



## Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

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**Date:** October 8, 2014  
**To:** Board of Directors  
**From:** Paavo Ogren, General Manager  
**Subject:** Agenda Item #11

**Submission for approval a Drought Emergency Resolution regulating outdoor irrigation and prohibiting the distribution or appropriation of District water, with specified exemptions**

### Recommendation

It is recommended that your Board approve the attached resolution regulating outdoor irrigation and prohibiting the distribution or appropriation of District water, with specified exemptions, approve the CEQA notice of exemption, and direct the General Manager to file.

### Discussion

The resolution (Attachment "A") has been prepared to comply with recent emergency regulations adopted by the California State Water Board (SWB). On July 15, 2014 the SWB adopted Resolution No. 2014-0038, which established Emergency Water Conservation Regulations (Attachment "B"). Those regulations include the following:

- A. Conservation measures that are encouraged by the SWB,
- B. Measures that are required for "Urban Water Suppliers," and
- C. Measures that are required of all water suppliers.

The Oceano Community Services District (District) is not an Urban Water Supplier because the District serves less than 3,000 connections and distributes less than 3,000 acre feet of water per year. Highlighted in yellow in Attachment "B" are the measures that are encouraged, and those required for the District.



### Outdoor Irrigation Restrictions

Section Two (2) of the resolution establishes the time that watering can occur for outdoor ornamental and turf irrigation. Based on discussion with a local licensed landscaper and review of water conservation literature, watering in the morning hours is encouraged to promote conservation and prevent disease which can occur when plants are damp over the course of the evening hours. The schedule also illustrates that outdoor irrigation is permissible seven days a week but with reduced hours. This schedule is proposed to reduce the likelihood that customers will over-water under a schedule that provides only two predetermined days to water. It provides more flexibility to apply water based on soil conditions and plant needs. It reduces the peak demands that might otherwise be placed on the District's water system. It also provides the General Manager the authority to establish a more rigid watering schedule if needed.

### Prohibition against the distribution or appropriation of District water

Section Three (3) prohibits the appropriation or distribution of District water without the District's express written consent unless otherwise exempted. Examples of exemptions include existing users that are operating permitted wells and those who have established rights under the Santa Maria Groundwater Basin adjudication. The prohibition is consistent with the need to conserve water and reduce the likelihood that District water is misappropriated or transported out of the District boundaries without your Board's written consent.

### Exemptions

Section Four (4) provides for the following exemptions to the resolution to minimize economic impact to the community's businesses:

- a. De minimis use of less than 1 unit (748 gallons) per bi-monthly billing period for potted plants, raised flower beds, and other miscellaneous landscaping use associated with businesses that provide goods and services to the general public.
- b. Landscaping nursery operations.
- c. Agricultural operations.



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## Encouraged Measures

### *Educate customers and employees*

- ✓ Retail water suppliers should provide notice of the regulations in English and Spanish in one or more of the following ways: newspaper advertisements, bill inserts, website homepage, social media, notices in public libraries;
- ✓ Wholesale suppliers should include reference to the regulations in their customer communications;
- ✓ All water suppliers should train personnel on the regulations;
- ✓ All water suppliers should provide signage where recycled or reclaimed water is being used for activities that the emergency regulations prohibit with the use of potable water, such as operation of fountains and other water features;
- ✓ All water suppliers should redouble their efforts to disseminate information regarding opportunities and incentives to upgrade indoor fixtures and appliances;
- ✓ All water suppliers should use education and the tools available through the Save Our Water website (<http://saveourwater.com>); and
- ✓ All water suppliers should educate and prepare their boards and councils on the drought response actions contained in the emergency regulations and in this resolution, and to make sure that drought response items are placed on agendas as early as possible;

### *Increasing local supplies*

- ✓ All water suppliers should accelerate the completion of projects that will conserve potable water by making use of non-potable supplies, such as recycled water, "greywater," and stormwater collection projects;
- ✓ All water suppliers should improve their leak reporting and response programs and request that police and fire departments and other local government personnel report leaks and water waste that they encounter during their routine duties/patrols;
- ✓ Smaller water suppliers – those with fewer than 3,000 service connections – should take proactive steps to secure their communities' water supplies and educate their customers about water conservation and the status of their supply reserves;
- ✓ All water suppliers should conduct water loss audits and make leak detection and repair a top priority for the duration of the drought; and
- ✓ All urban water suppliers should evaluate their rate structures and begin to implement needed changes as part of planning for another dry year. Information and assistance on setting and implementing drought rates is available from the Alliance for Water Efficiency. (<http://www.allianceforwaterefficiency.org/>).

The SWB emergency resolution also recognizes that disadvantaged communities may need assistance in implementing the encouraged measures. As a result, staff will work on the encouraged measures within existing budget limitations.



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## Statewide Regulations

Lastly, in addition to the encouraged and required measures of local water suppliers, the SWB emergency resolution also established the following statewide prohibitions.

### Sec. 864 Prohibited Activities in Promotion of Water Conservation

(a) To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks; and

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(b) The taking of any action prohibited in subdivision (a) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

## Other Agency Involvement

The State Water Board has broad water resources powers and adopted resolution 2014-0038 in order to require specific conservation measures throughout California and additional measures on Urban Water Suppliers.

## Other Financial Considerations

Nominal costs are associated with the consideration and adoption of the attached resolution. Overall water conservation efforts can increase District costs and have a significant reduction in the District's operating revenues; the SWB encourages water suppliers to evaluate their water rate structures and to begin implementing changes in the event the drought persists in 2015. Previous discussions with your Board targeted the first quarter of 2015 for this work effort so that drought emergency rates can be established by the end of March 2015, if necessary.



## Results

Consideration of the attached resolution and modifications, if any, will help ensure conservation measures and supports healthy and livable communities.

### Attachments:

- A. Resolution regulating outdoor watering and prohibiting the distribution or appropriation of District water.
- B. State Water Board Resolution 2014-0038 and associated regulations.
- C. State Water Board Fact Sheet

**RESOLUTION NO. \_\_\_\_**  
**OCEANO COMMUNITY SERVICES DISTRICT, STATE OF CALIFORNIA**  
**A RESOLUTION REGULATING OUTDOOR WATER USE IN ACCORDANCE**  
**WITH THE DROUGHT EMERGENCY WATER CONSERVATION**  
**REGULATIONS ADOPTED BY THE STATE WATER RESOURCES CONTROL**  
**BOARD ON JULY 15, 2014 PER RESOLUTION NO. 2014-0038 AND SET FORTH IN**  
**CALIFORNIA CODE OF REGULATIONS, TITLE 23, SECTIONS 863, 864 AND 865**  
**AND OTHER WATER EMERGENCY REGULATIONS**

**Section 1. Findings and Declarations.**

The Board of Directors makes the following findings in support of the enactment of this Resolution within the Oceano Community Services District (District):

- A. The District is a distributor of a public water supply within its boundaries.
- B. The District is not an “Urban water supplier” as defined in Water Code Section 10617, as it does not provide water for municipal purposes to more than 3,000 customers and does not provide more than 3,000 acre-feet of water annually.
- C. On July 15, 2014, per Resolution No. 2014-0038, the State Water Resources Control Board adopted Emergency Water Conservation Regulations set forth in California Code of Regulations, Title 23, Sections 863, 864 and 865, effective on or around August 1, 2014.
- D. Subsection (e) of Section 865 of the Emergency Water Conservation Regulations requires each distributor of a public water supply, that is not an Urban water supplier, to either limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two (2) days per week or implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.
- E. The District finds that developing an outdoor irrigation that is limited to 46 hours per week, which is less than 48 hours per week based on two days a week, can achieve a comparable level of conservation through the following measures:
  - a. By timing the application of water to early morning hours,
  - b. By avoiding excessive watering that can occur when only two specific days of

watering are allowed, and when water losses can be exasperated due to the porosity of sandy soils,

- c. By irrigating based on the moisture content of the soil and the needs of the landscaping, and
  - d. By authorizing the General Manager to establish watering schedules for the District that can further limit the days in which a specific property may irrigate ornamental landscapes and turf.
- F. The District also finds that in its role and authority as the distributor of a public water supply within its boundaries, no other persons should distribute or appropriate water obtained from the District or pumped through wells and facilities that are not owned by the District but which exist within the boundaries of the District, with the following exceptions:
- a. With the expressed written consent of the District
  - b. For those property owners that have specific rights to do so as established by the Santa Maria Groundwater Basin adjudication and associated judicial determinations.
  - c. The water systems serving the town of Halcyon for use in Halcyon.
  - d. Other historical uses established with approved and documented permits.
- G. Furthermore, the District finds that exemptions to the following uses are necessary to mitigate economic impacts:
- a. De minimis use of less than 1 unit (748 gallons) per bi-monthly billing period for potted plants, raised flower beds and other miscellaneous landscaping use associated with businesses that provide goods and services to the general public.
  - b. Landscaping nursery operations.
  - c. Agricultural operations.
- H. This Resolution is exempt from Section 21000 et seq. of the California Public Resource Code (California Environmental Quality Act) pursuant to Section 21080(b)(1) of the California Environmental Quality Act, and Guidelines Section 15268 because adoption of the Resolution is non-discretionary, and therefore, ministerial.

**Section 2. Restrictions on Outdoor Water Use.**

The following water restrictions shall remain in effect for as long as the Drought Emergency Water Conservation Regulations adopted by the State Water Resources Control Board on July 15, 2014 per Resolution No. 2014-0038 and set forth in California Code of Regulations, Title 23, Sections 863, 864 and 865 are in effect, including any extension thereof:

- A. Irrigation of ornamental landscapes or turf with potable water by customers within Oceano Community Services District is permitted only in accordance with the following schedule:

Day of Week	Hours of Allowed Irrigation
Sunday	6:00 am – 2:00 pm
Monday	4:00 am – 10:00 am
Tuesday	4:00 am – 10:00 am
Wednesday	4:00 am – 10:00 am
Thursday	4:00 am – 10:00 am
Friday	4:00 am – 10:00 am
Saturday	6:00 am – 2:00 pm

- B. The General Manager is authorized to establish watering schedules for the District that can further limit the days in which a specific property may irrigate ornamental landscapes and turf.

**Section 3. Prohibition against the Distribution or Appropriation of Water**

No person shall distribute or appropriate water obtained from the District or pumped through wells and facilities that are not owned by the District but which exist within the boundaries of the District, with the following exceptions:

- a. With the expressed written consent of the District
- b. For those property owners that have specific rights to do so as established by the Santa Maria Groundwater Basin adjudication and associated judicial determinations.

- c. The water systems serving the town of Halcyon for use within Halcyon.
- d. Other historical uses established with approved and documented permits.

#### **Section 4. Exemptions**

The following exemptions to this resolution are granted:

- a. De minimis use of less than 1 unit (748 gallons) per bi-monthly billing period for potted plants, raised flower beds and other miscellaneous landscaping use associated with businesses that provide goods and services to the general public,
- b. Landscaping nursery operations
- c. Agricultural operations
- d. Exemptions granted by General Manager on case by case basis after making findings of fact justifying any such exemption.

#### **Section 5. Enforcement.**

A violation of this Resolution is a violation of a restriction authorized by and imposed in accordance with the rules and regulations set forth in Section 1 of this Resolution and constitutes a violation of controls during emergencies and/or a violation of the control of maximum usage limits identified in the Resolutions set forth in Section 1 of this Resolution. In the event of a violation of this Resolution, the District may, in its discretion and in addition to all other remedies, take such enforcement actions and impose such fees as are authorized in the rules and regulations, Resolutions and/or contracts set forth in Section 1 of this Resolution and applicable to the customers of the District.

#### **Section 6. Effective Date.**

This Resolution shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this Resolution, it shall be published once with the names of the members of the Board of Directors voting for and against the Resolution in a newspaper of general circulation published in the Community of Oceano, State of California.

Introduced at a regular meeting of the Board of Directors held on the \_\_\_\_day of \_\_\_\_, 2014, and passed and adopted by the Board of Directors of the Oceano Community Services District, State of California on the \_\_\_\_day of \_\_\_\_\_, 2014, by the following roll call vote, to-wit:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
President of the Board of Directors of  
the Oceano Community Services District,  
State of California

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Directors, Oceano  
Community Services District, State of  
California

By: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

**JEFFREY A. MINNERY**

District Counsel

By: \_\_\_\_\_

District Counsel

Dated: September , 2014



# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

## Notice Of Exemption

**Project Title and No.:** A RESOLUTION REGULATING OUTDOOR WATER USE IN ACCORDANCE WITH THE DROUGHT EMERGENCY WATER CONSERVATION REGULATIONS ADOPTED BY THE STATE WATER RESOURCES CONTROL BOARD ON JULY 15, 2014 PER RESOLUTION NO. 2014-0038 AND SET FORTH IN CALIFORNIA CODE OF REGULATIONS, TITLE 23, SECTIONS 863, 864 AND 865 AND OTHER WATER EMERGENCY REGULATIONS.

<b>Project Location(Specific address):</b> Oceano California	<b>Project Applicant &amp; Phone No.:</b> Oceano Community Services District (805) 481-6730
<b>Project Location(County):</b> San Luis Obispo	<b>Applicant Address (specific):</b> 1655 Front St. Oceano, CA. 93475

### Description of Nature, Purpose and Beneficiaries of Project

The following is the project description:

**A RESOLUTION REGULATING OUTDOOR WATER USE IN ACCORDANCE WITH THE DROUGHT EMERGENCY WATER CONSERVATION REGULATIONS ADOPTED BY THE STATE WATER RESOURCES CONTROL BOARD ON JULY 15, 2014 PER RESOLUTION NO. 2014-0038 AND SET FORTH IN CALIFORNIA CODE OF REGULATIONS, TITLE 23, SECTIONS 863, 864 AND 865 AND OTHER WATER EMERGENCY REGULATIONS.**

The purpose of the project and related activities is to 1) help ensure that the Oceano Community Services District complies with the outdoor water use regulations adopted by the State Water Resources Control Board, 2) promote water conservation and regulate misuse of water during the drought.

**Name of Public Agency Approving Project:** Oceano Community Services District

### 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 {Sec. \_\_\_\_\_; Class: \_\_\_\_\_}
- Statutory Exemption {Sec. 15262}

**Reasons why project is exempt:** The activity is statutorily exempt from CEQA because adoption of the regulations are non-discretionary, and therefore, ministerial.



## Oceano Community Services District

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Paavo Ogren, General Manager  
Oceano Community Services District

(805) 481-6730

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**Lead Agency Contact Person**

**Telephone**

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**If filed by applicant:**

1. Attach certified document of exemption finding
  2. Has a notice of exemption been filed by the public agency approving the project?
    - Yes
    - No
- 

Signature \_\_\_\_\_ Date \_\_\_\_\_



# Oceano Community Services District

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