

# STAFF REPORT

DATE: June 10, 2008

TO: Water/Sewer Committee

FROM: Lonnie Thibodeaux, Water Utilities Director

SUBJECT: **RECOMMEND INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 37 OF THE OCEANSIDE CITY CODE BY REVISING THE EXISTING WATER CONSERVATION PLAN AND ADDING DROUGHT RESPONSE CONSERVATION MEASURES TO BE IMPLEMENTED IN THE EVENT OF MANDATORY WATER REDUCTIONS**

## **SYNOPSIS**

Staff recommends that the Water/Sewer Committee recommend that the Utilities Commission recommend that the City Council introduce an ordinance (Exhibit A) amending Chapter 37 of the Oceanside City Code by revising the existing Water Conservation Plan and adding drought response conservation measures to be implemented in the event of mandatory water reductions imposed by the Metropolitan Water District and the San Diego County Water Authority.

## **BACKGROUND**

Despite early winter rain and snow levels that were at or slightly above normal, the region's imported water supplies are still recovering from historic dry conditions. Many state reservoirs were drawn down significantly to cope with dry conditions across California in 2007, and the Colorado River basin will take many years to recover from eight years of drought. As of January 2008, the two biggest reservoirs along the river, Lake Mead and Lake Powell, were at near record-low levels.

San Diego County's water supplies were cut by recent court-ordered restrictions on water deliveries from Northern California. Combined with dry conditions, these restraints are rapidly depleting water storage levels across much of the state. The court-ordered restrictions are also making the state system for managing water more vulnerable to weather changes. This will make it more difficult to recover from dry conditions in the years ahead.

Water restrictions are not expected in 2008 but the region has entered a multiyear era of diminished core water supplies, increased reliance on using stored resources, and increased water system vulnerability to weather changes. These conditions make it vitally important to keep as much water in storage as possible this year and in years

ahead. If the dry conditions do not improve, there is a possibility that local water agencies may face reduced water deliveries and will need to consider mandatory restrictions on water use. That timetable could be accelerated if legal challenges continue to result in reduced flows from the State Water Project. Water shortages could also be averted if hydrologic conditions improve and State Water Project operations are not significantly impeded through regulatory or judicial restrictions.

## **ANALYSIS**

In May 2006, the Water Authority board of directors approved a Drought Management Plan developed in concert with its 24 member agencies. The plan contains a drought response matrix that includes a list of water supply stages, actions available to the Water Authority during each stage, and guidelines for evaluating and taking such actions. The plan was formally activated in May 2007 in response to worsening water supply conditions.

In March 2008, the Water Authority approved a model drought response conservation ordinance and asked its member agencies to use the model ordinance to update their own ordinances to help provide consistency in drought response levels and water conservation requirements throughout the region. The attached draft City of Oceanside ordinance incorporates the Water Authority's model into the existing conservation plan that the City Council adopted in 1991.

The model ordinance sets up four levels of increasingly higher demand reduction targets and associated water use restrictions that can be implemented. The higher stages of the ordinance include mandatory restrictions with accompanying penalties for noncompliance. The model ordinance also coordinates these steps with the stages of the Water Authority's Drought Management Plan.

The levels in the model ordinance are:

- Level One, Drought Watch, calls for a 10 percent voluntary reduction in water use. This is the level that is currently in effect in San Diego County.
- Level Two, Drought Alert, mandates use restrictions to help achieve up to a 20 percent reduction. These include:
  - Limiting residential and commercial landscape irrigation to three assigned days per week. This does not apply to commercial growers or nurseries.
  - Limiting lawn watering and landscape irrigation to ten minutes per day.
  - Using a bucket, hand-held hose with shut-off nozzle or low-volume non-spray irrigation to water landscaped areas without irrigation systems.
  - Repairing leaks within 72 hours of notification by the City.
  - Stopping the operation of ornamental fountains or decorative water features.
- Level Three, Drought Critical, mandates use restrictions to help achieve up to a 40 percent reduction. These include all of the Level Two restrictions and the following:
  - Reducing residential and commercial landscape irrigation to two assigned days per week. This does not apply to commercial growers or nurseries.

- Stopping the filling or re-filling of ornamental lakes or ponds except to sustain aquatic life.
  - Stopping the washing of vehicles except at commercial carwashes that recirculate water or use high pressure/low volume wash systems.
  - Repair all leaks within 48 hours of notification by the City.
- Level Four, Drought Emergency, requires use restrictions to help achieve more than a 40 percent reduction on total consumer use. These include all of the Level Two and Three restrictions and the following:
    - Stopping all landscape irrigation except crops and landscape products of commercial growers and nurseries. Other exceptions to this are:
      - Maintenance of existing landscaping for fire protection or erosion control.
      - Maintenance of rare plant materials or plants essential to rare animals.
      - Maintenance of landscaping within active public parks and playing fields, schools, cemeteries and golf course greens provided irrigation does not exceed two days per week.
      - Watering of livestock.
      - Public works projects and actively irrigated environmental mitigation projects.
    - Repairing all leaks within 24 hours of notification by the City.

If Drought Level Three or Four is declared, no new potable water service and/or temporary and permanent meters will be provided, unless:

- A valid, unexpired building permit has been issued for the project;
- The project is necessary to protect the public's health, safety, and welfare; or
- The applicant provides, to the satisfaction of the City, 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).

These exceptions assure that the economic benefits of development to the City will continue during mandatory water reductions.

Each level contains water use restrictions that become progressively more significant and are designed to defer economic impacts to more critical shortage conditions. The water use restrictions also focus on prohibiting wasteful water use practices, while avoiding penalizing customers who are already using water wisely.

Penalties for violations include:

- A fine not exceeding \$100.00 for a first violation;
- A fine not exceeding \$200.00 for a second violation of the same article, section or provision within one year;
- A fine not exceeding \$500.00 for each violation within one year;
- The fourth and each additional violation within one year is a misdemeanor punishable by a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding six months, or by both fine and imprisonment

## **FISCAL IMPACT**

The attached draft Drought Response Conservation Plan is a revision of the adopted City Water Conservation Plan to establish the updated water reduction actions and targets developed for the region by the San Diego County Water Authority. The Oceanside City Code's current provisions for establishing penalties (Section 1.7) and administrative remedies (Section 1.14 through 1.14.8) will apply to violators of the water reduction restrictions. These penalties and remedies will be in addition to any other rate charged for excess water use.

## **COMMISSION OR COMMITTEE REPORT**

Does not apply.

## **CITY ATTORNEY'S ANALYSIS**

The referenced documents have been reviewed by the City Attorney and approved as to form.

## **RECOMMENDATIONS**

Staff recommends that the Water/Sewer Committee recommend that the Utilities Commission recommend that the City Council introduce an ordinance (Exhibit A) amending Chapter 37 of the Oceanside City Code by revising the existing Water Conservation Plan and adding drought response conservation measures to be implemented in the event of mandatory water reductions imposed by the Metropolitan Water District and the San Diego County Water Authority.

PREPARED BY:

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Greg Blakely  
Administration Manager

Exhibit A: Ordinance adding Drought Response Conservation Measures to be implemented in the event of mandatory water reductions