



CITY OF SIMI VALLEY

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January 22, 2010

Mr. Simon Eching
California Department of Water Resources
Water Use and Efficiency Branch
P.O. Box 942836
Sacramento, California 94236-0001

SUBJECT: WATER EFFICIENT LANDSCAPE ORDINANCE

Dear Mr. Eching:

As required by the Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird) this letter is to notify you of actions taken by the City of Simi Valley to develop water conservation practices for outdoor landscaping to comply with the State's Water Efficient Landscape Ordinance (WELO).

Within recent months, the Simi Valley City Council and Ventura County Waterworks District No. 8 Board (District) of Directors have adopted ordinances to ensure the conservation and management of our local water resources. The Ventura County Waterworks District No. 8 Water Conservation Program Ordinance No. WWD-08, and Level 1 Water Supply Shortage Resolution were both adopted May 11, 2009, the City of Simi Valley Water Conservation Program Ordinance No. 1142 was adopted June 15, 2009, and the Green Building Ordinance No. 1152 was adopted December 7, 2009. These ordinances jointly set restrictions and limitations on water use, with a focus on landscape watering practices.

The Water Conservation Program Ordinances limit irrigation times, establish maximum watering durations, prohibit excessive runoff, and promote the use of efficient irrigation systems, including installation of smart controllers. The District Ordinance further establishes three water supply shortage response levels. The Green Building Ordinance enacts requirements that developer-installed landscapes over 2,500 square feet, and homeowner-installed landscapes over 5,000 square feet, have a water budget that conforms to the California Department of Water Resources WELO, and requires a water-efficient irrigation design that reduces potable water use by 50 percent of the Maximum Applied Water Allowance. Methods that can be used to meet the water conservation ordinance requirements are listed, and may include: plant coefficient, irrigation efficiency, and use of captured rainwater, among others.

Mr. Simon Eching
California Department of Water Resources
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The City of Simi Valley finds that the requirements within these ordinances meet and exceed the WELO requirements. Enclosed for your records are copies of the Green Building and Water Conservation Program Ordinances and Resolution. The City Council and Board reserve the right to adjust and revise the respective ordinances as necessary to ensure full compliance with State water use regulations and requirements.

Sincerely,



Mike Sedell
City Manager

Attachments

cc: City Attorney
Director of Public Works
Director of Environmental Services
Assistant Public Works Director
Deputy Director/City Planner
Deputy Director/Building Official
Landscape Architect

**CITY OF SIMI VALLEY
MEMORANDUM**

May 11, 2009

TO: City Council
Board of Directors, Ventura County Waterworks District No. 8

FROM: Department of Public Works

SUBJECT: A PUBLIC HEARING TO CONSIDER ADOPTION OF ORDINANCES ESTABLISHING A WATER CONSERVATION PROGRAM IN VENTURA COUNTY WATERWORKS DISTRICT NO. 8 SERVICE AREA AND THE CITY OF SIMI VALLEY

RECOMMENDATION

It is recommended that:

1. The City Council, at the conclusion of the public hearing, introduce for first reading the attached ordinance (page 6) adding Article 2, Chapter 11, Title 6 to the Simi Valley Municipal Code establishing a Water Conservation Program;
2. The Board of Directors of Ventura County Waterworks District No. 8, at the conclusion of the public hearing, adopt the attached ordinance (page 13) adding Article 1, Chapter 11, Title 6 to the Simi Valley Municipal Code establishing a Water Conservation Program, effective immediately.

BACKGROUND AND OVERVIEW

The Metropolitan Water District of Southern California (MWD) and the Calleguas Municipal Water District (Calleguas) are requesting all public water purveyors and/or municipalities to initiate a Water Conservation Program to address the continuing water shortage concerns throughout the State. Current shortages, low reservoir levels, and recent legal rulings protecting endangered species (Delta Smelt) have hindered supply options for MWD, and precipitation projections will not restore depleted water storage. As a result, MWD requires all water purveyors to adopt an ordinance by July 1, 2009, to remain eligible for grant funding.

Water for the City of Simi Valley is provided by Ventura County Waterworks District No. 8 (District) and the Golden State Water Company (Golden State), both of which purchase water from Calleguas, which, in turn, purchases water from MWD. With rare exception, the water supplied to the City originates from the State Water Project. The adoption of the Water Conservation Ordinances is necessary to manage the water supply in the short- and long-term and to avoid or minimize the effects of drought and shortage. Such a program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety, and welfare.

The proposed Ordinances establish programs that will reduce water consumption through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City of Simi Valley to avoid and minimize the effect and hardship of water shortage to the greatest extent possible. An Ordinance specific to the District is offered to provide the rules applicable to all

those served within the District. A City Ordinance is also offered to assure the rules also cover those within the City not served by the District to provide fairness and equitable water use. Golden State is in the process of adopting its own water conservation rules that will apply to its users within the City.

FINDINGS AND ALTERNATIVES

The proposed Ordinances establish permanent water conservation standards intended to alter behavior related to water use efficiency at all times, and the District's Ordinance further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergencies, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

The following are key elements of both Ordinances:

- Limit irrigation of landscape and vegetated areas between 9:00 a.m. and 5:00 p.m., and establish a maximum duration of 15 minutes per irrigation station;
- Prohibit excessive water flow or runoff from irrigation;
- Limit washing of pavement or other exterior hard surfaces;
- Limit washing vehicles with a water hose unless a positive self-closing water shut-off nozzle or device and a hand-held bucket or similar container is used;
- Prohibit serving water in restaurants and bars unless requested by customers;
- Require lodging establishments to provide guests the option to decline daily linen service;
- Require commercial car washes and decorative fountains to have re-circulating water systems.

The proposed District Ordinance would further establish three temporary water supply shortage response levels. Staff from the Golden State Water Company has indicated that they will also have comparable response levels, under their authority. The response levels could be implemented quickly in the event of a declared water shortage or emergency and deactivated upon supply restoration. The three response levels correspond to worsening supply or emergency conditions and are consistent with MWD's requirements as described as follows:

- Level 1 - Limits irrigation to two days per week between November and March and three times per week during all other months; requires customers to repair on-site water leaks promptly.
- Level 2 - Limits irrigation to one day per week between November and March and two times per week during all other months; requires customers to repair on-site water leaks within 48 hours; restricts filling of ornamental lakes or ponds and residential swimming pools or spas.
- Level 3 - Referred to as "emergency" condition and prohibits irrigation; requires customers to repair on-site water leaks within 24 hours; suspends issuance of new water services.

The District Ordinance provides for progressive enforcement ranging from education and warnings to monetary fines, water flow-restrictions, and misdemeanor prosecution. The City Ordinance provides for prosecution of violations as a misdemeanor. It does not provide for progressive enforcement since those properties will be subject to Golden State's progressive enforcement rules. However, the City will work with Golden State to ensure consistent enforcement of the Water Conservation Program in the City regardless of water purveyor jurisdiction. **There are provisions**
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for waiving requirements to accommodate hardships.

The City's Ordinance will become effective on the 31st day following the second reading and passage of the Ordinance. However, the California Water Code authorizes the District to adopt its Ordinance and further provides that the Ordinance may be effective immediately upon the Board's adoption. In addition, the Water Code authorizes the District to enter into agreements with the City to implement water conservation programs.

In conjunction with and complementary to the proposed Ordinances, staff is working on several water resource and conservation measures to improve the local water situation. Staff from the District and Golden State are coordinating public outreach efforts by partnering on public presentations, providing jointly-sponsored educational workshops, sharing water conservation publications, and coordinating rebate offers and mailers. A smart irrigation controller program is being developed to offer District customers weather based irrigation controllers at a reduced rate by offsetting costs through grant funding and/or purchasing controllers directly from the District and allowing payment over time. To improve local water supply options, the District's Tapo Canyon Water Treatment Plant will soon be operating and will treat up to one million gallons-per day of local groundwater for drinking water needs. The water-recycling project that supplies operating and irrigation water to the Simi Valley Landfill continues while staff explores opportunities for recycled water system expansion to additional irrigation uses.

The District is also analyzing and developing a three-tiered water rate for future Board consideration. The three-tiered rate is intended to be similar to Golden State's proposed three-tiered water rate, which is currently before the Public Utilities Commission for approval. The concept is similar to the District's current two-tiered rate to charge more for water use over a baseline amount. The baselines are set to accommodate average uses and allow residents to continue to use water as desired. If the water used by an individual property exceeds the baseline (or tier), a higher unit rate applies. This financial means of encouraging water conservation has proven to be more effective than voluntary programs.

The following alternatives are available for the City Council and Board of Directors consideration:

1. That the City Council introduce for first reading the attached ordinance (page 6) adding Article 2, Chapter 11, Title 6 to the Simi Valley Municipal Code establishing a Water Conservation Program;
2. That the Board of Directors of Ventura County Waterworks District No. 8, at the conclusion of the public hearing, adopt the attached ordinance (page 13) adding Article 1, Chapter 11, Title 6 to the Simi Valley Municipal Code establishing a Water Conservation Program, effective immediately;
3. That the Board of Directors of Ventura County Waterworks District No. 8, at the conclusion of the public hearing, modify and adopt the attached ordinance (page 13) adding Article 1, Chapter 11, Title 6 to the Simi Valley Municipal Code establishing a Water Conservation Program, effective July 1, 2009;
4. Not introduce and/or adopt the attached ordinances;
5. Provide staff with further direction.

Staff recommends Alternatives No. 1 and 2.

PUBLIC HEARING PROCEDURE

HEARING DATE: MAY 11, 2009

-
1. CHAIR: This is the time and place set for a public hearing to consider the adoption of ordinances establishing a Water Conservation Program in Ventura County Waterworks District No. 8 service area and the City of Simi Valley.
- May we have an oral report on this matter by staff?
2. STAFF: (Report)
3. ANY COUNCIL/
BOARD MEMBER: (Questions of staff)
4. CHAIR Is there anyone in the Council Chamber wishing to be heard on this matter?
5. AUDIENCE: (Comments)
6. CHAIR: The hearing is closed. Are there any comments or questions from members of the Board?
7. ANY COUNCIL/
BOARD MEMBER: (Comments)
8. CHAIR: The Mayor/Chair will now entertain a motion.
9. ANY COUNCIL/
BOARD MEMBER: City Council/Board Actions (by motion of any Council/Board Member)*:
- 1) Introduce or not introduce A City Ordinance establishing a Water Conservation Program in the City of Simi Valley (does not require a second or a vote; **requires reading of ordinance**).
 - 2) Adopt or not adopt an Ordinance establishing a Water Conservation Program in Ventura County Waterworks District No. 8 service area.
- * Any action to refer the matter back to staff or to continue the matter requires a second and a vote.

SUMMARY

The MWD and Calleguas are requesting all public water purveyors and municipalities to initiate Water Conservation Programs to address the continuing water shortage concerns throughout the State. The programs are necessary to manage the water supply in the short- and long-term and to avoid or minimize the effects of drought and shortage. Such programs are essential to ensure a reliable and sustainable minimum supply of water for the public health, safety, and welfare. The proposed Ordinances establish programs that will reduce water consumption through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City of Simi Valley to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.



Ronald K. Fuchiwaki, Director
Department of Public Works

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ORDINANCE NO. -

AN ORDINANCE OF THE CITY OF SIMI VALLEY
ESTABLISHING A WATER CONSERVATION PROGRAM

THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN
AS FOLLOWS:

SECTION 1. Title.

Article 2 of Chapter 11 of Title 6 of the Simi Valley Municipal Code shall be added and shall be known as the City Water Conservation Program.

SECTION 2. The Notice of Exemption under the California Environmental Quality Act is hereby approved.

SECTION 3. Findings.

- (a) 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.
- (b) 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 western United States make the region highly susceptible to water supply reliability issues.
- (c) On February 27, 2009, the Governor proclaimed a state of emergency and ordered immediate action to manage the water shortage crisis.
- (d) 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.
- (e) Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.
- (f) Article XI, Section 7 of the California Constitution declares that cities may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.
- (g) The adoption and enforcement of a Water Conservation Program is necessary to manage potable water supply in the short- and long-term

and to avoid or minimize the effects of drought and shortage. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety, and welfare.

- (h) Residents and businesses in the City of Simi Valley receive their water from the water suppliers: VCWWD/and Golden State Water Company (Golden State).

SECTION 4. Article 2 of Chapter 11 of Title 6 of the Simi Valley Municipal Code is hereby adopted as follows:

Article 2. City Water Conservation Program

Sec. 6-11.201 Purpose and Intent.

- (a) The purpose of this article is to establish a Water Conservation Program that will reduce water consumption within the City of Simi Valley through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City of Simi Valley to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.
- (b) This article establishes permanent water conservation standards intended to alter behavior related to water use efficiency at all times and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

Sec. 6-11.202 Definitions.

The following words and phrases whenever used in this article have the meaning defined in this section:

- (a) "City" means City of Simi Valley.
- (b) "City Council" means the City Council of the City of Simi Valley.
- (c) "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, including all agencies and departments of City, or any other user of water.
- (d) "Landscape irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.

- (e) **“Single pass cooling systems”** means equipment where water is circulated only once to cool equipment before being disposed.
- (f) **“Potable water”** means water which is suitable for drinking.
- (g) **“Public area”** means land owned in fee or easement by a public agency.
- (h) **“Recycled water”** means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.
- (i) **“Smart Controller”** means electronic irrigation controller that utilizes sensors and real-time weather-based information in determining evapotranspiration (ET) and allowing efficient water management.
- (j) **“VCWWD”** means the Ventura County Waterworks District No. 8.
- (k) **“Golden State”** means the Golden State Water Company.

Sec. 6-11.203 Application.

- (a) To the extent authorized by law, this article shall apply to all customers and property in the City.
- (b) The provisions of this article do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire, and other similar emergency services.
- (c) The provisions of this article do not apply to the use of recycled water, with the exception of Section 6-11.204(a).
- (d) The provisions of this article do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops, or other vegetation intended for commercial sale.
- (e) This article is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff.

Sec. 6-11.204 Permanent Water Conservation Requirements – Prohibition Against Waste.

The following water conservation requirements are effective at all times and are permanent. Violations of this section will be considered waste and an unreasonable use of water.

- (a) **Limits on Watering Hours:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. Pacific Standard Time 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. This provision shall not apply to commercial nurseries, golf courses, public areas, and irrigation systems using smart controllers.
- (b) **Limit on Watering Duration:** Watering or irrigating of lawn, landscape, or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes of watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour, stream rotor sprinklers that meet a 70% efficiency standard, or irrigation systems using smart controllers.
- (c) **No Excessive Water Flow or Runoff:** Watering or irrigating of 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.
- (d) **No Washing Down Hard or Paved Surfaces:** 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 hand-held bucket or similar container, a hand-held hose equipped with 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.
- (e) **Obligation to Fix Leaks, Breaks or Malfunctions:** 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 after receiving notice from VCWWD or Golden State Water Company, is prohibited.
- (f) **Re-circulating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.
- (g) **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle,

boat, or trailer, whether motorized or not, is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.

- (h) **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.
- (i) **Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services:** Hotels, motels, and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.
- (j) **No Installation of Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- (k) **No Installation of Non-re-circulating Water Systems in Commercial Car Washes and Laundry Systems:** Installation of non-re-circulating water systems is prohibited in new commercial conveyor car washes and new commercial laundry systems.
- (l) **Restaurants Required to Use Water Conserving Dish Wash Spray Valves:** New and existing food preparation establishments, such as restaurants or cafes, are required to use water conserving dish wash spray valves.
- (m) **Commercial Car Wash Systems:** Effective on January 1, 2010, all commercial conveyor car wash systems must have installed operational re-circulating water systems or must have secured a waiver of this requirement from VCWWD or Golden State Water Company.

Sec. 6-11.205. Enforcement.

Any violation of the water use restrictions set forth in this article may be prosecuted as a misdemeanor and is punishable as provided in Chapter 2 of Title 1 of this Code.

SECTION 5. Severability.

If any section, subsection, sentence, clause, or phrase in this chapter is for any reason held invalid, the validity of the remainder of the chapter will not be affected. The City hereby

declares it would have passed this article and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

SECTION 6. This ordinance shall to into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

SECTION 7. Publication.

The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted in accordance with Government Code Section 36933; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

PASSED and ADOPTED this

Attest:

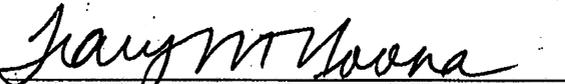
Assistant City Clerk

Paul Miller,

Mayor of the City of Simi Valley

Approved as to Form:

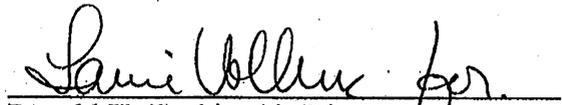
Approved as to Content:



Tracy M. Noonan,
City Attorney



Mike Sedell, City Manager



Ronald K. Fuchiwaki, Director
Department of Public Works

NOTICE OF EXEMPTION

To: County Clerk
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93001

From: City of Simi Valley
2929 Tapo Canyon Road
Simi Valley, CA 93063

Project Title: An Ordinance Establishing a Water Conservation Program

Project Location - Specific: Citywide

Project Location - City: Simi Valley Project Location - County: Ventura

Description of Project: The proposed ordinance, which is based on MWD's model ordinance, establishes a water conservation program that prohibits water waste and imposes water use restrictions and penalties to reduce water consumption within the City of Simi Valley.

Name of Public Agency Approving Project: City of Simi Valley

Date of Approval

Name of Person or Agency Carrying Out Project: City of Simi Valley

Exempt Status: (check one)

- Ministerial [Sec. 21080(b)(1); 15268];
- Declared Emergency [Sec. 21080(b)(3); 15269(a)];
- Emergency Project [Sec. 21080(b)(4); 15269(b)(c)];
- Categorical Exemption - State type and section number Section 15308, Class 8
- Statutory Exemptions - State code number _____
- General Rule [Sec. 15061(b)(3)]

Text of exemption and reasons why project is exempt:

Section 15308, titled Actions by Regulatory Agencies for Protection of the Environment, reads as follows:

"Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption."

The proposed ordinance includes permanent water-waste prohibitions, escalating water restrictions to be implemented over three water-supply shortage conditions, and penalties. The permanent water restrictions recognize that approximately 60-percent of all water use is outside the home and include primarily behavior modification measures such as limiting irrigation times, prohibiting the washing of paved surfaces, and controlling excessive irrigation runoff. These measures are intended to protect the environment by ensuring that water supplies are used efficiently. Therefore the project meets the intent of CEQA Guidelines Section 15308.

Lead Agency

Contact Person: Ernest Wong

Area Code/Telephone (805) 583-6896

Signature: *Lauren Funafole*
Lauren Funafole

Date: 5/8/09 Title: Senior Planner
Dept. of Environmental Services

Signed by Lead Agency

ORDINANCE NO. WWD-

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
VENTURA COUNTY WATERWORKS DISTRICT NO. 8
ESTABLISHING A WATER CONSERVATION PROGRAM

NOW, THEREFORE, THE BOARD OF DIRECTORS OF VENTURA COUNTY WATERWORKS DISTRICT NO. 8 DOES ORDAIN AS FOLLOWS:

SECTION 1. Title.

Article 1 of Chapter 11 of Title 6 of the Simi Valley Municipal Code shall be added and shall be known as the Ventura County Waterworks District No. 8 (VCWWD) Water Conservation Program.

SECTION 2. The Notice of Exemption under the California Environmental Quality Act is hereby approved.

SECTION 3. Findings.

- (a) 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.
- (b) 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 western United States make the region highly susceptible to water supply reliability issues.
- (c) On February 27, 2009, the Governor proclaimed a state of emergency and ordered immediate action to manage the water shortage crisis.
- (d) 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.
- (e) Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.
- (f) California Water Code Section 375 et seq. authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies and also authorizes the

City to enter into a joint program with VCWWD for the purpose of water conservation or education.

- (g) Residents and businesses in the City of Simi Valley receive their water from two water suppliers: VCWWD and Golden State Water Company (Golden State).
- (h) The adoption and enforcement of a Water Conservation Program is necessary to manage potable water supply in the short- and long-term and to avoid or minimize the effects of drought and shortage. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety, and welfare.

SECTION 4. Article 1 of Chapter 11 of Title 6 of the Simi Valley Municipal Code is hereby adopted as follows:

Article 1. Ventura County Waterworks District No. 8 Water Conservation Program

Sec. 6-11.101 Purpose and Intent.

- (a) The purpose of this article is to establish a Water Conservation Program that will reduce water consumption within the jurisdiction of VCWWD through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within VCWWD's service area to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.
- (b) This article establishes permanent water conservation standards intended to alter behavior related to water use efficiency at all times and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

Sec. 6-11.102 Definitions.

The following words and phrases whenever used in this article have the meaning defined in this section:

- (a) "City" means City of Simi Valley.
- (b) "City Council" means the City Council of the City of Simi Valley.

- (c) **"Person"** means any natural person or persons, corporation, public or private entity, governmental agency or institution, including all agencies and departments of VCWWD, or any other user of water provided by VCWWD.
- (d) **"Landscape irrigation system"** means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.
- (e) **"Single pass cooling systems"** means equipment where water is circulated only once to cool equipment before being disposed.
- (f) **"Potable water"** means water which is suitable for drinking.
- (g) **"Public area"** means land owned in fee or easement by a public agency.
- (h) **"Recycled water"** means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.
- (i) **"Smart Controller"** means electronic irrigation controller that utilizes sensors and real-time weather-based information in determining evapotranspiration (ET) and allowing efficient water management.
- (j) **"VCWWD"** means the Ventura County Waterworks District No. 8.
- (k) **"District Board"** means the Board of Directors of the Ventura County Waterworks District No. 8.
- (l) **"District"** means the Ventura County Waterworks District No. 8.

Sec. 6-11.103 Application.

- (a) To the extent authorized by law, this article shall apply to all customers and property within the service area of VCWWD.
- (b) The provisions of this article do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire, and other similar emergency services.
- (c) The provisions of this article do not apply to the use of recycled water, with the exception of Section 6-11.104(a).
- (d) The provisions of this article do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops, or other vegetation intended for commercial sale.

- (e) This article is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff.

Sec. 6-11.104 Permanent Water Conservation Requirements – Prohibition Against Waste.

The following water conservation requirements are effective at all times and are permanent. Violations of this section will be considered waste and an unreasonable use of water.

- (a) **Limits on Watering Hours:** Watering or irrigating of lawn, landscape, or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. Pacific Standard Time 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. This provision shall not apply to commercial nurseries, golf courses, public areas, and irrigation systems using smart controllers.
- (b) **Limit on Watering Duration:** Watering or irrigating of lawn, landscape, or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes of watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour, stream rotor sprinklers that meet a 70% efficiency standard, or irrigation systems using smart controllers.
- (c) **No Excessive Water Flow or Runoff:** Watering or irrigating of 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.
- (d) **No Washing Down Hard or Paved Surfaces:** 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 hand-held bucket or similar container, a hand-held hose equipped with 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.
- (e) **Obligation to Fix Leaks, Breaks or Malfunctions:** 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 after receiving notice from VCWWD, is prohibited.

- (f) **Re-circulating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.
- (g) **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, or trailer, whether motorized or not, is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.
- (h) **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.
- (i) **Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services:** Hotels, motels, and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.
- (j) **No Installation of Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- (k) **No Installation of Non-re-circulating Water Systems in Commercial Car Washes and Laundry Systems:** Installation of non-re-circulating water systems is prohibited in new commercial conveyor car washes and new commercial laundry systems.
- (l) **Restaurants Required to Use Water Conserving Dish Wash Spray Valves:** New and existing food preparation establishments, such as restaurants or cafes, are required to use water conserving dish wash spray valves.
- (m) **Commercial Car Wash Systems:** Effective on January 1, 2010, all commercial conveyor car wash systems must have installed operational re-circulating water systems or must have secured a waiver of this requirement from VCWWD.

Sec. 6-11.105 Level 1 Water Supply Shortage.

- (a) A Level 1 Water Supply Shortage exists when the Board of Directors of VCWWD determines, in their discretion and based upon a water supply shortage declaration issued by the State and/or wholesale water agencies, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the Board of Directors of VCWWD of a Level 1 Water Supply Shortage condition, VCWWD will implement the mandatory Level 1 conservation measures identified in this section.
- (b) **Additional Water Conservation Measures:** In addition to the prohibited uses of water identified in Section 6-11.104, the following water conservation requirements apply during a declared Level 1 Water Supply Shortage:
- (1) **Limits on Watering Days:** Watering or irrigating of lawn, landscape, or other vegetated area with potable water is limited to three days per week on a schedule established and posted by VCWWD. During the months of November through March, watering or irrigating of lawn, landscape, or other vegetated area with potable water is limited to no more than two days per week on a schedule established and posted by VCWWD. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating 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 irrigation systems using smart controllers or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
 - (2) **Obligation to Fix Leaks, Breaks, or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification by VCWWD unless other arrangements are made with VCWWD.

Sec. 6-11.106 Level 2 Water Supply Shortage.

- (a) A Level 2 Water Supply Shortage exists when the Board of Directors of VCWWD determines, in their discretion and based upon a water supply shortage declaration issued by the State and/or wholesale water agencies, that due to drought or other water supply conditions, a water supply

shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the Board of Directors of VCWWD of a Level 2 Water Supply Shortage condition, VCWWD will implement the mandatory Level 2 conservation measures identified in this section.

b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Sections 6-11.104 and 6-11.105, the following additional water conservation requirements apply during a declared Level 2 Water Supply Shortage:

- (1) **Limits on Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week on a schedule established and posted by VCWWD. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by VCWWD. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour or that use smart controllers. This provision also does not apply to watering or irrigating 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 irrigation systems using smart controllers or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- (2) **Obligation to Fix Leaks, Breaks, or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight (48) hours of notification by VCWWD unless other arrangements are made with VCWWD.
- (3) **Limits on Filling Ornamental Lakes or Ponds:** Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals have been actively managed within the water feature prior to declaration of a supply shortage level under this article.
- (4) **Limits on Filling Residential Swimming Pools & Spas:** Re-filling of more than one foot per month and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.

Sec. 6-11.107. Level 3 Water Supply Shortage (Emergency Condition).

- (a) A Level 3 Water Supply Shortage condition is also referred to as an "Emergency" condition. A Level 3 condition exists when the Board of Directors of VCWWD declares in their discretion and based upon a water supply shortage declaration issued by the State and/or wholesale water agencies, a water shortage emergency and notify their residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Level 3 Water Supply Shortage condition by VCWWD, VCWWD may implement the mandatory Level 3 conservation measures identified in this section.
- (b) **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Sections 6-11.104 through 6-11.106, the following water conservation requirements apply during a declared Level 3 Water Supply Shortage Emergency:
- (1) **No Watering or Irrigating:** Watering or irrigating of lawn, landscape, or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use:
 - (i) Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device;
 - (ii) Maintenance of existing landscape necessary for fire protection;
 - (iii) Maintenance of existing landscape for soil erosion control;
 - (iv) Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
 - (v) Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two (2) days per week according to the schedule established in Section 9b(1) and time restrictions in Section 7a and b;
 - (vi) Actively irrigated environmental mitigation projects.
 - (2) **Obligation to Fix Leaks, Breaks, or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or

distribution system must be repaired within twenty four (24) hours of notification by VCWWD unless other arrangements are made with VCWWD.

- (3) **New Potable Water Service:** Except for the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less, no new potable water service will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to serve or provide potable water service (such as will-serve letters, certificates, or letters of availability) will be issued, except under the following circumstances:
- (i) A valid, unexpired building permit has been issued for the project; or
 - (ii) The project is necessary to protect the public health, safety, and welfare; or
 - (iii) The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of VCWWD.
- (4) **Discontinue Service:** VCWWD, in its sole discretion, may discontinue service to customers who willfully violate provisions of this section.
- (5) **No New Annexations:** Upon the declaration of a Level 3 Water Supply Shortage condition, VCWWD will suspend consideration of annexations to its service area. This subsection does not apply to boundary corrections and annexations that will not result in any increased use of water.

Sec. 6-11.108. Procedures for Determination / Notification of Water Supply

Shortage.

- (a) **Declaration and Notification of Water Supply Shortage:** The existence of Level 1, Level 2, or Level 3 Water Supply Shortage conditions shall be declared by resolution of VCWWD adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation requirements applicable to Level 1, Level 2, or Level 3 conditions will take effect on the tenth day after the date the shortage level is declared. Within five (5) days following the declaration of the shortage level, VCWWD will publish a copy of the resolution in a newspaper used for publication of official notices.

- (b) **Determination of Compliance with this Article:** Violations and compliance with the provisions set forth in this article shall, to the extent authorized by law, be determined by VCWWD.

Sec 6-11.109. Hardship Waiver.

- (a) **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this article would result in undue hardship to a person using water or to property upon which water is used that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.
- (b) **Written Finding:** The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.
- (1) **Application:** Application for a waiver must be on a form prescribed by VCWWD and accompanied by a non-refundable processing fee in an amount set by VCWWD resolution.
- (2) **Supporting Documentation:** The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.
- (3) **Required Findings for Waiver:** An application for a waiver will be denied unless VCWWD finds, based on the information provided in the application, supporting documents, or such additional information as may be requested and on water use information for the property as shown by water use records all of the following:
- (i) That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
- (ii) That because of special circumstances applicable to the property or its use, the strict application of this article would have a disproportionate impact on the property or use that exceeds the impact to residents and businesses generally;
- (iii) That the authorizing of such waiver will not be of substantial detriment to adjacent properties and will not

materially affect the ability of VCWWD to effectuate the purpose of this article and will not be detrimental to the public interest; and

- (iv) That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent, or general in nature.

- (4) **Approval Authority:** The District Manager or designee must act upon any completed waiver application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property during the period of the mandatory water supply shortage condition. The decision of the District Manager or designee will be final.

Sec. 6-11.110. Enforcement.

- (a) No customer of VCWWD shall make, cause, use, or permit the use of water in a manner contrary to any provision of this article. Each customer shall be guilty of a separate offense for each day during which such violation of this article occurred.
- (b) **Criminal Enforcement.** Any violation of the water use restrictions set forth in this article may be prosecuted as a misdemeanor and is punishable as provided in Chapter 2 of Title 1 of this Code.
- (c) **Civil Enforcement.** Any violation of the water use restrictions set forth in this article may be subject to penalties and fines as set forth below:
 - (1) **First Violation:** The VCWWD may issue an Initial Notice of Violation/Warning and deliver a copy of this ordinance by mail or in person.
 - (2) **Second Violation:** A second violation within the preceding twelve (12) calendar months is punishable by a fine in an amount set forth by resolution adopted by the VCWWD.
 - (3) **Third Violation:** A third violation within the preceding twelve (12) calendar months is punishable by a fine in an amount set forth by resolution adopted by the VCWWD.
 - (4) **Fourth and Subsequent Violations:** A fourth and any subsequent violation is punishable by a fine in an amount set forth by resolution adopted by the VCWWD.

- (5) **Water Flow Restrictor:** In addition to any fines and penalties, VCWWD may install, upon its customers, a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services for violations of mandatory water use restrictions set forth in this article after five (5) calendar days' written notice of intent.
 - (6) **Disconnecting Service:** In addition to fines and penalties, and the installation of a water flow restrictor, VCWWD may disconnect its customers' water service after five (5) calendar days' written notice of intent for continued violations of mandatory water use restrictions set forth in this article.
 - (7) **Cost of Flow Restrictor and Disconnecting Service:** A person or entity that violates this article is responsible for payment of VCWWD's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the VCWWD's Schedule of Service Charges then in effect. Such charges must be paid to VCWWD before the device is removed or the water service is reconnected. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.
- (d) **Notice and Hearing for Civil Enforcement:**
- (1) A Notice of Violation by mail or personal delivery shall be issued at least five (5) calendar days before taking civil enforcement action. Such notice must describe the violation and the date by which corrective action must be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal with VCWWD no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and VCWWD will mail written notice of the hearing date to the customer at least five (5) calendar days before the date of the hearing.
 - (2) Pending receipt of a written appeal or pending a hearing pursuant to an appeal, VCWWD may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violations and the current declared water Level condition.
 - (3) All appeal hearings shall be conducted before the District Manager or designee. The District Manager or designee shall be the final decision maker on all appeals.

- (5) **Water Flow Restrictor:** In addition to any fines and penalties, VCWWD may install, upon its customers, a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services for violations of mandatory water use restrictions set forth in this article after five (5) calendar days' written notice of intent.
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- (d) **Notice and Hearing for Civil Enforcement:**
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 - (2) Pending receipt of a written appeal or pending a hearing pursuant to an appeal, VCWWD may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violations and the current declared water Level condition.
 - (3) All appeal hearings shall be conducted before the District Manager or designee. The District Manager or designee shall be the final decision maker on all appeals.

SECTION 5. Severability.

If any section, subsection, sentence, clause, or phrase in this chapter is for any reason held invalid, the validity of the remainder of the chapter will not be affected. VCWWD hereby declares it would have passed this article and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

SECTION 6. This ordinance is effective upon adoption pursuant to Water Code Section 376.

SECTION 7. Publication.

The District Secretary shall cause this ordinance to be published in full within ten days after its adoption pursuant to Water Code Section 376 and Government Code Section 6061.

PASSED and ADOPTED this

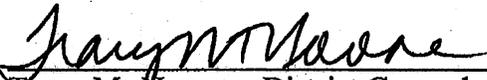
Attest:

District Secretary

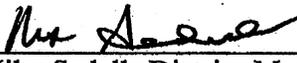
Paul Miller, Chair of the Ventura
County Waterworks District No. 8

Approved as to Form:

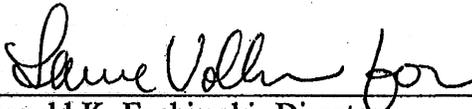
Approved as to Content:



Tracy M. Noonan, District Counsel



Mike Sedell, District Manager



Ronald K. Fuchiwaki, Director
Department of Public Works

NOTICE OF EXEMPTION

To: County Clerk
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93001

From: City of Simi Valley
2929 Tapo Canyon Road
Simi Valley, CA 93063

Project Title: An Ordinance Establishing a Water Conservation Program

Project Location - Specific: Citywide

Project Location - City: Simi Valley Project Location - County: Ventura

Description of Project: The proposed ordinance, which is based on MWD's model ordinance, establishes a water conservation program that prohibits water waste and imposes water use restrictions and penalties to reduce water consumption within the District's service area.

Name of Public Agency Approving Project: City of Simi Valley

Date of Approval

Name of Person or Agency Carrying Out Project: Ventura County Waterworks District No.8

Exempt Status: (check one)

- Ministerial [Sec. 21080(b)(1); 15268];
- Declared Emergency [Sec. 21080(b)(3); 15269(a)];
- Emergency Project [Sec. 21080(b)(4); 15269(b)(c)];
- Categorical Exemption - State type and section number Section 15308, Class 8
- Statutory Exemptions - State code number _____
- General Rule [Sec. 15061(b)(3)]

Text of exemption and reasons why project is exempt:

Section 15308, titled Actions by Regulatory Agencies for Protection of the Environment, reads as follows:

"Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption."

The proposed ordinance includes permanent water-waste prohibitions, escalating water restrictions to be implemented over three water-supply shortage conditions, and penalties. The permanent water restrictions recognize that approximately 60-percent of all water use is outside the home and include primarily behavior modification measures such as limiting irrigation times, prohibiting the washing of paved surfaces, and controlling excessive irrigation runoff. These measures are intended to protect the environment by ensuring that water supplies are used efficiently. Therefore the project meets the intent of CEQA Guidelines Section 15308.

Lead Agency

Contact Person: Ernest Wong Area Code/Telephone (805) 583-6896

Signature: *Lauren Funaiole* Date: 5/08/09 Title: Senior Planner
Lauren Funaiole Dept. of Environmental Services

Signed by Lead Agency

