEDGE OF ALLEGIANCE:

Commissioner Dykstra led the flag salute.

2.0 COMMUNICATIONS FROM THE PUBLIC:

Don Saunders discussed a vision for the Community and provided a print out from the City of Walnut to the Commissioners. He encouraged the Commission to only approve high quality development projects.

3.0 CONSENT ITEMS:

3.1 DECEMBER 16, 2009 REGULAR MEETING MINUTES

Commissioner Andre moved to approve the Minutes of December 16, 2009. The motion was seconded by Vice-Chairman Nowak. Motion carried, the following vote resulted:

AYES: Devine, Nowak, Andre, Dykstra, Kazmier.

NOES:

ABSENT:

ABSTAIN:

4.0 CONTINUED PUBLIC HEARING ITEMS:

None.

5.0 PUBLIC HEARING ITEMS:

Chairman Devine asked if the Commission could discuss design guidelines prior to hearing item 5.1.

Director Hogan responded that the design guidelines were on the agenda for informational purposes only and that any discussion by the Commission on the design guidelines at the meeting would not affect the project to be heard as item 5.1.

Chairman Devine speculated that the project may be affected by discussion about design guidelines.

Director Hogan explained that the item before the Commission was limited to a zone change and could not be conditioned for project level conditions.

5.1 ZONE CHANGE 09-0392

Applicant:	Steve Nauert and Joseph Kasiri.
Location:	36030 and 36140 Jana Lane (APN: 380-290-008 and 380-290-009).
Proposals:	The project proposes to change the zoning of a 2.22 acre site from Rural Residential (R-R) to Manufacturing-Service Commercial (M-SC).
Environmental Action:	In accordance with the California Environmental Quality Act (CEQA), a Negative Declaration has been recommended for adoption.

Vice-Chairman Nowak stated that while although the project was located outside the State's automatic conflict of interest zone around his home, he would recuse himself from the hearing because he felt that there might be a conflict, and left the Council Chambers.

Chairman Devine and Commissioners Kazmier, Andre and Dykstra all disclosed that they had been out to observe the site.

Planner del Solar made the Staff Report.

Commissioner Andre asked how two parcels could file one zone change.

Planner del Solar responded both sites were developed similarly and the applicants filed the application jointly.

Director Hogan added that the owner of 36030 Jana Lane previously filed a zone change with the County of Riverside, but never received a hearing. Director Hogan went on to explain that the properties were adjacent, zoned the same and in the same General Plan Land Use Designation. He explained that the applicants made a reasonable request to file an application jointly and the city accepted.

Chairman Devine asked if the Parcels would be merged if the zone change was approved.

Director Hogan responded that the Parcels would remain separate and went on to explain that the Commission could still make a recommendation to either approve or deny one of the properties, both of the properties or none of the properties.

Chairman Devine expressed concern about approving the zone change without a development application. Chairman Devine also suspected that one of the properties may be operating a business without permits.

Director Hogan explained that the project did not propose any new development and that if the project site was to be further developed, development applications would be required and brought before the Commission.

Chairman Devine asked if the Commission was changing the zone to legalize a business.

Director Hogan clarified that the applicants were requesting to change their zoning to conform to the General Plan.

Commissioner Dykstra asked if the M-SC zone was consistent with the Business Park General Plan Land Use Designation.

Director Hogan responded in the affirmative.

Commissioner Dykstra discussed the County's original plan to create consistency zoning and noted that if they had followed through with that plan, the issue brought forward in this project would be moot.

Chairman Devine opened the public hearing.

Applicant Steve Nauert explained that his business at the site had grown over time and that this zone change was an effort to bring the site into compliance. He explained that if the zone change was approved, he could secure financing which could then be used to further improve the property.

Commissioner Andre asked if the applicant had ever been cited by Code Enforcement.

Applicant Nauert responded that they had not been cited.

Commissioner Andre stated that he observed a creek near the project site.

Applicant Nauert explained that there was seasonal rain runoff from the site.

Commissioner Andre asked how far the building was from the southern retaining wall.

Applicant Nauert estimated that the building was approximately 40 feet from the wall.

Commissioner Andre inquired about the nature of the chemicals that would be used in the operation of the business.

Applicant Nauert explained that the only chemicals used at the site were those associated with Fire Extinguishers such as ammonium phosphate, Sodium Bicarbonate, and Potassium Acetate.

Commissioner Andre explained that he was not familiar with the chemicals and their effects on the environment.

Applicant Nauert offered to bring a Material Safety and Data Sheet (MSDS) sheet for the Commission to review.

Chairman Devine asked what the buildings were originally classified as when they were permitted.

Applicant Nauert responded that they were originally permitted as a barn warehouse.

Chairman Devine stated that the buildings did not look like barn warehouses.

Applicant Nauert explained that the buildings were pre-made when they were purchased and could not be changed.

Chairman Devine asked what the applicant's intentions were for the future development of the property.

Applicant Nauert explained that he would like to ultimately improve the façade of the building and make the property look more appealing.

Commissioner Kazmier asked if the applicant was considering a stucco finish.

Applicant Nauert responded in the affirmative.

Co-Applicant Joseph Kasiri introduced himself to the Commission.

Commissioner Kazmier asked what type of business the applicant planned to operate from the building.

Applicant Kasiri explained that if approved, he would like to hold marshal arts classes in the building.

Commissioner Kazmier asked if the applicant would consider improving the exterior of the building similar to the other applicant, Mr. Nauert.

Applicant Kasiri responded in the affirmative.

Commissioner Andre asked how many years the applicant had been living at the property.

Applicant Kasiri responded that he had lived at the site since 1994.

Commissioner Andre asked if the applicant had previously filed an application for a paint shop.

Applicant Kasiri responded in the negative, but explained that in the past he considered applying for a Conditional Use Permit to operate a U-Haul facility on the property, but he never finished the process.

Commissioner Andre noted that a lot of grading had taken place on the property and asked if the grading was a part of that permit.

Applicant Kasiri disagreed and explained that he was trying to resolve some drainage issues on the site and the grading volume did not require a permit.

Commissioner Andre noted that there was a cut near Clinton Keith.

Applicant Kasiri explained that his property was at grade with Clinton Keith and that he had cut into a mound on the north side of his property. He added that the mound would be completely removed when Clinton Keith is widened.

Chairman Devine asked when the grading had taken place.

Applicant Kasiri explained that the grading took place 2 years ago when he was constructing the building.

Chairman Devine then took public speakers.

Don Saunders stated that without a General Plan or design guidelines, the City should not be considering zone changes without projects. He went on to discuss a County-wide prohibition on metal buildings and concluded by encouraging the Commission to deny the project.

Gil Rasmussen stated that one of the applicants previously filed an application for an auto body shop. He went on to explain that Wildomar would be built project by project and that each project would need to contribute its fair share. He then asked if the development fees were shared by the applicants. He concluded his remarks by encouraging the Commission not to consider the application.

Gina Castanon stated that she agreed with the comments from both Mr. Saunders and Mr. Rasmussen. She then expressed displeasure with the processing of one application for the project and discussed general displeasure with the approval process and fees.

Applicant Nauert clarified that the buildings and the interior of his building were fully approved and permitted by the County.

Applicant Kasiri clarified that there is not a business operating from the building on his site, and stated that he would planned to eventually improve the appearance of his property.

Commissioner Andre asked if the applicant had previously applied for an auto body shop at the project site.

Applicant Kasiri stated that he did previously consider an auto body business, but explained that those plans were abandoned and that he wants to ultimately hold marshal arts classes from the building.

Chairman Devine asked about the store fronts on the building.

Applicant Kasiri explained that the buildings were premade with the facades already in place and that that it is important to have views of the outside in martial arts.

Commissioner Kazmier asked if the applicants could provide an assurance of future development of the site.

Applicant Kasiri responded that before a business could open at the site, building permits would be required, and that he would comply with all the conditions of the permits.

Chairman Devine closed the Public Hearing.

Assistant City Attorney Jex clarified that changes of zones could not be conditioned and that the City had no assurances that future improvements to the project would be completed by approving the change of zone. He speculated that future development of the site may require permits or development applications, but the current action before the Commission is a change of zone and that no conditions could be attached.

Director Hogan agreed with the Attorney and explained that the Commission and public had very clearly stated their concerns about the project and that any future permits would need to, the extent possible, address the issues discussed.

Chairman Devine asked why the City was considering the zone change without a development application.

Director Hogan responded that the property owner had a right to request a zone change to be consistent with the General Plan. He went on to explain that it was uncertain if a development application would be needed to use the property as currently developed.

Commissioner Andre stated that he measured the distance of the nearest fire hydrant and found it to be 1,200 feet away from the site. Commissioner Andre suggested that the applicants bring the project back with a fully developed plan to include parking and fire hydrants. He then discussed past projects that were similar which had become problematic. He concluded that he wanted to see the project come back with a set of plans for future improvements.

Commissioner Dykstra explained that while although he did not like the appearance of the buildings, he did recognize that they were permitted by the County. He went on to acknowledge the fact that a zone change could not be conditioned.

Chairman Devine explained that granting the change of zone would be a bad precedent to set. He suggested that the City should not consider zone changes until projects are proposed. He then described several physical deficiencies with the property which he felt did not make it eligible for industrial zoning.

MOTION: Commissioner Dykstra motioned to recommend adoption of Negative Declaration number 09-0392 to the City Council. There was no second and the motion failed.

MOTION: Commissioner Andre motioned to recommend denial of Negative Declaration number 09-0392 to the City Council. The motion was seconded by Chairman Devine. Motion carried, the following vote resulted:

AYES: Devine, Andre.
NOES: Dykstra, Kazmier.
ABSENT:
ABSTAIN: Nowak.

Attorney Jex explained that because the action on the item was a recommendation, the split vote, or no recommendation would be the Commission's recommendation.

MOTION: Commissioner Dykstra motioned to recommend approval of zone change 09-0392 to the City Council. The motion was seconded by Commission Kazmier. Motion carried, the following vote resulted:

AYES: Dykstra, Kazmier.
NOES: Devine, Andre.
ABSENT:
ABSTAIN: Nowak.

Attorney Jex explained that because the Commission was again split on this item, the recommendation to the City Council would be that the Commission was unable to make a recommendation.

6.0 GENERAL BUSINESS ITEMS:

6.1 INTRODUCTION TO CITYWIDE DESIGN GUIDELINES

Director Hogan made the staff presentation.

Chairman Devine opened public comment.

Don Saunders asked if the City adopted the County's design guidelines.

Director Hogan explained that the City only had residential design guidelines.

Don Saunders continued and explained that the County had been doing a good job developing commercial centers and discussed examples in other cities.

Gina Castanon thanked the Commission for looking into the issue of design guidelines. She went on to explain that work had been done with the County prior to the City's incorporation and hoped that the city's design guidelines would reflect that work.

George Taylor discussed a photo board and letter he prepared which discussed the design of local developments. He went on to discuss the importance of commercial development to the local economy.

Vice-Chairman Nowak agreed with the speakers and thought that holding a Community meeting would be a good idea.

Commissioner Andre discussed the importance of involving local developers in the process.

Commissioner Dykstra discussed past efforts to develop design guidelines for the community. He explained that past efforts focused on creating a "downtown" look and preventing further proliferation of the Mediterranean style. He went on to state that he was in favor of design guidelines.

Chairman Devine agreed with Commissioner Dykstra and discussed other cities in eastern Riverside County that have successfully implemented design guidelines.

Director Hogan then discussed the Commission creating maps to help assess the different architecture types of the community. He then discussed processes to develop design guidelines.

The Commission then discussed creating maps.

Chairman Devine noted the Commission's consensus to involve the Community and asked when the Community would be involved.

Director Hogan explained that the maps would be a starting point and community involvement would come later, as the process evolved.

Discussion about community involvement ensued.

Vice-Chairman Nowak asked about design guidelines for schools.

Director Hogan explained that public schools are the domain of the State and that the City had limited control of the process.

Commissioner Dykstra discussed dissatisfaction with the design of the EVMWD pumping facility behind the post office.

The Commission received 3 copies of the citywide base map for their design exercise.

7.0 ADMINISTRATIVE HEARINGS REPORT:

None.

8.0 PLANNING DIRECTOR'S REPORT:

Director Hogan updated the Commission on the progress of the Council to consider an urgency ordinance to prohibit mini storage facilities in the City. He also discussed the upcoming agenda.

9.0 PLANNING COMMISSION COMMENTS:

Commissioner Dykstra stated that he felt the City incorporated to retain the rural character and hoped that would be maintained in the development of design guidelines.

10.0 ADJOURNMENT:

The January 6, 2010 regular meeting of the Wildomar Planning Commission adjourned at 9:10 P.M.

Respectfully submitted:

David Hogan
Commission Secretary

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item #4.1
PUBLIC HEARING
Meeting Date: February 3, 2010

TO: Members of the Planning Commission

FROM: David Hogan, Planning Director

SUBJECT: Zoning Ordinance Modification – Prohibition of Outdoor Advertising Displays and Structures (Zoning Code Amendment 09-04)

RECOMMENDATION:

The Planning Department recommends that the Planning Commission adopt a resolution entitled:

RESOLUTION NO. PC10-__

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 AMENDING SECTIONS 17.252.020 AND 17.252.030 OF THE WILDOMAR MUNICIPAL CODE PERTAINING TO OUTDOOR ADVERTISING DISPLAYS” (ZONING ORDINANCE AMENDMENT 09-04)

BACKGROUND:

Members of the Planning Commission and City Council have expressed concerns about billboards being erected in the community. At the November 10, 2009 City Council Norming Session, the Council indicated that they would like the Planning Commission to evaluate and consider the notion of prohibiting outdoor advertising displays and structures (billboards) within the City. As a result, staff consulted with the City Attorney who developed the draft ordinance contained in Attachment B for the Commission’s consideration.

Outdoor advertising displays (aka billboards) are one of two types of signage commonly regulated by cities and counties. The other type of signage is defined as on-site signage since, unlike outdoor advertising displays, they provide identification for businesses located on the property or within the same commercial center. Billboards and other types of off-site advertising displays are regulated by Chapter 17.252 (Section 17.252.030 and the related definitions are contained in Section 17.252.020.) The text of the zoning ordinance provisions are contained in Attachment C.

The current ordinance provisions allow outdoor advertising displays to have up to 300 square feet of display area, be up to 25 feet in height, and at least 500 feet apart. The current code prohibits billboards along Interstate 15, Grand Street, and along parts of Clinton Keith Road. The proposed ordinance would prohibit new outdoor advertising displays (billboards) within the City of Wildomar.

The proposed ordinance would make the following changes to the zoning ordinance.

1. Delete the existing provisions of Section 17.252.030 - Outdoor Advertising Displays;
2. Add eight additional definitions for terms within the ordinance;
3. Modify the definition for Outdoor Advertising Display;
4. Adopt a new Section 17.252.030 to do the following:
 - A. Prohibit the establishment of new outdoor advertising structures and displays; and
 - B. Establish procedural requirements to address any existing permitted outdoor advertising structures or displays.

If the Planning Commission believes that the prohibition of billboards and other outdoor advertising displays and structures is appropriate, staff recommends that the Commission recommend the proposed ordinance to the City Council. The draft ordinance is contained in Attachment B of this staff report

FINDINGS:

- A. The proposed amendment to the Zoning Ordinance is consistent with the City of Wildomar General Plan.

The proposed amendments to the Zoning Ordinance are consistent with and do not conflict with the provisions of the General Plan. General Plan calls for the limiting outdoor advertising displays as well as protecting and preserving scenic corridors, vistas, and areas. Several of the general plan policy statements that support the proposed ordinance: Land Use Element Policies 1.1 which encourages the continued utilization of legal uses and structures when feasible; Land Use Element Policy 13.1 which prohibits offsite outdoor advertising displays that are visible from Designated and Eligible State and County Highways; Circulation Element Policy 19.1 which encourages the preservation of scenic routes that have exceptional or unique visual features; and Open Space Element Policy 21.1 which calls for the identification and conservation of skylines, view corridors, and outstand scenic vistas. Based upon the direction provided with these General Plan policy statements, the proposed ordinance amendments are consistent with the adopted General Plan.

ENVIRONMENTAL ASSESSMENT:

A review of the potential environmental impacts was conducted for the proposed zoning ordinance amendment. This evaluation indicated no potential for impacts on the environment. As a result, the Planning Department recommends that the Planning Commission make a determination that the proposed zoning ordinance amendment has no potential to impact to the environment, and that the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Initial Study documenting the lack of potential impact is contained in Attachment D.

ALTERNATIVES:

1. Reject the proposed ordinance.
2. Provide direction to staff.

ATTACHMENTS:

- A. Planning Commission Resolution
- B. Draft Ordinance (Exhibit A)
- C. Current Code Requirements
- D. Initial Study

ATTACHMENT A

RESOLUTION PC 10-

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 AMENDING SECTIONS 17.252.020 AND 17.252.030 OF THE WILDOMAR MUNICIPAL CODE PERTAINING TO OUTDOOR ADVERTISING DISPLAYS” (ZONING ORDINANCE AMENDMENT 09-04)

WHEREAS, the City of Wildomar incorporated on July 1, 2009; and

WHEREAS, the City Council of the City of Wildomar adopted the County of Riverside General Plan in effect on July 1, 2009; and

WHEREAS, the City Council of the City of Wildomar adopted the existing County of Riverside Zoning Ordinance in effect on July 1, 2009 to implement the General Plan; and

WHEREAS, on January 6, 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 would be considered; and

WHEREAS, on January 20, 2010 the Planning Commission lacked sufficient quorum to consider items on the agenda and the proposed ordinance was continued to the next meeting; and

WHEREAS, on February 3, 2010 the Planning Commission, during a regularly scheduled meeting, considered 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 FINDINGS. 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, and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines that the project consists of a number of zoning ordinance amendments that do not affect the development potential of property and do not allow for uses or activities that are not otherwise allowed, and consequently, the proposed amendments have no potential to adversely impact the environment. Consequently, the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. FINDINGS. The proposed amendments to the zoning ordinance are consistent with and do not conflict with the provisions of the General Plan. General Plan calls for the limiting outdoor advertising displays as well as protecting and preserving scenic corridors, vistas, and areas. Several of the general plan policy statements that support the proposed ordinance: Land Use Element Policies 1.1 which encourages the continued utilization of legal uses and structures when feasible; Land Use Element Policy 13.1 which prohibits offsite outdoor advertising displays that are visible from Designated and Eligible State and County Highways; Circulation Element Policy 19.1 which encourages the preservation of scenic routes that have exceptional or unique visual features; and Open Space Element Policy 21.1 which calls for the identification and conservation of skylines, view corridors, and outstand scenic vistas. Based upon the direction provided with these General Plan policy statements, the proposed ordinance amendments are consistent with the adopted General Plan.

SECTION 3. PLANNING COMMISSION ACTION. The Planning Commission hereby takes the following actions:

A. Recommended Approval of Exemption. The Planning Commission hereby recommends that the City Council make a determination that the project is exempt from environmental review in accordance with the provisions of CEQA Guidelines Section 15061(b)(3).

B. Recommend Approval of Ordinance. The Planning Commission recommends that the City Council adopt an Ordinance entitled "An Ordinance of the City Council of the City Of Wildomar Amending Sections 17.252.020 and 17.252.030 of the Wildomar Municipal Code pertaining to Outdoor Advertising Displays" 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 B

Exhibit A

ORDINANCE NO. 10-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR AMENDING SECTIONS 17.252.020 AND 17.252.030 OF THE WILDOMAR MUNICIPAL CODE PERTAINING TO OUTDOOR ADVERTISING DISPLAYS

THE CITY COUNCIL OF THE CITY OF WILDOMAR ORDAINS AS FOLLOWS:

SECTION 1. Findings. The City Council finds as follows:

(a) On March 13, 2007, the County of Riverside adopted as an urgency measure interim zoning Ordinance No. 449.230 establishing a moratorium on the approval and issuance of any outdoor advertising display permits within 500 feet of the edge of each right-of-way line along Mission Trail between Malaga Street and Palomar Street, the boundaries of which area are now within the newly incorporated City of Wildomar. These interim zoning regulations were twice extended by the County through Ordinances Nos. 449.232 and 449.235 (collectively, the "Interim Outdoor Advertising Regulations").

(b) The Interim Outdoor Advertising Regulations were adopted, in part, in response to numerous applications for outdoor advertising displays in areas that are now part of the City. The Riverside County Board of Supervisors found that such applications and the potential placement of outdoor advertising displays within the designated area of the City constituted a threat to the public health, safety and welfare in that the proliferation of such outdoor advertising displays would detract from the scenery along Mission Trail, serve as a dangerous distraction to motorists, adversely impact natural resources, and generally degrade the environment.

(c) Subsequent to the commencement of the Interim Outdoor Advertising Regulations, the County also adopted General Plan Amendment No. 844 on January 29, 2008. Among other things, this General Plan Amendment established revised policies intended to revitalize and reinforce the residential, commercial, industrial, and scenic elements in the area of Wildomar affected by the Interim Outdoor Advertising Regulations. In extending the Interim Outdoor Advertising Regulations, the Board of Supervisors further found that permitting outdoor advertising displays may conflict with such policies and that the extension of the moratorium was necessary in order to protect significant resources in the Wildomar area.

(d) Subsequent to the commencement of the Interim Outdoor Advertising Regulations, the County Planning Department began to study whether to prohibit outdoor advertising displays in the affected area of Wildomar.

(e) This planning effort has been continued by the City's Planning Department subsequent to the City's incorporation. For the reasons set forth in this Ordinance and in the accompanying staff report, the Planning Department has recommended that

outdoor advertising displays and their accompanying signs and structures be prohibited City-wide as provided in this Ordinance.

(f) It is well-established that without adequate regulation signage can endanger the public, distract drivers, create confusion, and foster a negative image of the City on the part of the public.

(g) Excessive, improperly located, or poorly designed signage can damage view corridors, diminish property values and detrimentally affect the quality of life of City residents, business and property owners, visitors, and the traveling public.

(h) The proliferation of outdoor advertising displays along scenic corridors, such as Interstate 15, Clinton Keith Road, and Grand Avenue, can adversely impact community aesthetics and community.

(i) Outdoor advertising displays can adversely effect scenic viewsheds and vistas of the surrounding mountains, hills and valleys that define the community's character.

(j) The Land Use, Circulation, and Open Space Elements of the General Plan discuss the importance of conserving skylines, view corridors and scenic vistas, and the need to impose conditions on development, including outdoor advertising displays, to protect scenic resources and corridors.

(k) Outdoor advertising displays create distractions for drivers that, like cellphone usage, can distract drivers from road conditions, other drivers, and traffic hazards.

(l) In addition to negative aesthetic impacts, the use of mobile outdoor advertising displays can interfere with the safe movement of vehicles and adds to air pollution and vehicle emissions.

(m) The United States Supreme Court has recognized that certain types of signs, particularly outdoor advertising displays (also referred to as "off-site signs" or "billboards"), may constitute "real and substantial hazards to traffic safety" and can also be perceived as an aesthetic harm. (*Metromedia, Inc. v. City of San Diego* (1981) 453 U.S. 490, 511-12)

(n) Traffic safety and aesthetics are substantial interests that justify the regulation of signs. (*Metro Lights, L.L.C. v. City of Los Angeles* (9th Cir. 2009) 551 F.3d 898, 904; *National Advertising v. City of Orange* (9th Cir. 1988) 861 F.2d 246, 248; *Showing Animals Respect and Kindness v. City of West Hollywood* (2008) 166 Cal.App.4th 815, 823-24).

(o) The United States Supreme Court and other federal and state courts have upheld the right of cities to prohibit or restrict outdoor advertising displays. (*Metromedia, Inc. v. City of San Diego* (1981) 453 U.S. 490; *Metro Lights, L.L.C. v. City of Los Angeles* (9th Cir. 2009) 551 F.3d 898; *Ackerly Communications of the Northwest, Inc. v. Krochalis* (9th Cir. 1997) 109 F.3d 1095; *Outdoor Systems, Inc. v. City of Mesa*

(9th Cir. 1993) 997 F.2d 604; *Showing Animals Respect and Kindness v. City of West Hollywood* (2008) 166 Cal.App.4th 815; *Tahoe Regional Planning Agency v. King* (1991) 233 Cal.App.3d 1365; and *City and County of San Francisco v. Eller Outdoor Advertising* (1987) 192 Cal.App.3d 643).

(p) Based on the examples of the respective public entities in the above cases and in accordance with the judicial precedent established by such cases, the City Council finds that that the City's substantial interests in traffic safety and aesthetics is most directly and effectively furthered by prohibiting outdoor advertising displays in the City. The City's Municipal Code currently prohibits outdoor advertising displays along Interstate 15, Grand Avenue, and parts of Clinton Keith Road, and the City Council desires to expand such protections against aesthetic and traffic safety impacts on a city-wide basis.

(q) The City Council further finds, consistent with the examples of many of the respective public entities in the aforementioned cases and in accordance with the judicial precedent established by such cases, that the primary purpose of commercial signage should be for identification of the businesses, products, services or facilities available on the premises on which a sign is located and not the use or leasing of available space for the purpose of advertising commercial businesses, products, services or facilities located elsewhere.

(r) The City's proposed prohibition on outdoor advertising displays and other off-site commercial signs is consistent with the legislative intent expressed by the California Legislature in enacting the Outdoor Advertising Act (Business & Professions Code section 5200 and following), which specifically provides in Section 5230 that the "governing body of any city may enact ordinances, including, but not limited to, land use or zoning ordinances, imposing restrictions on advertising displays adjacent to any street, road, or highway equal to or greater than those imposed by" the Act.

(s) The City Council further desires to make textual and procedural clarifications and amendments to the City's current outdoor advertising display regulations consistent with the proposed prohibition on such signage.

(t) The Planning Commission conducted a duly noticed public hearing on this Ordinance on January 20, 2010. At this meeting, the Planning Commission adopted Resolution PC10-____, recommending that the City Council approve the proposed amendments to Sections 17.252.020 and 17.252.030.

(u) The City Council conducted a duly noticed public hearing on this Ordinance on _____, 2010 at City Hall, _____, Wildomar, California.

(v) The City has caused to be prepared an Initial Study regarding the adoption of this Ordinance and based on that Initial Study the City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the State CEQA Guidelines, which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility

that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. Amendment to Wildomar Municipal Code Section 17.252.020. The following definitions are hereby added to Wildomar Municipal Code Section 17.252.020 as follows:

“COMMERCIAL SIGN” means any sign that is intended to attract attention to a commercial or industrial business, occupancy, product, good, service, or other commercial or industrial activity for a commercial or industrial purpose.

“MOBILE OUTDOOR ADVERTISING SIGN” means the use of a moving trailer, automobile, truck, or any other vehicle to display a commercial or non-commercial sign primarily for advertising purposes.

“NONCOMMERCIAL MESSAGE” means any wording, logo or other representation that does not directly or indirectly, name, advertise or calls attention to a commercial or industrial business, product, good, service or other commercial or industrial activity.

“NONCOMMERCIAL SIGN” means a sign that does not name, advertise or call attention to a commercial or industrial business, commodity, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

“OFF-SITE SIGN” means a commercial sign not located on the site of the business or entity indicated or advertised by the sign, or a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates on a site other than where the sign is maintained.

“ON-SITE SIGN” means any sign which directs attention to an occupancy, business, commodity, good, product, service or other activity conducted, sold or offered upon the site where the sign is maintained. For the purposes of this chapter, all signs with noncommercial messages are deemed to be “on-site,” regardless of location.

“SIGN” means any device, display, fixture, painting, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area.

“STATE OUTDOOR ADVERTISING PERMIT” means a permit required and issued for an outdoor advertising display by the state under the Outdoor Advertising Act (California Business & Professions Code §5200 and following).”

SECTION 3. Amendment to Wildomar Municipal Code Section 17.252.020. The following definition contained in Wildomar Municipal Code Section 17.252.020 is hereby amended to read as follows:

“OUTDOOR ADVERTISING DISPLAY” means an off-site sign, outdoor advertising structure, outdoor advertising sign, or mobile outdoor advertising sign used

for outdoor advertising purposes, not including on-site advertising signs as defined in this chapter and directional sign structures as provided in this code.”

SECTION 4 Amendment to Wildomar Municipal Code Section 17.252.030. Wildomar Municipal Code Section 17.252.030 is amended and restated to read as follows:

“17.252.030 Outdoor advertising displays.

A. General Prohibition. Outdoor advertising displays are prohibited within the city.

B. Legal Nonconforming Outdoor Advertising Displays.

1. Outdoor advertising displays previously erected, used and maintained pursuant to a valid outdoor advertising display permit issued prior to _____, 2010 [the effective date of this section] may continue to operate in the manner originally approved and be maintained subject to the provisions of this section and the general provisions in this code applicable to legal nonconforming uses. Customary maintenance includes the changing of an advertising message, but does not include any expansion of the use such as modifications to the height or composition of the display structure, increases in size or shape of the advertising display surface, or the addition of nighttime illumination inconsistent with the provisions of the Mount Palomar Lighting Ordinance. The customary maintenance of any such legal nonconforming outdoor advertising display does not require any special city sign approval or sign permit.

2. Revocation. Any outdoor advertising display permit which has been issued as a result of a material misrepresentation of fact by the applicant or the applicant’s agent, whether or not a criminal prosecution is initiated therefore, or which does not comply with this chapter, the applicable State Outdoor Advertising Permit or any related building permit may be revoked by the planning director. Upon such determination, the planning director will give a written notice of revocation to the permittee. Unless the permittee files with the planning department a written request for a hearing within 10 days of the date the notice was mailed, the planning director’s decision to revoke will be considered final. Failure to timely file a written request for a hearing constitutes a waiver of the right to a hearing. Notice of the hearing will be given by mail to the permittee. The timely filing of a written notice to appeal stays the revocation until such time as the planning director issues a decision to grant or deny the appeal. Within 30 days after notice of revocation is given, or if a hearing is requested, within 30 days from the date of mailing the planning director’s decision to deny the appeal, the applicable outdoor advertising display must be removed at the permittee’s expense. Failure to remove the display within such 30-day period will be deemed a separate violation of this title.

C. Enforcement and Additional Violations. Wherever the officials responsible for the enforcement of administration of this code or their designated agents, have cause to suspect a violation of this section, or whenever necessary to investigate any action to suspend or revoke an outdoor advertising display permit, or whenever necessary to investigate a possible violation, such persons may lawfully gain access to

the appropriate parcel of land upon which a violation is believed to exist. The following acts constitute additional violations of this section:

1. All violations of this section committed by any person, whether as agent, employee, officer, principal, or otherwise, will be a misdemeanor.

2. Every person who knowingly provides false information on an outdoor advertising display permit application will be guilty of a misdemeanor.

3. Every person who fails to stop work on an outdoor advertising display, when so ordered by the director of the building and safety department or the planning director, or their designees will be guilty of a misdemeanor.

4. Every person who, having received notice to appear in court to answer a related charge, willfully fails to appear, will be guilty of a misdemeanor.

5. A misdemeanor may be prosecuted by the city in the name of the People of the State of California, or may be redressed by civil action. Each violation is punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a term of not more than six months, or by both fine and imprisonment.

6. Every person found guilty of a violation shall be deemed guilty of a separate offense for every day during a portion of which the violation is committed, continued, or permitted by such person.

7. Every illegal outdoor advertising display and every abandoned outdoor advertising display is hereby declared to be a public nuisance and will be subject to abatement by repair, rehabilitation, or removal in accordance with the applicable procedures of this code.

D. Illegal and Abandoned Outdoor Advertising Displays. All illegal outdoor advertising displays and all abandoned outdoor advertising displays must be removed or brought into conformance with this chapter immediately. Any notice required to be given to owner of the property on which such illegal or abandoned sign is located must also be given to: (1) the owner of the sign, if the identification plate required by Business and Professions Code Sections 5362 and 5363 is affixed; and (2) the advertiser, if any, identified on the sign provided the address of the advertiser can reasonably be determined.

E. Relocation of Outdoor Advertising Displays. Notwithstanding the general provisions of this section, a legal nonconforming outdoor advertising display may be relocated within the same parcel or to another parcel pursuant to an agreement with the city when such relocation is necessary due to a city project or other public project and such relocation will avoid the need for the public agency to pay just compensation for a taking of the display.”

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the 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 adopted 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. Publication. The City Clerk is directed to cause this ordinance to be published or posted in accordance with Government Code Section 36933.

Bridgette Moore, Mayor

ATTEST:

APPROVED AS TO FORM:

Debby Lee, City Clerk

Julie Hayward Biggs, City Attorney

ATTACHMENT C

ATTACHMENT C-1 SECTION 17.252.030

17.252.030 Outdoor advertising displays.

No person shall erect, use or maintain an outdoor advertising display in the unincorporated area of the county, except in accordance with the following provisions. The changing of an advertising message or customary maintenance of a legally existing outdoor advertising display shall not require a permit pursuant to this section.

A. Permit Procedure.

1. Application. In addition to all other applicable federal, state and local laws, rules, regulations and ordinances, no outdoor advertising display shall be placed, erected, used, or maintained until an outdoor advertising display permit therefor has been issued by the county planning director, on the form provided by the county planning department accompanied by the filing fee set forth in Ordinance No. 671. The application shall consist of ten (10) copies of a plot plan drawn to scale, containing the name, address or telephone number of the applicant, a copy of the current valid State Outdoor Advertising Permit referenced in subsection (B)(4) of this section and a general description of the property upon which the outdoor advertising display is proposed to be placed. The plot plan shall show the precise location, type and size of the proposed outdoor advertising display, all property lines, zoning, and the dimensions, location of and distance to be nearest advertising displays, building, business districts, significant resources as defined by Section 17.252.020, public and private roads, and other rights-of-way, building setback lines, and specifically planned future road right-of-way lines, and any and all other information required by the planning director such that the proposed display may be readily ascertained, identified and evaluated.
2. Issuance/Denial. The planning director shall, within forty-five (45) days of the filing of a complete permit application, approve and issue the outdoor advertising 17.252.030 display permit if the standards and requirements of this title have been met; otherwise, the permit shall be denied. Judicial review of a decision denying the permit shall be made by a petition for writ of administrative mandamus filed in the Riverside County Superior Court, in accordance with the procedure set forth in California Code of Civil Procedure, Section 1094.8.
3. Assuming the planning director issues an outdoor advertising display permit, no person shall place, erect, use, maintain, alter, repair or relocate an outdoor advertising display or connect an outdoor advertising display to a power supply without first obtaining a building permit from the department of building and safety.

4. Revocation. Any outdoor advertising display permit which has been issued as a result of a material misrepresentation of fact by the applicant or his or her agent, whether or not a criminal prosecution is initiated therefore, or which does not comply with this chapter, the State Outdoor Advertising Permit referenced in subsection (B)(4) of this section or any related building permit may be revoked by the planning director. The planning director shall forthwith give written notice of revocation to the applicant. Unless the permittee files with the planning department a written request for a hearing within ten (10) days of the date the notice was mailed, the planning director's decision to revoke will be considered final. Failure to timely file a written request for a hearing constitutes a waiver of the right to a hearing. Notice of the hearing shall be given by mail to the permittee. The timely filing of a written notice to appeal shall stay the revocation until such time as the planning director issues their decision to grant or deny the appeal. Within thirty (30) days after notice is given, or if a hearing is requested, within thirty (30) days from the date of mailing the planning director's decision to deny the appeal, any outdoor advertising display authorized by the outdoor advertising display permit shall be removed at the permittee's expense. Failure to remove the display within thirty (30) days shall be deemed a separate violation of this title.

B. Standards.

1. General Plan. Outdoor advertising displays shall be consistent with the Riverside County comprehensive general plan.
2. Zoning. Outdoor advertising displays are permitted only in the C-I/C-P, M-SC, M-M and M-B zones; provided, that the display meets all of the other requirements of the zoning classification and this chapter. Outdoor advertising displays are expressly prohibited in all other zones.
3. Height. The maximum height of an outdoor advertising display shall not exceed a height of twenty-five (25) feet from the roadbed of the adjacent freeway or highway to which the display is oriented, or a maximum height of twenty-five (25) feet from the grade on which it is constructed) whichever is greater.
4. Setbacks. No outdoor advertising display shall be erected within an established setback or building line, or within road right-of-way lines or future road right-of-way lines as shown on any specific plan of highways. A minimum setback from the property line of one foot shall be required. No person shall place, erect, use or maintain any outdoor advertising display located within six hundred sixty (660) feet from the edge of the right of way of, and the copy which is visible from, any primary highway without first obtaining a valid State Outdoor Advertising Permit.
5. Poles. A maximum of two steel poles are allowed for support of an outdoor advertising display.

6. Roof Mounts. No outdoor advertising display shall be affixed on or over the roof of any building and no display shall be affixed to the wall of a building so that it projects above the parapet of the building. For the purposes of this section, a mansard style roof shall be considered a parapet.
7. Number of Displays. No more than one proposed outdoor advertising display per application shall be permitted.
8. Number of Display Faces. No more than two display faces per outdoor advertising display shall be permitted. Only single face, back-to-back and V-type displays shall be allowed provided that they are on the same outdoor advertising structure and provided that the V-type displays have a separation between display faces of not more than twenty-five (25) feet.
9. Display Face Size. No outdoor advertising display shall have a total surface area of more than three hundred (300) square feet.
10. Display Movement. No outdoor advertising display shall move or rotate, to display any moving and/or rotating parts. No propellers, flags, or other noise creating devices, and no architectural embellishments which utilize mechanical or natural forces for motion, shall be permitted. Use of daylight reflective materials or electronic message boards using flashing, intermittent or moving light or lights is prohibited, provided, however, that electronic message boards displaying only time and/or temperature for periods of not less than thirty (30) seconds is permitted.
11. Mobile Displays. No person shall place, use, maintain, or otherwise allow a mobile vehicle, trailer, or other advertising display not permanently affixed to the ground, as defined in Section 17.252.020, to be used as an outdoor advertising display.
12. Display Inventory. In order to evaluate and assess outdoor advertising displays within the unincorporated area of Riverside County, within one hundred eighty (180) days of the effective date of the ordinance codified in this title and on each fifth anniversary after the effective date of said ordinance, and upon notice, each display company with outdoor advertising displays within the unincorporated area of the county shall submit to the county department of building and safety, a current inventory of the outdoor advertising displays they currently own and/or maintain within the unincorporated area of the county. Failure to submit a current or accurate inventory shall be deemed to be a separate violation of this title.
13. Lighting and Illumination of Displays. An outdoor advertising display may be illuminated, unless otherwise specified; provided, that the displays are so constructed that no light bulb, tube, filament, or similar source of illumination is visible beyond the display face. Displays making use of

lights to convey the effect of movement or flashing, intermittent, or variable intensity shall not be permitted. Displays shall use the most advanced methods to insure the most energy efficient methods of display illumination. Within the Palomar Observatory special lighting area, all displays shall comply with the requirements of county Ordinance No. 655.

14. Spacing. No outdoor advertising display shall be located within five hundred (500) feet in any direction from any other outdoor advertising display on the same side of the highway; provided, however, that if in a particular zone a different interval shall be stated, the spacing interval of the particular zone shall prevail. No outdoor advertising display shall be erected within the boundary of any significant resource as defined in Section 17.252.020. No outdoor advertising display shall be located within one hundred fifty (150) feet of property for which the zoning does not allow advertising displays; provided, however, that an outdoor advertising display may be placed within one hundred fifty (150) feet of property for which zoning does not allow displays, if at the time an application for an outdoor advertising display permit is applied for, there is no existing residential structure or an approved building permit for a residential structure within one hundred fifty (150) feet of the location of the proposed outdoor advertising display.
 15. Identification. No person shall place, erect, use or maintain an outdoor advertising display and no outdoor advertising display shall be placed, erected, used or maintained anywhere within the unincorporated area of the county unless there is securely fastened and on the front of the display face thereof, the name of the outdoor advertising display owner in such a manner that the name is visible from the highway. Any display placed, erected or maintained without this identification shall be deemed to be placed, erected and maintained in violation of this section.
- C. Enforcement. Wherever the officials responsible for the enforcement of administration of the county Land Use Ordinance No. 348 or their designated agents, have cause to suspect a violation of this chapter, or whenever necessary to investigate either an application for the granting, modification, or any action to suspend or revoke an outdoor advertising display permit, or whenever necessary to investigate a possible violation, such persons may lawfully gain access to the appropriate parcel of land upon which a violation is believed to exist. The following provisions shall apply to the violations of this chapter:
1. All violations of this chapter committed by any person, whether as agent, employee, officer, principal, or otherwise, shall be a misdemeanor.
 2. Every person who knowingly provides false information on an outdoor advertising display permit application shall be guilty of a misdemeanor.

3. Every person who fails to stop work on an outdoor advertising display, when so ordered by the director of the building and safety department or the planning director, or their designees shall be guilty of a misdemeanor.
 4. Every person who, having received notice to appear in court to answer a related charge, willfully fails to appear, shall be guilty of a misdemeanor.
 5. A misdemeanor may be prosecuted by the county in the name of the People of the State of California, or may be redressed by civil action. Each violation is punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a term of not more than six months, or by both fine and imprisonment.
 6. Every person found guilty of a violation shall be deemed guilty of a separate offense for every day during a portion of which the violation is committed, continued, or permitted by such person.
 7. Every illegal outdoor advertising display and every abandoned outdoor advertising display is hereby declared to be a public nuisance and shall be subject to abatement by repair, rehabilitation, or removal in accordance with the procedures contained in Section 3 of county Ordinance No. 457.
- D. Nonconforming Signs. Every outdoor advertising display which does not conform to this title shall be deemed to be a nonconforming sign and shall be removed or altered in accordance with this title as follows:
1. Any outdoor advertising display which was lawfully in existence prior to the effective date of the enactment of county Ordinance No. 348.2496 (July 16, 1985) shall be abated or brought into conformance with these provisions by July 17, 1990.
 2. Any outdoor advertising display which was lawfully in existence prior to the effective date of the enactment of county Ordinance No. 348.2856 (June 30, 1988) but after the effective date of the enactment of county Ordinance No. 348.2496 (July 16, 1985) shall be abated or brought into conformance with these provisions by July 1, 1993.
 3. Any outdoor advertising display which was lawfully in existence prior to the effective date of Ordinance No. 348.2989 but after the effective date of the enactment of county Ordinance No. 348.2856 (June 30, 1988) shall be abated or brought into conformance with these provisions within eleven years of the effective date of county Ordinance No. 348.2989 (June 20, 1989).
 4. If federal or state law requires the county to pay just compensation for the removal of any such lawfully erected but nonconforming outdoor advertising display, it may remain in place until just compensation as

defined in the Eminent Domain Law (Title 7, of Part 3 of the Code of Civil Procedure) is paid.

- E. Illegal and Abandoned Signs. All illegal outdoor advertising displays and all abandoned outdoor advertising displays shall be removed or brought into conformance with this title immediately. County Ordinance No. 725 applies to all illegal outdoor advertising displays and abandoned outdoor advertising displays. In enforcing Ordinance No. 725 as it relates to illegal outdoor advertising displays and abandoned outdoor advertising displays the notice required to be given to owner of the property shall also be given to; (1) the owner of the sign, if the identification plate required by Business and Professions Code Sections 5362 and 5363 is affixed; and (2) the advertiser, if any, identified on the sign provided the address of the advertiser can reasonably be determined.

ATTACHMENT C-2 SECTION 17.252.020

17.252.020 Definitions.

For purposes of this ordinance, the following words or phrases shall have the following definitions.

"ABANDONED" means either:

(1) Any outdoor advertising display that is allowed to continue for more than one year without a poster, bill, printing, painting, or other form of advertisement or message; or

(2) Any outdoor advertising display that does not appear on the inventory required by Section 19.3.b.12.; or

(3) Any on-site advertising structure or sign that is allowed to continue for more than 90 days without a poster, bill, printing, painting, or other form of advertising or message for the purposes set forth in Section 19.2.m. hereof.

"DISPLAY FACE" means the surface area of an outdoor advertising display available for the purpose of displaying an advertising message. Display Face does not include the structural supports or lighting.

"EDGE OF A RIGHT-OF-WAY" means a measurement from the edge of a right-of-way horizontally along a line normal or perpendicular to the centerline of the freeway or highway.

"FREE STANDING SIGN" means any sign which is supported by one or more columns or uprights imbedded in the ground, and which is not attached to any building or structure.

"FREEWAY" means a divided arterial highway for through traffic with full control of access and with grade separations at intersection s.

"HIGHWAY" means roads, streets, boulevards, lanes, courts, places, commons, trails, ways or other rights-of-way or easements used for or laid out and intended for the public passage of vehicles or persons.

"ILLEGAL OUTDOOR ADVERTISING DISPLAY" means any of the following:

(1) An outdoor advertising structure or outdoor advertising sign erected without first complying with all applicable county ordinances and regulations in effect at the time of its construction, erection or use.

(2) An outdoor advertising structure or outdoor advertising sign that was legally erected but whose use has ceased, or the structure upon which the advertising

display is placed has been abandoned by its owner, and not maintained or used for a period of not less than one year.

(3) An outdoor advertising structure or outdoor advertising sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance; the amortization period for the display provided by the ordinance rendering the display nonconforming has expired; and conformance has not been accomplished.

(4) An outdoor advertising structure or outdoor advertising sign which does not comply with this Article, the Outdoor Advertising Display Permit referenced in Section 19.3.a. hereof, the State Outdoor Advertising Permit referenced in Section 19.3.b.(4) hereof or any related building permit.

(5) An outdoor advertising structure or outdoor advertising sign which is a danger to the public or is unsafe.

"ILLEGAL ON-SITE ADVERTISING STRUCTURE OR SIGN" means any of the following.

(1) An on-site advertising structure or sign erected without first complying with all applicable County ordinances and regulations in effect at the time of its construction, erection or use.

(2) An on-site advertising structure or sign that was legally erected, but whose use has ceased, or the structure upon which the advertising display is placed has been abandoned by its owner, and not maintained or used to identify or advertise an ongoing business for a period of not less than 90 days.

(3) An on-site advertising structure or sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance; the amortization period for the display provided by the ordinance rendering the display nonconforming has expired; and conformance has not been accomplished.

"MAXIMUM HEIGHT" means the highest point of the structure or sign measured from the average natural ground level at the base of the supporting structure. Provided, however, within the boundaries of the R-VC Zone (Rubidoux-Village Commercial), maximum height shall mean the height measured from the average adjacent finish grade (excluding artificial berms and raised planters) to the uppermost portion of the border of the surface area of the sign, except that:

(1) Structural supports and non-sign architectural features may project above the maximum height limit to the limits prescribed in the applicable zoning ordinances and

(2) Signs affixed to the building may be placed at any height as long as the sign conforms to the other regulations of this ordinance.

"NOISE ATTENUATION BARRIER" means a sound wall or other structure built by the California Department of Transportation to reduce noise impacts.

"NON-COMMERCIAL STRUCTURE OR SIGN" means any structure, housing, sign, device, figure, statuary, painting, display, message, placard or other contrivance, which is designed, constructed, created, engineered, intended or used to provide data or information that does not do any of the following:

- (1) Advertise a product or service for profit or for a business purpose;
- (2) Propose a commercial transaction; or
- (3) Relate solely to economic interests.

"ON-SITE ADVERTISING STRUCTURE OR SIGN" means any structure, housing, sign, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information that does either of the following:

- (1) Designates, identifies, or indicates the name of the business of the owner or occupant of the premises upon which the structure or sign is located.
- (2) Advertises the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the premises where the structure or sign is located.

"OUTDOOR ADVERTISING DISPLAY" means an outdoor advertising structure or outdoor advertising sign used for outdoor advertising purposes, not including on-site advertising signs as herein defined and directional sign structures as provided in Riverside County Ordinance No. 679. An outdoor advertising display may be commonly known or referred to as an "off-site" or an off-premises" billboard.

"OUTDOOR ADVERTISING SIGN" means any card, cloth, paper, metal, painted, plastic or wooden sign of any character placed for outdoor advertising purposes and affixed to an outdoor advertising display or structure.

"OUTDOOR ADVERTISING STRUCTURE" means a structure of any kind or character erected, used or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including statuary, for outdoor advertising purposes. Such structure shall be constructed or erected upon a permanent foundation or shall be attached to a structure having a permanent foundation.

"SCENIC HIGHWAY" means any officially designated state or county scenic highway as defined in Streets and Highway Code Sections 154 and 261 et seq.

"SHOPPING CENTER" means a parcel of land not less than three acres in size, on which there exists four or more separate business uses that have mutual parking facilities.

"SIGNIFICANT RESOURCES" means any County, State or Federal site which has significant or potentially significant social, cultural, historical, archaeological, recreational or scenic resources, or which plays or potentially could play a significant role in promoting tourism. For the purposes of this article, the term significant resources shall include, but not be limited to, the following:

(1) Riverside National Cemetery. A strip, 660 feet in width, measured from the edge of the right-of-way line on both sides of I-215 from the intersection of Van Buren Boulevard southerly to Nance Road, and on both sides of Van Buren Boulevard from the intersection of I-215 westerly to Wood Road.

(2) Scenic Highways.

(3) A corridor 500 feet in width adjacent to both sides of all highways within three-tenths (3/10) of a mile of any Regional, State or Federal park or recreation area.

(4) A corridor 500 feet in width adjacent to both sides of State Highway 74 (State Route 74) extending from its intersection with Interstate 15 to its intersection with Winchester Road (State Route 79), and from there easterly to the city limits of the City of Hemet, on both sides of the road.

(5) A corridor 500 feet in width adjacent to both sides of I-15 from the Riverside/ San Diego County line northerly to the city limits of the City of Temecula.

(6) A corridor 500 feet in width adjacent to both sides of Grand Avenue from the city limits of the City of Lake Elsinore, just northerly of Bonnie Lea Drive, to Clinton Keith Road, and adjacent to both sides of Clinton Keith Road from Interstate 15 to the city limits of the City of Murrieta.

(7) A corridor 550 feet in width, measured from the edge of the right-of-way line adjacent to both sides of Interstate 15, extending from its intersection with state Highway 60 southerly to the city limits of the City of Norco.

ATTACHMENT D

INITIAL STUDY

FOR THE

Modification to the Regulations for

Outdoor Advertising Displays
(ZONING CODE AMENDMENT 09-04)

Lead Agency:

CITY OF WILDOMAR

23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

January 2010

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I. INTRODUCTION

A. PURPOSE

The purpose of this environmental document is to implement the California Environmental Quality Act (CEQA). Section 15002(a) of the CEQA Guidelines describes the basic purposes of CEQA as follows.

- (1) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify the ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

This document is an Initial Study for evaluation of environmental impacts resulting from changes to Chapter 17.252 of the Wildomar Municipal Code relating to the regulation of off-site outdoor advertising displays (i.e. billboards) within the City of Wildomar. These ordinance amendments may include a combination of a prohibition for new outdoor advertising displays and/or additional restrictions on their location and permitting. For purposes of this document, the applications being evaluated through the environmental process will be called the “proposed project”. A more detailed description of the project is found in Section II.

II. PROJECT DESCRIPTION

A. PROJECT LOCATION AND SETTING

The proposed project (ZCA No. 09-04) would apply to all areas of the City of Wildomar. The City of Wildomar is bounded on the north by the City of Lake Elsinore, on the east by the City of Menifee, and to the south by the City of Murrieta. The City of Wildomar became an incorporated City on July 1, 2008. Upon incorporation, the City adopted the County of Riverside's General Plan and Municipal Ordinance's.

B. PROJECT DESCRIPTION

The proposed project consists of an amendment to Chapter 17.252 of the Wildomar Municipal Code to prohibit the construction, establishment, and use of outdoor advertising displays (also known as billboards). The proposed ordinance will also provide additional definitions of terms that are not included in the current ordinance. No physical changes or modifications to the environment are part of this project.

The City has analyzed the Ordinance and has determined that it is exempt from CEQA under section 15061(b)(3) of the CEQA Guidelines (the common sense exception) which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Ordinance does not relate to any one physical project and will not result in any physical change to the environment. The Ordinance will not result in a physical change to the environment because it prohibits the approval and construction of new off-site advertising displays within the City.

III. ENVIRONMENTAL CHECKLIST

A. BACKGROUND

1. Project Title:

Zoning Code Amendment 09-04 – Modification to Outdoor Advertising Display Regulations

2. Lead Agency Name and Address:

City of Wildomar; 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595

3. Contact Person and Phone Number:

David Hogan, Planning Director; (951) 677-7751

4. Project Location:

Citywide

5. Project Sponsor's Name and Address:

City of Wildomar

6. General Plan Designation:

No changes proposed.

7. Zoning:

No changes proposed.

8. Description of Project:

The proposed project consists of an amendment to the zoning ordinance to prohibit the establishment of new outdoor advertising displays.

9. Surrounding Land Uses and Setting:

The City of Wildomar is surrounded by open space, urban, and rural land uses in both incorporated and unincorporated areas.

10. Other Public Agencies Whose Approval is Required:

None.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project. involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages. Potentially significant impacts that are mitigated to "Less Than Significant" impact are not shown here.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

C. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project HAS NO POTENTIAL to have an effect on the environment, and the project is exempt from environmental review pursuant to Section 15061(b)(3).
- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the incorporated mitigation measures and revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

Title

IV. ENVIRONMENTAL ANALYSIS

1. AESTHETICS. Would the proposal:				
Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				✓
e) Interfere with the night time use of the Mt. Palomar Observatory, as protected through the Mount Palomar Observatory Lighting Ordinance?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect aesthetics or visual resources since no changes to environment would result from the adoption of this ordinance. The prohibition of outdoor advertising displays does have the potential to minimize, prevent or reduce future adverse aesthetic and visual impacts. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

2. AGRICULTURE RESOURCES. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				✓
<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</i></p>				

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect agricultural resources since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

3. AIR QUALITY. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				✓
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				✓
d) Expose sensitive receptors to substantial pollutant concentrations?				✓
e) Create objectionable odors affecting a substantial number of people?				✓

DISCUSSION

a) Conflict with or obstruct implementation of the applicable air quality plan?

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect air quality, the implementation of regional air quality plans or global climate change since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

4. BIOLOGICAL RESOURCES. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect biologic resources since no changes or alterations to the existing environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

5. CULTURAL RESOURCES. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				✓
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d) Disturb any human remains, including those interred outside of formal cemeteries?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect cultural resources since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

6. GEOLOGY AND SOILS. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault?				✓
ii) Strong seismic ground shaking?				✓
iii) Seismic-related ground failure, including liquefaction?				✓
iv) Landslides?				✓
b) Result in substantial soil erosion or the loss of topsoil?				✓
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect geology and soils or created unstable or hazardous seismic conditions since no changes to environment (i.e. would not allow new structures that could be effect by seismic and geologic issues) would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				✓
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to create a hazardous situation or expose people to hazardous materials since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for

causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

8. HYDROLOGY AND WATER QUALITY. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				✓
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				✓
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				✓
e) Otherwise substantially degrade water quality?				✓
f) Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?				✓
g) Place within 100-year flood hazard area structures, which would impede or redirect flood flows?				✓
h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
i) Inundation by seiche, tsunami, or mudflow?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect hydrology or water quality since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity

in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

9. LAND USE AND PLANNING. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect land use or planning issues since no changes to environment would result from the adoption of this ordinance that would divide an established community or conflict with an applicable local or regional plan. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

10. MINERAL RESOURCES. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect mineral resources since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

11. NOISE. Would the project result in:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) The exposure of persons to, or the generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				✓
b) The exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				✓
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to generate additional noise or adversely effect noise sensitive uses since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

12. POPULATION AND HOUSING. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect the housing and population by inducing additional growth or displacing existing or future populations since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Fire protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect public services or public service facilities since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

14. RECREATION. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect recreational opportunities or resources since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

15. TRANSPORTATION/TRAFFIC. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				✓
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				✓
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
e) Result in inadequate emergency access?				✓
f) Result in inadequate parking capacity?				✓
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect transportation and traffic systems or add additional vehicle trips to the road network, consequently no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

16. UTILITIES AND SERVICE SYSTEMS. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?				✓
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect utility or infrastructure service systems since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

V. MANDATORY FINDINGS OF SIGNIFICANCE

MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				✓
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to cumulatively effect substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, eliminate important examples of the major periods of California history or prehistory, or cause a substantial adverse effects on human beings, either directly or indirectly. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item #4.2
PUBLIC HEARING
Meeting Date: February 3, 2010

TO: Chairman Devine and Members of the Planning Commission
FROM: Sean del Solar, Planner
SUBJECT: Zoning Ordinance Amendment 10-01

RECOMMENDATION:

The Planning Department recommends that the Planning Commission adopt a resolution entitled:

RESOLUTION PC10-____

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 CALIFORNIA, AMENDING CHAPTERS 17.204 AND 17.16 OF MUNICIPAL CODE OF THE CITY OF WILDOMAR PERTAINING TO SECOND UNIT PERMITS AND RURAL RESIDENTIAL ZONING (ZONING CODE AMENDMENT 10-01)”

BACKGROUND:

During the start-up process period for the City, staff identified a number of potential issues in the Zoning Code which needed to be addressed. On August 5, staff brought a number of these issues forward to the Planning Commission for a decision. At that meeting, the Commission discussed amending the City’s regulations pertaining to Second Unit Permits and decided to refer the issue back to staff for additional study. Consequently at the December 2, 2009 Planning Commission meeting, staff brought back additional information on Second Unit Permits to the Commission. At that meeting the Commission heard public testimony and again discussed the issue and came to a consensus that the City should consider a new Second Unit policy that:

1. Establishes similar Second Unit regulations to the recently amended County of Riverside code.
2. Distinguishes between “Attached” and “Detached” Second Units.
3. Provides an allowance for “Attached Second Units” on parcels larger than a half acre, but less than an acre.
4. Updates the regulations to be consistent with State Law.

In addition to amendments to Chapter 17.204 (Second Unit Permits), Staff is recommending that the Commission also consider an amendment to Chapter 17.16 of the Municipal Code adding standard residential setbacks to the Rural Residential (R-R) zone. Currently the R-R zone does not have setbacks established and as a result, second units in the R-R zone and may be located very close to the property line. Changes to the R-R zone (Chapter 17.16) are discussed immediately after the Second Unit Permits section of this report.

DISCUSSION:

Second Units:

Based upon the direction provided by the Commission, Staff has created a zoning code amendment which meets the Commissions' previously stated objectives. While the proposed modifications largely reflect the County's changes to the second unit code, staff has included some deviations from the County's changes which more specifically address local conditions. These deviations are as follows:

1. The County's new Second Unit regulations define the existing residence as the "main structure" and the new structure as the "second unit" (Ord. 348, Sec. 18.28.a.(d)(2)). Staff does not recommend including this provision as it would prevent homeowners from "upgrading" their properties by building larger homes on their lots and then utilizing the original structure as a "second unit." This does not override the development standards required for second units.
2. The County's new Second Unit regulations also limited the occupancy of Second Units to either "low/ moderate income" or "non rent-paying" persons and also required that the incomes of tenants be certified on an annual basis with the Planning Director (Ord. 348, Sec. 18.28.a.(d)(4)). The City's original Second Unit regulations did not include this requirement and Staff's recommendation for the proposed Second Unit amendment does not include this requirement either.
3. The County's new Second Unit regulations also created a unilateral prohibition on the operation of businesses and/or home occupations from Second Units (Ord. 348, Sec. 18.28.a.(c)(5)). While the proposed second unit amendment does include a general prohibition on the operation of businesses and home occupations from the Second Unit, Staff has left some latitude for the Director to approve home occupation businesses from second units provided that the second unit is located on a 3 acre or larger parcel in a rural area of the city.

While the alterations from the County's ordinance that are recommended by Staff, the Commission may choose to incorporate all, some or none of these recommendations. The proposed changes to the Zoning Code are shown below with discussion on each change in the text box to the right of the change. Text added to the code is shown with **bolded underlining**, while the deleted text is shown with ~~strikethrough~~. A clean version

of the updated code without any underlining or strikethroughs can be found in exhibit "A" of attachment "A."

Chapter 17.204 SECOND UNIT PERMITS

Sections:

- 17.204.010** **Applicability.**
- 17.204.015** **Definitions.**
- 17.204.020** **Application.**
- 17.204.030** **Application Process Hearing and notice of decision.**
- 17.204.040** **Standard second unit permits.**
- ~~**17.204.050** **Senior citizen and hardship second unit permits.**~~
- ~~**17.204.060** **17.204.050 Prohibited areas.**~~
- ~~**17.204.070** **Appeal.**~~
- ~~**17.204.080** **Revocation of permit.**~~

Section numbers modified to reflect deleted and new sections.

Prior ordinance history: Ord. 348.3800, 1997; Ord. 348.3407.1991; Ord. 348.2856, 1988; Ord. 348.2670, 1987; Ord. 348.2580, 1986; Ord. 348.2510, 1985; Ord. 348.2444, 1985; Ord. 348.2360, 1984.

17.204.010 Applicability.

Whenever a request is made for a ~~standard or senior citizen hardship~~ second unit permit, the following provisions shall take effect. (~~Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a (part)~~)

Second Unit Permit definitions were added to reflect the consensus of the Commission and California Government Code § 65852.2(i)(4). Definitions were not a part of the County's Revisions to the Second Unit regulations.

17.204.015 Definitions.

- A. Second Unit A residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling unit.**
- B. Attached Second Unit An attached second unit shares both a common wall and roof with the main residence.**
- C. Detached Second Unit A detached second unit is not connected to the main residence with any structure or appurtenance.**

17.204.020 Application.

Every application for a second unit permit shall be made in writing to the planning director on the forms provided by the planning department, **and** shall be accompanied by the filing fee. ~~as set forth in county Ordinance No. 671 and~~ Applications shall include the following information:

- A. Name and address of the applicant, and evidence that the applicant resides at and is the owner of the premises involved;
- B. Assessor's parcel number of premises involved;
- C. A plot, **elevations** and development plan drawn in sufficient detail to clearly describe the following:
 - 1. Physical dimensions of property,
 - 2. Location and dimensions of all existing and proposed structures,
 - 3. Location and dimensions of all easements, septic tanks, leach lines, existing seepage pits, drainage structures and utilities **(both proposed and existing)**,
 - 4. Location, dimensions and names of all clear adjacent roads, whether public or private, showing the location of the street centerline and all existing improvements such as sidewalks, curbs, gutters and curb cuts,
 - 5. Setbacks,
 - 6. Methods of circulation, including ingress and egress, access, yards, drives, parking areas, landscaping, walls or fences,
 - 7. Topography of the property,
 - 8. **Height and architectural features of the proposed second unit;**
- D. Panoramic photographs showing all sides of the on-site property and adjacent off-site properties;
- E. A description of walls, landscaping, architectural treatments and other methods which will be used to ensure that the second unit will be compatible with the neighborhood;
- ~~F. A statement as to whether the second unit shall be used for family or rental purposes;~~
- ~~G. A list of the names and addresses of all owners of the exterior boundaries of the property as shown on the last equalized assessment roll and any update issued by the county assessor;~~
- H. Such additional information as shall be required by the application form;
- I. A clearance letter from the county health department. (~~Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(a)~~)

17.204.020(F) is unneeded because the second unit entitlement no longer regulates whom the unit is rented to.

17.204.020(G) is unneeded because the second unit application process no longer requires a public hearing.

17.204.030 Application Process Hearing and Notice of Decision.

~~Upon acceptance of an application as complete, the Planning Director shall transmit a copy of the application to the members of the land division committee and the sewer and water district having jurisdiction over the property for review and comment.~~

- ~~A. Not less than thirty (30) days after an application is received as complete, the planning director shall schedule the time and date on which the director's decision on~~

State law requires that the approval process for second units be ministerial. Section 17.204.030 has been changed to reflect the City's ministerial (minor plot plan) application process.

~~the application is to be made. Not less than ten (10) days prior to the date on which the decision is to be made the planning director shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll and any updates as owning real property within a three hundred (300) foot radius of the exterior boundaries of the proposed project. Notice of the proposed use shall also be given by publication in a newspaper of general circulation in the county. The notice shall include the statement that no public hearing will be held unless a hearing is requested in writing before the date scheduled for the decision to be made. No public hearing on the application shall be held before a decision is made unless a hearing is requested in writing before the date scheduled for the decision to be made. No public hearing on the application shall be held before a decision is made unless a hearing is requested in writing by the applicant or other affected person, or if the planning director determines that a public hearing should be required. The planning director shall give notice of the decision to the applicant and to any other person who requests notice of the decision. The decision of the planning director shall be considered final unless within ten (10) days of the date of mailing of decision to the applicant an appeal there from is filed.~~

~~B. If a public hearing is required under the provisions of this section, notice of the time, date and place of the hearing, before the planning director, and a general description of the location of the real property which is the subject of the hearing, shall be given at least ten (10) days prior to the hearing as follows:~~

- ~~1. Mailing or delivering to the owner of the subject real property or the owner's duly authorized agent;~~
- ~~2. Mailing or delivering to all owners of real property which is located within a three hundred (300) foot radius of the exterior boundaries of the subject property, as such owners are shown on the last equalized assessment roll and any updates;~~
- ~~3. The planning director may require that additional notice be given in any other matter the director deems necessary or desirable.~~

~~C. If a public hearing is required, the director shall hear relevant testimony from interested persons and make a decision within a reasonable time after the close of the public hearing. The planning director shall give notice of the decision to the applicant, and the decision of the planning director shall be considered final unless within ten days of the date of mailing of the notice of decision to the applicant an appeal there from is filed. (Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a(b))~~

An application for a second unit shall be made to the Planning Director in accordance with the provisions of Chapter 17.216. The planning director shall approve, conditionally approve, or deny the application without discretionary review or a hearing. Notice of the decision shall be mailed to the applicant. The decision of the planning director is final.

**17.204.040 Development Standards
Second Unit Permits.**

Changes in this section reflect updates from the County's revisions to second unit regulations.

A. Standards for Approval. No ~~standard~~ second unit permit shall be approved unless it complies with the following standards:

- ~~1. The proposed second unit must conform to all the requirements of the general plan for Riverside County.~~
2. The lot is zoned for a single family dwelling as a permitted use; provided, however, that the lot must be **twenty thousand (20,000)** square feet ~~fourteen thousand four hundred (14,400)~~ square feet or greater in area and may not be part of a ~~planned residential development (PRD)~~ **the R-T R-6** zone.
3. The lot **must** contain **one, and only one** existing one-family **dwelling** detached unit, and either ~~the existing unit or the proposed additional unit is and will be the dwelling unit of the owner~~ must occupy one unit on the property.
4. The proposed second unit **shall comply** with the following zoning, lot size and unit size standards:

Section 17.204.040(A)(2) has been changed to reflect the new half-acre allowance for attached second units and updated to reflect Wildomar Conditions.

Section 17.204.040(A)(3) has been changed to reflect updates from the County's revisions to second unit regulations, however it differs from the County's changes because the County requires the property owner to occupy the existing unit as the primary Residence.

Section 17.204.040(A)(4) has been updated to reflect the new half-acre allowance for attached second units. The maximum and minimum unit sizes have been retained from the City's original ordinance. The County's second unit update changed the maximum and minimum units Sizes to 500 to 800 sq. ft. for 1-2 acre lots, and 500 to 1,200 sq. ft. for lots greater than 2 acres.

The revised table is shown on the following page.

Minimum Lot Size per Zoning*	Development Standards Second Unit Permit
7,200 Less than 20,000 sq. ft.	Minimum Lot Size 14,400 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,200 sq. ft. <u>Second units prohibited.</u>
20,000 sq. ft. to 0.99 acres	<u>Attached Second Units Allowed but Detached Second Units Prohibited.</u> <u>Minimum Unit Size: 750 sq. ft.</u> <u>Maximum Unit Size: 1,500 sq. ft</u>
1 acre to 1.99 acres	Minimum Lot Size 1 acre <u>Attached and Detached Second Units Allowed.</u> Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,500 sq. ft.
2 acres and larger	Minimum Lot Size 2 acres <u>Attached and Detached Second Units Allowed.</u> Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,800 sq. ft.

* "Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation of the parcel in question.

** "Standard" second dwelling unit refers to a second unit either attached or detached from the principal dwelling unit. It can be occupied by family members or rented to anyone for residential use.

5. Off-street parking spaces shall be required for the second unit in addition to any off-street parking requirements for the principal **existing dwelling** unit. **A minimum of one parking space shall be provided for a second unit. If a second unit contains more than one bedroom, an additional parking space shall be provided for each additional bedroom.**

Section 17.204.040(A)(5) has been updated to reflect the County's update of the second unit regulations. The City's update differs from the County's in that we have required that at least one of the required off-street parking

6. **The second unit shall be used as a dwelling unit only, and no businesses may be conducted from or in the second unit, except for home occupation businesses conducted from occupied second units on lots larger than 3 acres.**

7. Second units shall be located at the rear or in the side portions of the lot **and shall not be located in the front yard of an existing dwelling unit, except for lots 3 acres and larger. On lots 3 acres and larger, second units may be located in front of the existing dwelling unit if no feasible alternative is available.** *Section 17.204.040(A)(7) has been updated to reflect the County's new second unit regulations.* ~~comply with all setbacks applicable to the lot. A second unit may be located in front of the principal unit only where the placement of the second unit at the rear or side portion of the lot would be impractical due to the location of the principle unit. In addition, approval shall require a specific finding that the placement of the second unit in the front of the lot is compatible with the neighborhood.~~
8. All of the development standards of the zone in which the lot is located, including but not limited to, parking, height, setbacks, **and** lot coverage, ~~architectural review and health requirements for water and sewerage shall be applicable to the second unit. An applicant shall also be required to provide verification from the appropriate water and sewerage district of available capacity.~~ *Section 17.204.040(A)(8) has been updated to reflect the County's new second unit regulations. Sewage discharge requirements in this section duplicate requirements now located in section 17.204.040(A)(10).*
9. **No Second unit shall exceed the height of the existing primary dwelling unit.** *Section 17.204.040(A)(9) has been added to reflect the County's new second unit regulations.*
10. **Written confirmation from the sewer district having jurisdiction of the availability of sewer service for the second unit or written approval from the County Health Department for use on an existing or new septic system shall be required.** *Section 17.204.040(A)(10) has been added to reflect the County's new second unit regulations.*
11. **Written confirmation from the water district having jurisdiction of the availability of water service for the second unit or written approval from the County Health Department for use of an existing or new well shall be required.**
12. Any second unit placed more than one hundred fifty (150) feet from a public right-of-way shall be required to provide all-weather access for emergency vehicles. *Section 17.204.040(A)(12) has been removed to reflect the County's new second unit regulations.*
13. Findings are made by the planning director that there is no adverse impact on the public health, safety or welfare.

B. Conditions. Any second unit permit granted shall be subject to such conditions as are necessary to protect the health, safety and general welfare of the public. In addition, a permit shall be subject to the following conditions:

1. The second unit shall be used for family members or rental purposes only and may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.
2. **An owner of the lot shall occupy the primary dwelling unit and shall record a restrictive covenant prior to the issuance of Building Permits for the construction of the second unit.**
3. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of this chapter, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained. (~~Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(c)~~)

Section 17.204.040(B)(2) has been added to reflect the County's new second unit regulations. The County's updated regulations require that residency certifications be submitted to the Planning Director on an annual basis. Staff recommends that a better solution to achieve the same objective is to require the recordation of a restrictive covenant.

~~17.204.050 Senior Citizen and Hardship Second Unit Permits.~~

~~A. Standard of Approval. No senior citizen/hardship exemption second unit permit shall be approved unless it complies with the following standards:~~

- ~~1. The proposed second unit must conform to all the requirements of the general plan for Riverside County.~~
- ~~2. The lot is zoned for a one-family dwelling as a permitted use; provided, however, that the lot must be seven thousand two hundred (7,200) square feet or greater in area and may not be part of a planned residential development (PRD) on the R-6 zone.~~
- ~~3. The second unit shall be used as a dwelling unit only and shall be intended for the sole occupancy of one or two adult persons who are sixty (60) years of age or over, or family members, or those persons with special disabilities or handicaps.~~
- ~~4. The proposed second unit meets the following zoning, lot size and unit size requirements:~~

Section 17.204.050 has been removed because special provisions for senior citizen hardship units are now inconsistent with State Law (Cal. Gov't Code § 65852.150)

Minimum Lot Size per Zoning*	Standard Second Unit Permit**
7,200 to 19,900 sq. ft.	Minimum Lot Size: 7,200 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,200 sq. ft.

20,000 sq. ft. to 1.99 acre	Minimum Lot Size 20,000 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,500 sq. ft.
2 acres and larger	See requirements for "standard" second unit permit.

* "Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation of the parcel in question.

** "Senior citizen hardship" second unit permits must specify that the second unit is to be used as a dwelling unit for the sole occupancy of one or two adult persons who are 60 years of age or over or immediate family members. or those persons with special disabilities or handicaps. They cannot be rented out to others.

5. Off-street parking requirements, location of second units, development standards, access for emergency vehicles, necessary findings and the requirements that there be an existing one-family detached unit and that either the existing unit or the proposed additional unit is and will be the dwelling unit of the owner-occupant, shall be the same as for the standard second unit permit.

B. Conditions.

1. The second unit may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.
2. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of this chapter, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained. Noncompliance with the conditions of approval and or construction permits may result in the revocation of the second unit permit in accordance with Section 17.204.060. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(d))

17.204.060 Prohibited Areas.

Second units shall not be permitted in those areas of the city which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. The prohibited areas include, but are not limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the county or another public agency with the authority to impose a development moratorium. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(e))

Section 17.204.060 has been removed because clearances are required from either the Environmental Health Department or water district verifying the availability of water/sewer services and by definition, moratoriums would prohibit the construction of new second units.

Section 17.204.070 has been removed because the decision of the Planning Director is final.

17.204.070 Appeal.

An applicant or any interested person may appeal the decision of the planning director by the following procedure:

- ~~A. Appeal to Planning Commission. Within ten (10) calendar days after the date of mailing of the decision by the planning director, an appeal, in writing, may be made to the planning commission on the form provided by the planning department, which shall be accompanied by a filing fee as set forth in Ordinance No. 671. Notice of the appeal shall be given in the same manner that notice was given for the original hearing. The planning commission shall render its decision within thirty (30) days following the close of the hearing on the appeal.~~
- ~~B. Appeal to the Board of Supervisors. Within ten (10) calendar days after the date of mailing of the planning commission's decision, an appeal, in writing, may be made to the Board of Supervisors, on the forms provided by the planning department, which shall be accompanied by the fee set forth in Ordinance No. 671. Upon receipt of a completed appeal, the clerk of the board shall set the matter for hearing before the board of supervisors not less than five days nor more than thirty (30) days thereafter and shall give written notice of the hearing to the appellant, the applicant and the planning director. The board of supervisors shall render its decision within thirty (30) days following the close of the hearing on the appeal. (Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a(l))~~

17.204.060 Revocation of Permit.

Any second unit permit granted may be revoked at any time upon the findings and procedure contained in Chapter 17.220; provided, however, that any appeal shall be heard by the planning commission. (~~Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a(g)~~)

Rural Residential Setbacks:

As discussed previously, the Rural Residential zoning designation does not establish minimum setbacks in the development standards. This is a concern to staff because the Second Unit Permit regulations rely on development standards in each zoning designation to ensure that structures are properly developed to the standards of each zone. Staff is recommending that as a part of this zoning code amendment, that the Commission also amend Section 17.16.020 of the Municipal Code to establish minimum setbacks in the Rural Residential zone. Building setback standards are common in most zoning districts. As a starting point, staff is suggesting that the Commission begin their discussion using the building setback standards for the One Family Dwelling (R-1) Zone.

Minimum Setbacks Per Zone				
Zoning	Minimum Lot Size	Front	Side	Rear
R-1	7,200 sq. ft.	20	5	10
R-3	7,200 sq. ft.	10	5	10
R-A	20,000 sq. ft.	20	-	-

While staff has recommended standard residential setbacks for the R-R zone be based upon the setbacks for the R-1 Zone (because those are commonly accepted setbacks in suburban areas). However, since many of the lots in the R-R zone are a ½ acre or larger in size, increased side yard setbacks may be appropriate for the R-R.

Staff recommended modifications to the development standards for the R-R Zone, which would be located in Section 17.16.020, are provided below.

17.16.020 Development standards.

Where a structure is erected or a use is made in the R-R zone that is first specifically permitted in another zone classification, such structure or use shall meet the development standards and regulations of the zone in which such structure or use is first specifically permitted, unless such requirements are hereafter modified.

- A. One family residences shall not exceed forty (40) feet in height. No other building or structure shall exceed fifty (50) feet in height, unless a greater height is approved pursuant to Section 17.172.230. In no event, however, shall a building exceed seventy-five (75) feet in height or any other structure exceed one hundred five (105) feet in height, unless a variance is approved pursuant to Chapter 17.196.
- B. Lot Area. One-half acre, with a minimum average width of eighty (80) feet, including the area to the center of adjacent streets, shall be the minimum size of any lot except as follows: Public utilities, twenty thousand (20,000) square feet with a minimum average lot width and depth of one hundred (100) feet.
- C. Automobile storage space shall be provided as required by Chapter 17.188.
- D. **Minimum yard requirements for residential uses are as follows:**
 1. **The front yard shall be not less than twenty (20) feet, measured from the existing street line or from any future street line as shown on any specific plan of highways, whichever is nearer the proposed structure.**
 2. **Side yards on interior and through lots shall be not less than five (5) feet. Side yards on corner and reversed corner lots shall be not less than ten (10) feet from the existing street line or from any future street line as shown on any specific plan of highways, whichever is nearer the proposed structure.**
 3. **The rear yard shall not be less than ten (10) feet.**
 4. **No structural encroachments shall be permitted in the front, side or rear yard except as provided for in Section 17.172.140.**

The proposed amendments to the Zoning Ordinance require a recommendation from the Planning Commission and approval by the City Council to become effective. As the planning body for the City of Wildomar, it is the Planning Commission's function to use their own judgment in making their recommendation to the Council. If the Planning Commission feels that some of these suggested code amendments are unnecessary or

inappropriate, staff recommends that the Commission provide the additional direction. Staff recommends that the Planning Commission review the proposed amendments and make a recommendation to the City Council to consider.

FINDINGS:

- A. The proposed amendment to the Zoning Ordinance is consistent with the City of Wildomar General Plan.

The proposed amendments to the Zoning Ordinance are consistent with and do not conflict with the provisions of the General Plan. The proposed changes to the processing and development standards of the Second Unit Permit applications will further the implementation of the General Plan as described in Land Use Policy 22.4 which provides for the development of a variety of housing types, styles and densities that are accessible to and meet the needs of a range of lifestyles, physical abilities, and income levels. The proposed amendment for setbacks in the Rural Residential Zone will further implement Land Use Policy 22.6 which requires that setbacks and other design elements to buffer residential units to the extent possible from the impacts of abutting agricultural, roadway, commercial, and industrial uses. The code amendment will further the implementation of these provisions by requiring a more appropriate quality/character of development for second dwelling units. The proposed modifications to the zoning ordinance are consistent with and further implement the provisions of General Plan, and will not create problems detrimental to the public health, safety and general welfare of the residents of Wildomar.

ENVIRONMENTAL ASSESSMENT:

A review of the potential environmental impacts was conducted for the proposed zoning ordinance amendments. This evaluation indicated no potential for impacts on the environment. As a result, the Planning Department recommends that the Planning Commission make a determination that the proposed zoning ordinance amendment has no potential to impact to the environment, and that the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed zoning ordinance amendments to do not affect the development potential of property and do not allow for uses or activities that are not otherwise allowed, the proposed amendments have no potential to adversely impact the environment.

ALTERNATIVES:

1. Deny the amendment.
2. Provide further direction to staff.

ATTACHMENTS:

- A. Resolution Recommending City Council Approval
Exhibit A – City Council Ordinance
- B. Chapter 17.204 As adopted by the City Council July 1, 2008
- C. Ordinance 348 Section 18.28a, the County of Riverside's current Second Unit Permit regulations.

ATTACHMENT A

RESOLUTION NO. PC10-___

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 CALIFORNIA, AMENDING PORTIONS OF ZONING ORDINANCE OF THE CITY OF WILDOMAR PERTAINING TO SECOND UNIT PERMITS AND RURAL RESIDENTIAL ZONING (ZONING CODE AMENDMENT 10-01)”

WHEREAS, the City of Wildomar incorporated on July 1, 2008; and

WHEREAS, the City Council of the City of Wildomar adopted the County of Riverside General Plan in effect on July 1, 2008; and

WHEREAS, the City Council of the City of Wildomar adopted the existing County of Riverside Zoning Ordinance in effect on July 1, 2008 to implement the General Plan; and

WHEREAS, on January 9, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the project would be considered; and

WHEREAS, the Wildomar Planning Commission conducted a duly noticed public hearing on February 3, 2010 at which it received public testimony concerning the project.

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

SECTION 1. ENVIRONMENTAL FINDINGS. A review of the potential environmental impacts was conducted for the proposed zoning ordinance amendments. This evaluation indicated no potential for impacts on the environment. As a result, the Planning Department recommends that the Planning Commission make a determination that the proposed zoning ordinance amendment has no potential to impact to the environment, and that the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed zoning ordinance amendments to do not affect the development potential of property and do not allow for uses or activities that are not otherwise allowed, the proposed amendments have no potential to adversely impact the environment.

SECTION 2. FINDINGS. The Planning Commission hereby finds that these amendments to the Zoning Ordinance are consistent with, and do not conflict with the provisions of the General Plan. The proposed amendments can be divided into two general categories, one procedural and the other physical design. The efficient processing and approval of project applications will further the implementation of the General Plan as described in the implementation programs and Administration Element. The physical design amendments will further the implementation of Land Use Policy 4.1 which requires that new developments be located and designed to visually enhance, not degrade the character of the surrounding area through consideration of the following concepts: (a) Compliance with the design standards of the appropriate area plan land use category; and ... (l) Mitigate noise, odor, lighting, and other impacts on surrounding properties. The code amendment will further the implementation these provisions by requiring a more appropriate quality/character of development. These enhancements will improve the visual quality and community design by reducing the potential for blight typified by the use of barbed wire, razor wire, and unscreened trash enclosures.

SECTION 3. PLANNING COMMISSION ACTION. The Planning Commission hereby takes the following actions:

A. Recommended Approval of Exemption. The Planning Commission hereby recommends that the City Council make a determination that the project is exempt from environmental review in accordance with the provisions of CEQA Guidelines Section 15061(b)(3).

B. Recommend Approval of Ordinance. The Planning Commission recommends that the City Council approve Zoning Code Amendment 10-01 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:

Thomas Jex
Assistant City Attorney

ATTEST:

David Hogan
Planning Commission Secretary

EXHIBIT A
DRAFT COUNCIL ORDINANCE

Exhibit A

ORDINANCE NO. 2010-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR CALIFORNIA, AMENDING CHAPTERS 17.204 AND 17.16 OF MUNICIPAL CODE OF THE CITY OF WILDOMAR PERTAINING TO SECOND UNIT PERMITS AND RURAL RESIDENTIAL ZONING (ZONING CODE AMENDMENT 10-01)

The City Council of the City of Wildomar ordains as follows:

SECTION 1. ENVIRONMENTAL FINDINGS. 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 December 9, 2009 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines that the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. CONSISTENCY WITH THE GENERAL PLAN. The proposed amendments to the Zoning Ordinance are consistent with and do not conflict with the provisions of the General Plan.

SECTION 3. AMENDMENTS TO CHAPTER 17.204 OF THE ZONING ORDINANCE

The Zoning Ordinance for the City of Wildomar is hereby amended in its entirety to read as follows:

**“Chapter 17.204
SECOND UNIT PERMITS**

Sections:

- 17.204.010 Applicability.
- 17.204.020 Definitions.
- 17.204.030 Application.
- 17.204.040 Application Process
- 17.204.050 Standard second unit permits.
- 17.204.060 Prohibited areas.
- 17.204.070 Revocation of permit.

17.204.010 Applicability.

Whenever a request is made for a second unit permit, the following provisions shall take effect.

17.204.020 Definitions.

- A. Second Unit A residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling unit.
- B. Attached Second Unit An attached second unit shares both a common wall and roof with the main residence.
- C. Detached Second Unit A detached second unit is not connected to the main residence with any structure or appurtenance.

17.204.030 Application.

Every application for a second unit permit shall be made in writing to the planning director on the forms provided by the planning department, and shall be accompanied by the filing fee. Applications shall include the following information:

- A. Name and address of the applicant, and evidence that the applicant resides at and is the owner of the premises involved;
- B. Assessor's parcel number of premises involved;
- C. A plot, elevations and development plan drawn in sufficient detail to clearly describe the following:
 - 1. Physical dimensions of property,
 - 2. Location and dimensions of all existing and proposed structures,
 - 3. Location and dimensions of all easements, septic tanks, leach lines, existing seepage pits, drainage structures and utilities (both proposed and existing),
 - 4. Location, dimensions and names of all clear adjacent roads, whether public or private, showing the location of the street centerline and all existing improvements such as sidewalks, curbs, gutters and curb cuts,
 - 5. Setbacks,
 - 6. Methods of circulation, including ingress and egress, access, yards, drives, parking areas, landscaping, walls or fences,
 - 7. Topography of the property,
 - 8. Height and architectural features of the proposed second unit;
- D. Panoramic photographs showing all sides of the on-site property and adjacent off-site properties;
- E. A description of walls, landscaping, architectural treatments and other methods which will be used to ensure that the second unit will be compatible with the neighborhood;
- H. Such additional information as shall be required by the application form;
- I. A clearance letter from the county health department.

17.204.040 Application Process

An application for a second unit shall be made to the Planning Director in accordance with the provisions of Chapter 17.216. The planning director shall conditionally approve or deny the application without discretionary review or a hearing. Notice of the decision shall be mailed to the applicant. The decision of the planning director is final.

17.204.050 Development Standards

- A. Standards for Approval. No second unit permit shall be approved unless it complies with the following standards:
1. The lot is zoned for a single family dwelling as a permitted use; provided, however, that the lot must be twenty thousand (20,000) square feet or greater in area and may not be part of the R-T zone.
 2. The lot must contain one, and only one existing one-family dwelling unit, and the owner must occupy one unit on the property.
 3. The proposed second unit shall comply with the following, lot and unit size standards:

Lot Size	Development Standards
Less than 20,000 sq. ft.	Second units prohibited.
20,000 sq. ft. to 0.99 acres	Attached Second Units Allowed, but Detached Second Units Prohibited. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,500 sq. ft
1 acre to 1.99 acres	Attached and Detached Second Units Allowed. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,500 sq. ft
2 acres and larger	Attached and Detached Second Units Allowed. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,800 sq. ft

5. Off-street parking spaces shall be required for the second unit in addition to any off-street parking requirements for the existing dwelling unit. A minimum of one parking space shall be provided for a second unit. If a second unit contains more than one bedroom, an additional parking space shall be provided for each additional bedroom.
6. The second unit shall be used as a dwelling unit only, and no businesses may be conducted from or in the second unit, except for home occupation businesses conducted from occupied second units on lots larger than 3 acres.
7. Second units shall be located at the rear or in the side portions of the lot and shall not be located in the front yard of an existing dwelling unit,

except for lots 3 acres and larger. On lots 3 acres and larger, second units may be located in front of the existing dwelling unit if no feasible alternative is available.

8. Written confirmation from the sewer district having jurisdiction of the availability of sewer service for the second unit or written approval from the County Health Department for use on an existing or new septic system shall be required.
 9. Written confirmation from the water district having jurisdiction of the availability of water service for the second unit or written approval from the County Health Department for use of an existing or new well shall be required.
 10. Any second unit placed more than one hundred fifty (150) feet from a public right-of-way shall be required to provide all-weather access for emergency vehicles.
- B. Conditions. Any second unit permit granted shall be subject to such conditions as are necessary to protect the health, safety and general welfare of the public. In addition, a permit shall be subject to the following conditions:
1. The second unit shall be used for family members or rental purposes only and may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.
 2. An owner of the lot shall occupy the primary dwelling unit and shall record a restrictive covenant prior to the issuance of Building Permits for the construction of the second unit.
 3. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of this chapter, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained.

17.204.060 Revocation of Permit.

Any second unit permit granted may be revoked at any time upon the findings and procedure contained in Chapter 17.220; provided, however, that any appeal shall be heard by the planning commission.”

SECTION 3. AMENDMENT TO SECTION 17.16.020 OF THE ZONING ORDINANCE

Subsection 17.16.020.D of the Wildomar Municipal Code is hereby added to read as follows:

“D. Minimum yard requirements for residential uses are as follows:

1. The front yard shall be not less than twenty (20) feet, measured from the existing street line or from any future street line as shown on any specific plan of highways, whichever is nearer the proposed structure.
2. Side yards on interior and through lots shall be not less than five (5) feet. Side yards on comer and reversed corner lots shall be not less than ten

(10) feet from the existing street line or from any future street line as shown on any specific plan of highways, whichever is nearer the proposed structure.

3. The rear yard shall not be less than ten (10) feet.
4. No structural encroachments shall be permitted in the front, side or rear yard except as provided for in Section 17.172.140.”

SECTION 4. Severability

If any section, subsection, subdivision, sentence, clause, phrase, 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 this 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, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Certification and Publication

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

SECTION 6. Effective Date

This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

Bridgette Moore, Mayor

ATTEST:

APPROVED AS TO FORM:

Debby Lee, City Clerk

Julie Hayward Biggs, City Attorney

ATTACHMENT B

Chapter 17.204

SECOND UNIT PERMITS*

Sections:

17.204.010	Applicability.
17.204.020	Application.
17.204.030	Hearing and notice of decision.
17.204.040	Standard second unit permits.
17.204.050	Senior citizen and hardship second unit permits.
17.204.060	Prohibited areas.
17.204.070	Appeal.
17.204.080	Revocation of permit.

* Prior ordinance history: Ord. 348.3800, 1997; Ord. 348.3407, 1991; Ord. 348.2856, 1988; Ord. 348.2670, 1987; Ord. 348.2580, 1986; Ord. 348.2510, 1985; Ord. 348.2444, 1985; Ord. 348.2360, 1984.

17.204.010 Applicability.

Whenever a request is made for a standard or senior citizen hardship second unit permit, the following provisions shall take effect. (Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a (part))

17.204.020 Application.

Every application for a second unit permit shall be made in writing to the planning director on the forms provided by the planning department, shall be accompanied by the filing fee as set forth in county Ordinance No. 671 and shall include the following information:

- A. Name and address of the applicant, and evidence that the applicant resides at and is the owner of the premises involved;
- B. Assessor's parcel number of premises involved;
- C. A plot and development plan drawn in sufficient detail to clearly describe the following:
 1. Physical dimensions of property,
 2. Location and dimensions of all existing and proposed structures,
 3. Location and dimensions of all easements, septic tanks, leach lines, existing seepage pits, drainage structures and utilities,
 4. Location, dimensions and names of all clear adjacent roads, whether public or private, showing the location of the street centerline and all existing improvements such as sidewalks, curbs, gutters and curb cuts,
 5. Setbacks,

6. Methods of circulation, including ingress and egress, access, yards, drives, parking areas, landscaping, walls or fences,

7. Topography of the property;

D. Panoramic photographs showing all sides of the on-site property and adjacent off-site properties;

E. A description of walls, landscaping, architectural treatments and other methods which will be used to ensure that the second unit will be compatible with the neighborhood;

F. A statement as to whether the second unit shall be used for family or rental purposes;

G. A list of the names and addresses of all owners of the exterior boundaries of the property as shown on the last equalized assessment roll and any update issued by the county assessor;

H. Such additional information as shall be required by the application form;

I. A clearance letter from the county health department. (Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a(a))

17.204.030 Hearing and notice of decision.

Upon acceptance of an application as complete, the planning director shall transmit a copy of the application to the members of the land division committee and the sewer and water district having jurisdiction over the property for review and comment.

A. Not less than thirty (30) days after an application is received as complete, the planning director shall schedule the time and date on which the director's decision on the application is to be made. Not less than ten (10) days prior to the date on which the decision is to be made, the planning director shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll and any updates as owning real property within a three hundred (300) foot radius of the exterior boundaries of the proposed project. Notice of the proposed use shall also be given by publication in a newspaper of general circulation in the county. The notice shall include the statement that no public hearing will be held unless a hearing is requested in writing before the date scheduled for the decision to be made. No public hearing on the application shall be held before a decision is made unless a hearing is requested in writing before the date scheduled for the decision to be made. No public hearing on the application shall be held before a decision is made unless a hearing is requested in writing by the applicant or other affected person, or if the planning director determines that a public hearing should be required. The planning director shall give notice of the

decision to the applicant and to any other person who requests notice of the decision. The decision of the planning director shall be considered final unless within ten (10) days of the date of mailing of decision to the applicant an appeal therefrom is filed.

B. If a public hearing is required under the provisions of this section, notice of the time, date and place of the hearing, before the planning director, and a general description of the location of the real property which is the subject of the hearing, shall be given at least ten (10) days prior to the hearing as follows:

1. Mailing or delivering to the owner of the subject real property or the owner's duly authorized agent;

2. Mailing or delivering to all owners of real property which is located within a three hundred (300) foot radius of the exterior boundaries of the subject property, as such owners are shown on the last equalized assessment roll and any updates;

3. The planning director may require that additional notice be given in any other matter the director deems necessary or desirable.

C. If a public hearing is required, the director shall hear relevant testimony from interested persons and make a decision within a reasonable time after the close of the public hearing. The planning director shall give notice of the decision to the applicant, and the decision of the planning director shall be considered final unless within ten days of the date of mailing of the notice of decision to the applicant an appeal therefrom is filed. (Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a(b))

17.204.040 Standard second unit permits.

A. Standards for Approval. No standard second unit permit shall be approved unless it complies with the following standards:

1. The proposed second unit must conform to all the requirements of the general plan for Riverside County.

2. The lot is zoned for a one-family dwelling as a permitted use; provided, however, that the lot must be fourteen thousand four hundred (14,400) square feet or greater in area and may not be part of a planned residential development (PRD) or the R-6 zone.

3. The lot contains an existing one-family detached unit, and either the existing unit or the proposed additional unit is and will be the dwelling unit of the owner-occupant.

4. The proposed second unit meets the following zoning, lot size and unit size standards:

MINIMUM LOT SIZE PER ZONING*	STANDARD SECOND UNIT PERMIT**
7200 to 19,999 sq. ft.	Minimum Lot Size: 14,440 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,200 sq. ft.
20,000 sq. ft. to 1.99 acre	Minimum Lot Size: 1 acre Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,500 sq. ft.
2 acres and larger	Minimum Lot Size: 2 acres Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,800 sq. ft.

* "Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation of the parcel in question.

** "Standard" second unit permit refers to a second unit which is attached to or detached from the principal dwelling unit. It can be occupied by family members or rented to anyone for residential use.

5. Off-street parking spaces shall be required for the second unit in addition to any off-street parking requirements for the principal unit.

6. The second unit shall be used as a dwelling unit only, and no businesses or home occupations of any kind may be conducted from or in the second unit.

7. Second units shall be located at the rear or in the side portions of the lot and shall comply with all setbacks applicable to the lot. A second unit may be located in front of the principal unit only where the placement of the second unit at the rear or side portion of the lot would be impractical due to the location of the principle unit. In addition, approval shall require a specific finding that the placement of the second unit in the front of the lot is compatible with the neighborhood.

8. All of the development standards of the zone in which the lot is located, including but not limited to, parking, height, setbacks, lot coverage, architectural review and health requirements for water and sewerage shall be applicable to the second unit. An applicant shall also be required to provide verification from the appropriate water and sewerage district of available capacity.

9. Any second unit placed more than one hundred fifty (150) feet from a public right-of-way shall be required to provide all-weather access for emergency vehicles.

10. Findings are made by the planning director that there is no adverse impact on the public health, safety or welfare.

B. Conditions. Any standard second unit permit granted shall be subject to such conditions as are necessary to protect the health, safety and general welfare of the public. In addition, a permit shall be subject to the following conditions:

1. The second unit shall be used for family members or rental purposes only and may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.

2. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of this chapter, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(c))

17.204.050 Senior citizen and hardship second unit permits.

A. Standard of Approval. No senior citizen/hardship exemption second unit permit shall be approved unless it complies with the following standards:

1. The proposed second unit must conform to all the requirements of the general plan for Riverside County.

2. The lot is zoned for a one-family dwelling as a permitted use; provided, however, that the lot must be seven thousand two hundred (7,200) square feet or greater in area and may not be part of a planned residential development (PRD) on the R-6 zone.

3. The second unit shall be used as a dwelling unit only and shall be intended for the sole occupancy of one or two adult persons who are sixty (60) years of age or over, or family members, or those persons with special disabilities or handicaps.

4. The proposed second unit meets the following zoning, lot size and unit size requirements:

MINIMUM LOT SIZE PER ZONING*	SENIOR/HARDSHIP SECOND UNIT PERMITS**
7,200 to 19,000 sq. ft.	Minimum Lot Size: 7,200 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,200 sq. ft.
20,000 sq. ft. to 1.99 acre	Minimum Lot Size: 20,000 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,200 sq. ft.
2 acres and larger	See requirements for "standard" second unit permit

* "Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation of the parcel in question.

** "Senior citizen hardship" second unit permits must specify that the second unit is to be used as a dwelling unit for the sole occupancy of one or two adult persons who are 60 years of age or over, or immediate family members, or those persons with special disabilities or handicaps. They cannot be rented out to others.

5. Off-street parking requirements, location of second units, development standards, access for emergency vehicles, necessary findings and the requirements that there be an existing one-family detached unit and that either the existing unit or the proposed additional unit is and will be the dwelling unit of the owner-occupant, shall be the same as for the standard second unit permit.

B. Conditions.

1. The second unit may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.

2. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of this chapter, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained. Noncompliance with the conditions of approval and/or construction permits may result in the revocation of the second unit permit in accordance with Section 17.204.060. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(d))

17.204.060 Prohibited areas.

Second units shall not be permitted in those areas of the county which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. The prohibited areas include, but are not limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the county or another public agency with the authority to impose a development moratorium. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(e))

17.204.070 Appeal.

An applicant or any interested person may appeal the decision of the planning director by the following procedure:

A. Appeal to Planning Commission. Within ten (10) calendar days after the date of mailing of the decision by the planning director, an appeal, in writing, may be made to the planning commission on the form provided by the planning department, which shall be accompanied by a filing fee as set forth in Ordinance No. 671. Notice of the appeal shall be given in the same manner that notice was given for the original hearing. The planning commission shall render its decision within thirty (30) days following the close of the hearing on the appeal.

17.204.080

B. Appeal to the Board of Supervisors. Within ten (10) calendar days after the date of mailing of the planning commission's decision, an appeal, in writing, may be made to the Board of Supervisors, on the forms provided by the planning department, which shall be accompanied by the fee set forth in Ordinance No. 671. Upon receipt of a completed appeal, the clerk of the board shall set the matter for hearing before the board of supervisors not less than five days nor more than thirty (30) days thereafter and shall give written notice of the hearing to the appellant, the applicant and the planning director. The board of supervisors shall render its decision within thirty (30) days following the close of the hearing on the appeal. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(f))

17.204.080 Revocation of permit.

Any second unit permit granted may be revoked at any time upon the findings and procedure contained in Chapter 17.220; provided, however, that any appeal shall be heard by the planning commission. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(g))

ATTACHMENT C

SECTION 18.28a. SECOND UNIT PERMITS.

a. APPLICATION. An application for a second unit permit shall be made in writing to the Planning Director on the forms provided by the Planning Department, shall be accompanied by the filing fee as set forth in County Ordinance No. 671 and shall include the following information:

(1) Name and address of the applicant, and evidence that the applicant is the owner of the property.

(2) Assessor's parcel number of the property.

(3) A plot and development plan drawn in sufficient detail to clearly describe the following:

a) Physical dimensions of the property.

b) Location and dimensions of all existing and proposed structures, walls, fences and landscaping.

c) Location and dimensions of all existing and proposed easements, septic tanks, leach lines, seepage pits, drainage structures and utilities.

d) Location, dimensions, and names of all adjacent roads, whether public or private, showing the location of the street centerline and all existing improvements such as sidewalks, curbs, gutters and curb cuts.

e) Setbacks.

f) Existing and proposed methods of circulation, including ingress and egress, driveways, parking areas and parking structures.

g) Topography of the property, including the mapping of all areas with a slope in excess of 25 percent.

(4) Panoramic color photographs showing the property from all sides and showing adjacent properties.

(5) A description of walls, landscaping, and architectural treatments proposed for the second unit.

(6) A clearance letter from the County Health Department with respect to any proposed water or sanitary facilities.

(7) Written confirmation from any water district or sewer district providing service of the availability of service.

(8) A statement calculating the “usable lot area” of the lot. For purposes of this section, “usable lot area” shall mean the lot area reduced by the area of any portion of the lot used solely for access to the portion of the lot used as a building site and by the area of the lot consisting of slopes in excess of 25 percent.

(9) Such additional information as shall be required by the Planning Director.

b. REVIEW AND NOTICE OF DECISION. The Planning Director shall consider the application ministerially without discretionary review or a hearing. Notice of decision on the application shall be mailed to the applicant. The decision of the Planning Director shall be final.

c. DEVELOPMENT STANDARDS. No second unit permit shall be approved unless it complies with the following requirements:

(1) The lot is zoned for a one-family dwelling as a permitted use; provided, however, that the lot may not be part of a planned residential development or located in the R-6 Zone.

(2) No second unit shall be permitted on any lot with usable lot area less than one acre. Second units are permitted as follows:

USABLE LOT AREA	ALLOWABLE LIVING AREA*
1 acre but less than 2 acres	500 square feet minimum 800 square feet maximum
2 acres or larger	500 square feet minimum 1200 square feet maximum

*Living area includes the interior habitable area of a second unit including basements and attics but does not include a garage or any accessory structure. Second units shall not be subject to the provisions of Section 18.11 of this ordinance.

(3) The lot contains one, and only one, existing primary detached one-family dwelling unit, and the existing primary dwelling unit will be the dwelling unit of an owner-occupant.

(4) Off-street parking shall be required for the second unit in addition to any off-street parking requirements for the existing dwelling unit. A minimum of one parking space shall be provided for a second unit. If a second unit contains more than one bedroom, an additional parking space shall be provided for each additional bedroom. The required off-street parking for a second unit may be located in setback areas or through tandem parking.

(5) The second unit shall be used as a dwelling unit only, and no businesses or home occupations of any kind may be conducted in the second unit.

(6) Second units shall be located at the rear or in the side portions of the lot and shall not be located in front of the existing dwelling unit.

(7) The second unit shall comply with all development standards of the zone in which the lot is located, including but not limited to, height, setbacks, and lot coverage.

(8) No second unit shall exceed the height of the existing primary dwelling unit.

(9) Any second unit located more than 150 feet from a public right-of-way shall provide all-weather access for emergency vehicles.

(10) Written confirmation from the sewer district having jurisdiction of the availability of sewer service for the second unit or written approval from the County Health Department for use on an existing or new septic system shall be required. Written confirmation from the water district having jurisdiction of the availability of water service for the second unit or written approval from the County Health Department for use of an existing or new well shall be required.

(11) Second units shall not be permitted in those areas of the County which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. Prohibited areas shall include, but not be limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the County or another public agency with the authority to impose a development moratorium.

(12) Second units permitted pursuant to this Section do not exceed the allowable density for the lot upon which the second unit is located and constitute a residential use that is consistent with the general plan and zoning designation for that lot.

d. **CONDITIONS.** A second unit permit shall be subject to such conditions as are necessary to assure compliance with this ordinance and any other provision of law, including without limitation, the following:

(1) The second unit may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.

(2) A dwelling unit originally permitted as a second unit may not later be considered a primary dwelling unit for any purpose.

(3) An owner of the lot shall occupy the primary dwelling unit. Written certification of continued compliance with the occupancy restriction of this subsection shall be provided to the Planning Director on or before January 15 of each year.

(4) The second unit may be occupied by any person without rent. The second unit may also be rented; provided, however, that rental occupancy shall be limited to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code. Certification of continued compliance with the occupancy restrictions of this subsection shall be provided to the Planning Director on or before January 15 of each year.

(5) No building permit for a second unit permit shall be issued until a covenant with respect to the occupancy requirements of this ordinance, in the form and content approved by County Counsel, is recorded by the property owner.

e. USE OF PERMIT. The life of the permit shall be unlimited provided the second unit is used in compliance with the provisions of this ordinance, all conditions of approval imposed in connection with the permit, and all other applicable provisions of law. Violation of the provisions of this ordinance or the conditions of approval of the permit shall be grounds for revocation of the permit.

f. REVOCATION OF PERMIT. A second unit permit may be revoked in accordance with the findings and procedure contained in Section 18.31 of this ordinance. The decision revoking a second unit permit may include, without limitation, an order requiring demolition of the second unit.

g. EFFECT OF AMENDMENT. The amendments to this section adopted by Ordinance No. 348.4574 (effective October 2, 2008) shall not apply to any second unit permit in effect prior to that date. A second unit permit issued prior to that date shall remain valid and a second unit constructed pursuant to such permit shall be considered in compliance with all relevant laws, ordinances, rules and regulations.

Amended Effective:

07-10-84 (Ord. 348.2360)

03-05-85 (Ord. 348.2444)

08-29-85 (Ord. 348.2510)

06-05-86 (Ord. 348.2580)

03-12-87 (Ord. 348.2670)

06-30-88 (Ord. 348.2856)

12-17-91 (Ord. 348.3407)

10-23-97 (Ord. 348.3800)

10-02-08 (Ord. 348.4574)

CITY OF WILDOMAR – PLANNING COMMISSION

Agenda Item #5.1

PUBLIC HEARING

Meeting Date: February 3, 2010

TO: Members of the Planning Commission

FROM: David Hogan, Planning Director

SUBJECT: Revisions to the Water Efficient Irrigation Ordinance & Program

RECOMMENDATION:

Staff recommends that the Planning Commission do the following:

1. Adopt a Resolution entitled:

RESOLUTION PC 10-__

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)

2. Adopt a Resolution entitled:

RESOLUTION PC 10-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL APPROVE THE WATER EFFICIENT IRRIGATION IMPLEMENTING GUIDELINES

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.

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 change in terminology within the new program. 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 project 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 are one additional several change that staff would like to highlight for the Commission before they make their 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 that 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 currently 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 Ordinance is referenced within the City's proposed Ordinance to ensure programmatic coordination. A copy 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 B 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 D.

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.

Staff recommends that the Planning Commission review the proposed program and

- Approve the Resolution contained in Attachment A recommending that the City Council adopt the Ordinance contained in Attachment B
- Approve the Resolution contained in Attachment C recommending that the City Council approve the Implementation Guidelines contained in Attachment D.

ENVIRONMENTAL ASSESSMENT:

The Planning Department recommends that the Planning Commission 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 Planning Commission Resolution for the Ordinance
- B. Exhibit A - Proposed City Council Ordinance
- C. Draft Planning Commission Resolution for the Implementing Guidelines
- D. Exhibit A - Proposed Implementing Guidelines
- E. State Water Conservation in Landscaping Act
- F. Model Ordinance
- G. Equivalency Comparison
- H. EVMWD Ordinance No. 185

ATTACHMENT A

RESOLUTION NO. PC10-_____

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 FINDINGS. 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, 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. 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. PLANNING COMMISSION ACTION. 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 B

Exhibit A

ORDINANCE NO.____

**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**

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

- .010 Purpose.**
- .020 Definitions.**
- .030 Applicability.**
- .040 Exemptions.**
- .050 Landscape Water Use Standards.**
- .060 Implementation Procedures.**
- .070 Landscape Maintenance.**
- .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. 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.

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 C

RESOLUTION NO. PC10-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF WILDOMAR RECOMMENDING THAT THE
CITY COUNCIL APPROVE IMPLEMENTING GUIDELINES**

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 FINDINGS. 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, 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. 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. PLANNING COMMISSION ACTION. 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 D

Exhibit A

**WATER EFFICIENT
LANDSCAPING
IMPLEMENTATION GUIDELINES**

(IMPLEMENTING ORDINANCE NO. XX)

CITY OF WILDOMAR

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

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 # _____									
<i>Maximum Applied Water Allowance (MAWA)</i>									
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

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

where:

EAWU = 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

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

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

EAWU Calculation:

	<i>ETo</i>	<i>K_L</i>	<i>LA</i>	Conversion	<i>IE</i>	<i>EAWU</i> (Gallons Per Year)
Special Landscaped Area	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	÷	=
	x	x	x	0.62	÷	=
	x	x	x	0.62	÷	=
	x	x	x	0.62	÷	=
	x	x	x	0.62	÷	=
	x	x	x	0.62	÷	=
Other	x	x	x	0.62	÷	=
Total <i>EAWU</i> =						

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 = (ET_o x 0.7 x LA in Sq. Ft. x 0.62) + (ET_o 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)
 ET_o = 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.

	ET _o		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 =					50,000				1,135,592 Gallons per year for LA+SLA

Estimated Applied Water Use

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

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* x *DU* (See definition in Appendix E for example *IE* percentages)
IME = Irrigation Management Efficiency (90%)
DU = Distribution Uniformity of irrigation head

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

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

Example Calculation:

	<i>ETo</i>		<i>K_L</i>		<i>LA</i>		Conversion		<i>IE</i>		<i>EAWU (Gallons per year)</i>	
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 <i>EAWU</i> =						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*.

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

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:

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

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: $MAWA = (0.8)(ET_o)(LA)(0.62)$.

(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													

Appendix B – Sample Water Efficient Landscape Worksheet.

WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package.
Please complete all sections (A and B) of the worksheet.

SECTION A. HYDROZONE INFORMATION TABLE

Please complete the hydrozone table(s) for each hydrozone. Use as many tables as necessary to provide the square footage of landscape area per hydrozone.

Hydrozone*	Zone or Valve	Irrigation Method**	Area (Sq. Ft.)	% of Landscape Area
Total				100%

*** Hydrozone**
HW = High Water Use Plants
MW = Moderate Water Use Plants
LW = Low Water Use Plants

****Irrigation Method**
MS = Micro-spray
S = Spray
R = Rotor
B= Bubbler
D= Drip
O = Other

SECTION B. WATER BUDGET CALCULATIONS

Section B1. Maximum Applied Water Allowance (MAWA)

The project's Maximum Applied Water Allowance shall be calculated using this equation:

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

where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- ETo = Reference Evapotranspiration from Appendix A (inches per year)
- 0.7 = ET Adjustment Factor (ETAF)
- LA = Landscaped Area includes Special Landscape Area (square feet)
- 0.62 = Conversion factor (to gallons per square foot)
- SLA = Portion of the landscape area identified as Special Landscape Area (square feet)
- 0.3 = the additional ET Adjustment Factor for Special Landscape Area (1.0 - 0.7 = 0.3)

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

Effective Precipitation (Eppt)

If considering Effective Precipitation, use 25% of annual precipitation. Use the following equation to calculate Maximum Applied Water Allowance:

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

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

Section B2. Estimated Total Water Use (ETWU)

The project's Estimated Total Water Use is calculated using the following formula:

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

where:

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

Hydrozone Table for Calculating ETWU

Please complete the hydrozone table(s). Use as many tables as necessary.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)	Area (HA) (square feet)	PF x HA (square feet)
			Sum	
	SLA			

Estimated Total Water Use = _____ gallons

Show calculations.

Appendix C – Sample Certificate of Completion.

CERTIFICATE OF COMPLETION

This certificate is filled out by the project applicant upon completion of the landscape project.

PART 1. PROJECT INFORMATION SHEET

Date		
Project Name		
Name of Project Applicant	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Project Address and Location:

Street Address		Parcel, tract or lot number, if available.
City		Latitude/Longitude (optional)
State	Zip Code	

Property Owner or his/her designee:

Name	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Property Owner

"I/we certify that I/we have received copies of all the documents within the Landscape Documentation Package and the Certificate of Completion and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."

Property Owner Signature

Date

Please answer the questions below:

1. Date the Landscape Documentation Package was submitted to the local agency _____
2. Date the Landscape Documentation Package was approved by the local agency _____
3. Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to the local water purveyor _____

PART 2. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE

"I/we certify that based upon periodic site observations, the work has been substantially completed in accordance with the ordinance and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package."

Signature*	Date	
Name (print)	Telephone No.	
	Fax No.	
Title	Email Address	
License No. or Certification No.		
Company	Street Address	
City	State	Zip Code

*Signer of the landscape design plan, signer of the irrigation plan, or a licensed landscape contractor.

PART 3. IRRIGATION SCHEDULING

Attach parameters for setting the irrigation schedule on controller per ordinance Section 492.10.

PART 4. SCHEDULE OF LANDSCAPE AND IRRIGATION MAINTENANCE

Attach schedule of Landscape and Irrigation Maintenance per ordinance Section 492.11.

PART 5. LANDSCAPE IRRIGATION AUDIT REPORT

Attach Landscape Irrigation Audit Report per ordinance Section 492.12.

PART 6. SOIL MANAGEMENT REPORT

Attach soil analysis report, if not previously submitted with the Landscape Documentation Package per ordinance Section 492.5.

Attach documentation verifying implementation of recommendations from soil analysis report per ordinance Section 492.5.

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	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 complied 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 (ET _o) 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