

**COASTSIDE COUNTY WATER DISTRICT**

**766 MAIN STREET**

**HALF MOON BAY, CA 94019**

**SPECIAL MEETING OF THE BOARD OF DIRECTORS**

**Thursday, March 24, 2022 - 7:00 p.m.**

**AGENDA**

Due to the Covid-19 pandemic, and in accordance with Assembly Bill 361, which modifies California Government Code Section 54953, the Boardroom will not be open to the public for the March 24, 2022, Special Meeting of the Board of Directors of the Coastside County Water District. This meeting will be conducted remotely via teleconference only.

The Public may watch and/or participate in the public meeting by joining the meeting through the Zoom Videoconference link provided below. The public may also join the meeting by calling the below listed teleconference phone number.

How to Join Online or by Phone

*The meeting will begin at 7:00 p.m.*

Whether you participate online or by telephone, you may wish to “arrive” early so that staff can address any technology questions prior to the start of the meeting.

**ONLINE:**

Join Zoom Meeting

<https://us06web.zoom.us/j/84191538921?pwd=L1VsaWswd0NaZ1ltSFBWeGtHdGNldz09>

Meeting ID: 841 9153 8921

Passcode: 447760

One tap mobile

+16699006833,,84191538921#,,,,\*447760# US (San Jose)

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 841 9153 8921

Passcode: 447760

Find your local number: <https://us06web.zoom.us/j/kdvI2fSdGF>

*Procedures to make a public comment with Zoom Video/Conference – As a reminder, all participants except the Board Members and Staff are muted on entry.*

- **From a computer:** (1) Using the Zoom App. at the bottom of your screen, click on “Participants” and then “Raise Hand”. Participants will be called to comment in the order in which they are received. Begin by stating your name and place of residence.

*or*

- (2) Using the Zoom App, at the bottom of your screen click on “Chat” and then type that you wish to make a comment into the Chat Box. Ensure that the “To:” field is populated by either “Everyone” or “the Moderator”. Begin by stating your name and place of residence.
- **From a phone:** Using your keypad, dial \*9, and this will notify the Moderator that you have raised your hand. Begin by stating your name and place of residence. The Moderator will call on you by stating the last 4 digits of your phone number. If you wish to block your phone number dial \*67 prior to dialing in. If your phone number is not displayed, the Moderator will call you by Caller number.

The Coastside County Water District (CCWD) does not discriminate against persons with disabilities. Upon request, the agenda and agenda packet materials can be provided in a format to accommodate special needs. If you require a copy of the agenda or related materials in an alternative format to accommodate a disability, or if you wish to attend this public meeting and will require special assistance or other special equipment, please call the District at (650) 726-4405 in advance and we will make every reasonable attempt to provide such an accommodation.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the CCWD District Office, located at 766 Main Street, Half Moon Bay, CA at the same time that the public records are distributed or made available to the legislative body.

*This agenda and accompanying materials can be viewed on Coastside County Water District’s website located at: [www.coastsidewater.org](http://www.coastsidewater.org).*

**The Board of the Coastside County Water District reserves the right to take action on any item included on this agenda.**

**1) ROLL CALL**

**2) PLEDGE OF ALLEGIANCE**

**3) PUBLIC COMMENT**

*At this time members of the public may address the Board of Directors on issues not listed on the agenda which are within the purview of the Coastside County Water District. Comments on matters that are listed on the agenda may be made at the time the Board is considering each item. Each speaker is allowed a maximum of three (3) minutes and must complete and submit a speaker*

*slip. The President of the Board will recognize each speaker, at which time the speaker should proceed to the podium, give their name and address and provide their comments to the Board.*

**4) PUBLIC HEARING**

**A. For community input on the proposed Ordinance No. 2022-01 Declaring a Water Shortage Emergency and Implementing Mandatory Water Use Restrictions and Prohibitions ([attachment](#))**

- a. Staff Presentation of Ordinance 2022-01 Declaring a Water Shortage Emergency and Implementing Mandatory Water Use Restrictions ([Staff Presentation](#))
- b. Open Public Hearing
- c. Public Comments ([Written Public Comments](#))
- d. Close Public Hearing
- e. Board Comments

**B. Consider Adoption of Ordinance 2022-01 Declaring a Water Shortage Emergency and Implementing Mandatory Water Use Restrictions and Prohibitions under Stage 2 - Water Shortage Emergency Warning - of the District's Water Shortage Contingency Plan**

**5) ADJOURNMENT**

## STAFF REPORT

**To:** Coastside County Water District Board of Directors

**From:** Cathleen Brennan, Water Resources Analyst  
via Mary Rogren, General Manager

**Agenda:** March 24, 2022

**Report Date:** March 21, 2022

**Subject:** Ordinance 2022-01 Declaring a Water Shortage Emergency and Implementing Mandatory Water Use Restrictions and Prohibitions

**Attachments:** Attachment A: Proposed Ordinance No. 2022-01  
Attachment B: State Water Resources Control Board Resolution No. 2022-0002  
Attachment C: Stage 2-Water Shortage Emergency Warning Description

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### Staff Recommendations

- Adopt Ordinance 2022-01 Declaring a Water Shortage Emergency and Implementing Mandatory Water Use Restrictions and Prohibitions under Stage 2 – Water Shortage Emergency Warning – of the District's Water Shortage Contingency Plan.
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### Background

California is experiencing a third consecutive year of drought conditions across the state. Drought conditions are impacting all the watersheds that the District relies on for water supplies. Governor Newsom has declared a statewide drought emergency, the State Water Resources Control Board (SWRCB) adopted emergency water conservation regulations to supplement voluntary water conservation, and the San Francisco Public Utilities Commission (SFPUC) has declared a water shortage emergency and allocated Coastside County Water District (District) 342 million gallons for calendar year 2022.

The Department of Water Resources announced on March 18th that The State Water Project is reducing their water allocations to 5 percent after the driest January and February on record.

The base year chosen by SFPUC, and upon which the reductions are based, is fiscal year ending (FYE) in 2020. FYE 2020 is the most recent year without any requests for voluntary conservation measures.

The District is an urban water supplier, as defined in California Water Code, Section 10617, and must manage water supplies and water demand within its jurisdiction. The District's goal is to maintain public health, public safety, and minimize impacts on the local economy. Staff is communicating with SFPUC regarding the District's water allocation and the potential to acquire additional water supplies to avoid more stringent water use restrictions and prohibitions.

The District previously implemented a Stage 2 Water Shortage Emergency Warning in August of 2014 through April of 2017. The difference between the last water shortage and this current water shortage is the SFPUC has declared a water shortage emergency and imposed allocations during this current water shortage.

### **Ordinance No. 2022-01 Summary**

Staff is proposing the adoption of an ordinance that declares a water shortage emergency pursuant to California Water Code Sections 350 et seq. and 31026 et seq. and implements mandatory water use restrictions consistent with the SWRCB emergency regulations and the District's Water Shortage Contingency Plan. The District's goal is to reduce total water sales by 17 percent by eliminating water waste and reducing irrigation by 50 percent. The proposed ordinance is organized into sections.

**Section I** lists the findings and determinations for the water shortage emergency and ordinance.

**Section II** provides definitions of key terms used in the ordinance.

**Section III** contains the District's declaration of a water shortage emergency for the service area, so that the District may proceed with implementation of water use restrictions and prohibitions. The emergency is declared primarily based on SFPUC's declaration of a water shortage emergency and implementation of water allocations under Tier 2 of the District's agreement with SFPUC.

**Section IV** contains the prohibitions found in the SWRCB emergency regulations (Title 23 Section 995) for wasteful and unreasonable water uses and the District's water waste prohibitions. It also contains specific requirements for the use of portable meters, and the hospitality sector.

To give guidance to our residential customers, there is a **voluntary** request that residential customers do not exceed 50 gallons per day per person in total water usage. This is equivalent to 2 billing units (1,496 gallons) per month, per person.

To assist all customers with meeting the reductions in water use, there are mandatory restrictions on outdoor irrigation. Please note that agriculture and floriculture customers are not considered outdoor irrigation. The District would still ask the agriculture and floriculture customers, along with other non-residential customers, to **voluntarily** meet 15 percent reductions from FYE 2020.

During the months of March through September, spray irrigation would be allowed a maximum of two days a week and shall not exceed ten minutes per irrigation station. Spray irrigation is prohibited between 8:00 a.m. and 5:00 p.m. Spray irrigation is prohibited on

Friday, Saturday, and Sunday. Low volume irrigation, as defined in this ordinance, is exempt from the days of the week, time of the day, and length of time restrictions.

- Odd address allowed to irrigate on Tuesday and Thursday
- Even address allowed to irrigate on Monday and Wednesday
- No address allowed to irrigate on Tuesday and Thursday

The District's untreated water customer is limited to 50 percent of their FYE 2020 water purchases from the District. The District is restricting irrigation on ornamental landscaping at golf courses, but not on the playing greens. The District is requesting a **voluntary** 50 percent reduction in golf course water purchases for irrigation from their FYE 2020 water purchases.

Under the SWRCB emergency regulations, there are specific prohibitions for homeowners' associations and those prohibitions are included in this ordinance.

**Sections V** describes the enforcement measures available to the District for violations of the restrictions and prohibitions listed in the ordinance.

**Section VI** describes the appeal process available to customers.

The ordinance would become effective after it is published in a newspaper of general circulation and posted on the District's website. It shall remain in effect until the District rescinds the declaration of water shortage emergency.

### **Impacts to District Resources**

There are significant fiscal impacts in connection with declaring a water shortage emergency, imposing mandatory water use restrictions, and implementing stage 2 - Water Shortage Emergency Warning. Costs associated with these actions were not included in the FYE 2022 budget. In addition, there will be a decrease in water sales impacting revenue.

DRAFT

## PROPOSED ORDINANCE NO. 2022-01

AN ORDINANCE OF  
THE COASTSIDE COUNTY WATER DISTRICT**An ordinance declaring a water shortage emergency and implementing mandatory water use restrictions and prohibitions under Stage 2 - Water Shortage Emergency Warning - of the District's Water Shortage Contingency Plan**

Be it ordained by the Board of Directors of the Coastside County Water District (District) as follows:

**SECTION I: FINDINGS AND DETERMINATIONS**

This ordinance is adopted considering the following facts and circumstances, which are hereby found and declared by the Board of Directors.

**WHEREAS**, the District is an urban water supplier that has an Urban Water Management Plan that was adopted on June 8, 2021; and

**WHEREAS**, the District adopted an updated Water Shortage Contingency Plan on June 8, 2021; and

**WHEREAS**, In 2021, most of California experienced extreme or extraordinary drought conditions, including the watersheds the District relies on for water supplies; and

**WHEREAS**, the U. S. Department of Agriculture informed Governor Newsom in writing on March 5, 2021, that 50 California counties were being designated as primary disaster areas due to drought conditions and San Mateo County was listed as one of those counties; and

**WHEREAS**, the San Francisco Public Utilities Commission (SFPUC) requested 10 percent voluntary water use reduction in irrigation water use system-wide on April 15, 2021; and

**WHEREAS**, Governor Newsom declared a drought state of emergency on May 10, 2021, that included watersheds the District relies on for imported water; and

**WHEREAS**, the District implemented Stage 1 – Water Shortage Advisory of its Water Shortage Contingency Plan on May 11, 2021, with the Board of Directors

adopting Resolution 2021-02, informing the public of a possible water shortage and requesting voluntary water conservation; and

**WHEREAS**, on July 8, 2021, Governor Newsom issued an executive order (N-10-21) asking all Californians to voluntarily reduce their water use by 15 percent from their 2020 levels; and

**WHEREAS**, on July 8, 2021, Governor Newsom issued a Proclamation of a State of Emergency adding the County of San Mateo, among other counties, to the list of counties in a state of emergency due to drought; and

**WHEREAS**, on July 12, 2021, the SFPUC asked all their wholesale customers, including the District and all Bay Area Water Supply and Conservation Agency (BAWSCA) member agencies, to voluntarily reduce their water use by 15 percent; and

**WHEREAS**, on October 19, 2021, Governor Newsom issued a Proclamation of a State of Emergency encouraging Californians to re-double their efforts to voluntarily reduce their water use by 15 percent from their 2020 levels, directing local water suppliers to execute their Urban Water Shortage Contingency Plans at a level appropriate to local conditions that take into account the possibility of a third consecutive dry year, and authorizing the State Water Resources Control Board to adopt emergency regulations as it deems necessary to supplement voluntary conservation by prohibiting certain wasteful water practices;

**WHEREAS**, the Coastside has experienced two consecutive years of extreme drought conditions and there is a strong possibility of a third year of dry conditions; and

**WHEREAS**, the State Water Resources Control Board implemented curtailments on the Tuolumne River diversions that went into effect on August 20, 2021 and those curtailments impact SFPUC's available water supplies; and

**WHEREAS**, the SFPUC declared a water supply emergency on November 23, 2021, with a request for voluntary reductions in water purchases from its wholesale customers based on FYE 2020; and

**WHEREAS**, the Tier 1 and the Tier 2 Agreements between SFPUC and among BAWSCA member agencies, became effective once SFPUC declared a water shortage emergency; and



**WHEREAS**, the Tier 2 Agreement allocates the available water among BAWSCA agencies; and

**WHEREAS**, the District received their final allocation of water supply for calendar year 2022 (342 MG | 457,235 ccf | 0.9 MGD) on January 3, 2022, from SFPUC; and

**WHEREAS**, the District obtains a significant amount of its water supply from the SFPUC and the median amount the District purchases annually is about 1.65 MGD; and

**WHEREAS**, the District will maximize its use of local water sources to the greatest extent possible; and

**WHEREAS**, the District's average water demand in FYE June 30, 2021, was 1.82 MGD; and

**WHEREAS**, the State Water Resources Control Board adopted Resolution No. 2022-0002 on January 4, 2022, to adopt emergency regulations to supplement voluntary water conservation; and

**WHEREAS**, as of February 2022, most of California improved to severe drought conditions due to greater than normal precipitation in December 2021; and

**WHEREAS**, the District's goal is to achieve an overall 17 percent reduction in water (consumption) use from FYE 2020 by targeting outdoor water use; and

**WHEREAS**, Stage 2 – Water Shortage Emergency Warning of the District's Water Shortage Contingency Plan describes a menu of options including mandatory restrictions and prohibitions on outdoor water use; and

**WHEREAS**, the District's Board of Directors may declare a water shortage emergency pursuant to California Water Code sections 350, et seq, and 31026, et seq; and

**WHEREAS**, Article X Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use to the fullest extent of which they are capable and that waste, unreasonable use or unreasonable method of use of water be prevented, and that 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 Water Code section 353, when the District's Board of Directors declares a water shortage emergency within its service area, it shall adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will in the sound discretion of such governing body conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection; and

**WHEREAS**, pursuant to Water Code sections 365 et seq., during periods when the Governor has issued a proclamation of a state of emergency based on statewide drought conditions and local drought conditions, urban water retail providers like the District shall establish a method to discourage excessive water use, which can include establishing an excessive use ordinance; and

**WHEREAS**, the actions taken hereinafter are exempt from the provisions of Section 21000 et seq. of the Public Resources Code as a project undertaken as immediate action necessary to prevent or mitigate an emergency pursuant to Title 14, California Code of Regulations Section 15269 and as a project undertaken to assure the maintenance, restoration, or enhancement of a natural resource pursuant to Title 14, California Code of Regulations Section 15307.

## SECTION II: DEFINITIONS

**Account:** Water service assigned to a property and a customer.

**Customer:** Any person, whether within or without the geographical boundaries of the District, who uses water supplied by the District.

**Decorative Water Feature:** Above ground or below-grade outdoor structure that contains water and is used for decoration or noise abatement.

**District:** Coastside County Water District.

**General Manager:** The General Manager of Coastside County Water District or the General Manager's designee.

**Incidental Runoff:** Any unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design or system design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

**Low volume irrigation systems:** Any irrigation system that applies irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip, driplines, microspray and bubblers with a very low flow rate (<2 gallons per hour [gph]) measured in gallons per hour, and that is designed to apply small volumes of water very slowly at or near the root zone of the plants. This includes but is not limited to properly functioning and designed drip irrigation systems, subsurface drip irrigation, and soaker hoses.

**Measurable rainfall:** Climatological conditions that result in  $\geq 0.25$  (greater than or equal to one quarter of one inch) inches of precipitation in any continuous 4 (four) hour period.

**Ornamental landscape:** Any landscaping where the primary function is maintaining aesthetic or decorative value. An ornamental landscape may serve other purposes but the primary purpose is decorative.

**Person:** Any customer, tenant, property owner, governmental entity, firm, association, organization, company, or business using water.

**Pool:** Any structure intended for swimming, exercise, or recreational bathing that contains water over 18 inches deep. Pools include in-ground and above ground structures, and includes but is not limited to hot tubs, spas, and nonportable wading pools.

**Special Landscapes:** Any landscape that can be shown to provide food, such as a community garden, or has a primary benefit other than decorative, and includes landscapes that serves a purpose related to public recreation for the community, such as (sports) playing fields and golf courses.

**SFPUC:** The San Francisco Public Utilities Commission and San Francisco Water

**Turf:** Grasses grown for ornamental or recreational use which are mowed regularly. It is also referred to as lawn.

**Water:** Any water delivered by or originating from Coastside County Water District's transmission and distribution system.

### **SECTION III: DECLARATION OF WATER SHORTAGE EMERGENCY**

Pursuant to Water Code sections 350 et seq., 365 et seq., and 31026 et seq, the District hereby declares a water shortage emergency to exist within the District because the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. The purpose of this ordinance is to conserve the water supply of the District for the greatest public benefit with particular regard to public health, fire protection, and domestic use, and to conserve water by reducing and restricting nonessential water use that if continued would constitute waste.

In addition, the District hereby implements Stage 2 of the District's Water Shortage Contingency Plan.

### **SECTION IV: REQUIREMENTS, PROHIBITIONS, AND RESTRICTED ACTIVITIES IN PROMOTION OF WATER CONSERVATION AND TO PREVENT THE UNREASONABLE USE OF WATER**

- A: To promote water conservation, each of the following actions is prohibited for all customers, 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 (Title 23, Division 3, Chapter 3.5, Article 2, Section 995):
1. The application of water to outdoor landscapes in a manner that causes more than incidental 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 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 use of water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard surfaced areas;
  4. The use of water for street cleaning or construction site preparation purposes unless no other method can be used or as needed to protect the health and safety of the public;
  5. The use of water for decorative (decorative water feature) fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds that use pumps to

recirculate water and only require refilling to replace evaporative losses:

6. The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain. In determining whether measurable rainfall of at least one fourth of one inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to the District.
  7. The use of water for irrigation of ornamental turf on public street medians.
- B: To prevent the waste and unreasonable use of water and to further promote water conservation, each of the following actions is prohibited for all customers:
1. The use of water that causes flooding or pooling due to super-saturation of the ground or soil.
  2. The use of water when the customer has been given written notice by the District to repair broken or defective plumbing, equipment, appliances, sprinklers, watering, or irrigation systems, and has failed to complete such repairs within 24 hours after delivery of the notice.
  3. The indiscriminate running of water or washing with water that causes runoff.
  4. The use of water for single pass through cooling systems. The use of potable water ice making machines and other mechanical equipment that utilizes a single-pass cooling system to remove and discharge heat to the sewer, including swamp coolers. Water used for all cooling purposes shall be recycled or re-circulated.
  5. Filling pools and replacing evaporated water in pools, except when a cover is being used when the pool is not in use, to limit water loss through evaporation.
- C. Specific end-user requirements and prohibitions in promotion of water conservation
1. Portable Meters: The use of water from any fire hydrant unless specifically authorized in writing by the District except for the following:

- a. regularly constituted fire protection agencies (e.g., Coastside Fire Protection District) for fire suppression purposes; or
  - b. other uses specifically authorized by the District, including water distribution system flushing, District capital improvement projects, fire flow testing, and filling of District approved vehicles for sewer system flushing and street sweeping purposes.
2. The serving of drinking water other than upon request in eating or drinking or other public places where food or drink are served or purchased.
  3. The operators of hotels, motels, inns, and bed and breakfast establishments shall provide guests with the option of choosing not to have towels and linens laundered daily. The operator shall prominently display notice of this option in each guestroom using clear and easily understood language.
  4. All residential customers shall make every effort to voluntarily achieve a maximum of 50 gallons per day per person or 2 billing units of water, per person, per month. This includes all indoor and outdoor water uses.
- D. Mandatory restrictions on outdoor Irrigation of ornamental landscapes, turf, and special landscapes to achieve a 50 percent reduction in Irrigation in promotion of water conservation. This section does not apply to agriculture or floriculture operations.
1. No person shall use or cause to be used any water for irrigation between the hours of 8:00 a.m. and 5:00 pm. Properly functioning low volume irrigation systems are exempt from this restriction.
  2. No person shall use or cause to be used any water for irrigation that exceeds 10 minutes per irrigation station (valve) during the designated day and times allowed for irrigation. Properly functioning low volume irrigation systems are exempt from the 10 minutes per irrigation station restriction.
  3. Days of the week restrictions. No person shall use or cause to be used any water for irrigation on Friday, Saturday, and Sunday.
  4. Irrigation is allowed only on the following days:
    - a. odd address and no address:

1. October through February
    - i. Thursday
    - ii. irrigation should be avoided except for extended dry periods.
  2. March through September
    - i. Tuesday and Thursday
- b. even address:
1. October through February
    - i. Monday
    - ii. irrigation should be avoided except for extended dry periods.
  2. March through September
    - i. Monday and Wednesday
- c. The address used to determine irrigation days is as it appears under "service address" in the utility billing database under account information.
- d. Section IV.D.1,2,3,4a,4b, and c. shall not apply to the following categories of water used for irrigation:
1. The use of a hand-held bucket or similar container
  2. The use of a hand-held hose with a positive shut-off valve or similar device
  3. The use of a properly functioning low volume irrigation system
  4. The use of bubblers for trees
  5. The use, for very short periods of time (<5 minutes), for the express purpose of adjusting or repairing an irrigation system
  6. The use of a legal greywater system
- e. Golf Course Greens



1. Days of week, length of time, and time of day restrictions (Section IV.D.1,2,3, 4a,4b, and c.) do not apply to golf course greens because of the large amount of area irrigated and the use of water impoundments.
2. Days of the week, length of time, and time of day restrictions do apply to ornamental landscape around the greens on a golf course.
3. Golf courses shall make every effort to voluntarily decrease their use of irrigation water purchased from the District by at least 50 percent from FYE 2020.

f. Untreated Water Customer

Days of week, length of time, and time of day restrictions do not apply to the untreated water customer because of the large amount of area irrigated and the use of water impoundments.

During this water shortage emergency, the District does not have enough surplus water to meet the irrigation demand of the District's single untreated water customer. The untreated water customer shall be limited to 50 percent of its FYE 2020 total water demand until a determination has been made that there is surplus water supplies or water supply conditions worsen.

- E. Specific prohibitions for any homeowners' association, any community service organization, or any similar entity to prevent the unreasonable use of water and to promote water conservation (Title 23, Division 3, Chapter 3.5, Article 2, Section 995)
1. Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivisions (a) and (b) of the civil code;
  2. Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the water of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil code; or
  3. Requiring an owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declared

drought emergency, as described in section 4735, subdivisions (c) and (d) of the Civil code, to reserve or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.

## **SECTION V: ENFORCEMENT**

### **A. Written Notice**

If the District believes that water has been or is being used in violation of the above restrictions, the District will send a written notice to the customer specifying the nature of the violation and the date and time of occurrence and request that the customer cease the violation and take remedial action. The District will provide the customer with a copy of the ordinance and inform the customer that failure to comply may result in termination of water service and payment of costs to enforce this ordinance.

### **B. On-Site Notification**

If a further violation(s) is observed by District, after the original written notice, the District will make reasonable efforts to notify the customer of the violation and post a notice on the front door or other point of entry onto the property requiring the customer to cease the violation and take remedial action within 48 hours of the on-site notification. Failure to comply after the on-site notification may result in the temporary termination of water service.

### **C. Termination of Water Service**

1. If a further violation(s) is observed by District personnel 48 or more hours after the on-site notification, it will be deemed a willful violation of the mandatory restrictions on water use and the District may temporarily discontinue water service.
2. The customer shall pay all outstanding fees, charges and costs incurred by the District to enforce this ordinance, including issuing notices and terminating and restoring water service. The customer's account must be in good standing, for the District to proceed with the reconnection of water service after it has been temporarily terminated under this ordinance.

- D. Misdemeanor – Pursuant to Water Code section 31029, after the publication and posting of this ordinance as set forth below, willful violation of this ordinance is a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by fine of not more than \$600, or by both imprisonment and fine.

- E. Violations of prohibited actions under Title 23, Division 3, Chapter 3.5, Article 2, Section 995 (Sections IV.A and IV.E of this Ordinance) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

## **SECTION VI: APPEALS**

Any customer, who disputes a staff determination of a violation of the above restrictions, may appeal in writing to the General Manager. The decision of the General Manager shall be final.

### **A. Written Appeal**

The written appeal must be addressed to the General Manager and include: (1) the customer's name; (2) the mailing address and site address, if different; (3) the water account number; (4) a description of the violation(s); (5) the enforcement action taken; and (6) a detailed explanation of the basis of the appeal.

Coastside County Water District  
Attn: General Manager  
766 Main Street  
Half Moon Bay, CA 94019

### **B. Criteria for Appeal**

The General Manager will evaluate each written appeal based on the following criteria: (1) public health; (2) public safety; and (3) regulatory requirements of a state or federal agency.

## **SECTION VII: EFFECTIVE DATE**

Pursuant to California Water Code 31027, this ordinance shall be effective on the day of its adoption. Within ten (10) days of its adoption, this ordinance, or a summary hereof, shall be published in the Half Moon Bay Review and posted at the District and on the District's website

All provisions of this ordinance shall remain in effect until the District cancels implementation of Stage 2 – Water Shortage Emergency Warning of the District's Water Shortage Contingency Plan.

## SECTION VIII: SEVERABILITY

If any provision of this ordinance is held to be invalid, or unenforceable in particular circumstances, such invalidity shall not affect the remainder of the ordinance which shall continue to be in full force and effect and the Board declares this ordinance to be severable for that purpose.

## SECTION IX: PUBLICATION

The public hearing was noticed at least 7 days prior to the public hearing in a newspaper (Half Moon Bay Review) of general circulation in the District's service area. [3/16/2022 and 3/23/2022]

The public hearing notice was posted on the District's website at least 7 days prior to the public hearing ([www.coastsidewater.org](http://www.coastsidewater.org)). [3/11/2022]

The public hearing notice was posted at the District's headquarters at least 14 days prior to the public hearing. [3/10/2022]

The full text of the draft ordinance was published in a newspaper (Half Moon Bay Review) of general circulation in the District's service area at least 5 days prior to the public hearing. [3/16/2022 and 3/23/2022]

The full text of the draft ordinance was posted on the District's website ([www.coastsidewater.org](http://www.coastsidewater.org)) at least 5 days prior to the public hearing. [3/16/2022]

The secretary is hereby directed to arrange for the final adopted and signed ordinance to be published in a newspaper (Half Moon Bay Review) of general circulation in the District's service area and to be posted on the District's website ([www.coastsidewater.org](http://www.coastsidewater.org)) within 10 days of adoption. [3/30/2022]

**PASSED AND ADOPTED** at a special meeting of the Board of Directors of the Coastside County Water District held on this 24th day of March 2022 by the following vote:

AYES:

NOES:

ABSENT:

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Robert Feldman, President  
Board of Directors

ATTEST:

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Mary Rogren, General Manager  
Secretary of the District

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2022-0002**

**TO ADOPT AN EMERGENCY REGULATION  
TO SUPPLEMENT VOLUNTARY WATER CONSERVATION**

WHEREAS:

1. On April 21, May 10, and July 8, 2021, Governor Newsom issued proclamations that a state of emergency exists in a total of 50 counties due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
2. On October 19, 2021, Governor Newsom signed a proclamation extending the drought emergency statewide and further urging Californians to reduce their water use.
3. There is no guarantee that winter precipitation will alleviate the current drought conditions.
4. Many Californians have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought and uncertainty about Water Year 2022 require additional conservation actions from residents and businesses.
5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers the flexibility to manage their systems efficiently. The more water that is conserved now, the less likely it is that a community will experience such dire circumstances or that water rationing will be required.
6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

7. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign ([SaveOurWater.com](http://SaveOurWater.com)), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response.
8. [SaveWater.CA.Gov](http://SaveWater.CA.Gov) is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Resources Control Board (State Water Board or Board) and relevant local water supplier.
9. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.
10. On October 19, 2021, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
11. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”
12. On November 30, 2021, the State Water Board issued public notice that the State Water Board would consider the adoption of the regulation at the Board’s regularly scheduled January 4, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
13. The emergency regulation sets a minimum standard that many communities are already doing more but not everyone is taking these low-cost, easy to implement actions that can save significant amounts of water during a drought emergency.

14. Disadvantaged communities may require assistance in increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation, including but not limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
15. The Board directs staff to consider the following in pursuing any enforcement of section 995, subdivision (b)(1)(A)-(F): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
16. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 15. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 995, as appended to this resolution as an emergency regulation.
2. State Water Board staff will submit the regulation to the Office of Administrative Law (OAL) for final approval.
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.



4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulations.
6. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

### **CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 4, 2022.

AYE: Vice Chair Dorene D'Adamo  
Board Member Sean Maguire  
Board Member Laurel Firestone  
Board Member Nichole Morgan

NAY: None

ABSENT: Chair E. Joaquin Esquivel

ABSTAIN: None

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board

## ADOPTED TEXT OF EMERGENCY REGULATION

### **Title 23. Waters**

#### **Division 3. State Water Resources Control Board and Regional Water Quality Control Boards**

#### **Chapter 3.5. Urban Water Use Efficiency and Conservation**

#### **Article 2. Prevention of Drought Wasteful Water Uses**

#### § 995. Wasteful and Unreasonable Water Uses.

(a) As used in this section:

(1) "Turf" has the same meaning as in section 491.

(2) "Incidental runoff" means unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility or system design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

(b)(1) To prevent the unreasonable use of water and to promote water conservation, the use of water is prohibited as identified in this subdivision for the following actions:

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

(B) The use of a hose that dispenses 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;

(C) The use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard surfaced areas, except in cases where health and safety are at risk;

(D) The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public;

(E) The use of potable water for decorative fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds that use pumps to recirculate water and only require refilling to replace evaporative losses;

(F) The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain. In determining whether measurable rainfall of at least fourth of one inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to the entity undertaking enforcement of this subdivision; and

(G) The use of potable water for irrigation of ornamental turf on public street medians.

(2) Notwithstanding subdivision (b)(1), the use of water is not prohibited by this section to the extent necessary to address an immediate health and safety need. This may include, but is not limited to, the use of potable water in a fountain or water feature when required to be potable because human contact is expected to occur.

(c)(1) To prevent the unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:

(A) Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivisions (a) and (b) of the Civil Code;

(B) Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code; or

(C) Requiring an owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declared drought emergency, as described in section 4735, subdivisions (c) and (d) of the Civil Code, to reverse or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.

(2) As used in this subdivision:

(A) "Architectural or landscaping guidelines or policies" includes any formal or informal rules other than the governing documents of a common interest development.

(B) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.

(C) "Common interest development" has the same meaning as in section 4100 of the Civil Code.

(D) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.

(E) "Governing documents" has the same meaning as in section 4150 of the Civil Code.

(F) "Separate interest" has the same meaning as in section 4185 of the Civil Code.

(3) If a disciplinary proceeding or other proceeding to enforce a rule in violation of subdivision (c)(1) is initiated, each day the proceeding remains pending shall constitute a separate violation of this regulation.

(d) To prevent the unreasonable use of water and to promote water conservation, any city, county, or city and county is prohibited from imposing a fine under any local maintenance ordinance or other relevant ordinance as prohibited by section 8627.7 of the Government Code.

(e) The taking of any action prohibited in subdivision (b), (c) or (d) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(f) A decision or order issued under this section by the Board or an officer or employee of the Board is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, 4150, 4185, and 4735, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 491, and 1122, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976.

## Communication Protocol

### Stage 2 – Water Shortage Emergency Warning

“Water supply conditions have worsened and it is now necessary to impose mandatory restrictions on water use. The District encourages customers to conserve water and to help the District achieve a 17 percent reduction in water consumption. Conserving water now will help maintain an adequate water supply to meet the public health and safety needs of the community.”

#### Stage 2: Water Shortage Emergency Warning

If water supply conditions worsen, this stage would begin to implement **mandatory** restrictions on water use. This stage would be a transitional stage to prepare customers and the District for a Water Shortage Emergency.

At Stage 2, the District should consider the following actions:

- Continuing with actions from Stage 1
- Escalating the public information campaign
- Implementing restrictions on decorative water features
- Encouraging the use of WaterSmart by customers to track water usage
- Performing outreach to major customers, regarding water supply status
- Designating days, times, and duration that irrigation is allowed when voluntary measures are not meeting goals
- Raw water customer is at zero allocation (there is no surplus water)
- Studying the impacts to revenue and developing a budget strategy for mitigating decreases in revenue
- Informing the City of Half Moon Bay and the County of San Mateo of water supply status
- Informing the Coastside Fire Protection District of water supply status and request cooperation in reducing training exercises that use water
- Prohibiting the cleaning of certain exterior surfaces with potable water
- Prohibiting the cleaning of driveways and sidewalks with potable water
- Suspend or significantly reduce routine flushing of water mains
- Emphasizing leak detection and repair for the District’s transmission and distribution system
- Establishing and advertising a hotline to respond to questions and reports of water waste, if needed
- Prohibit water runoff from landscape irrigation
- Prohibiting the installation of new plants, trees, and turf
- Prohibiting the installation of new water features
- Prohibiting the installation of new swimming pools

# Proposed Ordinance 2022-01

- Proposed Ordinance 2022-01
  - **Water Shortage Emergency Declaration**
  - Mandatory Restrictions and Prohibitions on Water Use
  - Stage 2 -Water Shortage Emergency Warning - of the District's Water Shortage Contingency Plan
- Thursday, March 24, 2022. 7:00 p.m.
- Virtual Special Meeting and Public Hearing





# Public Outreach and Notification

- The Draft Ordinance was first presented at the regularly scheduled Board of Directors Meeting on March 8, 2022.
- The Draft Ordinance and the Notice of Public Hearing were posted at the District's Offices at 766 Main Street on March 10, 2022.
- The Draft Ordinance and the Notice of Public Hearing and were published in the Half Moon Bay Review on March 16 and March 23, 2022.
- The Draft Ordinance and the Notice of Public Hearing were posted on the District's website on March 11, 2022.



# Drought Conditions



## D0 - Abnormally Dry

- Soil is dry; irrigation delivery begins early
- Dryland crop germination is stunted
- Active fire season begins

100.0%  
of CA  
(D0-D4)



## D1 - Moderate Drought

- Dryland pasture growth is stunted; producers give supplemental feed to cattle
- Landscaping and gardens need irrigation earlier; wildlife patterns begin to change
- Stock ponds and creeks are lower than usual

100.0%  
of CA  
(D1-D4)



## D2 - Severe Drought

- Grazing land is inadequate
- Fire season is longer, with high burn intensity, dry fuels, and large fire spatial extent
- Trees are stressed; plants increase reproductive mechanisms; wildlife diseases increase

93.7%  
of CA  
(D2-D4)



## D3 - Extreme Drought

- Livestock need expensive supplemental feed; cattle and horses are sold; little pasture remains; fruit trees bud early; producers begin irrigating in the winter
- Fire season lasts year-round; fires occur in typically wet parts of state; burn bans are implemented
- Water is inadequate for agriculture, wildlife, and urban needs; reservoirs are extremely low; hydropower is restricted

37.7%  
of CA  
(D3-D4)

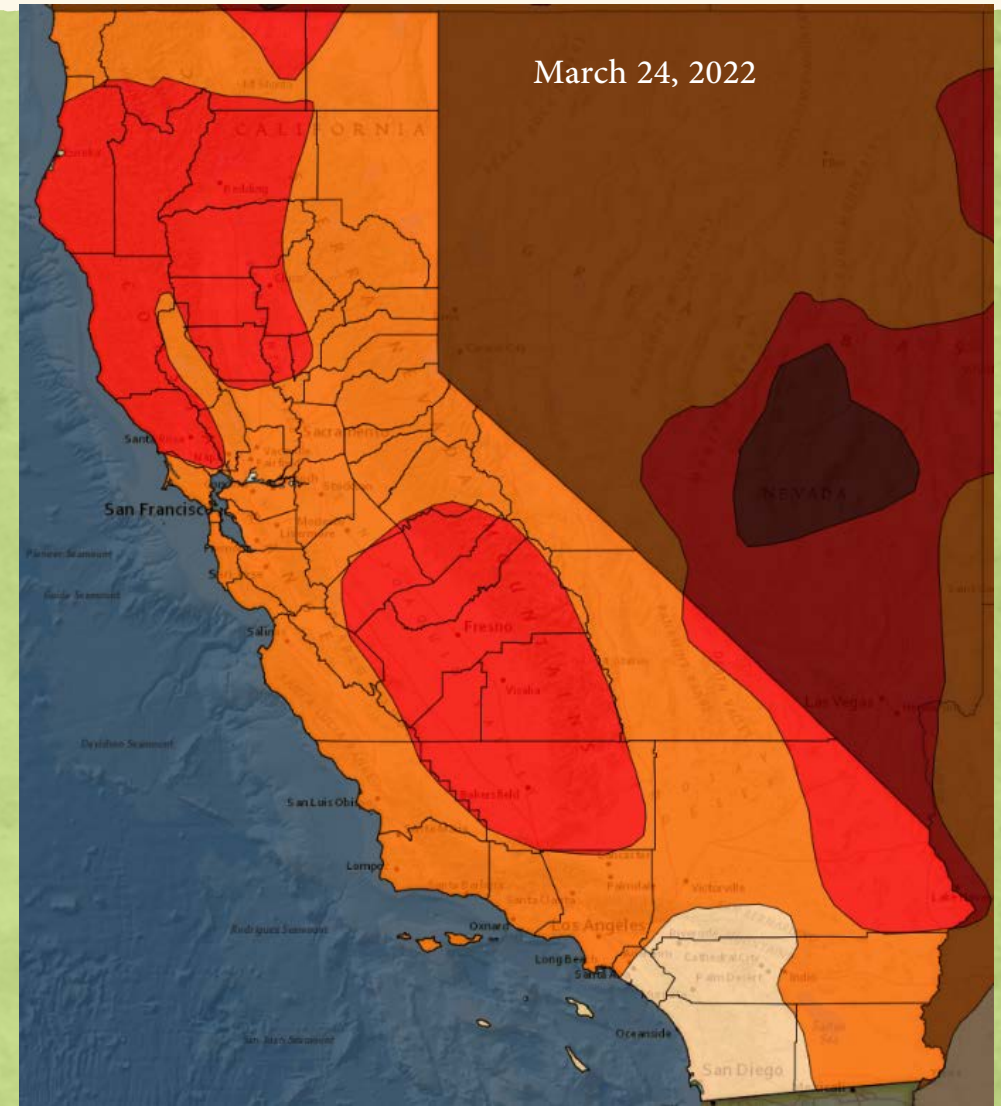


## D4 - Exceptional Drought

- Fields are left fallow; orchards are removed; vegetable yields are low; honey harvest is small
- Fire season is very costly; number of fires and area burned are extensive
- Fish rescue and relocation begins; pine beetle infestation occurs; forest mortality is high; wetlands dry up; survival of native plants and animals is low; fewer wildflowers bloom; wildlife death is widespread; algae blooms appear

0.0%  
of CA  
(D4)

San Mateo County -  
Severe Drought





# Water Supply Status for CY 2022

## Why Declare a Water Shortage Emergency?

### Estimated Water Supply for CY 2022

- Pilarcitos Creek
  - 70 MG (estimate)
- Denniston Creek
  - 160 MG (estimate)
- Groundwater
  - 3 MG (estimate)
- Allocation under Water Shortage Emergency from SFPUC
  - 342 MG

### Estimated Total Water Supplies Available CY 2022

**575 MG**

### BASE YEAR Comparison

(July 1, 2019 – June 30, 2020)

- 667 MG

# Goals for Calendar Year 2022

- Total reduction in **water sales** of 17 percent.
  - A 50 percent reduction in irrigation and outdoor water use.
- Educating customers on their individual water usage and promoting the WaterSmart Program.
- Requesting that residential customers do not exceed 50 gallons per day per person (50 gpdpc).
- Significantly reducing water waste.
- As a last resort, for repeated violations, enforcement tools will be used.
- Continue to reach out to other RWS agencies to determine if the District can purchase surplus water supplies, as allowed in the water service agreement.



# Proposed Ordinance 2022-01

- Section I – Findings and Determinations
- Section II – Definitions
- **Section III – Declaration of a Water Shortage Emergency**
- Section IV – Requirements, Prohibitions, and Restricted Activities in Promotion of Water Conservation and to Prevent the Unreasonable Use of Water
  - **A. Prohibited Actions for All Customers**
    - SWRCB Emergency Conservation Regulations – Title 23
  - **B. Additional Prohibited Actions for ALL Customers**
  - **C. Specific End-User Requirements – Specific Classes of Customers**
  - **D. Mandatory Restrictions on Outdoor Irrigation – All Customers that Irrigate**
  - **E. Specific Prohibitions for Homeowners’ Associations**
    - SWRCB Emergency Conservation Regulations – Title 23
- Section V – Enforcement
- Section VI – Appeals
- Section VII – Effective Date
- Section VIII – Severability
- Section IX – Publication

# Proposed Ordinance 2022-01

## Section IV. A – Prohibited Actions under CCR, Title 23, Section 995

1. Causing more than incidental runoff such that water flows onto adjacent properties, walkways, roadways, parking lots or structures.
2. Using a hose without a shutoff nozzle or device that causes it to cease dispensing water when not in use.
3. Using water to wash sidewalks, driveways, buildings, structures, patios, parking lots or other hard surfaces.
4. Using water for street cleaning or construction site preparation unless no other method can be used.
5. Using water in decorative fountains unless water is recirculated.
6. Application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain.
7. The use of water for irrigation of ornamental turf on public street medians.

*There are exceptions where it is necessary to address an immediate health and safety need or to comply with a term or condition issued by a state or federal agency.*



# Proposed Ordinance 2022-01

## Section IV. B – To Prevent Waste and Unreasonable use of Water

1. The use of water that causes flooding or pooling due to super-saturation of the ground or soil.
2. The use of water when the District has given notice to repair broken or defective plumbing, equipment, appliances, sprinklers, and irrigation systems.
3. The indiscriminate running of water or washing with water that causes runoff.
4. The use of water for single pass-through cooling systems.
5. Filling of pools, except when a cover is being used when the pool is not in use.

# Proposed Ordinance 2022-01

## Section IV. C – Specific end-user requirements and prohibitions

1. Portable Meters – Must have written permission to take water from hydrants for specific and limited purposes.
2. Water served only upon request at drinking and eating establishments.
3. Guests of hotels and motels shall be offered the choice of not having linens and towels laundered daily.
4. Requesting (voluntary) all **residential customers** make every effort to not exceed 50 gallons per day per person (50 gpcd).

End Use	Gallons Per Day Per Person
Clothes Washer	5
Dishwasher	2
Kitchen Faucet	9
Bathroom Faucet	4
Shower	18
Toilet	8
Other	4

*Assumes water efficient  
appliances and fixtures*



# Proposed Ordinance 2022-01

## Section IV. D – Mandatory Restrictions on outdoor irrigation to achieve a 50 percent reduction.

1. Spray irrigation is limited to the hours between 5:00pm and 8:00am.
2. Spray irrigation is limited to ten minutes per irrigation station.
3. Spray irrigation is not allowed on Friday, Saturday, or Sunday.

### Days of the Week Restrictions for Spray Irrigation

Odd Address and No Address		Even Address	
March through September	October through February	March through September	October through February
Tuesday and Thursday	Thursday	Monday and Wednesday	Monday
	Irrigation should be avoided except for extended dry periods		Irrigation should be avoided except for extended dry periods

# Proposed Ordinance 2022-01

## Section IV. D – Irrigation Exceptions to time of day, days of the week, and length of time restrictions

1. The use of hand-held bucket or similar container.
2. The use of a hand- held hose with a positive shut-off valve or similar device.
3. The use of a properly functioning low volume irrigation system.
4. The use of bubblers for trees.
5. The use (short periods of time) for the express purpose of adjusting or repairing an irrigation system.
6. The use of a legal graywater system.



# Proposed Ordinance 2022-01

## Section IV. D – Continued.....

### **Golf Courses**

Shall make every effort to **voluntarily** decrease their irrigation water purchased from the District by at least 50 percent from FYE 2020.

The golf course greens are not subject to length of time, time of day, or days of the week restrictions because of the large area to be irrigated and the use of water impoundments.

Ornamental landscape within a golf course is subject to length of time, time of day and days of the week restrictions for spray irrigation.

### **Untreated Water Customer**

Under a water shortage emergency, the District does not have enough surplus water to meet the irrigation demands of the untreated water customer.

The untreated water customer shall be limited to 50 percent of their FYE 2020 total water purchases from the District.

# Proposed Ordinance 2022-01

## Section IV. E – Specific Prohibitions for HOAs, Community Service Organizations or Similar Entity.

1. Taking or threatening to take action to enforce any provision of governing documents or architectural/landscaping guidelines of a common interest development where that provision is void or unenforceable under **section 4735, subdivision (a) and (b) of the civil code.**
2. Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the water of vegetation or lawns during a declared drought emergency as described under section 4735, subdivision (c) of the civil code.
3. Requiring an owner of a separate interest upon which water efficient landscaping measures have been installed in response to a declared drought emergency as described in section 4735, subdivision (c) of the civil code, to reserve or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.



# Proposed Ordinance 2022-01

## Section V. Enforcement

1. The District will use enforcement as a last resort and will focus on education. But if there are repeated violations of the ordinance or water supply conditions worsen, enforcement will be used as a tool to reduce water waste.
2. A written notice will be issued to the customer describing the water waste and ask that remedial action be taken.
3. Next an on-site notification will be provided with a warning that if remedial action is not taken, temporary termination of water service may result.
4. 48 hours after the on-site notification, if the violation is still observed, the District may temporarily discontinue water service.
5. Under CWC section 31029, fines of not more than \$600 dollars can be levied for violations of this ordinance.
6. Violations of prohibited actions under Title 23, Division 3, Chapter 3.5, Article 2, Section 995 is an infraction punishable by a fine of up to \$500 dollars for each day the violation occurs.

# Proposed Ordinance 2022-01

## Section VI. Appeals

1. Written appeals can be made by a customer to dispute a staff determinations of a violation.
2. The appeal shall be addressed to the General Manager
3. Criteria for the appeal shall be:
  1. Public health; or
  2. Public safety; or
  3. Regulatory requirements of a state or federal agency.



# Proposed Ordinance 2022-01

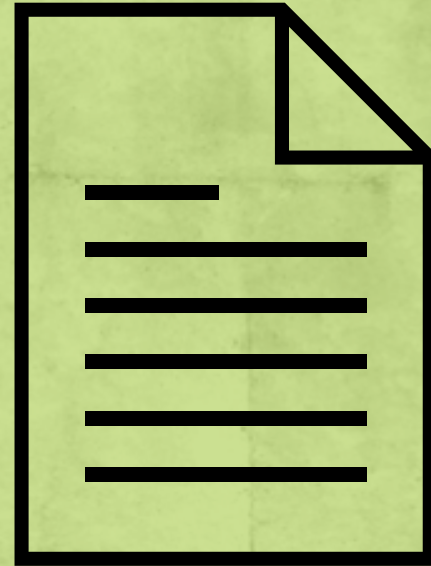
## Section VII. Effective Date

The ordinance shall be effective on the day of its adoption. Within ten days of its adoption, the ordinance , or a summary hereof, shall be published in the Half Moon Bay Review, posted on the District's website, and posted at the District office.

# Proposed Ordinance 2022-01

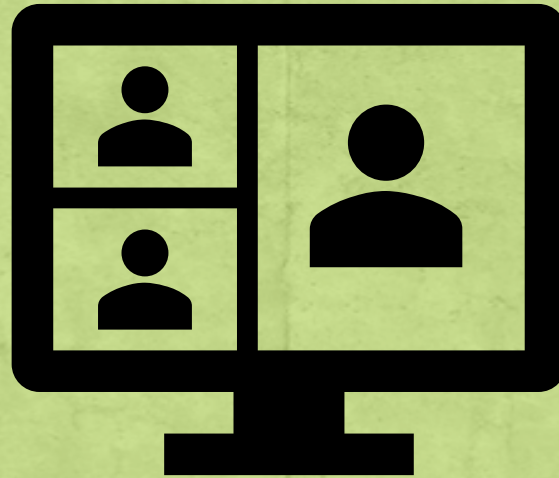
## Written Public Comments Received by the District

3/22/2022 - Kenmark Real Estate Group, Inc. (Ocean Colony Partners)





# OPEN PUBLIC HEARING



Receive Public Comments



# CLOSE PUBLIC HEARING



## Board Discussion







**KENMARK**  
Real Estate Group, Inc.

**RECEIVED**

MAR 22 2022

VIA HAND-DELIVERY

**COASTSIDE COUNTY  
WATER DISTRICT**

March 21, 2022

Mr. Robert Feldman  
President  
Board of Coastside County Water District  
766 Main Street  
Half Moon Bay, CA 94019

Mr. John Muller  
Vice President  
Board of Coastside County Water District  
766 Main Street  
Half Moon Bay, CA 94019

Re: Proposed CCWD Ordinance No. 2022-01

Dear Messer. Feldman and Muller:

We are writing regarding the above-referenced CCWD ordinance that addresses the water shortage emergency in the District and certain proposed water restrictions.

As you may know, Ocean Colony Partners (“OCP”) is managed by Kenmark and owns the two eighteen-hole golf courses and related facilities in Ocean Colony. Ocean Colony is a mixed-use planned development of around 525 acres consisting of approximately 600 homes, the two golf courses, the clubhouse, cart barn, Mullins restaurant, the Ritz Carlton hotel, various common areas and parks, and a significant section of the Coastal Trail with coastal parking and beach access facilities. The two golf courses cover around 275 acres and are irrigated by OCP utilizing its five wells located south of Pilarcitos Creek, local runoff from portions east of Highway 1 and from within Ocean Colony, and CCWD water. OCP maintains a series of irrigation, storm drainage retention and sedimentation ponds on the golf courses by which OCP receives, collects and distributes irrigation water. OCP’s current annual water usage is approximately 84,000,000 gallons with about 25% provided by CCWD and the remainder from its wells and local runoff.

2450 South Cabrillo Highway, Suite 200  
Half Moon Bay, California 940019  
phone:  
fax:

415.782.5500  
415.782.5577



In addition to the golf courses, OCP also provides irrigation water to the Ocean Colony Homeowners Association for its street medians, open space areas and several community parks, the Ocean Shores Condominium Association for its common areas and landscaping, and Ritz hotel for major portions of its landscaping including its Colony Club pool/tennis court areas. In 2021, that non-OCP water use alone exceeded 3,500,000 gallons of CCWD water. This non-OCP irrigation situation apparently resulted from historic irrigation/water distribution systems installed in the 1970s and 1980s prior to resubdivision of large common parcels and before residential build-out and hotel site development. Therefore, the non-OCP irrigation areas do not have their own landscaping meters or direct irrigation connections.

We have reviewed the proposed CCWD ordinance and are familiar with the recent SWRCB resolutions and the SFPUC's Tier 2 water allocations. OCP recognizes the serious water situation facing California and the District, and appreciates that it is both necessary and appropriate to implement water conservation measures. In fact, OCP has been doing that for many years.

After Kenmark first assumed management of OCP, between 2006 and 2014 the annual average water use by OCP was reduced from approximately 130,000,000 gallons to 100,000,000 gallons, and golf course irrigated acreage was reduced from around 240 acres to 200. Those reductions were accomplished by a variety of measures including: "browning-out" substantial portions of the golf courses during the peak irrigation season; limiting irrigation to 6:00 p.m. to 8:00 a.m.; converting over 35 acres of irrigated turf grass to drought tolerant native grasses and shrubs; controlling incidental run-off; irrigating greens and surrounds with hand held hoses (instead of sprinklers) with positive shut-off valves/devices; increasing "wetting" agents to irrigated areas to reduce run-off and improve water intake/retention; increased and improved aerification to entrance root structure and water value; computer irrigation system improvements designed to better regulate sprinkler heads, identify leaks, adjust for rainfall periods, and measure soil water content; limited golf cart cleaning and shut-off restricted pressure washers; and clubhouse landscaping converted to drought tolerant plants with limited hose watering. In the clubhouse and restaurant, drinking water service was limited to "request only", linen was eliminated to reduce laundry, all bathroom fixtures were replaced with low flow products and showers were removed, and facility cleaning protocol was changed to utilize less water dependence.

Since 2014, OCP has diligently continued its water conservation efforts. We have further reduced our water use from an average annual consumption of 100,000,00 gallons in 2014 to 84,000,000 gallons in 2021. Of that 84,000,000 gallons, around 63,000,000 were generated from OCP's wells and local run-off, and approximately 21,000,000 gallons were CCWD potable water. These additional water reduction results were primarily accomplished by converting even more golf course acreage to native grasses/vegetation such that irrigated acreage was further reduced from 200 acres to around 175 acres, and by more aggressive "browning-out" areas of the golf courses during peak season. OCP has also committed substantial funds every year to clean and repair its wells and distribution pipeline so as to improve well production and reduce utilization of CCWD potable water.

In summary, from 2006 to 2021, OCP has reduced its annual water usage by over 45,000,000 gallons (35%) and reduced its irrigated acreage from 240 acres to 175 (27%). On another 15-20

acres, irrigation still occurs but has been substantially reduced to keep vegetation alive but not growing. Perhaps nothing better illustrates the extent and results of OCP's water conservation efforts than the enclosed two "before" and "after" photographs of the golf courses. One photo is pre-conservation and the other post-conservation during peak irrigation season.

OCP's efforts with respect to water preservation have not ended with just its improved golf course irrigation practices and other water conservation measures over the years. As the CCWD Board undoubtedly recalls, OCP also has been a major advocate and supporter of recycled water since 2008. OCP participated in all the 2008 and 2015 studies, tests and designs, and offered to reimburse in 2015 the entire estimated 20-30 year amortized cost of a SAM recycled water project. We also offered to connect OCP's distribution pipeline to the SAM facility, and distribute excess recycled water to Smith Field and other potential users. And, in recent subdivision developments OCP has installed underground closed storm drainage systems with microfiltration equipment and holding vaults connected to its irrigation and retention ponds to capture maximum run-off, clean it, and recycle it for golf course irrigation.

The proposed CCWD ordinance requests that the golf courses reduce current CCWD water consumption from 2020 usage by 50%. According to CCWD records, that would necessitate a reduction from 19,700,000 gallons to around 9,800,000. OCP's records (on a calendar year basis), show 2020 usage at 21,300,000 gallons (50% = 10,650,000). OCP is certainly prepared to continue to implement significant water conservation measures, and attempt even further reductions over those already obtained since 2006. However, a reduction of another 9,800,000 - 10,650,000 gallons of CCWD water will not be possible without seriously jeopardizing the golf courses and their operations, cutting-off all water to the homeowner associations and Ritz hotel, or in the worst case, closing one of the courses.


We recognize that OCP and its golf course operations are a commercial recreational enterprise that must respond responsibly to the emergency water situation and do its part to protect the healthy, safety and welfare of the community when it comes to CCWD potable water availability. That is why OCP has since 2006 already voluntarily reduced its water consumption by over 35%, and has since 2008 actively supported and offered to finance a comprehensive recycled water project. OCP is committed to continuing (and enhancing) its water conservation efforts at a realistic and sustainable level while maintaining its operations. However, for the golf courses necessary irrigation and maintenance of the greens, tees, green surrounds and playing turf are essential to stay in business. Just like agricultural and floriculture uses (which we note are completely exempt from the CCWD ordinance), water is a critical component of the golf course operations. Additionally, the golf courses have over 300 heritage Monterey Pine and Cypress trees that require a reasonable level of irrigation to stay healthy and thrive. Protecting those heritage trees is an important task. And, we believe it is fair to note that OCP's golf course operations provide substantial benefits to the Coastside and its residents. In addition to being a Coastal Act and LCP priority recreational use, OCP employs over 150 workers (65% local residents), it provides the City of Half Moon Bay with over \$650,000 annually in golf taxes and proportionate sales taxes and property taxes, and it brings significant revenue to local hotels, restaurants and shops. In non-pandemic years, OCP historically hosts 30-35 charitable, civic,

foundation and community events including Navy SEAL week, CalFire tournaments, Boy and Girls Club events, St. Mary's Hospital, San Mateo Community College, PAL Youth, and many other charity golf outings and auctions. OCP also makes significant financial and other contributions to local high school sports activities, local clubs, neighborhood groups, civic organizations and charities.

In conclusion, the significant water conservation achievements of OCP over the past 15 years should be acknowledged and "credited" in setting a current reduction goal in the proposed CCWD ordinance. As noted, a 50% reduction would be drastic and virtually impossible to accomplish without serious adverse consequences. Instead, a 10-15% CCWD water reduction request for the golf courses would still present considerable challenges given the already 35% water reduction, but would be a more realistic and attainable goal.

We appreciate your review and consideration of our comments and are available to respond to questions, provide additional information, or meet with CCWD staff.

Very Truly Yours,



Bruce J. Russell  
Chief Executive Officer

CC: Ken Coverdell, Director  
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# Pre-Conservation





**Post-Conservation**

