



# Yucaipa Valley Water District

## Notice and Agenda of a Board Workshop

Tuesday, March 13, 2018 at 4:00 p.m.

---

MEETING LOCATION: District Administration Building  
12770 Second Street, Yucaipa

MEMBERS OF THE BOARD: Director Chris Mann, Division 1  
Director Bruce Granlund, Division 2  
Director Jay Bogh, Division 3  
Director Lonni Granlund, Division 4  
Director Tom Shalhoub, Division 5

---

**I. Call to Order**

**II. Public Comments** At this time, members of the public may address the Board of Directors on matters within its jurisdiction; however, no action or significant discussion may take place on any item not on the meeting agenda.

**III. Staff Report**

**IV. Strategic Planning**

- A. Discussion of the Strategic Planning and Project Update Related to the Implementation of Direct Potable Reuse [[Workshop Memorandum No. 18-079 - Page 9 of 257](#)]
- B. Discussion of the Strategic Planning and Project Update Related to the Implementation of Indirect Potable Reuse [[Workshop Memorandum No. 18-080 - Page 49 of 257](#)]
- C. Discussion of the Strategic Planning and Status Report Related to Public Relations [[Workshop Memorandum No. 18-081 - Page 57 of 257](#)]

**V. Operational Updates**

- A. Purchase of Required Mitigation for the Yucaipa Creek Erosion Control Repair Project [[Workshop Memorandum No. 18-082 - Page 63 of 257](#)]

**VI. Capital Improvement Projects**

- A. Status Report on the Construction of a Replacement Public Works Building [[Workshop Memorandum No. 18-083 - Page 103 of 257](#)]
- B. Status Report on the Emergency Repairs for Drinking Water Reservoir 17.1.1 [[Workshop Memorandum No. 18-084 - Page 106 of 257](#)]

---

Any person who requires accommodation to participate in this meeting should contact the District office at (909) 797-5117, at least 48 hours prior to the meeting to request a disability-related modification or accommodation.

Materials that are provided to the Board of Directors after the meeting packet is compiled and distributed will be made available for public review during normal business hours at the District office located at 12770 Second Street, Yucaipa. Meeting materials are also available on the District's website at [www.yvwd.dst.ca.us](http://www.yvwd.dst.ca.us)

- C. Status Report on the 5<sup>th</sup> Street Widening Project and the Impacts to Water and Sewer Infrastructure [[Workshop Memorandum No. 18-085 - Page 109 of 257](#)]
- D. Status Report on the Installation of a Parallel Sewer Segment of Mainline on 6<sup>th</sup> Place as part of the Wildwood Creek Bridge Improvements [[Workshop Memorandum No. 18-086 - Page 110 of 257](#)]
- E. Status Report on the Annual Repairs and Rehabilitation of the Yucaipa Valley Regional Water Filtration Facility [[Workshop Memorandum No. 18-087 - Page 111 of 257](#)]
- F. Status Report on the Construction of an 8-Inch Sewer Mainline in Yucaipa Boulevard [[Workshop Memorandum No. 18-088 - Page 112 of 257](#)]

## **VII. Public Policy**

- A. Discussion Regarding the Development of a Policy Related to Accessory Dwelling Units and Other Multiple Unit Developments [[Workshop Memorandum No. 18-089 - Page 114 of 257](#)]

## **VIII. Development Projects**

- A. Discussion Regarding the Acceptance of Overlying Water Rights for Tract No. 32702 (141 lots) and Tract No. 32702-5 (105 lots) [[Workshop Memorandum No. 18-090 - Page 158 of 257](#)]
- B. Overview of a Proposed Development Agreement with Nassif Gobrial for Property Located at 12278 5<sup>th</sup> Street, Yucaipa [[Workshop Memorandum No. 18-091 - Page 180 of 257](#)]
- C. Overview of a Senior Housing Project Located at 34232 County Line Road, Yucaipa [[Workshop Memorandum No. 18-092 - Page 181 of 257](#)]

## **IX. Administrative Items**

- A. Presentation of the Unaudited Financial Report for the Period Ending on February 28, 2018 [[Workshop Memorandum No. 18-093 - Page 199 of 257](#)]
- B. Property Offer from City of Yucaipa, 11335 Pendleton Avenue, Yucaipa [[Workshop Memorandum No. 18-094 - Page 223 of 257](#)]
- C. Status Report on the Fleet of District Vehicles and Equipment [[Workshop Memorandum No. 18-095 - Page 244 of 257](#)]

## **X. Director Comments**

## **XI. Closed Session**

- A. Conference with Real Property Negotiator(s) (Government Code 54956.8)  
Property: Assessor's Parcel Numbers: 0301-211-020 and 0301-201-030  
Agency Negotiator: Joseph Zoba, General Manager  
Negotiating Parties: Mesa Verde Ventures LLC c/o Betek Corporation Under Negotiation:  
Terms of Payment and Price
- B. Conference with Labor Negotiator (Government Code 54957.6)  
District Negotiator: Joseph Zoba, General Manager, and Allison Edmisten, Chief Financial Officer  
Employee Organization: IBEW Local Union 1436-YVWD Employees Association
- C. Conference with Legal Counsel Existing Litigation Government Code, Section 54956.9(d)  
- Robinson Ranch vs Yucaipa Valley Water District;  
San Bernardino Superior Court Case No. CIVDS 1712116
- D. Conference with Legal Counsel - Anticipated Litigation (Government Code 54956.9(b)) -  
Two Cases

## **XII. Adjournment**

# Staff Report



Yucaipa Valley Water District

# BASIN MONITORING PROGRAM TASK FORCE WORKSHOP 101



- **Who:** Interested parties, elected officials and upper management.
- **Why:** To provide background and history of the Basin Monitoring Program Task Force (BMP TF), such as how it was formed, major accomplishments, and plans for the future.
- **Topics:** History of BMP TF/Nitrogen & TDS Task Force, BMP agreements, agencies involved, goals/mission, annual budget, years in operations, applicable regulations, major accomplishments and much more!

## DETAILS

March 14, 2018

1:30 p.m.—2:30 p.m.

SAWPA - Board Room  
11615 Sterling Avenue,  
Riverside, CA 92503

## INFO

The Task Force is administered by SAWPA and meets monthly.

For more information on this Task Force, visit us at [www.sawpa.org](http://www.sawpa.org).





**SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT**  
380 E. Vanderbilt Way, San Bernardino, CA 92408

**MEETING OF THE ADVISORY COMMISSION ON WATER POLICY**

**AGENDA**

**6:30 PM Thursday, March 15, 2018**

---

**CALL TO ORDER/FLAG SALUTE**

1. **PUBLIC COMMENT** - *Any person may address the Board on matters within its jurisdiction.*
2. **APPROVAL OF MINUTES**
  - 2.1. September 14, 2017, and December 14, 2017, Meetings (Page 3)  
[Minutes 091417](#)  
[Minutes 121417](#)
3. **PRESENTATIONS**
  - 3.1. Enhanced Recharge Project, Phase 1a Construction (Page 13)  
[ACWP 20180315 SARER PH1A Construction Updates](#)
  - 3.2. Update on the Sites Reservoir WSIP Application Process (Page 15)  
[AC Memo Sites Update 031518](#)
  - 3.3. Groundwater Sustainability Update
  - 3.4. Update on California WaterFix
  - 3.5. Monthly BTAC Regional Water Management Plan Statement (Page 16)  
[BTAC February 2018 Statement](#)
4. **ANNOUNCEMENTS BY COMMISSIONERS**
5. **FUTURE BUSINESS**

5.1. Suggestions by Commissioners on Items for Policy Review

5.2. Local Agency Update on Activities

**6. NEXT MEETING DATE**

6.1. Confirm next regular meeting date of June 14, 2018

**7. ADJOURNMENT**

PLEASE NOTE:

Materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the District's office located at 380 E. Vanderbilt Way, San Bernardino, during normal business hours. Also, such documents are available on the District's website at [www.sbvmd.com](http://www.sbvmd.com) subject to staff's ability to post the documents before the meeting. The District recognizes its obligation to provide equal access to those individuals with disabilities. Please contact Lillian Hernandez at (909) 387-9214 two working days prior to the meeting with any special requests for reasonable accommodation.

# CALIMESA FIRE DEPARTMENT



## OPEN HOUSE

Meet the Calimesa Fire Department Staff, tour the Fire Station, view the fire engine and equipment. Meet the Elected Officials, City Staff, American Medical Response, Riverside County Sheriff, CHP, local utilities and many others. There will be food, children's events, health screening and various other booths to visit.

This is an exciting time for the City and we want you to celebrate with us!

**SATURDAY, APRIL 14, 2018**

**10:00 AM – 2:00 PM**

**906 PARK AVENUE, CALIMESA, CA 92320**



# Strategic Planning



Yucaipa Valley Water District





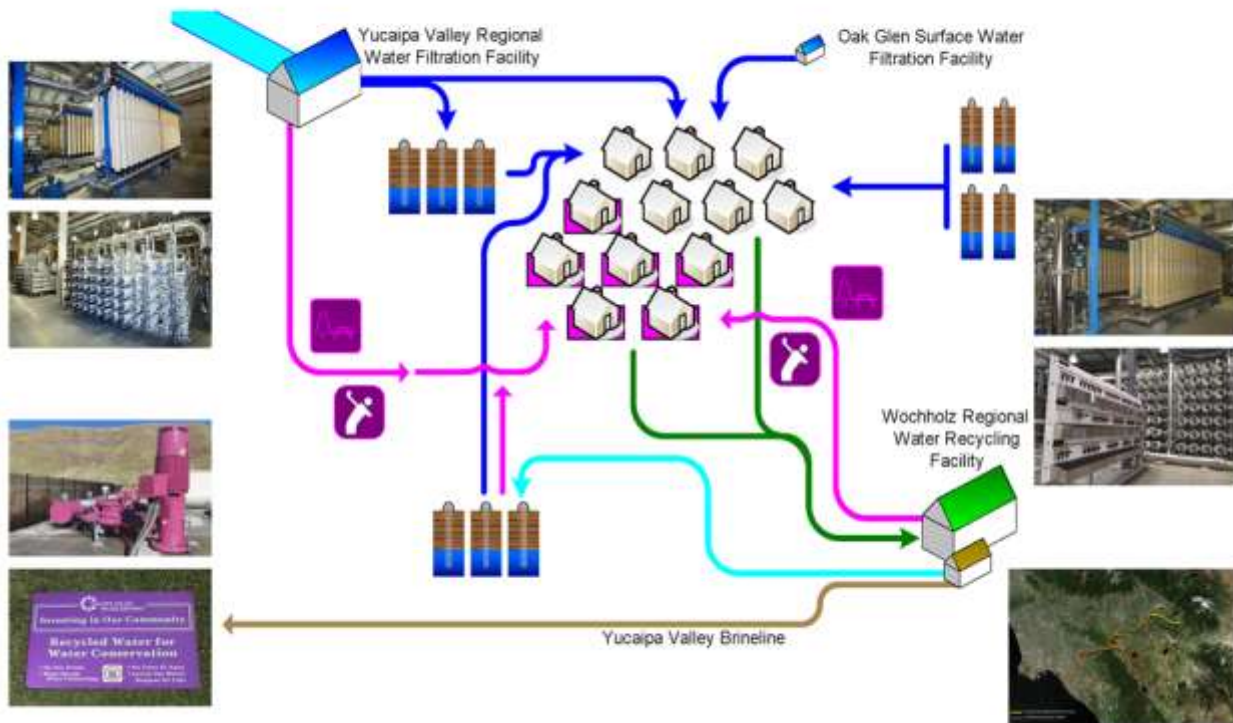
**Date:** March 13, 2018

**From:** Joseph Zoba, General Manager

**Subject:** Discussion of the Strategic Planning and Project Update Related to the Implementation of Direct Potable Reuse

Over the past several decades, the Yucaipa Valley Water District has embarked on a series of capital improvement projects that have created integrated systems of drinking water, recycled water, sewer treatment, and brine disposal facilities. The integration of these facilities has set the Yucaipa Valley Water District on a course to sustainably maintain exceptionally pure and renewable water resources.

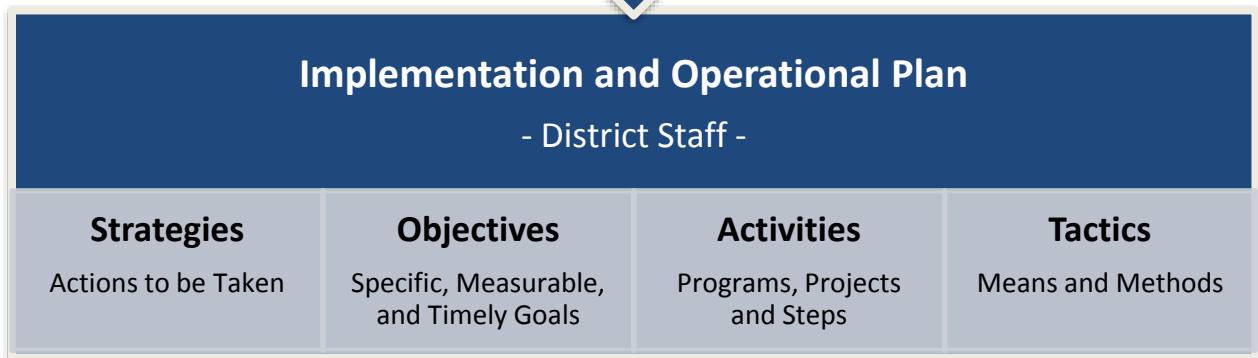
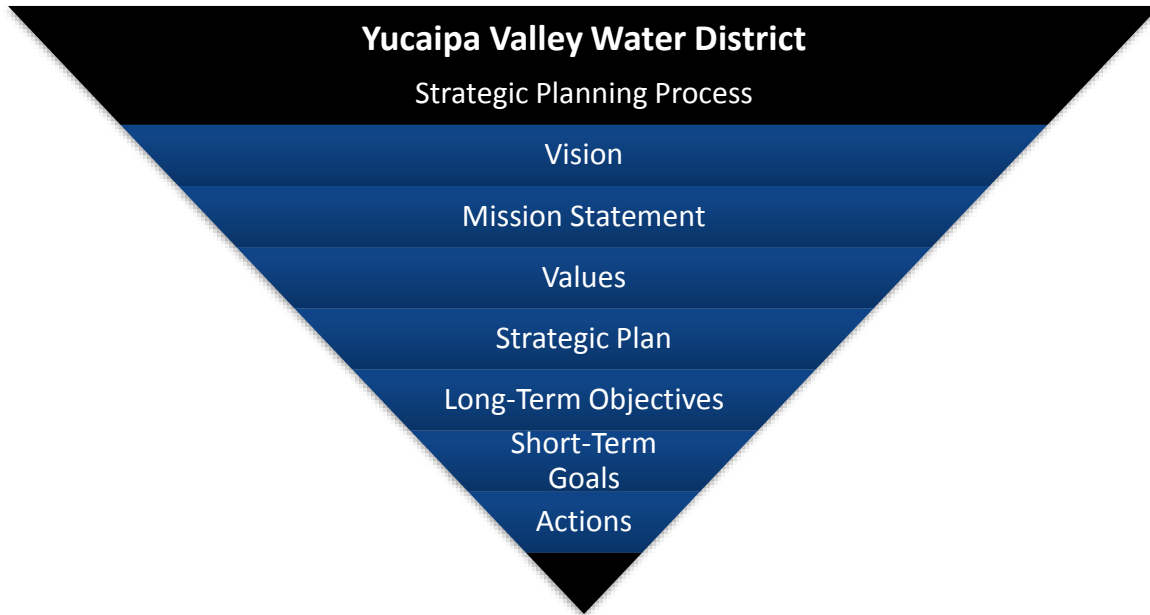
### Sustainable and Integrated Infrastructure Concepts



In preparation for the next decade of projects, the Board of Directors of the Yucaipa Valley Water District has embarked on a strategic planning process that set priorities for future capital improvement projects. These improvements will be structured to provide additional supplies of high quality water for future use within our community and make the District more sustainable and resilient.

Strategic Planning Priorities by the Board of Directors (not in order of priority):

- **Direct Potable Reuse** - Plan and evaluate the opportunities and constraints related to implementation of direct potable reuse facilities. This strategic goal will involve the Salinity and Groundwater Enhancement (SAGE) project at the Wochholz Regional Water Recycling Facility; the Salinity Concentrate Reduction and Minimization (SCRAM) Project at the Yucaipa Valley Regional Water Filtration Facility; and may include a new water filtration facility at the Wochholz Regional Water Recycling Facility. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Indirect Potable Reuse** - Plan and evaluate the opportunities and constraints related to implementation of indirect potable reuse. This strategic goal will involve the recharge of recycled water at various locations throughout the District's service area which will also involve the development of recharge facilities. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Energy Efficiency Projects** - Plan and evaluate the opportunities and constraints related to implementation of solar, microturbines, biogas, and other technologies to stabilize energy expenses. This strategic goal will likely involve the investigation of innovative technologies and programs to become more energy efficient. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Consolidation of District Facilities** - Plan and evaluate the opportunities and constraints related to the colocation and consolidation of District offices and work areas to be in close proximity of existing operational areas. This strategic goal will likely involve the relocation of the District office on Second Street to an area near the Wochholz Regional Water Recycling Facility. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Beaumont Basin Recharge Facilities** - Plan and evaluate the opportunities and constraints related to the construction of recharge facilities in the Beaumont Basin to maximize the operational efficiency of groundwater within the Beaumont adjudication area. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Public Relations and Outreach** - Plan and implement a program to gain and enhance the District's presence involving:
  - Social media;
  - Website refresh and upgrades;
  - Video clips;
  - Summary of the District's operations;
  - Historical information; and
  - Near real-time press releases.This strategic priority was established by the Board of Directors on March 8, 2018.



**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF DRINKING WATER  
MARCH 6, 2018**

**ITEM 6**

**SUBJECT**

CONSIDERATION OF A RESOLUTION TO ADOPT THE PROPOSED REGULATIONS FOR SURFACE WATER AUGMENTATION USING RECYCLED WATER

**DISCUSSION**

Pursuant to Water Code sections 13521 and 13562 and Health and Safety Code sections 116271 and 116375, the State Water Resources Control Board (State Water Board) is proposing to adopt regulations establishing uniform water recycling criteria for the planned placement of recycled water into a surface water reservoir that is used as a source of raw water supply by a public water system for the provision of drinking water, such that the adherence to the criteria would result in public health being adequately protected. The planned placement of recycled water into a surface water reservoir that is used as a source of raw water supply by a public water system is known as surface water augmentation (SWA).

Water Code section 13562 mandates that the State Water Board adopt uniform water recycling criteria for SWA, contingent on an Expert Panel, comprised of members in fields of expertise meeting applicable statutory criteria (as prescribed in Water Code section 13565), having made a finding that the criteria would adequately protect public health. On October 31, 2016, the Expert Panel made a finding that the proposed regulations would adequately protect public health. In addition to the review by the Expert Panel, pursuant to Health and Safety Code 57004, the scientific basis and scientific portions of the proposed SWA regulations were reviewed through an external peer review process, independent of the Expert Panel's review. The external review process was completed on June 10, 2016.

The proposed regulations for SWA include requirements for the water recycling agency that places recycled water into a surface water reservoir that is used as a source of raw water supply by a public water system, as well as requirements for the public water system using such a reservoir as a raw supply, which is to be further treated by the public water system's surface water treatment plant before being distributed as drinking water.

The proposed SWA regulations do not require any public water system or water recycling agency to participate or engage in SWA. The proposed regulations include requirements – such as public notices, multiple public hearings, information to be placed on Web sites, etc. – that ensure that the public has significant opportunities to review information and provide comments to a public water system on a SWA project *prior* to implementation of a project.

On July 21, 2017, the Notice of Proposed Rulemaking for the SWA regulations was published in the California Regulatory Notice Register ([July 21, 2017 – No. 29-Z](#)) pursuant to the requirements of the California Administrative Procedure Act (APA). Publication of the Notice of Proposed Rulemaking begins a mandatory comment period of no less than 45 days. During the public comment period, which the State Water Board set for 53 days, 21 comment letters were received. Within this public comment period, the State Water Board held an APA public hearing during a State Water Board Workshop on September 7, 2017. Following the conclusion of the

public comment period on September 12, 2017, the State Water Board reviewed each comment received during the comment period, including oral comments received at the public hearing.

Written comments received during the 45-day public comment period are available at: [https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/comments/comments091217/index.shtml](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/comments/comments091217/index.shtml)

The State Water Board staff determined that modifications should be made to the proposed regulations and, pursuant to the APA, the modified proposed regulations would need to be released for an additional public comment period of no less than 15 days. On November 13, 2017, the Expert Panel made a finding that the proposed regulations, as modified, remain adequately protective of public health. Following the conclusion of the 15-day public comment period on December 18, 2017, State Water Board staff reviewed the comments received and concluded no further modifications to the proposed regulations were necessary.

Written comments received during the 15-day public comment period are available at: [https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/comments\\_swa20171218.html](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/comments_swa20171218.html)

The State Water Board staff will address each comment in the Final Statement of Reasons, as required by the APA, and will present a summary of comments, staff responses, and modifications to the proposed regulations at the State Water Board hearing. If the State Water Board adopts the resolution, the rulemaking package containing the proposed regulations will be submitted to the Office of Administrative Law for review. Once OAL approves the regulatory action and it is filed with the Secretary of State, the regulations will be published in the California Code of Regulations.

More information about the regulatory package, including documents that were made available during the 45-day and 15-day public comment periods, is posted on the program webpage at: [https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/Surface\\_Water\\_Augmentation\\_Regulations.shtml](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Surface_Water_Augmentation_Regulations.shtml)

## **POLICY ISSUE**

Should the State Water Board adopt the proposed regulations for SWA using recycled water?

## **FISCAL IMPACT**

If approved by OAL, the proposed regulations will establish uniform criteria for SWA using recycled water that will adequately protect public health. There are no additional costs to the regulated community associated with the adoption of the proposed regulations. The regulations are only applicable to agencies that choose to engage in planned placement of recycled water into a surface water reservoir that is used as a source of raw water supply by a public water system. The requirements proposed in the regulations would occur through existing permitting processes in the absence of the regulations and do not require any entity to engage in a surface water augmentation project. Therefore, the baseline from which to compare the impacts of the regulations (i.e. requirements prior to the adoption of the proposed regulations) is substantially the same as those that would apply as a result of the regulations.

**REGIONAL BOARD IMPACT**

The Regional Boards have the primary authority of permitting SWA through waste discharge requirements or National Pollutant Discharge and Elimination System (NPDES) permits after consulting and receiving recommendations from State Water Board Division of Drinking Water staff. The proposed regulations would provide the Regional Boards a consistent set of criteria as a resource to evaluate whether a proposed SWA project would result in the impairment of the water body's beneficial uses related to protection of public health, safety, and welfare. The regulations do not preclude the Regional Boards from establishing criteria that are more stringent, particularly with respect to ensuring healthy ecosystems are maintained.

**STAFF RECOMMENDATION**

The State Water Board should adopt the proposed regulations for SWA using recycled water.

State Water Board action on this item will support the State Water Board's mission statement: "To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations."

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2018-

### ADOPTING THE PROPOSED REGULATIONS FOR SURFACE WATER AUGMENTATION USING RECYCLED WATER

#### WHEREAS:

1. The proposed regulations for surface water augmentation using recycled water consist of the following California Code of Regulations<sup>1</sup>, title 22 sections to adopt (unless otherwise noted): 60301.120, 60301.450 (amend), 60301.850.5, 60301.851, 60301.852, 60301.853, 60320.300, 60320.301, 60320.302, 60320.304, 60320.306, 60320.308, 60320.312, 60320.320, 60320.322, 60320.326, 60320.328, 60320.330, 64668.05, 64668.10, 64668.20, and 64668.30.
2. Water Code section 13562 requires the State Water Board to develop and adopt uniform water recycling criteria for surface water augmentation by December 31, 2016. Prior to adopting regulations for surface water augmentation, the Water Code mandates that State Water Board submit the proposed criteria to the expert panel convened pursuant to section 13565(a). Water Code Section 13562 mandates that the State Water Board shall not adopt the subject regulations unless and until the expert panel review the proposed criteria and adopt a finding as to whether, in its expert opinion, the proposed criteria would adequately protect public health.
3. Water Code section 13565 requires the State Water Board to convene and administer an expert panel for purposes of advising the State Water Board on public health issues and scientific and technical matters regarding development of uniform water recycling criteria for indirect potable reuse through surface water augmentation. The expert panel shall be comprised, at a minimum, of a toxicologist, an engineer licensed in the state with at least three years' experience in wastewater treatment, an engineer licensed in the state with at least three years' experience in treatment of drinking water supplies and knowledge of drinking water standards, an epidemiologist, a limnologist, a microbiologist, and a chemist.
4. On October 31, 2016, following review of the draft proposed regulations, the expert panel made a finding that the proposed regulations would adequately protect public health.
5. Health and Safety Code 57004 requires all CalEPA organizations to submit for external scientific review the scientific basis and scientific portion of all proposed policies, plans and regulations. The external scientific peer review on the proposed regulations was completed on June 10, 2016. State Water Board staff response to the peer reviewers' comments is provided in the Initial Statement of Reasons (ISOR) made available with publication of the notice of proposed rulemaking dated July 21, 2017.

---

<sup>1</sup> All further regulatory references are to the California Code of Regulations unless otherwise indicated.

## DRAFT

6. On July 21, 2017, the State Water Board published a notice of proposed rulemaking, pursuant to the requirements of the California Administrative Procedure Act (APA), initiating the mandatory minimum 45-day public comment period, which ran from July 21 through September 12, 2017. The State Water Board held an APA public hearing on September 7, 2017. A total of 21 comment letters were received during the mandated public comment period. Four speakers provided their oral comments during the APA public hearing and submitted written comment letters reflecting those comments.
7. Following the conclusion of the public comment period on September 12, 2017, State Water Board staff compiled and reviewed the comments received during the comment period. As a result of the public comments, State Water Board staff modified the proposed regulations, which necessitates an additional 15-day public comment period, as required by the APA.
8. On November 13, 2017, the expert panel reviewed the modified proposed regulations and made a finding that the proposed regulations, as modified, would adequately protect public health.
9. On November 30, 2017, the State Water Board published a notice of public availability of changes to proposed regulations regarding surface water augmentation, initiating the 15-day public comment period, which ran from November 30 through December 18, 2017. A total of three comment letters were received during the 15-day public comment period.
10. Following the conclusion of the public comment period on December 18, 2017, State Water Board staff compiled and reviewed the comments received during the comment period. Based on the staff evaluation, the public comments do not warrant further modifications to the proposed regulations.
11. The California Environmental Quality Act (CEQA) provides an exemption for classes of projects which have been determined by the Secretary for Resources to not to have significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents pursuant to Public Resource Code section 21084. The classes of categorical exemptions are contained within the title 14, sections 15300 to 15333. Title 14 section 15308 states that Class 8 consists of actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.
12. The State Water Board finds that adoption of the proposed regulations for surface water augmentation using recycled water represents action taken by a regulatory agency pursuant to its general and specific statutory authority for the maintenance and protection of the environment, and that adoption of the proposed SWA regulations satisfies the requirements of title 14 section 15308, and is a Class 8 categorical exempt project. There are no facts on the record to indicate or suggest that the proposed regulations for surface water augmentation using recycled water fall within any of the enumerated exceptions for the appropriate use of a categorical exemption as set forth in title 14 section 15300.2.



## DRAFT

13. Minor modifications to the Initial Statement of Reasons (ISOR) and responses to all comments that were received during the public comment period will be contained in the Final Statement of Reasons (FSOR), and submitted to the Office of Administrative Law (OAL) as part of the regulations package.

### THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts the proposed regulations for surface water augmentation using recycled water, which will add (unless otherwise noted) to Title 22, California Code of Regulations, Sections 60301.120, 60301.450 (amend), 60301.850.5, 60301.851, 60301.852, 60301.853, 60320.300, 60320.301, 60320.302, 60320.304, 60320.306, 60320.308, 60320.312, 60320.320, 60320.322, 60320.326, 60320.328, 60320.330, 64668.05, 64668.10, 64668.20, and 64668.30.
2. The State Water Board determines that the adoption of the proposed regulations for surface water augmentation using recycled water is a project that is categorically exempt from CEQA requirements for the preparation of environmental documents as a Class 8 project pursuant to Public Resources Code section 21084 and title 14 section 15308 and directs the State Water Board staff to prepare and submit to the State Clearinghouse a Notice of Exemption reflecting this determination.
3. The State Water Board Executive Director shall sign Form 400 and State Water Board staff shall submit the adopted regulations to OAL for review and, if approved, filing with the Secretary of State.
4. If, prior to OAL filing the regulations with the Secretary of State, State Water Board staff, the State Water Board, or OAL staff determine that non-substantive revisions to the language of the regulations or supporting documentation are needed, the State Water Board Executive Director may make such changes.

### 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 March 6, 2018.

---

Jeanine Townsend  
Clerk to the Board

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

## TITLE 22, CALIFORNIA CODE OF REGULATIONS

### DIVISION 4, CHAPTER 3

#### ARTICLE 1. Definitions

#### Adopt Section 60301.120 as follows:

##### **§60301.120. Augmented Reservoir.**

"Augmented Reservoir" means a surface water reservoir used as a source of domestic drinking water supply that receives recycled municipal wastewater from a Surface Water Source Augmentation Project (SWSAP).

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

#### Amend Section 60301.450 as follows:

##### **§60301.450. Indicator Compound.**

"Indicator Compound" means an individual chemical in a ~~GRRP's~~ municipal wastewater that represents the physical, chemical, and biodegradable characteristics of a specific family of trace organic chemicals; is present in concentrations that provide information relative to the environmental fate and transport of those chemicals; may be used to monitor the efficiency of trace organic compounds removal by treatment processes; and provides an indication of treatment process failure.

NOTE: Authority cited: Sections 13521, 13562 and 13562.5, Water Code; and Sections ~~131052 and 131200~~ 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561 and 13562.5, Water Code.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

**Adopt Section 60301.850.5 as follows:**

**§60301.850.5. Surface Water.**

As used in this Article and Article 5.3 of this Chapter, "Surface Water" has the same meaning as defined in section 64651.83 of Chapter 17.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

**Adopt Section 60301.851 as follows:**

**§60301.851. Surface Water Source Augmentation Project or SWSAP.**

"Surface Water Source Augmentation Project" or "SWSAP" means a project involving the planned placement of recycled municipal wastewater into a surface water reservoir that is used as a source of domestic drinking water supply, for the purpose of supplementing the source of domestic drinking water supply.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

**Adopt Section 60301.852 as follows:**

**§60301.852. Surface Water Source Augmentation Project Public Water System or SWSAP PWS.**

"Surface Water Source Augmentation Project Public Water System" or "SWSAP PWS" means a public water system that plans to utilize or is utilizing an augmented reservoir as a source of drinking water and is responsible for complying with the requirements of Chapter 17 and the applicable requirements of this Chapter.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

**Adopt Section 60301.853 as follows:**

**§60301.853. Surface Water Source Augmentation Project Water Recycling**

**Agency or SWSAP WRA.**

"Surface Water Source Augmentation Project Water Recycling Agency" or "SWSAP WRA" means an agency that is subject to a Regional Water Quality Control Board's (Regional Board's) water-recycling requirements applicable to a Surface Water Source Augmentation Project (SWSAP) and is, in whole or part, responsible for applying to the Regional Board for a permit, obtaining a permit, the operation of a SWSAP, and complying with the terms and conditions of the Regional Board permit and the requirements of this Chapter.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

### **ARTICLE 5.3. Indirect Potable Reuse: Surface Water Augmentation**

#### **Adopt Section 64320.300 as follows:**

##### **Section 640320.300. Application.**

The requirements of this Article apply to a Surface Water Source Augmentation Project Water Recycling Agency (SWSAP WRA) involved in the planned placement of recycled municipal wastewater into a surface water reservoir that is used, in whole or in part, as a source of domestic drinking water supply by a public water system pursuant to Article 9, Chapter 17, of this Division.

#### **Adopt Section 60320.301 as follows:**

##### **§60320.301. General Requirements.**

(a) Prior to augmentation of a surface water reservoir using a SWSAP, each SWSAP WRA and each SWSAP PWS participating in the SWSAP shall submit a joint plan to the State Board and Regional Board for review and written approval. At a minimum, the joint plan shall address the elements in paragraphs (1) and (2) below. The joint plan shall be signed by each person with authority or responsibility to operate the SWSAP, comply with the requirements of this Article, and ensure that each SWAP WRA and SWAP PWS implements the actions designated in the joint plan. In the event of any subsequent change in applicable authority, responsibility, operation, or ownership of a SWSAP WRA or SWSAP PWS, including the addition of any SWSAP WRA or SWSAP PWS participant in the SWSAP, a revised joint plan shall be submitted to the State Board and Regional Board for review and written approval, and the revised joint plan shall be signed by all participants. A revised joint plan shall also be submitted to reflect any change in the information provided pursuant to paragraphs (1) and (2) below, and to address any State Board or Regional Board concerns. A revised joint plan required by this section shall be submitted not less than sixty (60) days prior to the effective date of any change required by this section to be addressed in a revised joint plan.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(1) Corrective actions to be taken in the event that a delivery of recycled municipal wastewater from the SWSAP to an augmented reservoir fails to meet the water quality requirements of this Article.

(2) The procedures a SWSAP WRA will implement for notifying a SWSAP PWS, State Board, and Regional Board of:

(A) operational changes that may adversely affect the quality of the recycled municipal wastewater to be delivered to an augmented reservoir, and

(B) the events and corresponding corrective actions required to be identified in paragraph (1).

(b) Prior to design and operation of a SWSAP, a SWSAP WRA shall demonstrate to the State Board and Regional Board that the SWSAP WRA possesses adequate financial, managerial, and technical capability to assure compliance with this Article.

(c) Prior to augmentation of a surface water reservoir using a SWSAP, a SWSAP WRA shall demonstrate to the State Board and Regional Board that all treatment processes are installed and can be operated by the SWSAP WRA, as designed, to achieve their intended function. A protocol describing the actions to be taken to meet this subsection shall be included in the engineering report submitted pursuant to section 60323, Article 7 of Chapter 3.

(d) If a SWSAP WRA fails to complete compliance monitoring required by this Article, compliance may be determined by the State Board or Regional Board based on available monitoring data available to, and assumptions made by, the State Board or Regional Board.

(e) A SWSAP WRA shall ensure that the recycled municipal wastewater used for a SWSAP is from a wastewater management agency that is not in violation of the effluent limits or water quality requirements that pertain to surface water augmentation pursuant to this Article, as incorporated in the wastewater management agency's Regional Board permit.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(f) When a SWSAP WRA has been required by this Article or directed by the State Board or Regional Board to suspend augmentation of a surface water reservoir for any reason, augmentation of the surface water reservoir shall not resume until the SWSAP WRA has obtained written authorization to resume augmentation of the reservoir from the State Board and Regional Board.

(g) Reports required by this Article to be submitted by a SWSAP WRA or SWSAP PWS to the Regional Board or State Board shall be in writing.

(h) Unless specified otherwise, the term "quarter", as used in this Article, refers to a calendar quarter.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

**Adopt Section 60320.302 as follows:**

**§60320.302. Advanced Treatment Criteria.**

A SWSAP WRA shall ensure the continuous treatment, with full advanced treatment meeting the criteria in this section, of the entire recycled municipal wastewater stream prior to its delivery to an augmented reservoir. Full advanced treatment is the treatment of an oxidized wastewater, as defined in section 60301.650, using a reverse osmosis and an oxidation treatment process that, at a minimum, meets the criteria of this section.

(a) A SWSAP WRA shall select for use a reverse osmosis membrane such that:

(1) each membrane element used in the SWSAP has achieved a minimum rejection of sodium chloride of no less than 99.0 percent (99.0%) and an average (nominal) rejection of sodium chloride of no less than 99.2 percent (99.2%), as

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

demonstrated through Method A of ASTM International's method D4194-03 (2014) using the following substitute test conditions:

(A) a recovery of permeate of no less than 15 percent (15%);

(B) sodium chloride rejection is based on three or more successive measurements, after flushing and following at least 30 minutes of operation having demonstrated that rejection has stabilized;

(C) an influent pH no less than 6.5 and no greater than 8.0;

(D) an influent sodium chloride concentration of no greater than 2,000 mg/L, to be verified prior to the start of testing; and

(E) an applied pressure no greater than 225 pounds per square inch (psi);

and

(2) during the first twenty weeks of full-scale operation the membrane produces a permeate with no more than five percent (5%) of the sample results having TOC concentrations greater than 0.25 mg/L (or an alternative surrogate parameter and corresponding limit approved by the State Board), as verified through monitoring no less frequent than weekly.

(b) For the reverse osmosis treatment process, a SWSAP WRA shall propose, for State Board review and written approval, on-going performance monitoring (e.g., conductivity, TOC, etc.) that indicates when the integrity of the process has been compromised. The proposal shall include at least one form of continuous monitoring, as well as the associated surrogate and/or operational parameter limits and alarm settings that indicate when the integrity has been compromised.

(c) To demonstrate a sufficient oxidation treatment process has been designed for implementation, the SWSAP WRA shall conduct testing demonstrating that an oxidation treatment process will provide no less than  $0.5\text{-log}_{10}$  (69 percent) reduction of 1,4-dioxane.

(1) A SWSAP WRA shall submit a testing protocol, as well as the subsequent results, to the State Board for review and written approval. The testing shall include challenge or spiking tests, using 1,4-dioxane, to demonstrate the proposed oxidation



SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

treatment process will achieve the minimum 0.5-log<sub>10</sub> reduction under the proposed oxidation treatment process's normal full-scale operating conditions.

(2) A SWSAP WRA shall establish, and submit to the State Board for review and written approval, surrogate and/or operational parameters that indicate whether the minimum 0.5-log<sub>10</sub> 1,4-dioxane reduction design criterion is being met. At least one surrogate or operational parameter shall be capable of being monitored continuously, recorded, and have associated alarms that indicate when the process is not operating as designed.

(d) During full-scale operation of the oxidation treatment process designed pursuant to subsection (c), a SWSAP WRA shall continuously monitor the surrogate and/or operational parameters established pursuant to subsection (c)(2). A SWSAP WRA shall implement, in full-scale operation, the oxidation treatment process as designed pursuant to subsection (c).

(e) Within sixty (60) days after completing the first 12-months of full-scale operational monitoring pursuant to subsection (d), a SWSAP WRA shall submit a report to the State Board and Regional Board that includes:

(1) results of surrogate and/or operational parameter monitoring conducted pursuant to subsection (d);

(2) a description of the efficacy of the surrogate and/or operational parameters to reflect the reduction criterion for 1,4-dioxane; and

(3) a description of actions taken, or yet to be taken, if any of the following occurred during the first 12 months of operation:

(A) the 1,4-dioxane reduction did not meet the associated design criteria in subsection (c), as indicated by the on-going continuous operational surrogate and/or operational parameter monitoring;

(B) if 1,4-dioxane was present, the continuous surrogate and/or operational parameter monitoring failed to correspond to the reduction criterion for 1,4-dioxane; and

(C) any failure, interruption, or other incident that may have resulted in insufficient oxidation treatment having occurred.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(f) Within sixty (60) days after completing the initial 12 months of operation of the reverse osmosis process (or alternative process approved pursuant to 60320.330), a SWSAP WRA shall submit a report to the State Board and Regional Board describing the effectiveness of the treatment, process failures that occurred, and actions taken in the event the on-going monitoring, conducted pursuant to subsection (b), indicated that process integrity was compromised.

(g) Each quarter, a SWSAP WRA shall calculate what percent of results of the quarter's monitoring, conducted pursuant to subsections (b) and (d), did not meet the surrogate and/or operational parameter limits established to assure proper on-going performance of the reverse osmosis and oxidation processes. If the percent is greater than ten, within forty-five (45) days after the end of the quarter a SWSAP WRA shall:

(1) submit a report to the State Board and Regional Board that identifies the reason(s) for the failure, if known, and describes the corrective actions planned or taken to reduce the percent to ten percent (10%) or less; and

(2) consult with the State Board and Regional Board and, if directed by the State Board or Regional Board, comply with an alternative monitoring plan approved by the State Board and Regional Board.

(h) Each month a SWSAP WRA shall collect samples representative of the effluent of the advanced treatment process under normal operating conditions and have the samples analyzed for contaminants having MCLs and notification levels (NLs). After 12 consecutive months with no results exceeding an MCL or NL, a SWSAP WRA may apply to the State Board and Regional Board for a reduced monitoring frequency. The reduced monitoring frequency for a contaminant with an MCL shall be no less than quarterly. With State Board and Regional Board approval, monitoring conducted pursuant to this subsection may be used in lieu of the monitoring (for the same contaminants) required pursuant to sections 60320.312 and 60320.320. ~~The effluent of the advanced treatment process may not exceed an MCL.~~ If an MCL or NL is exceeded, the SWSAP WRA shall take the follow-up actions for MCL and NL

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

exceedances required pursuant to section 60320.312 and section 60320.320(b), respectively.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

**Adopt Section 60320.304 as follows:**

**§60320.304. Lab Analyses.**

(a) An analysis for a contaminant having a primary or secondary MCL shall be performed using a drinking water method approved by the State Board for the contaminant, by a laboratory that at the time of the analysis has a valid certificate from the State Board for the analytical method used.

(b) Analyses for chemicals other than those having primary or secondary MCLs shall be described in the SWSAP WRA's Operation Plan prepared pursuant to section 60320.322.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

**Adopt Section 60320.306 as follows:**

**§60320.306. Wastewater Source Control.**

A SWSAP WRA shall ensure that the recycled municipal wastewater used for a SWSAP shall be from a wastewater management agency that:

(a) administers an industrial pretreatment and pollutant source control program; and

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(b) implements and maintains a source control program that includes, at a minimum:

(1) an assessment of the fate of State Board-specified and Regional Board-specified chemicals and contaminants through the wastewater and recycled municipal wastewater treatment systems,

(2) chemical and contaminant source investigations and monitoring that focuses on State Board-specified and Regional Board-specified chemicals and contaminants,

(3) an outreach program to industrial, commercial, and residential communities within the portions of the sewage collection agency's service area that flows into the water reclamation plant subsequently supplying the SWSAP, for the purpose of managing and minimizing the discharge of chemicals and contaminants at the source, and

(4) a current inventory of chemicals and contaminants identified and evaluated pursuant to this section, including new chemicals and contaminants resulting from new sources or changes to existing sources, that may be discharged into the wastewater collection system.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

**Adopt Section 60320.308 as follows:**

**§60320.308. Pathogenic Microorganism Control.**

(a) A SWSAP WRA shall design and operate SWSAP treatment processes such that the recycled municipal wastewater delivered to an augmented reservoir for use by a SWSAP PWS receives treatment as follows:

(1) For a SWSAP PWS implementing the requirements of section 64668.30(c)(1) of Chapter 17, the treatment train shall reliably achieve at least 8-log<sub>10</sub> enteric virus reduction, 7-log<sub>10</sub> *Giardia* cyst reduction, and 8-log<sub>10</sub> *Cryptosporidium* oocyst reduction, consisting of at least two separate treatment processes for each pathogen (i.e., enteric

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

virus, *Giardia* cyst, or *Cryptosporidium* oocyst). A separate treatment process may be credited with no more than 6-log<sub>10</sub> reduction, with at least two processes each being credited with no less than 1.0-log<sub>10</sub> reduction. A single treatment process may receive log<sub>10</sub> reduction credits for one or more pathogens.

(2) For a SWSAP PWS implementing the requirements of section 64668.30(c)(2) of Chapter 17, the treatment train shall reliably achieve at least 9-log<sub>10</sub> enteric virus reduction, 8-log<sub>10</sub> *Giardia* cyst reduction, and 9-log<sub>10</sub> *Cryptosporidium* oocyst reduction, consisting of at least three separate treatment processes for each pathogen (i.e., enteric virus, *Giardia* cyst, or *Cryptosporidium* oocyst). A separate treatment process may be credited with no more than 6-log<sub>10</sub> reduction, with at least three processes each being credited with no less than 1.0-log<sub>10</sub> reduction. A single treatment process may receive log<sub>10</sub> reduction credits for one or more pathogens.

(3) The State Board may increase the minimum enteric virus, *Giardia* cyst, and *Cryptosporidium* oocyst log<sub>10</sub> reductions required in paragraphs (1) and (2) as a result of a SWSAP PWS relying on additional treatment to obtain State Board approval of an alternative minimum theoretical retention time pursuant section 64668.30(b) of Chapter 17.

(b) The SWSAP WRA shall validate each of the treatment processes used to meet the requirements in subsection (a) for their log reduction by submitting a report for the State Board's review and written approval, or by using a challenge test approved by the State Board, that provides evidence of the treatment process's ability to reliably and consistently achieve the log reduction. The report and/or challenge test shall be prepared by engineer licensed in California with at least five years of experience, as a licensed engineer, in wastewater treatment and public water supply, including the evaluation of treatment processes for pathogen control. The SWSAP WRA shall propose and include in its Operations Plan prepared pursuant to section 60320.322, on-going monitoring using the pathogenic microorganism of concern or a microbial, chemical, or physical surrogate parameter(s) that verifies the performance of each treatment process's ability to achieve its credited log reduction.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(c) If the applicable pathogen reduction in subsection (a) is not met based on the on-going monitoring required pursuant to subsection (b), within 24 hours of its knowledge of an occurrence, the SWSAP WRA shall investigate the cause and initiate corrective actions. If there is a failure to meet the pathogen reduction criteria longer than 4 consecutive hours or more than a total of 8 hours during any 7-day period, the SWSAP WRA shall, within 24 hours of its knowledge of such a failure, notify the State Board, Regional Board, and each SWSAP PWS utilizing the augmented reservoir. Failures of shorter duration shall be reported to the Regional Board no later than 10 days after the month in which the failure occurred.

(d) The SWSAP WRA shall, within 24 hours of its knowledge, notify the State Board, Regional Board, and each SWSAP PWS utilizing the augmented reservoir and, unless directed otherwise by the State Board and the Regional Board, discontinue delivery of recycled municipal wastewater to the SWSAP augmented reservoir if:

(1) pursuant to the pathogen reduction requirements in subsection (a)(1), the effectiveness of the treatment train to reduce enteric virus is less than 6-logs<sub>10</sub>, *Giardia* cysts reduction is less than 5-logs<sub>10</sub>, or *Cryptosporidium* oocysts reduction is less than 6-logs<sub>10</sub>,

(2) pursuant to the pathogen reduction requirements in subsection (a)(2), the effectiveness of the treatment train to reduce enteric virus is less than 7-logs<sub>10</sub>, *Giardia* cysts reduction is less than 6-logs<sub>10</sub>, or *Cryptosporidium* oocysts reduction is less than 7-logs<sub>10</sub>, or

(3) effectiveness of the treatment train to reduce enteric virus, *Giardia* cysts, or *Cryptosporidium* oocysts is less than a log<sub>10</sub> reduction value derived from deducting 2-logs<sub>10</sub> from each of the minimum enteric virus, *Giardia* cyst, and *Cryptosporidium* oocyst log<sub>10</sub> reductions required pursuant to subsection (a)(3).

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

**Adopt Section 60320.312 as follows:**

**§60320.312. Regulated Contaminants and Physical Characteristics Control.**

(a) Each quarter a SWSAP WRA shall collect samples (grab or 24-hour composite) representative of the recycled municipal wastewater delivered to the augmented reservoir and have the samples analyzed for:

- (1) the inorganic chemicals in Table 64431-A, Chapter 15;
- (2) the radionuclide chemicals in Tables 64442 and 64443, Chapter 15;
- (3) the organic chemicals in Table 64444-A, Chapter 15;
- (4) the disinfection byproducts in Table 64533-A, Chapter 15.5; and
- (5) lead and copper.

(b) Each year, in the same quarter, the SWSAP WRA shall collect at least one representative sample (grab or 24-hour composite) of the recycled municipal wastewater delivered to the augmented reservoir and have the sample(s) analyzed for the secondary drinking water contaminants in Tables 64449-A and 64449-B of Chapter 15.

(c) If a result of the monitoring performed pursuant to subsection (a) exceeds a contaminant's MCL or action level (for lead and copper), the SWSAP WRA shall collect another sample within 72 hours of notification of the result and have it analyzed for the contaminant as confirmation.

(1) For a contaminant whose compliance with its MCL or action level is not based on a running annual average, if the average of the initial and confirmation sample exceeds the contaminant's MCL or action level, or the confirmation sample is not collected and analyzed pursuant to this subsection, the SWSAP WRA shall notify the State Board and Regional Board within 24 hours and initiate weekly monitoring until four consecutive weekly results are below the contaminant's MCL or action level. If at any time a result causes, or would cause, a running four-week average of weekly results to exceed the contaminant's MCL or action level, the SWSAP WRA shall notify the State Board, each SWSAP PWS utilizing the augmented reservoir, and Regional Board within

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

24 hours and immediately suspend delivery of the recycled municipal wastewater to the augmented reservoir.

(2) For a contaminant whose compliance with its MCL is based on a running annual average, if the average of the initial and confirmation sample exceeds the contaminant's MCL, or a confirmation sample is not collected and analyzed pursuant to this subsection, the SWSAP WRA shall initiate weekly monitoring for the contaminant until the running four-week average of results no longer exceeds the contaminant's MCL.

(A) If the running four-week average exceeds the contaminant's MCL, a SWSAP WRA shall describe the reason(s) for the exceedance and provide a schedule for completion of corrective actions in a report submitted to the State Board and Regional Board no later than 45 days following the quarter in which the exceedance occurred.

(B) If the running four-week average exceeds the contaminant's MCL for sixteen consecutive weeks, a SWSAP WRA shall notify the State Board, Regional Board, and each SWSAP PWS utilizing the augmented reservoir within 48 hours of knowledge of the exceedance and, if directed by the State Board or Regional Board, suspend delivery of the recycled municipal wastewater to the augmented reservoir.

(d) If the annual average of the results of the monitoring performed pursuant to subsection (b) exceeds a contaminant's secondary MCL in Table 64449-A or the upper limit in Table 64449-B, the SWSAP WRA shall initiate quarterly monitoring of the recycled municipal wastewater for the contaminant and, if the running annual average of quarterly-averaged results exceeds a contaminant's secondary MCL or upper limit, describe the reason(s) for the exceedance and any corrective actions taken a report submitted to the Regional Board no later than 45 days following the quarter in which the exceedance occurred, with a copy concurrently provided to the State Board. The annual monitoring in subsection (b) may resume if the running annual average of quarterly results does not exceed a contaminant's secondary MCL or upper limit.



SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(e) If four consecutive quarterly results for asbestos are below the detection limit in Table 64432-A for asbestos, monitoring for asbestos may be reduced to one sample every three years. Quarterly monitoring shall resume if asbestos is detected.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564, 13565 and 13567, Water Code; and Section 116551, Health and Safety Code.

**Adopt Section 60320.320 as follows:**

**§60320.320. Additional Chemical and Contaminant Monitoring.**

(a) Each quarter, a SWSAP WRA shall sample and analyze the recycled municipal wastewater delivered to the augmented reservoir, for the following:

(1) Priority Toxic Pollutants (chemicals listed in 40 CFR section 131.38, "Establishment of numeric criteria for priority toxic pollutants for the State of California", as the foregoing may be amended) specified by the State Board, based on the State Board's review of the SWSAP engineering report; and

(2) Chemicals specified by the State Board, based on its review of the SWSAP engineering report, the results of the augmented reservoir monitoring conducted pursuant to section 60320.326, and the results of the assessment performed pursuant to section 60320.306(b)(1).

(b) Each quarter, a SWSAP WRA shall sample and analyze the recycled municipal wastewater delivered to the augmented reservoir for State Board-specified chemicals having notification levels (NLs). If a result exceeds an NL, within 72 hours of notification of the result the SWSAP WRA shall collect another sample and have it analyzed for the contaminant as confirmation. If the average of the initial and confirmation sample exceeds the contaminant's NL, or a confirmation sample is not collected and analyzed pursuant to this subsection, the SWSAP WRA shall initiate weekly monitoring for the contaminant until the running four-week average of results does not exceed the NL and the State Board and Regional Board determine weekly monitoring may cease.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(1) If a running four-week average exceeds the contaminant's NL, the SWSAP WRA shall describe the reason(s) for the exceedance and provide a schedule for completion of corrective actions in a report submitted to the Regional Board no later than 45 days following the quarter in which the exceedance occurred, with a copy concurrently provided to the State Board.

(2) If a running four-week average exceeds the contaminant's NL for sixteen consecutive weeks, the SWSAP WRA shall notify the State Board, Regional Board, and each SWSAP PWS utilizing the augmented reservoir within 48 hours of knowledge of the exceedance.

(c) A SWSAP WRA may reduce monitoring for the chemicals in this section to once each year following State Board written approval based on the State Board's review of no less than the most recent two years of results of the monitoring performed pursuant to this section.

(d) Each year, the SWSAP WRA shall monitor the recycled municipal wastewater delivered to the augmented reservoir for indicator compounds specified by the State Board or Regional Board based on the following:

- (1) a review of the SWSAP WRA's engineering report;
- (2) the inventory developed pursuant to section 60320.306(b)(4);
- (3) an indicator compound's ability to characterize the performance of the treatment processes for removal of chemicals; and
- (4) the availability of a test method for a chemical.

(e) A chemical or contaminant detected as a result of monitoring conducted pursuant to this section shall be reported to the State Board and Regional Board no later than the end of the quarter following the quarter in which the SWSAP WRA is notified of the results. If directed by the State Board or Regional Board, the SWSAP WRA shall monitor the recycled municipal wastewater delivered to the augmented reservoir for chemicals or contaminants detected pursuant to section 60320.326.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

**Adopt Section 60320.322 as follows:**

**§60320.322. SWSAP Operation Plan.**

(a) Prior to operation of a SWSAP, a SWSAP WRA shall submit an Operation Plan to the State Board and Regional Board and receive written approval of the plan from the State Board and Regional Board. At a minimum, the Operation Plan shall identify and describe the operations, maintenance, analytical methods, monitoring necessary for the SWSAP to meet the requirements of this Article, and the reporting of monitoring results to the State Board and Regional Board. The plan shall also identify an on-going training program that includes the elements of the training required pursuant to subsection (b) of this section. A SWSAP WRA shall implement the Operation Plan and update the Operation Plan to ensure that the Operation Plan is, at all times, representative of the current operations, maintenance, and monitoring of the SWSAP. The SWSAP WRA shall make the Operation Plan immediately available to the State Board or Regional Board for review upon request.

(b) Prior to operation of a SWSAP, a SWSAP WRA shall, at a minimum, demonstrate to the State Board and Regional Board that the personnel operating and overseeing the SWSAP operations have received training in the following:

- (1) The proper operation of the treatment processes utilized pursuant to sections 60320.302 and 60320.308;
- (2) The California Safe Drinking Water Act and its implementing regulations; and
- (3) The potential adverse health effects associated with the consumption of drinking water that does not meet California drinking water standards.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(c) At all times recycled municipal wastewater is delivered to the augmented reservoir, the SWSAP WRA shall ensure that all treatment processes are operated in a manner that provides optimal reduction of all chemicals and contaminants including:

- (1) microbial contaminants;
- (2) regulated contaminants identified in section 60320.312; and
- (3) chemicals and contaminants required pursuant to section 60320.320.

(d) Within six months following the first year of optimizing treatment processes pursuant to subsection (c) and anytime thereafter operations are optimized that result in a change in operation, the SWSAP WRA shall update the SWSAP Operation Plan to include the changes in operational procedures and submit the Operation Plan to the State Board and Regional Board for review.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

**Adopt Section 60320.326 as follows:**

**§60320.326. Augmented Reservoir Monitoring.**

(a) Prior to augmentation of a surface water reservoir using a SWSAP, the SWSAP WRA, in coordination with the SWSAP PWS, shall identify monitoring locations in the augmented reservoir, for State Board review and written approval. The identified monitoring locations must be representative, throughout the volume of the surface water reservoir impacted by the SWSAP, at a minimum, of the following:

- (1) Differing water quality conditions across the horizontal extent of the surface water reservoir;
- (2) Each level in the surface water reservoir corresponding to the depths in which water may be withdrawn; and
- (3) The surface water reservoir's epilimnion and hypolimnion.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(b) Prior to augmentation of a surface water reservoir using a SWSAP, each month, the SWSAP WRA shall collect samples for no less than 24 consecutive months, from the monitoring locations established pursuant to subsection (a). The samples shall be analyzed for the contaminants in tables 64449-A and B of Chapter 15, total organic carbon (TOC), total nitrogen, *E. coli*, total coliform bacteria, temperature, dissolved oxygen, chlorophyll a, total and dissolved phosphorus, and other State Board-specified chemicals and contaminants based on a review of the SWSAP WRA's engineering report and the results of the assessment performed pursuant to section 60320.306(b)(1).

(c) The SWSAP WRA shall continue to conduct monthly monitoring pursuant to subsection (b) for no less than the initial 24 months a SWSAP WRA is delivering recycled municipal wastewater to an augmented reservoir. In addition, the on-going monitoring required by this section shall include State Board-specified chemicals and contaminants based on SWSAP operations and the results of recycled municipal wastewater monitoring conducted pursuant to this Article.

(d) After completion of the 24-months of monthly monitoring conducted pursuant to subsection (c) and consultation with each SWSAP PWS utilizing the reservoir as a source of drinking water, a SWSAP WRA may apply to the State Board for reduced on-going monitoring. The SWSAP WRA shall obtain State-Board written approval prior to implementation of the reduced monitoring. The reduced on-going monitoring frequency may be no less than once every 12 months.

(e) Notwithstanding subsection (b), (c), and (d), based on the results of reservoir monitoring, the State Board may require a SWSAP WRA to ~~shall~~ monitor for any State Board-specified chemicals or contaminants, at the locations and frequencies specified by the State Board.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1.

SBDCW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

**Adopt Section 60320.328 as follows:**

**§60320.328. Reporting.**

(a) By July 1<sup>st</sup> of each year, a SWSAP WRA shall provide a report to the State Board and Regional Board, and make a copy of the report available to each SWSAP PWS affected by the SWSAP. Each SWSAP PWS shall be notified by direct mail and/or electronic mail of the availability of the report. The report shall be prepared by an engineer licensed in California and experienced in the fields of wastewater treatment and public water supply, or California-licensed engineers collectively having the experience. The report shall include the following:

- (1) A summary of the SWSAP compliance status with the monitoring requirements and criteria of this Article during the previous calendar year;
- (2) For any violations of this Article during the previous calendar year:
  - (A) the date, duration, and nature of the violation,
  - (B) a summary of any corrective actions and/or suspensions of delivery of recycled municipal wastewater to an augmented reservoir resulting from a violation, and
  - (C) if uncorrected, a schedule for and summary of all remedial actions;
- (3) Any detections of monitored chemicals or contaminants, and any observed trends in the monitoring results of the augmented reservoir required pursuant to section 60320.326;
- (4) A description of any changes in the operation of any unit processes or facilities;
- (5) A description of any anticipated changes, along with an evaluation of the expected impact of the changes on subsequent unit processes;
- (6) The estimated quantity and quality of the recycled municipal wastewater to be delivered for the next calendar year, as well as the quantity delivered during the previous three years; and

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(7) A summary of the measures taken to comply with section 60320.306 and 60320.301(e), and the effectiveness of the implementation of the measures.

(b) No less frequently than every five years from the date of the initial approval of the engineering report required pursuant to section 60323, Article 7 of Chapter 3, the SWSAP WRA shall update the engineering report to address any SWSAP changes from the previous engineering report, and submit the report to the State Board and Regional Board. The update shall include, but not be limited to, the anticipated increases in delivery of recycled municipal wastewater and a description of the expected impact the increase will have on the SWSAP WRA's ability to meet the requirements of this Article.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.

**Adopt Section 60320.330 as follows:**

**§60320.330. Alternatives.**

(a) A SWSAP WRA may use an alternative to a requirement in this Article if the SWSAP WRA:

(1) demonstrates to the State Board that the proposed alternative provides an equivalent or better level of performance with respect to the efficacy and reliability of the removal of contaminants of concern to public health, and ensures at least the same level of protection to public health;

(2) receives written approval from the State Board prior to implementation of the alternative; and

(3) if required by the State Board or Regional Board, conducts a public hearing on the proposed alternative, disseminates information to the public, and receives public comments.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(b) The demonstration in subsection (a)(1) shall include the results of a review of the proposed alternative by an independent scientific advisory panel, approved by the State Board, that includes, but is not limited to, a toxicologist, a limnologist, an engineer licensed in California with at least three years of experience in wastewater treatment and public drinking water supply, a microbiologist, and a chemist.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Section 116271, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564 and 13565, Water Code; and Section 116551, Health and Safety Code.



SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

## **DIVISION 4, CHAPTER 17**

### **ARTICLE 9. Indirect Potable Reuse: Surface Water Augmentation**

**Adopt Section 64668.05 as follows:**

#### **Section 64668.05. Application.**

In addition to meeting the applicable requirements of this Chapter, a water supplier whose approved surface water source of supply is augmented utilizing a Surface Water Source Augmentation Project (SWSAP) shall meet the requirements of this Article and the applicable requirements of Article 5.3 of Chapter 3. For the purpose of this Article, the water supplier shall be referred to as a Surface Water Source Augmentation Project Public Water System (SWSAP PWS).

**Adopt Section 64668.10 as follows:**

#### **Section 64668.10. General Requirements and Definitions.**

(a) Unless noted otherwise, as used in this Article, the following terms are defined as follows:

(1) "Augmented Reservoir" has the same meaning as defined in section 60301.120, Article 1, Chapter 3.

(2) "Surface Water Source Augmentation Project" or "SWSAP" has the same meaning as defined in section 60301.851, Article 1, Chapter 3.

(3) "Surface Water Source Augmentation Project Public Water System" or "SWSAP PWS" has the same meaning as defined in section 60301.852, Article 1, Chapter 3.

(4) "Surface Water Source Augmentation Project Water Recycling Agency" or "SWSAP WRA" has the same meaning as defined in section 60301.853, Article 1, Chapter 3.

(b) Prior to using an augmented reservoir as a source of supply, a SWSAP PWS shall submit an application for a domestic water supply permit or permit amendment, and have an approved joint plan with a SWSAP WRA, as required pursuant to section

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

60320.301(a) of Article 5.3, Chapter 3. The SWSAP PWS shall revise its emergency plan and operations plan required pursuant to sections 64660(c)(2) and 64661 to include the elements of the joint plan and, at a minimum, include the means of providing an alternative source of domestic water supply, a State Board-approved treatment mechanism, or other actions to be taken, to ensure a reliable supply of water is delivered that meets all drinking water standards, in the event that the surface water from the augmented reservoir, as a result of a SWSAP:

- (1) Could not be or has not been treated to meet California drinking water standards;
- (2) Has been degraded to the degree that it is no longer a safe source of drinking water, as determined by the State Board; or
- (3) Receives water that fails to meet the requirements of section 60320.308(d) of Article 5.3, Chapter 3.

(c) A SWSAP PWS shall demonstrate to the State Board and Regional Board that the SWSAP PWS has sufficient control over the operation of an augmented reservoir to ensure its ability to comply with the requirements of this Article and the applicable requirements in Article 5.3 of Chapter 3.

(d) A SWSAP PWS with knowledge of a SWSAP WRA failing to meet a requirement of the SWSAP WRA's permit or a requirement of Chapter 3, Article 5.3, shall immediately notify the State Board.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Sections 116271 and 116375, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564, 13565 and 13567, Water Code; and Sections 116275, 116365, 116375, 116385, 116390, 116400, 116525, 116530, 116535, 116540, 116550, 116551, and 116735, Health and Safety Code.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

**Adopt Section 64668.20 as follows:**

**§64668.20. Public Hearings.**

A SWSAP PWS may not use an augmented reservoir without a domestic water supply permit or permit amendment for the use of the augmented reservoir as an approved surface water source, and unless the SWSAP PWS facilitates at least three public hearings held by the State Board and the SWSAP PWS does the following:

(a) In coordination with and with the assistance of the SWSAP WRA, develop information to be provided to the public at the public hearings and on the SWSAP PWS's Internet Web site. The information shall include, but not be limited to:

- (1) descriptions of the SWSAP;
- (2) identification of the municipal wastewater source for the SWSAP;
- (3) descriptions of the treatment processes, monitoring, contingency plans; and
- (4) the anticipated State Board and Regional Board permit provisions applicable to the SWSAP.

(b) Provide the State Board, for its review and written approval, the information the SWSAP PWS develops pursuant to subsection (a). Following the State Board's approval of the information, the SWSAP PWS shall place the information on a Web site managed and operated by the SWSAP PWS, and in a repository (such as a local public library) in a manner that provides at least 30 days of public access to the information prior to each public hearing. For each of the public hearings, the SWSAP PWS shall make copies of the information available to the public.

(c) No less than 30 days prior to placing the information required pursuant to subsections (a) and (b) in a repository, notify its customers and all public water systems that may receive drinking water impacted by the SWSAP of the following:

- (1) the location and hours of operation of the repository,
- (2) the Internet address where the information may be viewed,
- (3) the purpose of the public hearing and the repository, along with a brief description of the project.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

- (4) the manner in which the public can provide comments, and
- (5) the date, time, and location of the public hearing; and

(d) Deliver the public notification required pursuant to subsection (c), in a manner to reach all public water systems and persons whose source of drinking water may be impacted by the SWSAP. The manner of delivery shall be by direct mail and using one or more of the following methods:

- (1) local newspaper(s) publication of general circulation; and/or
- (2) television and/or radio broadcast locally.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Sections 116271 and 116375, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564, 13565 and 13567, Water Code; and Sections 116275, 116365, 116375, 116385, 116390, 116400, 116530, 116535, 116550, 116551, and 116735, Health and Safety Code.

**Adopt Section 64668.30 as follows:**

**§64668.30. SWSAP Augmented Reservoir Requirements.**

(a) The SWSAP PWS shall ensure that prior to augmentation of a surface water reservoir by a SWSAP, the surface water reservoir to be used as an augmented reservoir was in operation as an approved surface water supply pursuant to this Chapter for a period of time sufficient to establish a baseline record of the surface water reservoir's raw water quality, including but not limited to the monitoring required pursuant to section 60320.326 of Chapter 3, and treated drinking water quality. A surface water reservoir shall have been operating as an approved surface water source for at least five years prior to receiving recycled municipal wastewater from a SWSAP, unless approved otherwise in writing by the State Board, but in no case less than two years.

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(b) The SWSAP PWS shall ensure that a surface water reservoir used as an augmented reservoir has a minimum theoretical retention time of no less than that which has been approved by the State Board. Monthly, the SWSAP PWS shall calculate and record the theoretical retention time. The theoretical retention time shall be the value (in units of days) resulting from dividing the volume of water in the surface water reservoir at the end of each month, by the total outflow from the surface water reservoir during the corresponding month. The total outflow shall include, but not be limited to, all outflows and withdrawals from the surface water reservoir. An initial approved minimum theoretical retention time may be no less than 180 days.

(1) If a month's theoretical retention time is determined to be less than its approved theoretical retention time, the SWSAP PWS shall, by the end of the subsequent month, submit a report to the State Board and Regional Board describing the corrective actions to be taken to ensure future theoretical retention times will be no less than its approved theoretical retention time.

(2) A SWSAP PWS may apply to the State Board, for written approval, for a reduced on-going alternative minimum theoretical retention time of less than 180 days, but no less than 60 days. The SWSAP PWS's application shall include all information requested by the State Board for its consideration of a proposed alternative minimum theoretical retention time, including the following:

(A) Evidence that the SWSAP PWS and SWSAP WRA have reliably and consistently met the requirements of this Article and Article 5.3, Chapter 3, under varying operating conditions;

(B) At the proposed alternative minimum theoretical retention time; the maximum anticipated recycled municipal wastewater flow to the surface water reservoir, the total anticipated outflows from the reservoir, and the total available flows of approved reservoir sources of supply;

(C) The maximum percent, by volume, of recycled municipal wastewater that will be delivered to the surface water reservoir during any 24-hour period, in accordance with subsection (c), at the proposed alternative minimum theoretical retention time;

(D) A description of total proposed treatment and total log<sub>10</sub> reduction for enteric virus, *Giardia* cysts, and *Cryptosporidium* oocysts. For proposed alternative

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

minimum theoretical retention times less than 120 days, no less than one log<sub>10</sub> reduction of such pathogens beyond that otherwise required pursuant to this Article and Article 5.3, Chapter 3, shall be provided;

(E) The ability to adequately respond to potential SWSAP treatment failures in a timely manner, such that there is no interruption of drinking water, meeting all applicable standards, supplied to customers; and

(F) A demonstration that the alternative minimum theoretical retention time provides, based on information provided pursuant to this paragraph (paragraph (2)), an equivalent or better level of protection of public health than otherwise required pursuant to this Article and Article 5.3, Chapter 3. If required by the State Board, the SWSAP PWS's demonstration shall include a review by an independent scientific advisory panel approved by the State Board.

(c) Prior to augmentation, and whenever requested to do so by the State Board based on information that previous tracer studies or hydrodynamic modeling may not accurately reflect current conditions, the SWSAP PWS shall demonstrate to the State Board, utilizing tracer studies and hydrodynamic modeling, that at all times under all operating conditions, the volume of water withdrawn from the augmented reservoir to be ultimately supplied for human consumption contains no more than:

(1) one percent, by volume, of recycled municipal wastewater that was delivered to the surface water reservoir during any 24-hour period, or

(2) ten percent, by volume, of recycled municipal wastewater that was delivered to the surface water reservoir during any 24-hour period, with the recycled municipal wastewater delivered by the SWSAP WRA having been subjected to additional treatment producing no less than a 1-log<sub>10</sub> reduction of enteric virus, *Giardia* cysts, and *Cryptosporidium* oocysts, as noted pursuant to section 60320.308(a)(2). With regard to the additional treatment:

(A) The additional treatment need not be a unique type of process from other treatment processes utilized by the SWSAP WRA to meet the requirements of section 60320.308, ~~but shall be independent of and not reliant on the other treatment processes.~~

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

(B) The SWSAP PWS, in consultation with the SWSAP WRA, shall obtain the additional treatment process information necessary for demonstrating that the requirements of section 60320.308(a)(2) of Chapter 3 and this paragraph will be met.

(d) To verify that the requirements of subsection (c) are being met, within the first six months of operation, under hydraulic conditions representative of normal SWSAP operations, the SWSAP PWS shall initiate a tracer study utilizing an added tracer. The results of the tracer study shall be used to validate the hydrodynamic modeling required in subsection (c). Prior to performing the tracer study, the SWSAP PWS shall submit a tracer study protocol for State Board review and written approval. The SWSAP PWS shall perform the verification required by this subsection whenever requested by the State Board.

(e) Notwithstanding a change in operation allowed pursuant to the SWSAP PWS's domestic water supply permit, prior to initiating a change in operation, including physical changes to the surface water reservoir, that may impact the hydraulic characterization utilized to determine compliance with the requirements of this section, the SWSAP PWS shall notify the State Board and:

(1) demonstrate that the hydraulic characterization used to comply with this section remains valid under the changed operation, or

(2) if requested by the State Board, demonstrate compliance pursuant to this section under the new hydraulic conditions.

(f) Unless directed otherwise by the State Board, a SWSAP PWS shall utilize an independent scientific advisory panel to meet the requirements of this section pertaining to the hydraulic characterization of the reservoir, including tracer study verifications and hydraulic modeling used to demonstrate compliance with subsection (c). The independent scientific advisory panel shall be approved by the State Board and include, at a minimum, a limnologist with experience modelling the hydraulic characterization of surface water reservoirs, or a limnologist and an individual with experience modelling the hydraulic characterization of surface water reservoirs. The SWSAP PWS shall allow

SBDDW-16-02  
Surface Water Augmentation Using Recycled Water  
October 31, 2017

State Board representatives, as guests, to join all independent scientific advisory panel meetings and discussions.

(g) Prior to augmentation of a surface water reservoir using a SWSAP, a SWSAP PWS shall submit a plan, for State Board review and approval, describing the actions the SWSAP PWS will take to assess and address potential impacts resulting from the introduction of advanced treated water into the SWSAP PWS's surface water treatment plant and, indirectly, into the drinking water distribution system. At a minimum, the plan shall address:

(1) maintaining chemical and microbial stability in the drinking water distribution system as the drinking water quality changes with anticipated increasing fractions of advanced treated water;

(2) maintaining treatment effectiveness throughout the surface water treatment plant as the source water quality changes with anticipated increasing fractions of advanced treated water in the reservoir;

(3) assessments to be performed prior to and during operation of the SWSAP with respect to paragraphs (1) and (2); and

(4) assessment outcomes of which the SWSAP PWS will notify the State Board.

NOTE: Authority cited: Sections 13521 and 13562, Water Code; and Sections 116271 and 116375, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561, 13564, 13565 and 13567, Water Code; and Sections 116275, 116365, 116375, 116385, 116390, 116400, 116530, 116535, 116550, 116551, and 116735, Health and Safety Code.





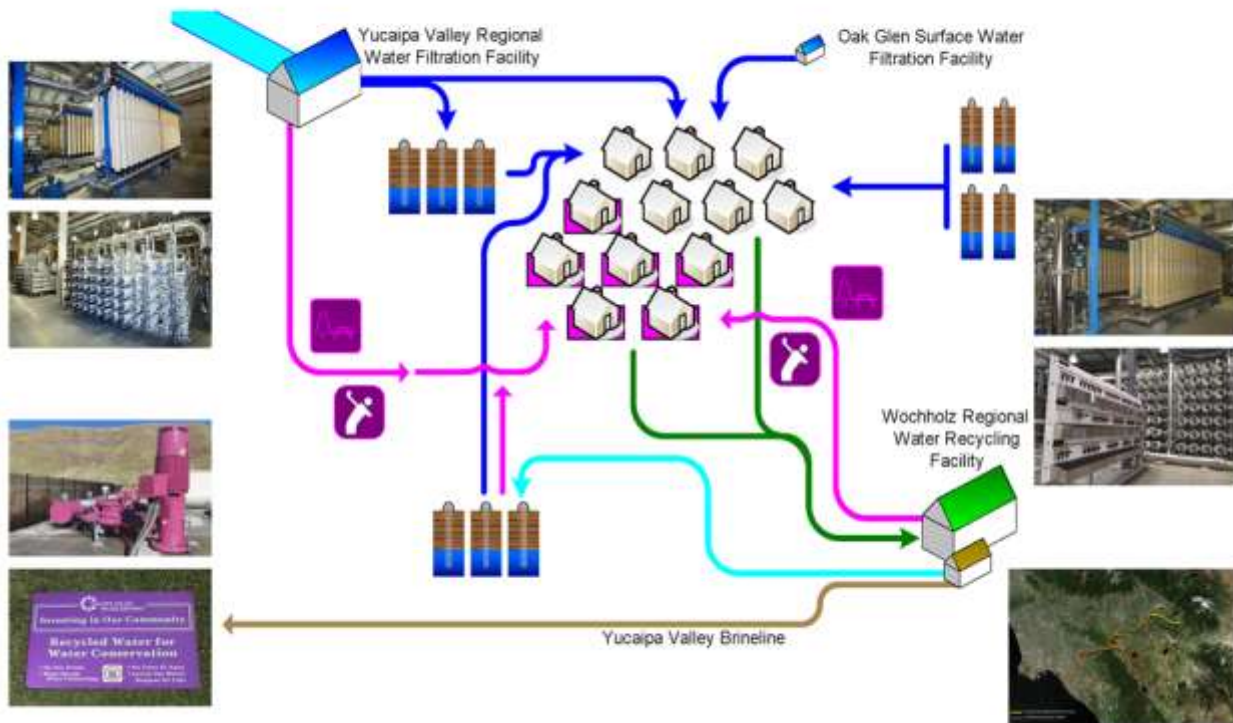
**Date:** March 13, 2018

**From:** Joseph Zoba, General Manager

**Subject:** Discussion of the Strategic Planning and Project Update Related to the Implementation of Indirect Potable Reuse

Over the past several decades, the Yucaipa Valley Water District has embarked on a series of capital improvement projects that have created integrated systems of drinking water, recycled water, sewer treatment, and brine disposal facilities. The integration of these facilities has set the Yucaipa Valley Water District on a course to sustainably maintain exceptionally pure and renewable water resources.

### Sustainable and Integrated Infrastructure Concepts

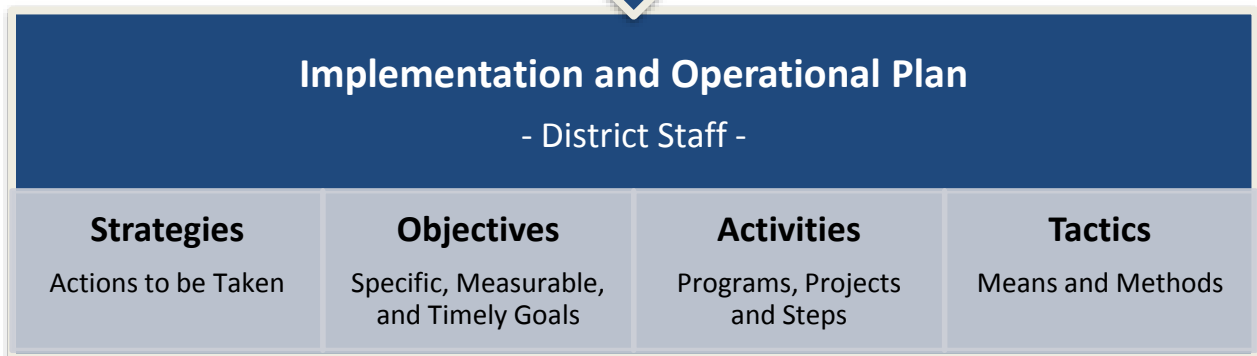
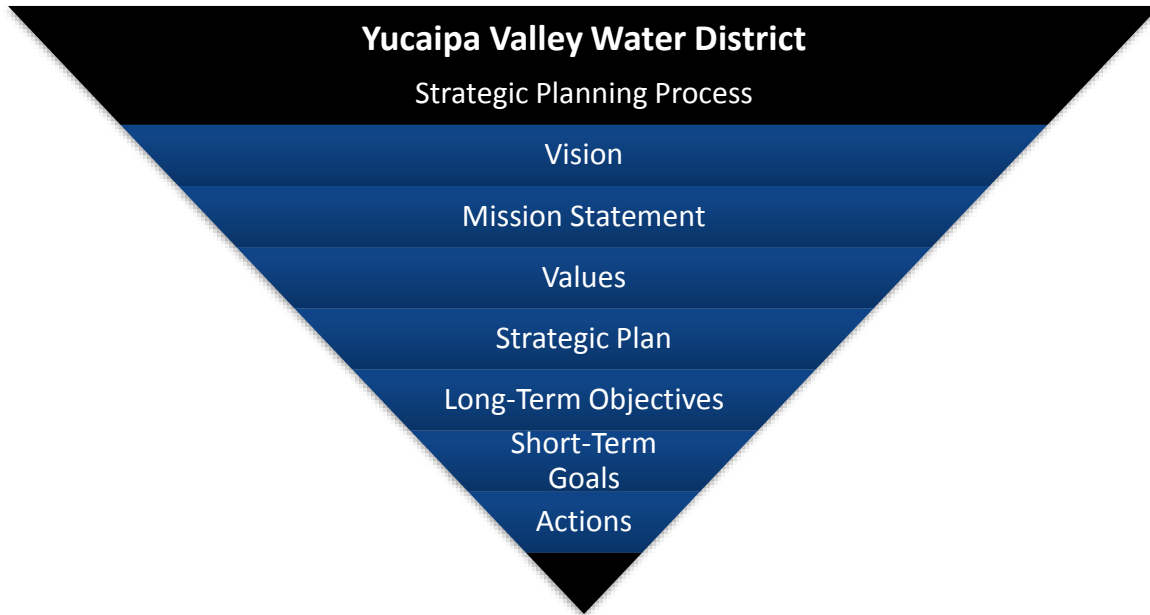


In preparation for the next decade of projects, the Board of Directors of the Yucaipa Valley Water District has embarked on a strategic planning process that set priorities for future capital improvement projects. These improvements will be structured to provide additional supplies of high quality water for future use within our community and make the District more sustainable and resilient.

Strategic Planning Priorities by the Board of Directors (not in order of priority):

- **Direct Potable Reuse** - Plan and evaluate the opportunities and constraints related to implementation of direct potable reuse facilities. This strategic goal will involve the Salinity and Groundwater Enhancement (SAGE) project at the Wochholz Regional Water Recycling Facility; the Salinity Concentrate Reduction and Minimization (SCRAM) Project at the Yucaipa Valley Regional Water Filtration Facility; and may include a new water filtration facility at the Wochholz Regional Water Recycling Facility. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Indirect Potable Reuse** - Plan and evaluate the opportunities and constraints related to implementation of indirect potable reuse. This strategic goal will involve the recharge of recycled water at various locations throughout the District's service area which will also involve the development of recharge facilities. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Energy Efficiency Projects** - Plan and evaluate the opportunities and constraints related to implementation of solar, microturbines, biogas, and other technologies to stabilize energy expenses. This strategic goal will likely involve the investigation of innovative technologies and programs to become more energy efficient. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Consolidation of District Facilities** - Plan and evaluate the opportunities and constraints related to the colocation and consolidation of District offices and work areas to be in close proximity of existing operational areas. This strategic goal will likely involve the relocation of the District office on Second Street to an area near the Wochholz Regional Water Recycling Facility. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Beaumont Basin Recharge Facilities** - Plan and evaluate the opportunities and constraints related to the construction of recharge facilities in the Beaumont Basin to maximize the operational efficiency of groundwater within the Beaumont adjudication area. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Public Relations and Outreach** - Plan and implement a program to gain and enhance the District's presence involving:
  - Social media;
  - Website refresh and upgrades;
  - Video clips;
  - Summary of the District's operations;
  - Historical information; and
  - Near real-time press releases.

This strategic priority was established by the Board of Directors on March 8, 2018.



**Table of Contents**

**Chapter 1 Introduction .....1-1**

1.1 Background .....1-1

1.2 Project Overview .....1-2

1.3 Objectives.....1-2

1.4 Outreach and Coordination.....1-3

1.5 Purpose of the Engineering Report.....1-3

**Chapter 2 Project Participants and Regulations .....2-1**

2.1 Project Sponsor and Participants .....2-1

2.2 Regulatory Requirements .....2-2

2.3 Environmental Compliance .....2-8

**Chapter 3 Project Facilities .....3-1**

3.1 Overview .....3-1

3.2 Wochholz Regional Water Recycling Facility .....3-1

3.3 Recycled Water Distribution Facilities .....3-16

3.4 Groundwater Recharge and Diluent Water Facilities .....3-18

**Chapter 4 Source Wastewater .....4-1**

4.1 Industrial Pretreatment and Source Control Program .....4-1

4.2 Influent Wastewater Characteristics.....4-4

**Chapter 5 Recycled Water Quality.....5-1**

5.1 WRWRF Water Quality Objectives .....5-1

5.2 WRWRF Treated Effluent Quality .....5-6

**Chapter 6 Pathogenic Microorganism Control .....6-1**

6.1 Primary and Secondary Treatment at WRWRF .....6-1

6.2 Tertiary Treatment at WRWRF .....6-2

6.3 Advanced Treatment at WRWRF .....6-2

6.4 Underground Retention / Soil-Aquifer Treatment .....6-3

**Chapter 7 Groundwater Basin .....7-1**

7.1 Geology .....7-1

7.2 Hydrology .....7-2

7.3 Hydrogeology .....7-2

7.4 Production Wells.....7-3

7.5 Water Budget .....7-5

<b>7.6</b>	<b>Water Rights</b> .....	7-6
7.7	Groundwater Quality.....	7-6
<b>Chapter 8</b>	<b>Diluent Water Sources</b> .....	<b>8-1</b>
8.1	State Water Project Water .....	8-1
8.2	Water Filtration Facility MF Backwash .....	8-3
8.3	Underflow .....	8-3
<b>Chapter 9</b>	<b>Recharge Basin Use Area and Operations</b> .....	<b>9-1</b>
9.1	Recharge Site Description .....	9-1
9.2	Proposed Operational Strategy.....	9-2
9.3	Recharge Basin Use Area Containment Provisions .....	9-2
<b>Chapter 10</b>	<b>Groundwater Recharge Impacts</b> .....	<b>10-1</b>
10.1	Hydrogeological Analyses Overview.....	10-1
10.2	Recycled Water Contribution .....	10-2
10.3	Recycled Water Underground Retention Times .....	10-3
10.4	Well Control Zone .....	10-4
10.5	Antidegradation Analysis .....	10-5
<b>Chapter 11</b>	<b>Response Retention Time</b> .....	<b>11-1</b>
11.1	Response Retention Time Components .....	11-1
11.2	Temporary Suspension of Operations & Time to Establish an Alternative Drinking Water Supply .....	11-2
11.3	Proposed Response Retention Time .....	11-2
<b>Chapter 12</b>	<b>Proposed Monitoring and Reporting</b> .....	<b>12-1</b>
12.1	General Monitoring Provisions.....	12-1
12.2	WRWRF Influent Monitoring .....	12-4
12.3	WRWRF Treatment Performance Monitoring .....	12-5
12.4	Recycled Water Monitoring.....	12-7
12.5	Diluent Water Monitoring .....	12-15
12.6	Groundwater Monitoring .....	12-17
12.7	Records and Reporting.....	12-20
12.8	Tracer Study.....	12-21
<b>Chapter 13</b>	<b>Operating and Contingency Plans</b> .....	<b>13-1</b>
13.1	Managerial & Technical Capabilities .....	13-1
<b>13.2</b>	<b>Training Program</b> .....	<b>13-1</b>

**13.3**      **Operating and Contingency Plans** ..... 13-2  
**13.4**      **Emergency Response Plan** ..... 13-3  
**Chapter 14** **References** ..... 14-1

**List of Tables**

**Table 1-1: Key Project Benefits**..... 1-2  
**Table 2-1: Summary of Title 22 Groundwater Replenishment Regulations** ..... 2-3  
**Table 3-1: WRWRF Design Flows and Peaking Factors** ..... 3-3  
**Table 3-2: Summary of Existing Flowrates and Calculated Peaking Factors** ..... 3-3  
**Table 3-3: Summary of WRWRF Treatment Processes** ..... 3-7  
**Table 3-4: Preliminary, Primary and Secondary Treatment Capacity**..... 3-8  
**Table 3-5: MF System Feed Pumps Design Criteria** ..... 3-8  
**Table 3-6: Automatic Backwashing Strainers Design Criteria** ..... 3-9  
**Table 3-7: Microfiltration System Design Criteria** ..... 3-9  
**Table 3-8: MF Chemical Washing Processes Design Criteria**..... 3-10  
**Table 3-9: MF Integrity Testing Design Criteria** ..... 3-11  
**Table 3-10: RO System Design Criteria** ..... 3-12  
**Table 3-11: UV System Design Criteria**..... 3-13  
**Table 3-12: YVWD Drinking Water, Sewer, and Recycled Water Staff**..... 3-15  
**Table 3-13: Title 22 Process Reliability Compliance**..... 3-15  
**Table 3-14: YVWD Existing Non-Potable Reservoirs** ..... 3-18  
**Table 4-1: WRWRF Industrial Dischargers Inventory** ..... 4-2  
**Table 4-2: WRWRF Local Limits**..... 4-3  
**Table 4-3: WRWRF Influent Sources** ..... 4-4  
**Table 4-4: WRWRF Influent Wastewater Characteristics** ..... 4-5  
**Table 5-1: Basin Plan Water Quality Objectives and Limits**..... 5-2  
**Table 5-2: 2015 WRWRF Influent and Effluent Water Quality Data**..... 5-7  
**Table 6-1: Proposed Project Log Removal Credits**..... 6-1  
**Table 7-1: Summary of Municipal Water Supply Wells near Wilson Creek Spreading Basins**  
 ..... 7-3  
**Table 7-1: Water Budget for the Yucaipa MZ**..... 7-6  
**Table 11-1: Model Average Results for First 120-months of GRRP Operations** ..... 10-3  
**Table 11-2: Recycled Water Underground Retention Times (based on 5,000 afy artificial recharge)**..... 10-4

**Table 11-4: TDS and Nitrate concentrations ..... 10-6**

**Table 12-1: Acute Contaminants and Concentrations that Trigger a RRT Response .... 11-1**

**Table 12-2: Routine Monitoring Details for Acute Contamination in WRWRF Effluent.. 11-1**

**Table 12-3: Summary of Proposed Response Retention Time ..... 11-3**

**Table 13-1: Summary of Proposed Water Quality Monitoring Program ..... 12-3**

**Table 13-2: Influent Monitoring at WRWRF ..... 12-5**

**Table 13-3: Recycled Water Monitoring..... 12-7**

**Table 13-4: Inorganics with Primary MCLs..... 12-9**

**Table 13-5: Radioactivity ..... 12-10**

**Table 13-6: Organic Chemicals with Primary MCLs ..... 12-10**

**Table 13-7: Disinfection Byproducts ..... 12-11**

**Table 13-8: Chemicals and Parameters with Secondary MCLs ..... 12-11**

**Table 13-9: Constituents with Notification Levels ..... 12-12**

**Table 13-10: Remaining Priority Pollutants..... 12-13**

**Table 13-11: Recycled Water Policy Constituents of Emerging Concern and Surrogates  
..... 12-14**

**Table 13-12: Proposed Diluent Monitoring Plan ..... 12-15**

**Table 13-13. DWR Water Quality Data for SWP Monitoring Station Devil Canyon 2<sup>nd</sup> Afterbay  
..... 12-16**

**Table 13-14: Potential Tracer Compounds Detected in Sampling Performed June 10-12,  
2013..... 12-22**

**Table 13-15: Groundwater Sampling for Sucralose in Wells Downstream of WCSB Site 12-  
22**

**List of Figures**

**Figure 1-1: YVWD Service Area and Project Water Sources..... 1-1**

**Figure 3-1: WRWRF Site Overview Photograph..... 3-2**

**Figure 3-2: WRWRF Process Flow Diagram..... 3-5**

**Figure 3-3: Yucaipa Valley Regional Brine Line (YVRBL) and Inland Empire Brine Line  
(IEBL) ..... 3-14**

**Figure 3-4: YVWD Existing and Planned Non-Potable Distribution Facilities..... 3-17**

**Figure 3-5: Wilson Creek Spreading Basins (looking southeast)..... 3-19**

**Figure 3-6: Schematic of Existing and Proposed Facilities in the Vicinity of the Project Site  
..... 3-20**

**Figure 5-1: Management Zone Boundaries ..... 5-2**

Figure 5-2: WRWRF 2017 Monthly Treated Effluent Water Quality – Nitrogen Compounds ..... 5-8

Figure 5-3: WRWRF 2017 Monthly Treated Effluent Water Quality – TDS..... 5-8

Figure 5-3: WRWRF Final Effluent TOC and 20-Week Running Average (April – October 2017)..... 5-9

Figure 7-1: Yucaipa groundwater Management Zone (MZ) and location of WCSB within the Gateway subbasin..... 7-1

Figure 7-2: Surface Water in the YVWD Service Area ..... 7-2

Figure 10-1: District Production Wells in the Project Vicinity..... 7-4

Figure 7-3: Location of Wells 44 and 53 with respect to the WCSB Site..... 7-7

**Figure 8-1: SWP Water Recharge Facilities at WCSB (Basins 3 and 4 shown) ..... 8-2**

Figure 9-1: Site Location Map on USGS Quad ..... 9-1

Figure 11-1: Well Control Zones (based on upper alluvial aquifer) ..... 10-5

Figure 11-2: Projected TDS Concentrations at Well 53 following GRRP startup..... 10-7

Figure 13-1: Water Monitoring Locations at WRWRF ..... 12-2

Figure 13-2: Existing and Proposed Monitoring Wells in the Project Vicinity ..... 12-18

Figure 13-3: Modeled Travel Distance for Water Applied at WCSB, Assuming 5,000 afy Recharge..... 12-19

Figure 14-1: Average Monthly Surface Spreading for First Year of GRRP Operation.... 13-2

**Appendices**

- Appendix A - Recycled Water Use Evaluation using the Gateway Subbasin Focused Groundwater Model
- Appendix B - Groundwater and State Water Project Water Quality Data
- Appendix C - Recycled Water Monitoring Water Quality Data
- Appendix D - Santa Ana Regional Water Quality Control Board Order No. R8-2015-0027, NPDES No. CA0105619, for the YVWD Wochholz Regional Water Recycling Facility
- Appendix E - Division of Water Rights Order Approving Change in Point of Discharge, Place of Use, Purpose of Use of Treated Wastewater (Application WW-26)





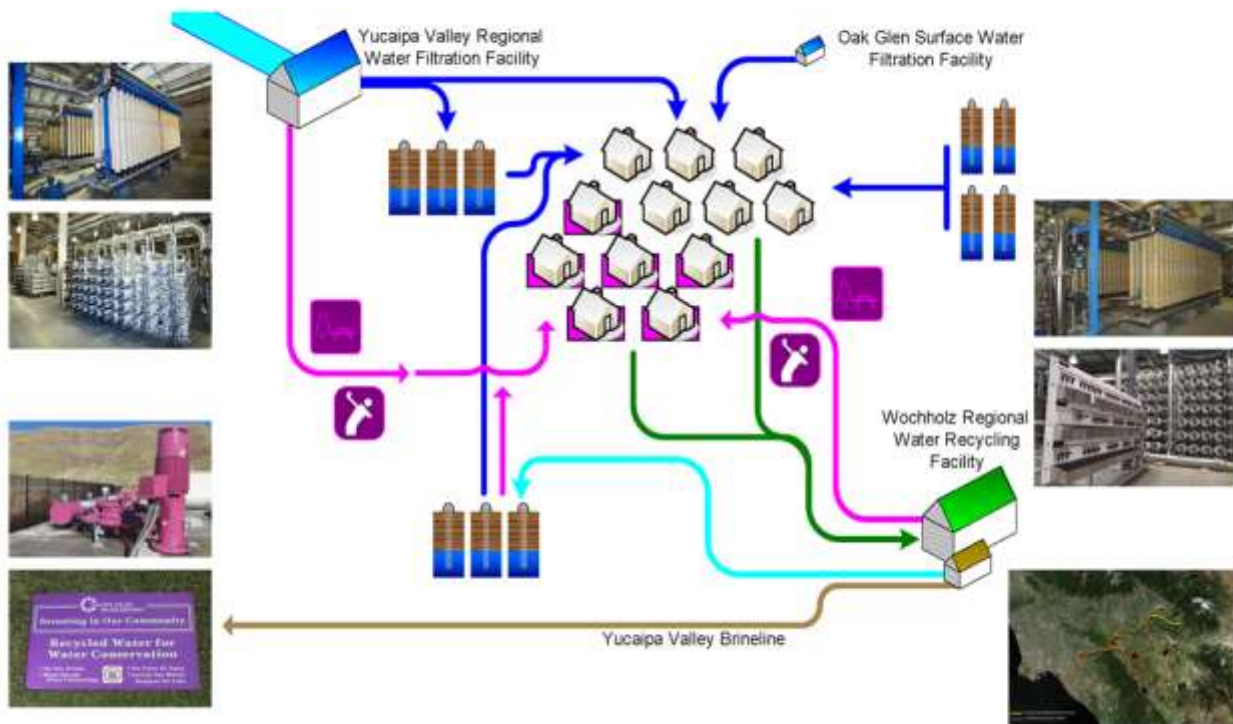
**Date:** March 13, 2018

**From:** Joseph Zoba, General Manager

**Subject:** Discussion of the Strategic Planning and Status Report Related to Public Relations

Over the past several decades, the Yucaipa Valley Water District has embarked on a series of capital improvement projects that have created integrated systems of drinking water, recycled water, sewer treatment, and brine disposal facilities. The integration of these facilities has set the Yucaipa Valley Water District on a course to sustainably maintain exceptionally pure and renewable water resources.

### Sustainable and Integrated Infrastructure Concepts

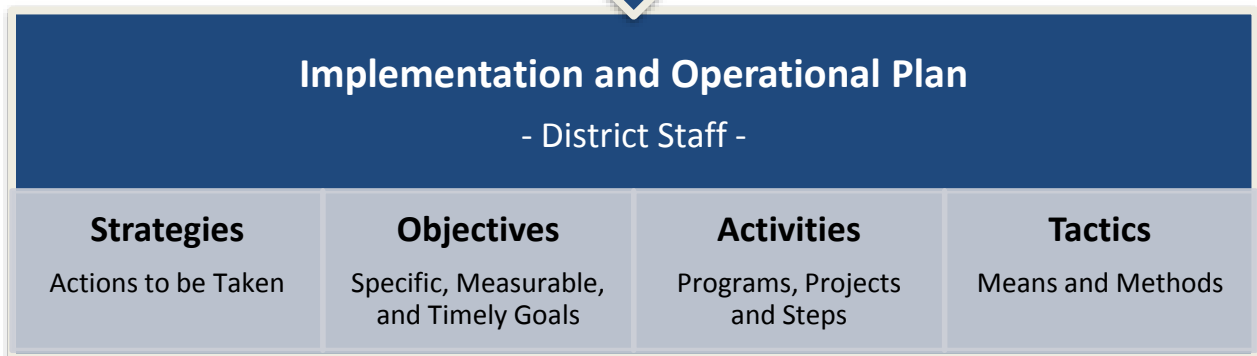
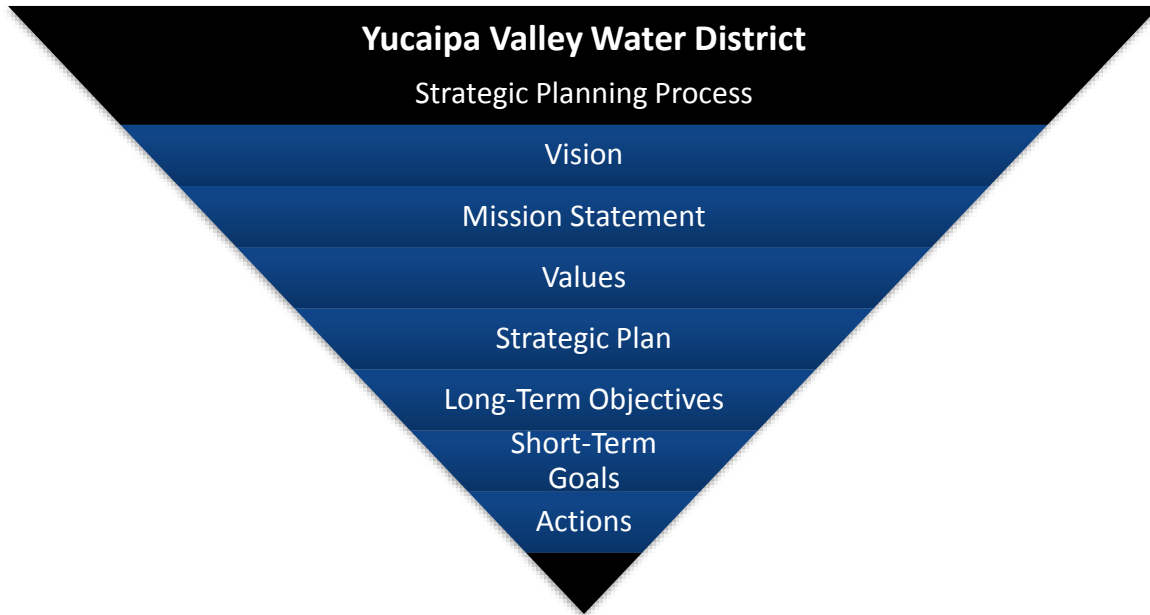


In preparation for the next decade of projects, the Board of Directors of the Yucaipa Valley Water District has embarked on a strategic planning process that set priorities for future capital improvement projects. These improvements will be structured to provide additional supplies of high quality water for future use within our community and make the District more sustainable and resilient.

Strategic Planning Priorities by the Board of Directors (not in order of priority):

- **Direct Potable Reuse** - Plan and evaluate the opportunities and constraints related to implementation of direct potable reuse facilities. This strategic goal will involve the Salinity and Groundwater Enhancement (SAGE) project at the Wochholz Regional Water Recycling Facility; the Salinity Concentrate Reduction and Minimization (SCRAM) Project at the Yucaipa Valley Regional Water Filtration Facility; and may include a new water filtration facility at the Wochholz Regional Water Recycling Facility. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Indirect Potable Reuse** - Plan and evaluate the opportunities and constraints related to implementation of indirect potable reuse. This strategic goal will involve the recharge of recycled water at various locations throughout the District's service area which will also involve the development of recharge facilities. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Energy Efficiency Projects** - Plan and evaluate the opportunities and constraints related to implementation of solar, microturbines, biogas, and other technologies to stabilize energy expenses. This strategic goal will likely involve the investigation of innovative technologies and programs to become more energy efficient. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Consolidation of District Facilities** - Plan and evaluate the opportunities and constraints related to the colocation and consolidation of District offices and work areas to be in close proximity of existing operational areas. This strategic goal will likely involve the relocation of the District office on Second Street to an area near the Wochholz Regional Water Recycling Facility. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Beaumont Basin Recharge Facilities** - Plan and evaluate the opportunities and constraints related to the construction of recharge facilities in the Beaumont Basin to maximize the operational efficiency of groundwater within the Beaumont adjudication area. This strategic priority was established by the Board of Directors on March 8, 2018.
- **Public Relations and Outreach** - Plan and implement a program to gain and enhance the District's presence involving:
  - Social media;
  - Website refresh and upgrades;
  - Video clips;
  - Summary of the District's operations;
  - Historical information; and
  - Near real-time press releases.

This strategic priority was established by the Board of Directors on March 8, 2018.

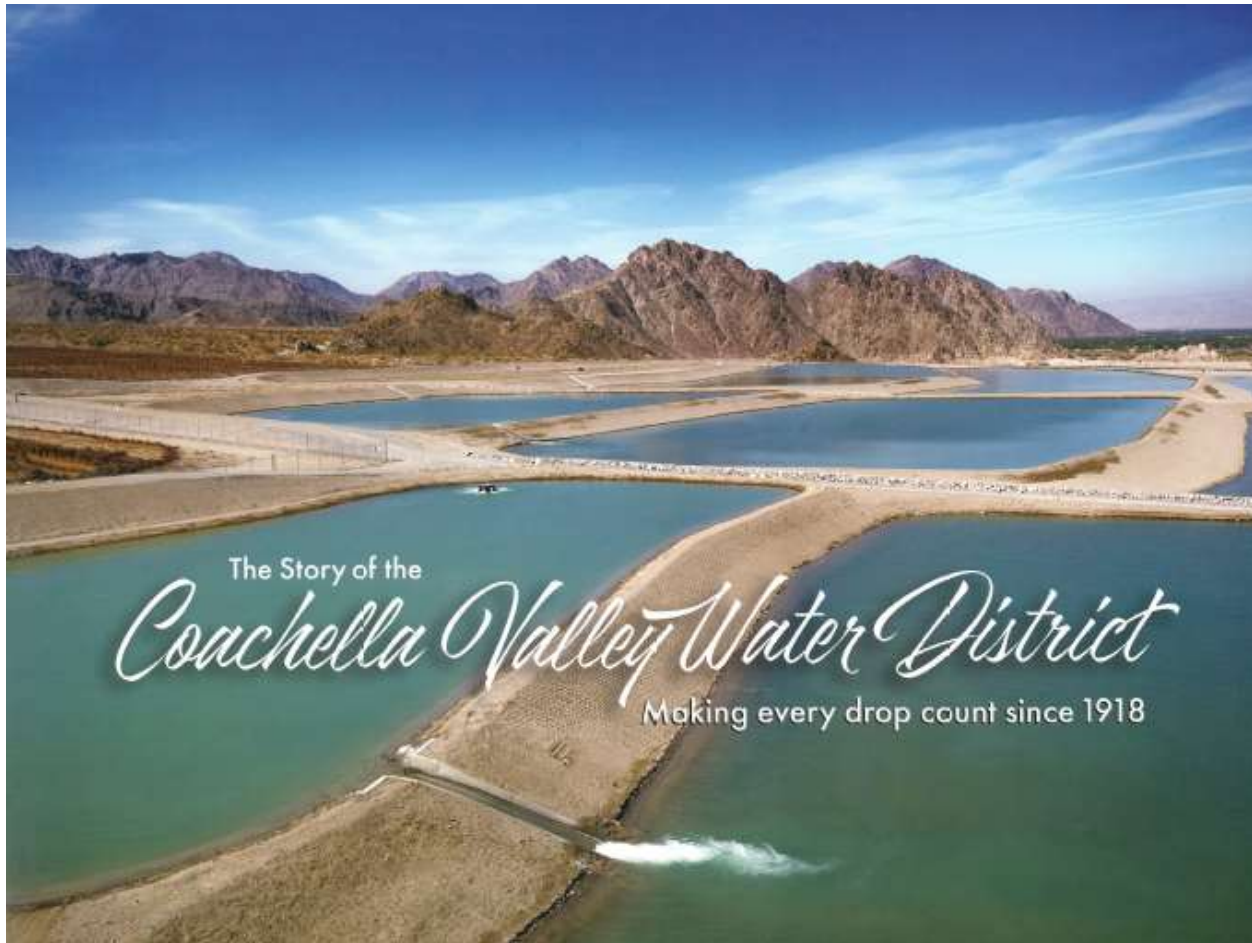


The District staff is working on an Request for Proposals for video elements that will be discussed at the board workshop.

The District staff will also discuss the creation of a historical overview of the Yucaipa Valley Water District that will build upon the recently published book about the San Bernardino Valley Municipal Water District.



The benefit of documenting a historical overview of the District is to provide customers, investors, and the public with the opportunity to recognize the importance of our integrated facilities (drinking water, recycled water, sewer, and brine disposal) and to show how policies and projects developed in the past will provide for a more sustainable future.



This is another example of a historical book prepared for the Coachella Valley Water District

# Operational Updates



Yucaipa Valley Water District



**Date:** March 13, 2018

**From:** Jennifer Ares, Water Resource Manager  
Matthew Porras, Management Analyst

**Subject:** Purchase of Required Mitigation for the Yucaipa Creek Erosion Control Repair Project

---

In 2016 the District performed emergency repairs to protect the existing sewer pipeline bridge which extends across Yucaipa Creek. The repairs included installing steel columns, rock gabions and rip-rap. The sewer support structure performed as intended and the sewer transmission pipeline remained intact and stable; however, due to the large volumes and velocity of flows from the January 2017 storm event, the soils eroded in and around the gabions. A portion of the gabions were slightly undermined. Extension of additional linear feet of gabions are necessary to prevent further erosion around the sewer support structure.

Applications were submitted to the U.S. Army Corps of Engineers, the Santa Ana Regional Water Quality Control Board and the California Department of Fish and Wildlife. The erosion control measures will impact 0.007 acre of permanent and 0.024 acre of temporary impacts to Waters of the United States. Consequently, the District is required to purchase enhancement mitigation credit through an In-Lieu Fee Program.

#### Financial Consideration

Funding for this expense will be from Sewer Fund, Regulatory Compliance [GL Account #03-5-06-57030]. This was not included in the 2017-18 budget. A budget adjustment will be presented to the Board for recommended approval at a future meeting.

AGREEMENT FOR SALE OF CREDITS FROM RIVERSIDE-CORONA  
RESOURCE CONSERVATION DISTRICT

This Agreement is entered into this 20<sup>th</sup> day of March, 2018, by and between Riverside-Corona Resource Conservation District, a California governmental agency, located at 4500 Glenwood Drive, Building A, Riverside, CA 92501 (“RCRCD”), and Yucaipa Valley Water District, 12270 Second Street, Yucaipa, California 92399-0730 (“Project Proponent”) (collectively the “Parties”), as follows:

RECITALS

- A. RCRCD has developed the RCRCD In-Lieu Fee Program (the “Program”); and
- B. The Program was approved by the Los Angeles District of the U.S. Army Corps of Engineers (“USACE”), Region IX of the U.S. Environmental Protection Agency (“USEPA”), and the California Regional Water Quality Control Board, Region 8 (“RWQCB”) (jointly referred to as the Interagency Review Team (the “IRT”)) on July 26, 2012 and is currently in good standing with the IRT; and
- C. RCRCD has received approval from the IRT to sell credits from the Program to offset impacts associated with resource-impacting projects; and
- D. Project Proponent is seeking to purchase Compensatory Mitigation Credits (“ILF Credits”) from the Program for impacts to the Waters of the United States that result from activities of the Project Proponent authorized under sections 404 and 401 of the Clean Water Act (see Permits attached in Exhibit “A”). The number of ILF Credits to be acquired by the Project Proponent for the Yucaipa Creek Sewer Pipe Repair Project (the “Project”), located within the City of Yucaipa, San Bernardino County, California (34.012877°N, -117.082044°W (“Impact Location”), as described in Exhibit “B,” is 0.014 Enhancement ILF Credits; and
- E. USACE is requiring Project Proponent to purchase 0.014 Enhancement ILF Credits to mitigate for permanent impacts to 0.007 acres of non-wetland Waters of the U.S. at the Impact Location caused by the Project, as described in Special Condition 1 of the USACE Nationwide Permit Verification Letter, dated November 7, 2017 (File No. SPL-2015-00919-GLH). The relevant portion of the USACE Nationwide Permit Verification Letter is attached hereto in Exhibit “A;” and
- F. The Project is subject to a RWQCB section 401 Clean Water Act water quality certification dated January 4, 2018 (Certification No. 332017-31, the “401 Certification”). The 401 Certification is attached hereto in Exhibit “A.” Under the 401 Certification, Page 3 (Offsite Water Quality Standards Mitigation Proposed), the Project Proponent agreed to mitigate impacts through the purchase of 0.014 acres of ILF Enhancement Credits through the Program; and
- G. Project Proponent desires to purchase from RCRCD and RCRCD desires to sell and convey to Project Proponent.



NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Subject to the terms and conditions herein, RCRC D agrees to sell to Project Proponent and Project Proponent agrees to purchase from RCRC D 0.014 Enhancement ILF Credits from the Program for a purchase price of FOUR THOUSAND NINE HUNDRED SEVENTY AND NO/100's DOLLARS (\$4,970.00). The purchase price shall be paid by means acceptable to RCRC D. The Parties shall mutually agree to a "Closing Date" by which the transaction will be completed, which shall be no later than the execution of this Agreement. On the Closing Date, RCRC D shall transfer to Project Proponent evidence that the ILF Credits have been allocated to the Project by Bill of Sale in the form attached as Exhibit "C," and Project Proponent shall pay the purchase price specified above.
2. In the event Project Proponent has not delivered the Purchase Price to RCRC D on or before the Closing Date, this Agreement shall automatically terminate without need for any further action by RCRC D and RCRC D shall have no further obligations to Project Proponent under this Agreement.
3. The sale and transfer herein is not intended as a sale or transfer to Project Proponent of a security, license, lease, easement, or possessory or non-possessory interest in real property, nor the granting of any interest of the foregoing.
4. Project Proponent shall have no obligation whatsoever by reason of this Agreement to support, pay, fix, monitor, report on, sustain, continue in perpetuity, or otherwise be obligated or liable for the success or continued expense or maintenance in perpetuity of the mitigation property associated with ILF Credits sold, or the Program.
5. The ILF Credits herein sold and conveyed to Project Proponent shall be non-transferable and non-assignable and shall be used as compensatory mitigation only in connection with the Project. Any excess ILF Credits shall not be utilized for the benefit of any other project, nor shall they be traded or otherwise retained by RCRC D for future use by the Project Proponent or any other person or entity.
6. All representations, warranties, and covenants embodied in this Agreement shall survive the transfer of the ILF Credits hereunder.
7. RCRC D shall cooperate and assist Project Proponent by providing documentation required by the IRT, and other regulatory agencies to establish that the ILF Credits may be used to compensate for the Project's impacts described above. RCRC D shall provide USACE and the Regional Board with a Statement of Sale of ILF Credits in the form of the attached Exhibit "D" no later than 5 days after the Closing Date of a successful sale.
8. Any notice or other written communication given pursuant to this Agreement shall be delivered to the other Party by first class U.S. mail, certified or registered U.S. mail or email with mailed copy as follows:

Project Proponent: Mr. Matthew Porras  
 Yucaipa Valley Water District  
 12270 Second Street  
 Yucaipa, CA 92399-0730  
 Telephone: (909) 790-3300  
 mporras@yvwd.dst.ca.us

RCRCD: Shelli Lamb, District Manager  
 4500 Glenwood Drive, Building A  
 Riverside, CA 92501-3042  
 Telephone: (951) 683-7691  
 lamb@rcrcd.org

9. It is agreed that all understandings and agreements heretofore had between the Parties respecting the transactions contemplated by this Agreement are merged in this Agreement, which fully and completely expresses the agreement of the Parties. There are no representations, warranties, or agreements except as specified and expressly set forth herein, in the exhibits annexed hereto, or to be set forth in the instruments or other documents delivered or to be delivered hereunder.

10. By signing below, each Party warrants and represents that the person signing this Agreement on its behalf has authority to bind that Party and that the Party's execution of this Agreement is not in violation of any By-law, covenants and/or other restrictions placed upon them by their respective entities.

11. Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, nor obligate any of the parties hereto, to any person or entity other than the parties hereto.

12. This Agreement may be executed in one or more counterparts. Each shall be deemed an original and all, taken together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written,

RIVERSIDE-CORONA RESOURCE  
CONSERVATION DISTRICT

YUCAIPA VALLEY WATER DISTRICT

By: \_\_\_\_\_  
 Alfred B. Bonnett, Jr., President

By: \_\_\_\_\_  
 Jay Bogh, President



**DEPARTMENT OF THE ARMY**  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
2151 ALESSANDRO DRIVE, SUITE 110  
VENTURA, CALIFORNIA 93001-3766

November 7, 2017

SUBJECT: Nationwide Permit (NWP) Verification

Matthew Porras  
Yucaipa Valley Water District  
12270 Second Street  
Yucaipa, California 92399-0730

Dear Mr. Porras:

I am responding to your request (SPL-2015-00919-GLH) for a Department of the Army permit for your proposed project, Yucaipa Creek Sewer Pipe Repair Project. The proposed project is located within the city of Yucaipa, San Bernardino County, California (Lat: 34.012877, Long: -117.082044).

Because this project would result in a discharge of dredged and/or fill material into waters of the U.S., a Department of the Army permit is required pursuant to Section 404 of the Clean Water Act (33 USC 1344; 33 CFR parts 323 and 330).

I have determined construction of your proposed project, if constructed as described in your application, would comply with NWP 13 – *Bank Stabilization*. Specifically, and as shown in the enclosed figures, you are authorized to:

1. Permanently discharge fill material into 0.007 acre non-wetland waters of the U.S. for the placement of grouted rip-rap and gabions along Yucaipa Creek.
2. Temporarily discharge dredged or fill material into 0.024 acre non-wetland waters of the U.S. for the construction of grouted rip-rap and gabions in Yucaipa Creek.

For this NWP verification letter to be valid, you must comply with all of the terms and conditions in Enclosure 1. Furthermore, you must comply with the non-discretionary Special Conditions listed below:

1. This permit is contingent upon the issuance of a section 401 Water Quality Certification (WQC). The Permittee shall abide by the terms and conditions of the Clean Water Act section 401 WQC. The Permittee shall submit the section 401 WQC to the Corps Regulatory Division (preferably via email) within two weeks of receipt from the issuing state agency. The Permittee shall not proceed with construction until receiving an e-mail or other written notification from Corps Regulatory Division acknowledging the Clean Water Act 401 WQC has been received, reviewed, and determined to be acceptable. If

the RWQCB fails to act on a valid request for certification within 60 days after receipt of a complete application, please notify the Corps so we may consider whether a waiver of water quality certification has been obtained.

2. The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and habitat areas shown on Figure 1. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements.
3. No later than one month following completion of authorized work in waters of the U.S., the permittee shall ensure all sites within waters of the U.S. subject to authorized, temporary impacts are restored to pre-project alignments, elevation contours, and conditions to the maximum extent practicable to ensure expeditious resumption of aquatic resource functions. No later than 45 calendar days following completion of authorized work in waters of the U.S., the permittee shall submit a memorandum documenting compliance with this special condition.
4. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Archeology Staff within 24 hours (Danielle Storey at 213-452-3855 OR Meg McDonald at 213-452-3849). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.
5. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:
  - A) Date(s) work within waters of the U.S. was initiated and completed;
  - B) Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);
  - C) Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S. such that the extent of authorized fills can be verified;
  - D) One copy of "as built" drawings for the entire project. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and
  - E) Signed Certification of Compliance (attached as part of this permit package).

This verification is valid through March 18, 2022. If on March 18, 2022 you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present NWP terms and conditions. However, if I discover noncompliance or unauthorized activities associated with the permitted activity I may request the use of discretionary authority in accordance with procedures in 33 CFR part 330.4(e) and 33 CFR part 330.5(c) or (d) to modify, suspend, or revoke this specific verification at an earlier date. Additionally, at the national level the Chief of Engineers, any time prior to March 18, 2022, may choose to modify, suspend, or revoke the nationwide use of a NWP after following procedures set forth in 33 CFR part 330.5. It is incumbent upon you to comply with all of the terms and conditions of this NWP verification and to remain informed of any change to the NWPs.

A NWP does not grant any property rights or exclusive privileges. Additionally, it does not authorize any injury to the property, rights of others, nor does it authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in the Regulatory Program. If you have any questions, please contact Gerardo Hidalgo at (805) 585-2145 or via e-mail at [Gerardo.L.Hidalgo@usace.army.mil](mailto:Gerardo.L.Hidalgo@usace.army.mil). Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey).

Sincerely,



Digitally signed by  
SZIJJ.ANTAL.J.1231776784  
DN: c=US, o=U.S. Government,  
ou=DoD, ou=PKI, ou=USA,  
cn=SZIJJ.ANTAL.J.1231776784  
Date: 2017.11.07 07:10:09 -08'00'

Antal Szijj  
Team Lead  
Ventura Field Office  
Regulatory Division

Enclosures



**LOS ANGELES DISTRICT  
U.S. ARMY CORPS OF ENGINEERS**

**CERTIFICATE OF COMPLIANCE WITH  
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT**

**Permit Number:** *SPL-2015-00919-GLH*

**Name of Permittee:** *Yucaipa Valley Water District, Matthew Porras*

**Date of Issuance:** *November 7, 2017*

Upon completion of the activity authorized by this permit and the mitigation required by this permit, sign this certificate, and return it by **ONE** of the following methods;

1) Email a digital scan of the signed certificate to [Gerardo.L.Hidalgo@usace.army.mil](mailto:Gerardo.L.Hidalgo@usace.army.mil)

**OR**

2) Mail the signed certificate to

U.S. Army Corps of Engineers  
ATTN: Regulatory Division SPL-2015-00919-GLH  
2151 Alessandro Drive, Suite 110  
Ventura, California 93001-3766

I hereby certify that the authorized work and any required compensatory mitigation has been completed in accordance with the NWP authorization, including all general, regional, or activity-specific conditions. Furthermore, if credits from a mitigation bank or in-lieu fee program were used to satisfy compensatory mitigation requirements I have attached the documentation required by 33 CFR 332.3(l)(3) to confirm that the appropriate number and resource type of credits have been secured.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

**Enclosure 1: NATIONWIDE PERMIT NUMBER NWP 13 Bank Stabilization.****1. Nationwide Permit NWP 13 Bank Stabilization. Terms:**

13. Bank Stabilization. Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques, provided the activity meets all of the following criteria:

- (a) No material is placed in excess of the minimum needed for erosion protection;
- (b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects (an exception is for bulkheads – the district engineer cannot issue a waiver for a bulkhead that is greater than 1,000 feet in length along the bank);
- (c) The activity will not exceed an average of one cubic yard per running foot, as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;
- (d) The activity does not involve discharges of dredged or fill material into special aquatic sites, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;
- (e) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the United States;
- (f) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored native trees and treetops may be used in low energy areas);
- (g) Native plants appropriate for current site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization;
- (h) The activity is not a stream channelization activity; and
- (i) The activity must be properly maintained, which may require repairing it after severe storms or erosion events. This NWP authorizes those maintenance and repair activities if they require authorization.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the bank stabilization activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

**Notification:** The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the bank stabilization activity: (1) involves discharges into special aquatic sites; or (2) is in excess of 500 feet in length; or (3) will involve the discharge of greater than an average of one cubic yard per running foot as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line. (See general condition 32.) (Authorities: Sections 10 and 404)

**2. General Conditions:** The following general conditions must be followed in order for any authorization by an NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).



7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see

general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then

additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal

adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district

engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

\_\_\_\_\_  
(Transferee)

\_\_\_\_\_  
(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;



(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer’s receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is “no effect” on listed species or “no potential to cause effects” on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual

permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity’s compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity’s adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if

appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

### **3. Regional Conditions for the Los Angeles District:**

1. For all activities in waters of the U.S. that are suitable habitat for federally listed fish species, including designated critical habitat for such species, the permittee shall design all new or substantially reconstructed linear transportation crossings (e.g. roads, highways, railways, trails, bridges, culverts) to ensure that the passage and/or spawning of fish is not hindered. In these areas, the permittee shall employ bridge designs that span the stream or river, including pier- or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed, unless determined to be impracticable by the Corps.
2. Nationwide Permits (NWP) 3, 7, 12-15, 17-19, 21, 23, 25, 29, 35, 36, or 39-46, 48-54 cannot be used to authorize structures, work, and/or the discharge of dredged or fill material that would result in the "loss" of wetlands, mudflats, vegetated shallows or riffle and pool complexes as defined at 40 CFR Part 230.40-45. The definition of "loss" for this regional condition is the same as the definition of "loss of waters of the United States" used for the Nationwide Permit Program. Furthermore, this regional condition applies only within the State of Arizona and within the Mojave and Sonoran (Colorado) desert regions of California. The desert regions in California are limited to four USGS Hydrologic Unit Code (HUC) accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002).
3. When a pre-construction notification (PCN) is required, the Los Angeles District shall be notified in accordance with General Condition 32 using either the South Pacific Division PCN Checklist or a signed application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions. The PCN Checklist and application form are available at:

<http://www.spl.usace.army.mil/Missions/Regulatory/PermitProcess.aspx>. In addition, unless specifically waived by the Los Angeles District, the PCN shall include:

- a. A written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States;
  - b. Drawings, including plan and cross-section views, clearly depicting the location, size and dimensions of the proposed activity as well as the location of delineated waters of the U.S. on the site. The drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation. All drawings shall follow the Updated Map and Drawing Standards for the South Pacific Division Regulatory Program (Feb 2016), or most recent update (available at the South Pacific Division website at: <http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/> );
  - c. Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the project site, and all waters proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be documented on the plan-view drawing required in subpart b of this regional condition.
  - d. Delineation of aquatic resources in accordance with the current Los Angeles District's Minimum Standards for Acceptance of Aquatic Resources Delineation Reports (available at: <http://www.spl.usace.army.mil/Missions/Regulatory/Jurisdictional-Determination/>).
4. Submission of a PCN pursuant to General Condition 32 and Regional Condition 3 shall be required for specific regulated activities in the following locations:
- a. All perennial waterbodies and special aquatic sites throughout the Los Angeles District as well as intermittent waters within the State of Arizona for any regulated activity that would result in a loss of waters of the United States. The definition of "loss of waters of the United States" for this regional condition is the same as the definition used for the Nationwide Permit Program.
  - b. All areas designated as Essential Fish Habitat (EFH) by the Pacific Fishery Management Council, and that would result in an adverse effect to EFH, in which case the PCN shall include an EFH assessment and extent of proposed impacts to EFH. EFH Assessment Guidance and other supporting information can be found at: [http://www.westcoast.fisheries.noaa.gov/habitat/fish\\_habitat/efh\\_consultations\\_go.html](http://www.westcoast.fisheries.noaa.gov/habitat/fish_habitat/efh_consultations_go.html).
  - c. All watersheds in the Santa Monica Mountains in Los Angeles and Ventura counties bounded by Calleguas Creek on the west, by Highway 101 on the north and east, and by Sunset Boulevard and Pacific Ocean on the south.

- d. The Santa Clara River watershed in Los Angeles and Ventura counties, including but not limited to Aliso Canyon, Agua Dulce Canyon, Sand Canyon, Bouquet Canyon, Mint Canyon, South Fork of the Santa Clara River, San Francisquito Canyon, Castaic Creek, Piru Creek, Sespe Creek and the main-stem of the Santa Clara River.
  - e. The Murrieta and Temecula Creek watersheds in Riverside County, California for any regulated activity that would result in a loss of waters of the U.S. The definition of "loss of waters of the United States" for this regional condition is the same as the definition used for the Nationwide Permit Program.
  - f. All waterbodies designated by the Arizona Department of Environmental Quality as Outstanding Arizona Waters (OAWs), within 1600 meters (or 1 mile) upstream and/or 800 meters (1/2 mile) downstream of a designated OAW, and on tributaries to OAWs within 1600 meters of the OAW (see <http://www.azdeq.gov/index.html>).
  - g. All waterbodies designated by the Arizona Department of Environmental Quality as 303(d)-impaired surface waters, within 1600 meters (or 1 mile) upstream and/or 800 meters (1/2 mile) downstream of a designated impaired surface water, and on tributaries to impaired waters within 1600 meters of the impaired water (see <http://www.azdeq.gov/index.html>).
5. Individual Permits shall be required for all discharges of fill material in jurisdictional vernal pools, with the exception that discharges for the purpose of restoration, enhancement, management or scientific study of vernal pools may be authorized under NWP 5, 6, and 27 with the submission of a PCN in accordance with General Condition 32 and Regional Condition 3.
  6. Within the Murrieta Creek and Temecula Creek watersheds in Riverside County the use of NWP 29, 39, 42 and 43, and NWP 14 combined with any of those NWP shall be restricted. The loss of waters of the U.S. cannot exceed 0.25 acre. The definition of "loss of waters of the United States" for this regional condition is the same as the definition used for the Nationwide Permit Program.
  7. Individual Permits (Standard Individual Permit or 404 Letter of Permission) shall be required in San Luis Obispo Creek and Santa Rosa Creek in San Luis Obispo County for bank stabilization projects, and in Gaviota Creek, Mission Creek and Carpinteria Creek in Santa Barbara County for bank stabilization projects and grade control structures.
  8. In conjunction with the Los Angeles District's Special Area Management Plans (SAMPs) for the San Diego Creek Watershed and San Juan Creek/Western San Mateo Creek Watersheds in Orange County, California, the Corps' Division Engineer, through his discretionary authority has revoked the use of the following 26 selected NWP within these SAMP watersheds: 03, 07, 12, 13, 14, 16, 17, 18, 19, 21, 25, 27, 29, 31, 33, 39, 40, 41, 42, 43, 44, 46, 49, and 50. Consequently, these NWP are no longer available in those watersheds to authorize impacts to waters of the United States from discharges of dredged or fill material under the Corps' Clean Water Act section 404 authority.

9. Any requests to waive the applicable linear foot limitations for NWP's 13, 21, 29, 39, 40 and 42, 43, 44, 51, 52, and 54, must include the following:
  - a. A narrative description of the affected aquatic resource. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characters observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line, or scour marks) or Mean High Water Line; a description of the adjacent vegetation community and a statement regarding the wetland status of the associated vegetation community (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.
  - b. An analysis of the proposed impacts to the waterbody in accordance with General Condition 32 and Regional Condition 3;
  - c. Measures taken to avoid and minimize losses, including other methods of constructing the proposed project; and
  - d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be compensated, in accordance with 33 CFR Part 332.
10. The permittee shall complete the construction of any compensatory mitigation required by special condition(s) of the NWP verification before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be impracticable by the Corps. When mitigation involves use of a mitigation bank or in-lieu fee program, the permittee shall submit proof of payment to the Corps prior to commencement of construction of the authorized activity.

**4. Further information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
  - (a) This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - (b) This permit does not grant any property rights or exclusive privileges.
  - (c) This permit does not authorize any injury to the property or rights of others.
  - (d) This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - (a) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - (b) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - (c) Damages to persons, property, or to other permitted or unpermitted activities or structures caused

by the activity authorized by this permit.

(d) Design or construction deficiencies associated with the permitted work.

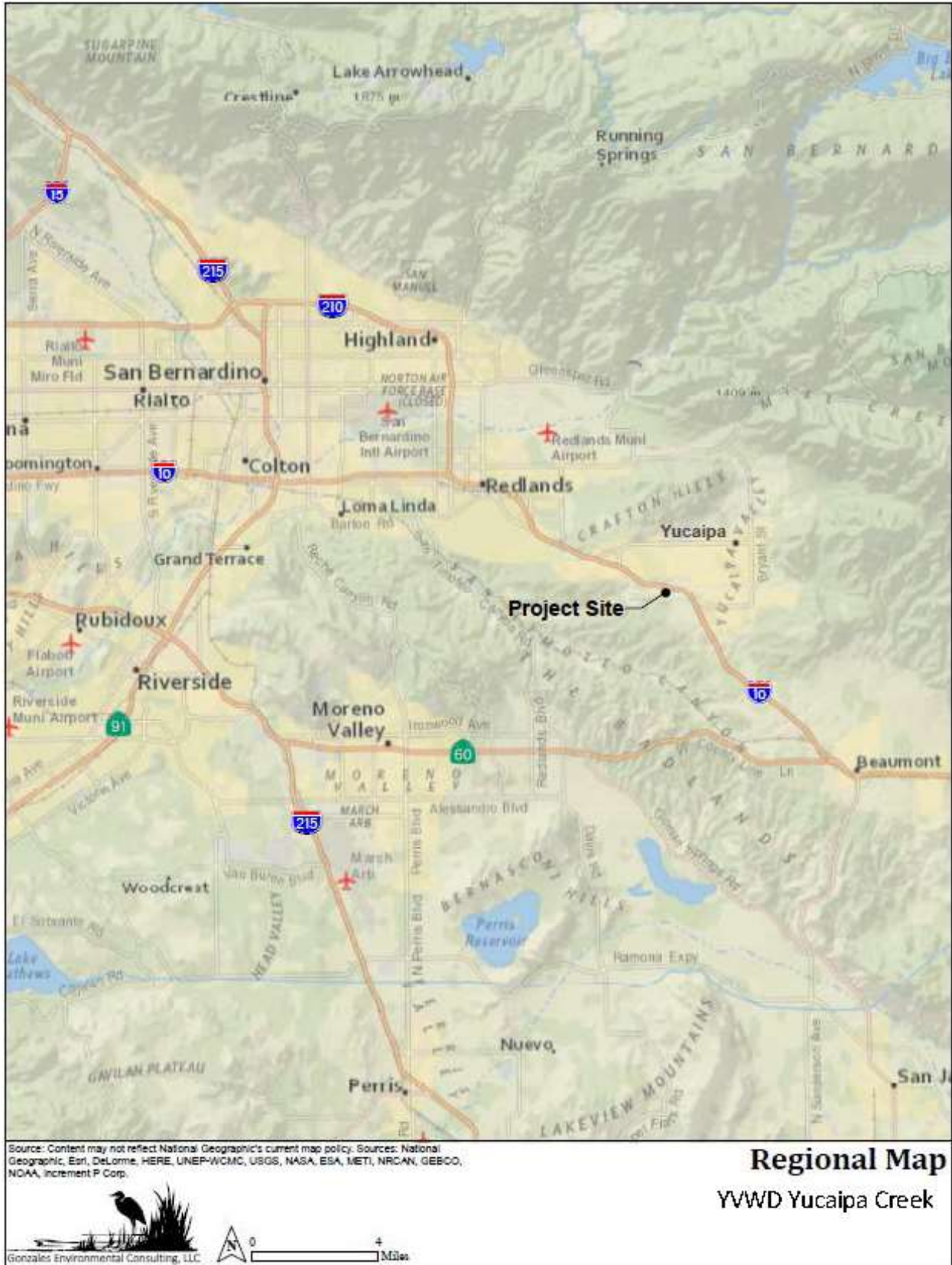
(e) Damage claims associated with any future modification, suspension, or revocation of this permit.

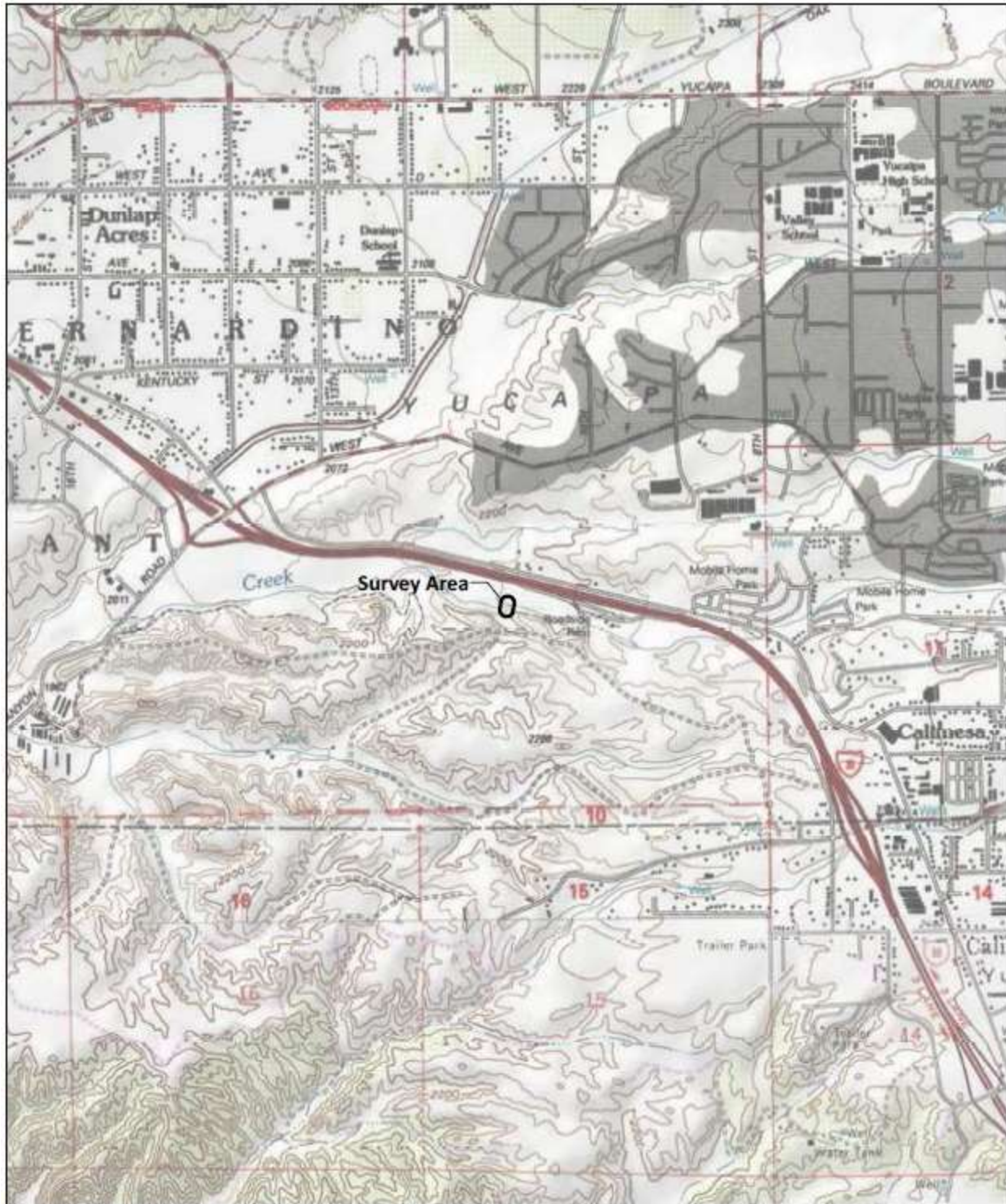
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - (a) You fail to comply with the terms and conditions of this permit.
  - (b) The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - (c) Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 330.5 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. This letter of verification is valid for a period not to exceed two years unless the nationwide permit is modified, reissued, revoked, or expires before that time.
7. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition H below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
8. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.





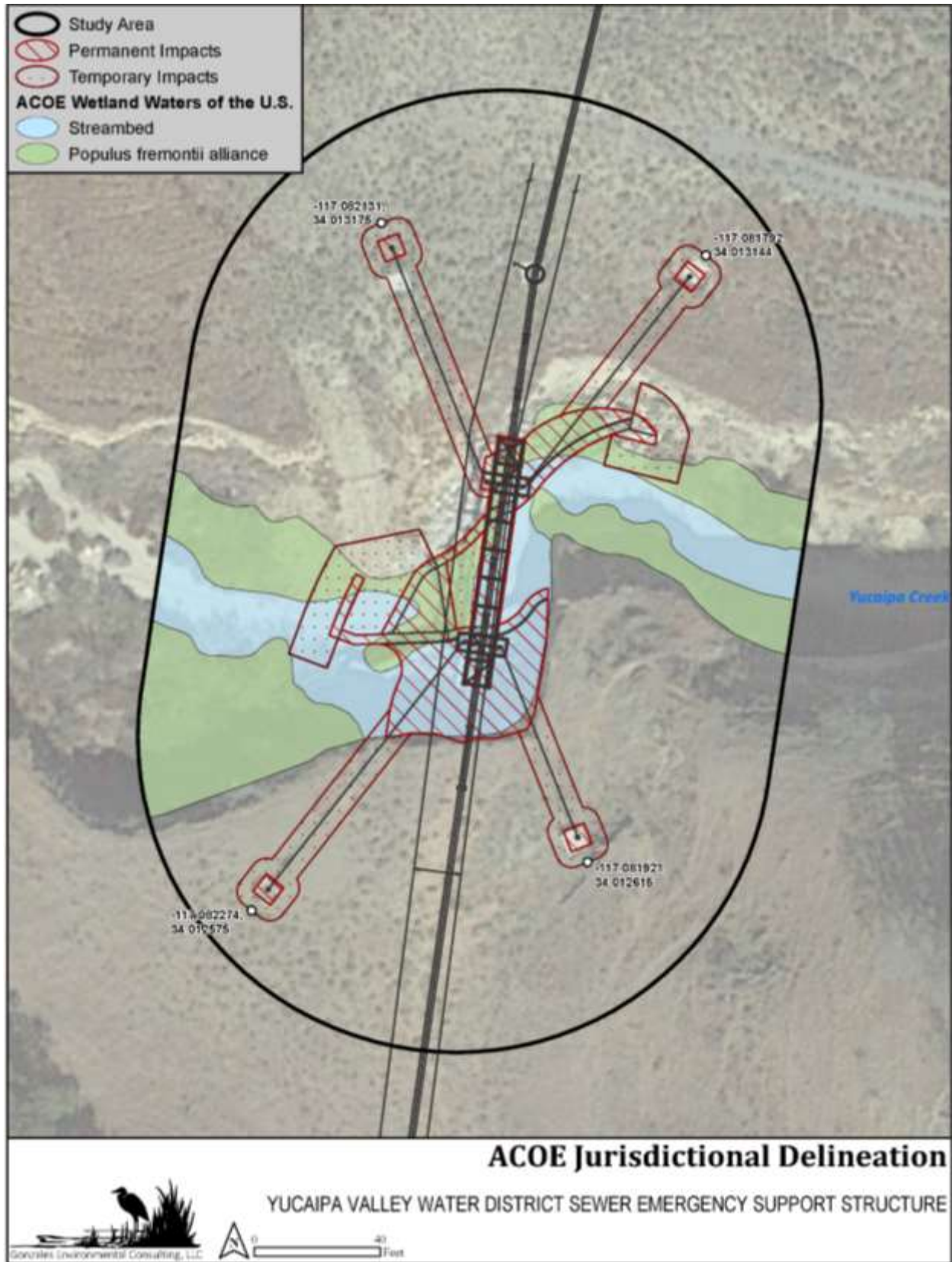


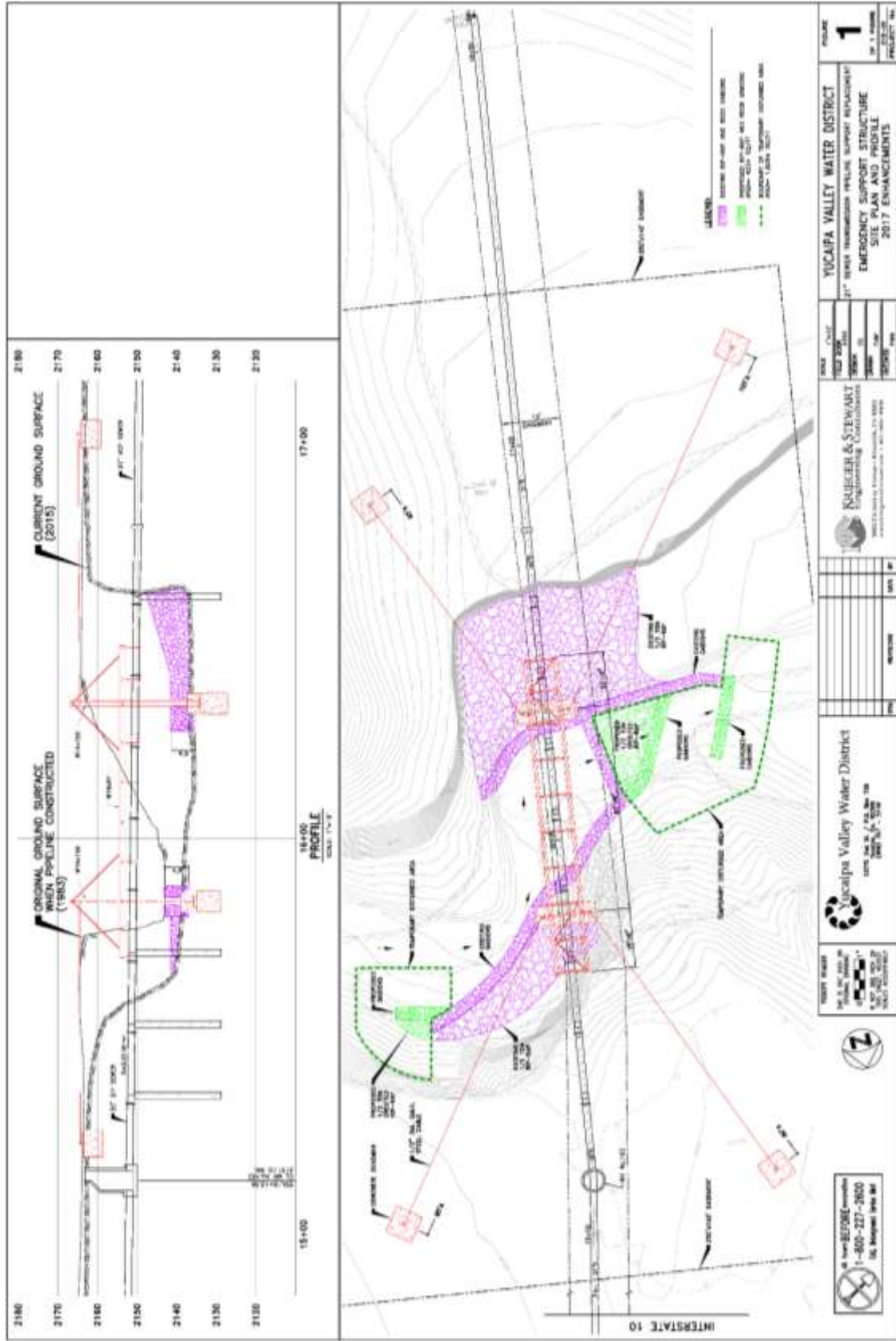
Source: USGS Quads (Yucaipa, El Cascar); Copyright: © 2013 National Geographic Society, Inc.

**USGS Topo**

YVWD Yucaipa Creek







			YUCAIPA VALLEY WATER DISTRICT 1100 N. GARDEN AVENUE, SUITE 100 YUCAIPA, CA 92386 (951) 875-5100 WWW.YVWD.COM	YUCAIPA VALLEY WATER DISTRICT 27" EMERGENCY SUPPORT STRUCTURE EMERGENCY SUPPORT STRUCTURE 2017 ENHANCEMENTS	SHEET NO. 17-082-01	PROJECT NO. 17-082
					DATE: 03/13/18	DRAWN BY: J. BROWN



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764  
(909) 481-0167  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



December 13, 2017

Matthew Porras  
Yucaipa Valley Water District  
12270 Second Street  
Yucaipa, CA 92399-0730

Subject: Notification of Lake or Streambed Alteration No. 1600-2017-0144-R6  
Yucaipa Valley Water District Sewer Line Emergency Project

Dear Mr. Porras:

The Department had until November 21, 2017 to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you or inform you that an Agreement is not required. The Department did not meet that date. As a result, by law, you may now complete the project described in your notification without an Agreement.

Please note that pursuant to Fish and Game Code section 1602(a)(4)(D), if you proceed with this project, it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that notification received and approved by the Department in writing prior to November 21, 2017. This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify the Department before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of Fish and Game Code section 1602.

Your project proposes to add ½-ton grouted rip-rap around existing gabions, and concrete grout within the existing gabions, at the sewer pipeline crossing at Yucaipa Creek. The Project will also construct three gabions, totaling 60 linear feet, to help prevent erosion of the creek bed around the sewer support structures. A total of 0.007 acre will be directly, permanently impacted as a result of rip-rap and gabion placement. An additional 0.039 acre will be temporarily impacted. Of the total 0.046 acre of impacts, 0.015 acre will occur within *Eriogonum fasciculatum* vegetative alliance, 0.016 will occur within *Populus fremontii* alliance, and 0.015 acre will occur within sandy wash/unvegetated streambed. Standard best management practices will be implemented during construction to prevent sediment from entering the watercourse. If project activities will occur within nesting season, a qualified biologist will conduct nesting surveys, map active nest occurrences, and establish and maintain a 300-foot buffer (500 feet for raptors) while the nest remains active.

*Conserving California's Wildlife Since 1870*

Matthew Porras  
December 13, 2017  
Page 2 of 2

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include, but are not limited to, the state and federal Endangered Species Acts and Fish and Game Code sections 5650 (water pollution) and 5901 (fish passage).

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. If you have any questions regarding this matter, please contact Kimberly Freeburn at (909) 945-3484 or [Kim.Freeburn@wildlife.ca.gov](mailto:Kim.Freeburn@wildlife.ca.gov)

Sincerely,



Jeff Brandt  
Senior Environmental Scientist




---

**Santa Ana Regional Water Quality Control Board**

January 4, 2018

Mr. Matthew Porras  
 Yucaipa Valley Water District  
 12270 Second Street  
 Yucaipa, California 92399-0730

[mporras@yvwd.dst.ca.us](mailto:mporras@yvwd.dst.ca.us)

RECEIVED  
 JAN 08 2018  
 YUCAIPA VALLEY  
 WATER DISTRICT

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
 CERTIFICATION FOR YUCAIPA CREEK GABION REPAIR AND EXTENSION  
 PROJECT, CITY OF YUCAIPA, SAN BERNARDINO COUNTY (USACE FILE NO.  
 SPL-2015-00919-GLH) (SARWQCB PROJECT NO. 362017-31)**

Dear Mr. Porras:

On August 22, 2017, we received from Gonzales Environmental Consulting, LLC, on behalf of Yucaipa Valley Water District (Applicant), an application for Clean Water Act section 401 Water Quality Standards Certification (Certification) for a project to repair existing gabion supports of a sanitary sewer pipeline over Yucaipa Creek (Project). The Applicant completed additional information and submitted it to the Santa Ana Regional Water Quality Control Board (Regional Water Board) on September 22, 2017. The Applicant submitted a filing fee of \$920.00 with the Certification application materials, which satisfies the Project fee requirement for consideration of a Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (State Water Board) web site and is based on the iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3).

This letter responds to your request for Certification that the proposed Project, described in your application and summarized below will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments.

**Project Description:** In 2016, the Applicant performed emergency repairs to install supports for the pipeline and to reinforce the Yucaipa Creek bank to prevent it from eroding further. This included installing steel columns and cross members in the Creek to brace and hang the pipeline, followed by installing gabions and rip-rap along the base of the banks near the pipeline to

---

WILLIAM RUH, CHAIR | HOPE A. SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santana](http://www.waterboards.ca.gov/santana)

♻️ RECYCLED PAPER

Mr. Matthew Porras  
 Yucaipa Valley Water District  
 SARWQCB Project No. 362017-31

- 2 -

January 4, 2018

stop the continuing bank erosion and a row of gabions perpendicular to the channel (buried with the tops of the gabions flush with the flowline of the Creek) to act as a cut-off-wall to help prevent further erosion of the Creek bed.

The current Project consists of adding additional rip-rap around the gabions constructed in the previous emergency project and adding concrete grout to areas under the existing gabions where erosion had undermined them. Additional 60 linear feet of new gabion structure will be installed to prevent erosion to the sanitary sewer support structure.

This Project will take place in the City of Yucaipa, south of Interstate 10 and east of Live Oak Canyon Road, in an un-sectioned area of the San Bernardino Land Grant. The Project is located on of the U.S. Geological Survey *Yucaipa* 7.5-minute topographic quadrangle map (34.012807° N/ -117.082047° W).

Receiving waters: Yucaipa Creek has designated beneficial uses (existing or potential) that include: Municipal and Domestic Supply (MUN), Groundwater Recharge (GWR), Contact Water Recreation (REC1), Non-Contact Water Recreation (REC2), Warm Freshwater Habitat (WARM), and Wildlife Habitat (WILD).

Fill area:

Permanent Impact to Waters of the United States (WOTUS)	0.007 acre	60 linear feet
Temporary Impact to WOTUS	0.024 acre	34 linear feet

Federal permit: U.S. Army Corps of Engineers (USACE) Nationwide Permit No. 13 – Bank Stabilization

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below.

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.



Mr. Matthew Porras  
Yucaipa Valley Water District  
SARWQCB Project No. 362017-31

- 3 -

January 4, 2018

**Offsite Water Quality Standards Mitigation Proposed:**

- The Applicant will mitigate 0.007-acre of permanent impacts through the purchase of 0.014-acre enhancement mitigation credit with Riverside-Corona Resource Conservation District In-Lieu Fee Program.

Should the proposed Project have the potential to impact State- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (CDFW) will ensure those impacts are mitigated to an acceptable level.

Appropriate BMPs will be implemented to reduce construction-related impacts to waters of the State per the requirements of Regional Water Board Order No. R8-2010-0036 (NPDES Permit No. CAS618036), commonly known as the San Bernardino County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2010-0036 requires the Applicant substantially comply with the requirements of State Water Board General NPDES Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order Number 2012-0006-DWQ.

Pursuant to the California Environmental Quality Act (CEQA), the Applicant filed a CEQA Guidelines section 15301 "Class 1" Categorical Exemption with the San Bernardino County Clerk/Recorder and the Office of Planning and Research on July 20, 2017, which declares that the proposed Project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of the existing use. The Regional Water Board has independently considered the Applicant's Categorical Exemption in the issuance of this Certification and finds that no changes or alterations to the proposed Project are necessary to avoid or mitigate impacts to water quality to a less than significant level.

**This Certification is contingent upon the execution of the following conditions:**

- 1) This Order for Certification will remain valid until the USACE 2017 Nationwide permits expire on March 18, 2022, or through an extended period beyond the expiration date that is authorized in writing by the USACE.
- 2) The Applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 3) The Applicant must ensure that all fees associated with this Project are paid to each respective agency prior to conducting any construction activities at the Project site.
- 4) A copy of this Certification and any subsequent amendments must be maintained onsite for the duration of work as a denoted element of any Project Storm Water Pollution Prevention Plan.

Mr. Matthew Porras  
Yucaipa Valley Water District  
SARWQCB Project No. 362017-31

- 4 -

January 4, 2018

- 5) Proposed mitigation must be implemented in a timely manner. A copy of the receipt from the transfer of funds to the Riverside-Corona Resource Conservation District In-Lieu Fee Program must be provided to the Regional Water Board prior to the discharge of fill to, or the dredging or excavation of material from, waters of the State of California.
- 6) Prior to construction activities, the Project proponent must delineate the work area with brightly colored fencing or other methods to ensure that both temporary and permanent impacts to WOTUS and waters of the State of California do not exceed the limits authorized in this Certification.
- 7) Effective perimeter control BMPs must be in place at all times to control the discharge of pollutants from the Project site during construction. Construction waste must be contained and protected against wind and exposure to storm water at all times unless being actively handled. Chemical, fuel, and lubricant containers must be kept closed and protected from damage or upset at all times, unless being actively used. Dirt and landscaping material stockpiles must have effective erosion control BMPs in place to prevent their transport in storm water or directly into the channels and may not be located in any WOTUS. Discharges of wastewater from the site are prohibited.
- 8) The Project proponent must utilize BMPs during Project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the State and of WOTUS.
- 9) Substances resulting from Project-related activities that could be harmful to aquatic life, including but not limited to petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, Portland cement concrete or asphalt concrete, and washings and cuttings thereof, must not be discharged to soils or waters of the State. All waste concrete must be removed from the Project site.
- 10) Motorized equipment must not be maintained or parked within or near any stream crossing, channel, or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow condition. Vehicles must not be driven, or equipment operated onsite in waters of the State, except as necessary to complete the proposed Project. Equipment must not be operated in areas of flowing water.
- 11) Construction dewatering discharges, including temporary stream diversions necessary to carry out the Project, are subject to regulation by Regional Water Board Order No. R8-2015-0004, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 at [https://www.waterboards.ca.gov/santaana/board\\_decisions/adopted\\_orders/orders/2015\\_orders.html](https://www.waterboards.ca.gov/santaana/board_decisions/adopted_orders/orders/2015_orders.html).

Mr. Matthew Porras  
Yucaipa Valley Water District  
SARWQCB Project No. 362017-31

- 5 -

January 4, 2018

- 12) This Certification is subject to the acquisition of all local, regional, State, and federal permits and approvals as required by law. Failure to meet any conditions contained herein, or any conditions contained in any other permit or approval for this Project issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including revocation of this Certification and imposition of administrative civil or criminal liability.
- 13) The Applicant must ensure written notification to this agency be made prior to conducting any onsite construction activities. Such notifications must be made to Jason Bill at [Jason.Bill@waterboards.ca.gov](mailto:Jason.Bill@waterboards.ca.gov) or other Regional Water Board Certification staff.
- 14) The Applicant must submit an Annual Project Status Report each year by January 1. Annual reporting must continue until a Notice of Project Complete Letter is issued to the Applicant. The status report must be sent to Jason Bill at [Jason.Bill@waterboards.ca.gov](mailto:Jason.Bill@waterboards.ca.gov) or other Regional Water Board Certification staff.
- 15) When work conducted in accordance with this Certification has been completed, the Applicant must notify Regional Water Board staff, Jason Bill at [Jason.Bill@waterboards.ca.gov](mailto:Jason.Bill@waterboards.ca.gov) or other Regional Water Board Certification staff within ten working days. Please cite SARWQCB Project No. 362017-31 as the Project identifier.

Under California Water Code, section 1058, and pursuant to California Code of Regulations, Title 23, Chapter 28, section 3860, the following must be included as Conditions of all Certification actions:

- (a) Every Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and Article 6 (commencing with section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to subsection 3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the Applicant.

If the above-stated Conditions are changed, any of the criteria or Conditions as previously described are not met, or new information becomes available that indicates a

Mr. Matthew Porras  
Yucaipa Valley Water District  
SARWQCB Project No. 362017-31

- 6 -

January 4, 2018

water quality problem, the Regional Water Board may require that the Applicant submit a Report of Waste Discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the Conditions of this Certification, the holder of any permit or license subject to this Certification will be subject to any remedies, penalties, process, or sanctions as provided under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification. Violations of the Conditions of this Certification may subject the Applicant to civil liability pursuant to Water Code section 13350 and/or section 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act section 401. I hereby certify that any discharge from the referenced Project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that Have Received State Water Quality Certification," which requires compliance with all Conditions of this Certification. Order No. 2003-0017-DWQ is available at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wgo/wgo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wgo/wgo2003-0017.pdf).

Should there be any questions, please contact Jason Bill at (951) 782-3295 or [Jason.Bill@waterboards.ca.gov](mailto:Jason.Bill@waterboards.ca.gov), or David Woelfel at (951) 782-7960 or [David.Woelfel@waterboards.ca.gov](mailto:David.Woelfel@waterboards.ca.gov).

Sincerely,

  
for Hope A. Smythe  
Executive Officer

Santa Ana Regional Water Quality Control Board

Mr. Matthew Porras  
Yucaipa Valley Water District  
SARWQCB Project No. 362017-31

- 7 -

January 4, 2018

cc:

USACE, Los Angeles Office – Daniel Swenson

U.S. Environmental Protection Agency, Region 9 - Wetlands Section – Sam Ziegler

CDFW – Jeff Brandt

State Water Board, Office of Chief Counsel – Teresita Sablan

State Water Board, Division of Water Quality – Water Quality Certification Unit

Gonzales Environmental Consulting, LLC – Teresa Gonzales –

[teresa@gonzalesenvironmental.com](mailto:teresa@gonzalesenvironmental.com)

# Capital Improvement Projects



Yucaipa Valley Water District



**Date:** March 13, 2018

**From:** Matthew Porras, Management Analyst

**Subject:** Status Report on the Construction of a Replacement Public Works Building

On December 5, 2017, the Board of Directors approved Change Order No. 1 to the contract with Forbes Steel Buildings for the Erection of a replacement public works building at the District office [Director Memorandum No. 17-109].

The purpose of this memorandum is to provide an update on the status of the project.











**Date:** March 13, 2018  
**From:** Mike Kostecky, Operations Manager  
**Subject:** Status Report on the Emergency Repairs for Drinking Water Reservoir 17.1.1

---

On November 21, 2017, the Board of Directors authorized emergency coating repairs for drinking water reservoir R-17.1.1 with Superior Tank Solutions [Director Memorandum No. 17-108].

On Monday, January 29, 2018, Superior Tank Solutions began repairs. Upon removing the coal tar enamel from the floor, it was evident that the floor is in need of replacement, not repair. The existing floor consists of numerous welded patches in various sizes and thousands of pits from erosion. This metal has been worn thin and is now a liability to the District. The side shell has approximately ten holes that will be repaired.

At the board meeting on February 20, 2018, the Board of Directors ratified the authorization for Superior Tank Solutions to proceed with the necessary repair work.

The purpose of this agenda item is to provide an update on the status of the repairs.









**Date:** March 13, 2018

**From:** Matthew Porras, Management Analyst

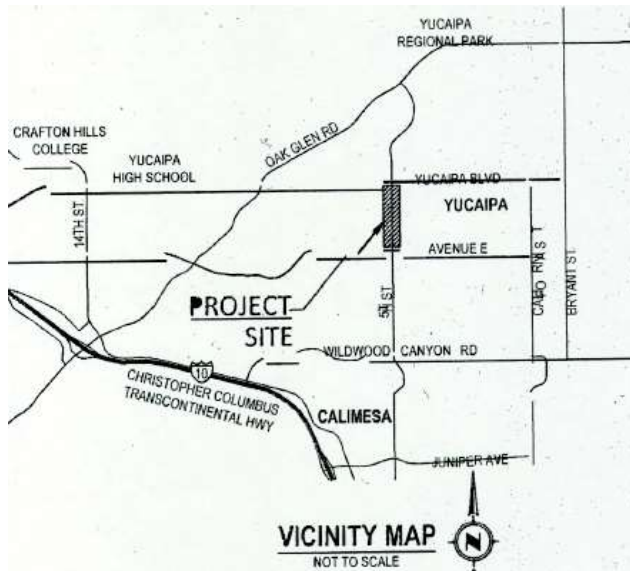
**Subject:** Status Report on the 5<sup>th</sup> Street Widening Project and the Impacts to Water and Sewer Infrastructure

The City of Yucaipa is in the process of making street improvements to 5<sup>th</sup> Street, west of Yucaipa Boulevard and north of Avenue E. The project includes widening of the roadway, installing curb and gutter, and adding sidewalks. The project will require relocation of utilities including Recycled Water, Drinking Water, and Sewer.

District staff is working to identify the scope of the impact related to District facilities. An agreement between the District and the City of Yucaipa will be drafted to define any cost sharing opportunities.

Financial Consideration

The District’s contribution to the project is currently undefined until additional information is acquired.





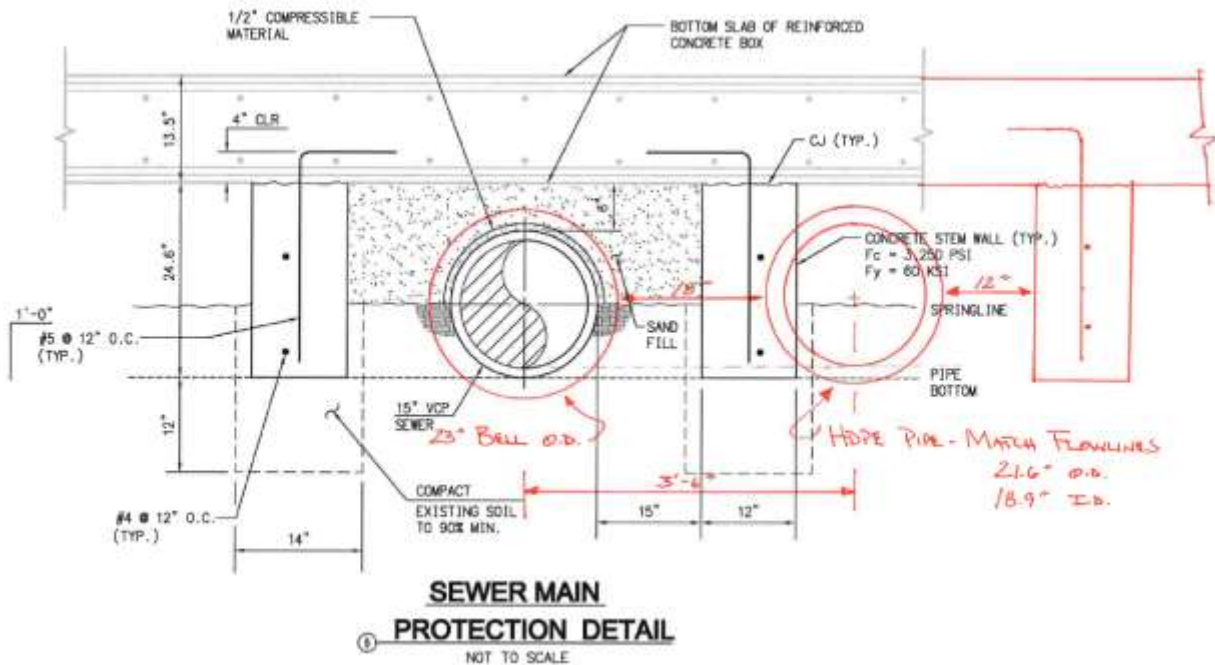
Date: March 13, 2018

From: Matthew Porras, Management Analyst

Subject: Status Report on the Installation of a Parallel Sewer Segment of Mainline on 6<sup>th</sup> Place as part of the Wildwood Creek Bridge Improvements

District staff has been coordinating with the City of Yucaipa for the construction of a bridge on Sixth Place at the crossing of Wildwood Creek.

The District staff is proposing to install a spare sewer mainline in Sixth Place together with the box culvert construction proposed by the City of Yucaipa. The installation of this segment of sewer will provide alternatives for the replacement and extension of sewer mainlines in the Districts' service area.





**Date:** March 13, 2018

**From:** Mike Kostelecky, Operations Manager

**Subject:** Status Report on the Annual Repairs and Rehabilitation of the Yucaipa Valley Regional Water Filtration Facility

---

Each year the District staff takes the Yucaipa Valley Regional Water Filtration Facility out of service to perform routine inspections and repairs of the facility. In some cases, this opportunity to inspect the facility has resulted in unexpected repairs that need to be completed promptly to prepare the drinking water facility for summertime operation.



The purpose of this agenda item is to discuss the status and schedule of the anticipated repairs.



**Date:** March 13, 2018

**From:** Matthew Porras, Management Analyst

**Subject:** Status Report on the Construction of an 8-Inch Sewer Mainline in Yucaipa Boulevard

The City of Yucaipa is preparing to proceed with the Yucaipa Boulevard Widening Project that involves the widening and reconstruction of Yucaipa Boulevard from 18<sup>th</sup> Street to Avenue E/Hampton Road. In conjunction with this project, the District is preparing to proceed with sewer construction consisting of approximately 2,400 linear feet of 8-inch main line in Yucaipa Boulevard between 18<sup>th</sup> Street and Avenue E/Hampton Road as well as Ridgecrest Drive between Yucaipa Boulevard and Sierra Linda Street.



The sewer main project is categorically exempt from environmental review in accordance with the California Environmental Quality Act Guidelines Section 15301(C).



# Public Policy



Yucaipa Valley Water District



**Date:** March 13, 2018  
**From:** Joseph Zoba, General Manager  
**Subject:** Discussion Regarding the Development of a Policy Related to Accessory Dwelling Units and Other Multiple Unit Developments

---

The District staff is in the process of developing a standardized policy for Accessory Dwelling Units (ADUs). At the board workshop on February 27, 2018, the following elements of the policy were discussed:

**Single Residential Unit – Same Parcel**

- Facility Capacity Charge - Standard Fees Apply
- Monthly Fixed and Variable Water and Sewer Charges - Standard Fees Apply

**Single Residential Unit with an Accessory Dwelling Unit - Same Parcel Up to 800 Square Feet**

- Facility Capacity Charge – No Additional Charge for Accessory Dwelling Unit
- Fixed Monthly Water and Sewer Charges - Standard Fees x 2.0
  - Casitas with either sink or toilet - Standard Fees x 1.25
  - Casitas with 2 of 3 (either a sink, toilet, and/or kitchen) - Standard Fees x 1.5
- Variable Monthly Water Fees – Standard Fees with Facility Capacity Charge Element

**Two Residential Units – Same Parcel and Accessory Dwelling Units more than 801 square feet**

- Facility Capacity Charge – Standard Fees Apply x 2.0
- Fixed Monthly Water and Sewer Charges – Standard Fees x 2.0
- Variable Monthly Water Fees – Standard Fees with Facility Capacity Charge Element

**Three or more Residential Units and/or Commercial, Industrial, Institutional**

- Facility Capacity Charge – Based on Water Supply Fixture Units – Uniform Plumbing Code
- Fixed Monthly Water and Sewer Charges – Standard Fees x Calculated # of EDUs
- Variable Monthly Water Fees – Standard Fees with Facility Capacity Charge Element

These concepts will be discussed at the board workshop to further develop the overall business processes related to accessory dwelling units in the District's service area.

**NEXT  
CITY**

Inspiring Better Cities

# California ADU Applications Skyrocket After Regulatory Reform

BY JOSH COHEN | JANUARY 4, 2018



Nonprofit urban design organization LA-Más designed this 1,000-square-foot ADU as part of a Los Angeles pilot to show "how an ADU can be both affordable and contextual." This ADU, in Los Angeles's historic Highland Park, is under construction. (Credit: LA-Más)

In 2016 and 2017, the California state legislature passed a slew of reforms reducing regulations on accessory dwelling units (ADU) such as basement apartments, garage conversions and backyard cottages. The reforms address ADU parking requirements, the permitting process, design requirements, fees and more. The state sees ADUs as a small part of a [broad effort](#) to address its housing crisis as demand outpaces housing supply and housing costs rocket ever higher.

It's too early to see the impacts of the ADU reforms on the ground, but there's already been a massive uptick in ADU permit applications in many California cities. In December, researchers at University of California Berkley's Terner Center for Housing Innovation [released a report](#) looking at ADU applications from 2015 through 2017 to understand how the regulatory changes are spurring ADU construction.

"I expected to see a jump, given the recent legislation, but I didn't expect to see such a dramatic jump," says report author David Garcia, Turner Center's policy director. "California basically legalized ADUs throughout the state on January 1, 2017. It turned out, there was quite a pent-up demand from homeowners."

Los Angeles saw the most dramatic jump, from 90 applications in 2015 and 80 in 2016 to a whopping 1,970 applications as of November 2017. Oakland, which had 33 and 99 applications in 2015 and 2016, jumped to 247 in 2017. Long Beach had zero applications in 2015 and just one in 2016. In 2017, it had 42. San Francisco has been experimenting with looser ADU regulations since 2013, but still saw applications increase from 384 in 2016 to 593 in 2017.

The legislation did several important things to encourage ADU construction. For one, it made ADUs legal in all California cities. It also established design standards that, when met, allow ADU development to receive "ministerial approval" instead of discretionary approval. In other words, ADU builders can apply for and receive construction permits over the counter at their city planning office, instead of seeking approval from a design commission or city council. When the proposed ADU is located within a half-mile of transit, is in a designated historic district, is attached to the existing unit and in several other instances, homeowners are not required to build an off-street parking space for the ADU. The 2016 legislation also creates a path for illegal ADUs to become official. In Los Angeles, for example, there may be [as many as 50,000 unpermitted ADUs](#).

Garcia says it's two reforms—easier permitting and reduced parking requirements—that have had the biggest impact on the increased ADU applications. Time is money in housing construction, and complicated permitting delays the process. Similarly, the parking requirement adds construction cost and complexity to projects. For would-be ADU builders, that can be a dealbreaker, Garcia explains. "ADUs are not driven by big real estate companies. They're driven by homeowners."

Though ADUs are just a small part of the housing crisis solution, some housing advocates such as Stuart Cohen are excited to see an easier path to their construction. Cohen is executive director of TransForm, a nonprofit focused on transportation, housing and sustainability issue in California. He says, "I think they fit a very important niche [in the housing market]. ADUs are naturally on the lower end of the cost spectrum, so part of solving the affordability crisis is having more ADU construction."

Still, Cohen says it's important to remember, "there's no substitute for having a massive infusion of funding and construction of dedicated affordable housing. ADUs are a great complement to, not a replacement for that funding."

ADUs are rarely used as subsidized affordable housing. But because of their size, cost of construction and the fact that they're usually built by individual homeowners instead of development companies, ADUs are often rented at below market rate. Another Turner Center [report](#) from 2017 found that 58 percent of ADU owners rent their units at below-market rates.

According to a recent [New York Times report](#) on California housing, more than half the land in both San Francisco and Los Angeles is filled by neighborhoods in which 90 percent of the housing is single family homes. Most California cities have similarly prevalent single-family zoning. ADUs could greatly increase the housing stock in those zones.

Though there are fewer barriers to ADU construction now, Garcia and Cohen still want to see future reforms. They say size and setback requirements for detached ADUs need to be clarified. Because the rules are still “fuzzy,” Cohen says it can still be difficult for builders to get that over-the-counter approval.

In some cities, detached ADUs are still subject to many of the same fees as a much larger, single family home, such as impact fees, utility fees and school district fees. Garcia says adjusting fees and building codes to account for the fact that ADUs are far smaller and often have fewer people living in them than typical single family homes will further bolster the ADU boom.

Finally, Garcia wants to see a change to owner-occupancy rules. Currently, California requires homeowners to live on site in the main dwelling in order to build an ADU. He points out that there are many single-family homes on the rental market already on lots that could also house an ADU. But under current law they cannot.

According to the Turner Center report, it takes 18 months or less to take the majority of ADUs from design to completion. Though some cities such as San Francisco that loosened ADU regulations before the state are already seeing the uptick in finished ADUs, the wave of new units spurred on by the change in state law should begin midway through 2018.



*Josh Cohen is a freelance writer in Seattle. His work has also appeared in The Guardian, The Nation, Pacific Standard and Vice.*

 FOLLOW JOSH  EMAIL JOSH

Source: <https://nextcity.org/daily/entry/california-adu-applications-skyrocket-after-regulatory-reform>



California Department of Housing and Community Development  
*Where Foundations Begin*

# Accessory Dwelling Unit Memorandum

December 2016



# Table of Contents

- Understanding ADUs and Their Importance..... 1**
- Summary of Recent Changes to Accessory Dwelling Unit Laws ..... 3**
- Frequently Asked Questions: Accessory Dwelling Units ..... 7**
  - Should an Ordinance Encourage the Development of ADUs?..... 7
  - Are Existing Ordinances Null and Void?..... 7
  - Are Local Governments Required to Adopt an Ordinance? ..... 8
  - Can a Local Government Preclude ADUs? ..... 8
  - Can a Local Government Apply Development Standards and Designate Areas? ..... 8
  - Can a Local Government Adopt Less Restrictive Requirements? ..... 9
  - Can Local Governments Establish Minimum and Maximum Unit Sizes? ..... 9
  - Can ADUs Exceed General Plan and Zoning Densities? ..... 10
  - How Are Fees Charged to ADUs?..... 11
  - What Utility Fee Requirements Apply to ADUs.....11
  - What Utility Fee Requirements Apply to Non-City and County Service Districts? ..... 11
  - Do Utility Fee Requirements Apply to ADUs within Existing Space? ..... 11
  - Does “Public Transit” Include within One-half Mile of a Bus Stop and Train Station? ..... 11
  - Can Parking Be Required Where a Car Share is Available? ..... 12
  - Is Off Street Parking Permitted in Setback Areas or through Tandem Parking? ..... 12
  - Is Covered Parking Required? ..... 12
  - Is Replacement Parking Required When the Parking Area for the Primary Structure is Used for an ADU? ..... 12
  - Are Setbacks Required When an Existing Garage is Converted to an ADU? ..... 12
  - Are ADUs Permitted in Existing Residence and Accessory Space? ..... 13
  - Are Owner Occupants Required? ..... 13
  - Are Fire Sprinklers Required for ADUs?.....13
  - Is Manufactured Housing Permitted as an ADU? ..... 14
  - Can an Efficiency Unit Be Smaller than 220 Square Feet?..... 14
  - Does ADU Law Apply to Charter Cities and Counties? ..... 14
  - Do ADUs Count toward the Regional Housing Need Allocation..... 14
  - Must Ordinances Be Submitted to the Department of Housing and Community Development? ..... 15

**Frequently Asked Questions: Junior Accessory Dwelling Units ..... 16**

    Is There a Difference between ADU and JADU?..... 16

    Why Adopt a JADU Ordinance?..... 17

    Can JADUs Count towards The RHNA? ..... 17

    Can the JADU Be Sold Independent of the Primary Dwelling?..... 17

    Are JADUs Subject to Connection and Capacity Fees? ..... 17

    Are There Requirements for Fire Separation and Fire Sprinklers? ..... 18

**Resources ..... 19**

    Attachment 1: Statutory Changes (Strikeout/Underline) ..... 19

    Attachment 2: Sample ADU Ordinance ..... 26

    Attachment 3: Sample JADU Ordinance ..... 29

    Attachment 4: State Standards Checklist ..... 32

    Attachment 5: Bibliography ..... 33



## Understanding Accessory Dwelling Units and Their Importance



Courtesy of Karen Chapple, UC Berkeley

California's housing production is not keeping pace with demand. In the last decade less than half of the needed housing was built. This lack of housing is impacting affordability with average housing costs in California exceeding the rest of the nation. As affordability becomes more problematic, people drive longer distances between a home that is affordable and where they work, or double up to share space, both of which reduces quality of life and produces negative environmental impacts.

Beyond traditional market-rate construction and government subsidized production and preservation there are alternative housing models and emerging trends that can contribute to addressing home supply and affordability in California.

One such example gaining popularity are Accessory Dwelling Units (ADUs) (also referred to as second units, in-law units, or granny flats).

### What is an ADU

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes three forms:

- *Detached:* The unit is separated from the primary structure
- *Attached:* The unit is attached to the primary structure
- *Repurposed Existing Space:* Space (e.g., master bedroom) within the primary residence is converted into an independent living unit
- *Junior Accessory Dwelling Units:* Similar to repurposed space with various streamlining measures

ADUs offer benefits that address common development barriers such as affordability and environmental quality. ADUs are an affordable type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators. ADUs are built with cost-effective one- or two-story wood frame construction, which is significantly less costly than homes in new multifamily infill buildings. ADUs can provide as much living space as the new apartments and condominiums being built in new infill buildings and serve very well for couples, small families, friends, young people, and seniors.

ADUs are a different form of housing that can help California meet its diverse housing needs. Young professionals and students desire to live in areas close to jobs, amenities, and schools. The problem with high-opportunity areas is that space is limited. There is a shortage of affordable units and the units that are available can be out of reach for many people. To address the needs of individuals or small families seeking living quarters in high opportunity areas, homeowners can construct an ADU on their lot or convert an underutilized part of their home like a garage

into a junior ADU. This flexibility benefits not just people renting the space, but the homeowner as well, who can receive an extra monthly rent income.

ADUs give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care and helping extended families to be near one another while maintaining privacy.

Relaxed regulations and the cost to build an ADU make it a very feasible affordable housing option. A UC Berkeley study noted that one unit of affordable housing in the Bay Area costs about \$500,000 to develop whereas an ADU can range anywhere up to \$200,000 on the expensive end in high housing cost areas.

ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.

## Summary of Recent Changes to ADU Laws



Courtesy of Karen Chapple, UC Berkeley

The California legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in single family and multifamily zones provides additional rental housing and are an essential component in addressing housing needs in California. Over the years, ADU law has been revised to improve its effectiveness such as recent changes in 2003 to require ministerial approval. In 2017, changes to ADU laws will further reduce barriers, better streamline approval and expand capacity to accommodate the development of ADUs.

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, the disabled, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the Department has prepared this guidance to assist local governments in encouraging the development of ADUs. Please see Attachment 1 for the complete statutory changes. The following is a brief summary of the changes for each bill.

### SB 1069 (Wieckowski)

S.B. 1069 (Chapter 720, Statutes of 2016) made several changes to address barriers to the development of ADUs and expanded capacity for their development. The following is a brief summary of provisions that go into effect January 1, 2017.

#### Parking

SB 1069 reduces parking requirements to one space per bedroom or unit. The legislation authorizes off street parking to be tandem or in setback areas unless specific findings such as fire and life safety conditions are made. SB 1069 also prohibits parking requirements if the ADU meets any of the following:

- Is within a half mile from public transit.
- Is within an architecturally and historically significant historic district.
- Is part of an existing primary residence or an existing accessory structure.
- Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU.
- Is located within one block of a car share area.

## **Fees**

SB 1069 provides that ADUs shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. The bill prohibits a local agency from requiring an ADU applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure. For attached and detached ADUs, this fee or charge must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.

## **Fire Requirements**

SB 1069 provides that fire sprinklers shall not be required in an accessory unit if they are not required in the primary residence.

## **ADUs within Existing Space**

Local governments must ministerially approve an application to create within a single family residential zone one ADU per single family lot if the unit is:

- contained within an existing residence or accessory structure.
- has independent exterior access from the existing residence.
- has side and rear setbacks that are sufficient for fire safety.

These provisions apply within all single family residential zones and ADUs within existing space must be allowed in all of these zones. No additional parking or other development standards can be applied except for building code requirements.

## **No Total Prohibition**

SB 1069 prohibits a local government from adopting an ordinance that precludes ADUs.

## **AB 2299 (Bloom)**

Generally, AB 2299 (Chapter 735, Statutes of 2016) requires a local government (beginning January 1, 2017) to ministerially approve ADUs if the unit complies with certain parking requirements, the maximum allowable size of an attached ADU, and setback requirements, as follows:

- The unit is not intended for sale separate from the primary residence and may be rented.
- The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.
- The unit is either attached to an existing dwelling or located within the living area of the existing dwelling or detached and on the same lot.
- The increased floor area of the unit does not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- The total area of floorspace for a detached accessory dwelling unit does not exceed 1,200 square feet.
- No passageway can be required.
- No setback can be required from an existing garage that is converted to an ADU.

- Compliance with local building code requirements.
- Approval by the local health officer where private sewage disposal system is being used.

### **Impact on Existing Accessory Dwelling Unit Ordinances**

AB 2299 provides that any existing ADU ordinance that does not meet the bill's requirements is null and void upon the date the bill becomes effective. In such cases, a jurisdiction must approve accessory dwelling units based on Government Code Section 65852.2 until the jurisdiction adopts a compliant ordinance.

### **AB 2406 (Thurmond)**

AB 2406 (Chapter 755, Statutes of 2016) creates more flexibility for housing options by authorizing local governments to permit junior accessory dwelling units (JADU) through an ordinance. The bill defines JADUs to be a unit that cannot exceed 500 square feet and must be completely contained within the space of an existing residential structure. In addition, the bill requires specified components for a local JADU ordinance. Adoption of a JADU ordinance is optional.

### **Required Components**

The ordinance authorized by AB 2406 must include the following requirements:

- Limit to one JADU per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence.
- The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.
- The JADU must be located entirely within the existing structure of the single-family residence and JADU have its own separate entrance.
- The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
- The JADU may share a bath with the primary residence or have its own bath.

### **Prohibited Components**

This bill prohibits a local JADU ordinance from requiring:

- Additional parking as a condition to grant a permit.
- Applying additional water, sewer and power connection fees. No connections are needed as these utilities have already been accounted for in the original permit for the home.

### **Fire Safety Requirements**

AB 2406 clarifies that a JADU is to be considered part of the single-family residence for the purposes of fire and life protections ordinances and regulations, such as sprinklers and smoke alarms. The bill also requires life and protection ordinances that affect single-family residences to be applied uniformly to all single-family residences, regardless of the presence of a JADU.

### **JADUs and the RHNA**

As part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a JADU toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit which is fairly flexible. Local government count units as part of reporting to DOF. JADUs meet these definitions and this bill would allow cities and counties to earn credit toward meeting their RHNA allocations by permitting residents to create less costly accessory units. See additional discussion under JADU frequently asked questions.

# Frequently Asked Questions: Accessory Dwelling Units

## Should an Ordinance Encourage the Development of ADUs?

Yes, ADU law and recent changes intend to address barriers, streamline approval and expand potential capacity for ADUs recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment and implementation of local ADU ordinances must be carried out consistent with Government Code Section 65852.150:

- (a) The Legislature finds and declares all of the following:*
- (1) Accessory dwelling units are a valuable form of housing in California.*
  - (2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.*
  - (3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.*
  - (4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.*
  - (5) California faces a severe housing crisis.*
  - (6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.*
  - (7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.*
  - (8) Accessory dwelling units are, therefore, an essential component of California's housing supply.*
- (b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.*

### Are Existing Ordinances Null and Void?



Yes, any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to ADU law will be null and void. Until an ordinance is adopted, local governments must apply "state standards" (See Attachment 4 for State Standards checklist). In the absence of a local ordinance complying with ADU law, local review must be limited to "state standards" and cannot include additional requirements such as those in an existing ordinance.

### Are Local Governments Required to Adopt an Ordinance?

No, a local government **is not required** to adopt an ordinance. ADUs built within a jurisdiction that lacks a local ordinance must comply with state standards (See Attachment 4). Adopting an ordinance can occur through different forms such as a new ordinance, amendment to an existing ordinance, separate section or special regulations within the zoning code or integrated into the zoning code by district. However, the ordinance should be established legislatively through a public process and meeting and not through internal administrative actions such as memos or zoning interpretations.

### Can a Local Government Preclude ADUs?

No local government cannot preclude ADUs.

### Can a Local Government Apply Development Standards and Designate Areas?

Yes, local governments may apply development standards and may designate where ADUs are permitted (GC Sections 65852.2(a)(1)(A) and (B)). However, ADUs within existing structures must be allowed in all single family residential zones.

For ADUs that require an addition or a new accessory structure, development standards such as parking, height, lot coverage, lot size and maximum unit size can be established with certain limitations. ADUs can be avoided or allowed through an ancillary and separate discretionary process in areas with health and safety risks such as high fire hazard areas. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of ADUs and should maximize the potential for ADU development. Designating areas where ADUs are allowed should be approached primarily on health and safety issues including water, sewer, traffic flow and public safety. Utilizing approaches such as restrictive overlays, limiting ADUs to larger lot sizes, burdensome lot coverage and setbacks and particularly concentration or distance requirements (e.g., no less than 500 feet between ADUs) may unreasonably restrict the ability of the homeowners to create ADUs, contrary to the intent of the Legislature.



Requiring large minimum lot sizes and not allowing smaller lot sizes for ADUs can severely restrict their potential development. For example, large minimum lot sizes for ADUs may constrict capacity throughout most of the community. Minimum lot sizes cannot be applied to ADUs within existing structures and could be considered relative to health and safety concerns such as areas on septic systems. While larger lot sizes might be targeted for various reasons such as ease of compatibility, many tools are available (e.g., maximum unit size, maximum lot coverage, minimum setbacks, architectural and landscape requirements) that allows ADUs to fit well within the built environment.

### Can a Local Government Adopt Less Restrictive Requirements?

Yes, ADU law is a minimum requirement and its purpose is to encourage the development of ADUs. Local governments can take a variety of actions beyond the statute that promote ADUs such as reductions in fees, less restrictive parking or unit sizes or amending general plan policies.

Santa Cruz has confronted a shortage of housing for many years, considering its growth in population from incoming students at UC Santa Cruz and its proximity to Silicon Valley. The city promoted the development of ADUs as critical infill-housing opportunity through various strategies such as creating a manual to promote ADUs. The manual showcases prototypes of ADUs and outlines city zoning laws and requirements to make it more convenient for homeowners to get information. The City found that homeowners will take time to develop an ADU only if information is easy to find, the process is simple, and there is sufficient guidance on what options they have in regards to design and planning.

The city set the minimum lot size requirement at 4,500 sq. ft. to develop an ADU in order to encourage more homes to build an ADU. This allowed for a majority of single-family homes in Santa Cruz to develop an ADU. For more information, see <http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program>.

### Can Local Governments Establish Minimum and Maximum Unit Sizes?

Yes, a local government may establish minimum and maximum unit sizes (GC Section 65852.2(c)). However, like all development standards (e.g., height, lot coverage, lot size), unit sizes should not burden the development of ADUs. For example, setting a minimum unit size that substantially increases costs or a maximum unit size that unreasonably restricts opportunities would be inconsistent with the intent of the statute. Typical maximum unit sizes range from 800 square feet to 1,200 square feet. Minimum unit size must at least allow for an efficiency unit as defined in Health and Safety Code Section 17958.1.

ADU law requires local government approval if meeting various requirements (GC Section 65852.2(a)(1)(D)), including unit size requirements. Specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and detached ADUs shall not exceed 1,200 square feet. A local government may choose a maximum unit size less than 1,200 square feet as long as the requirement is not burdensome on the creation of ADUs.

## Can ADUs Exceed General Plan and Zoning Densities?

An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Minimum lot sizes must not be doubled (e.g., 15,000 square feet) to account for an ADU. Further, local governments could elect to allow more than one ADU on a lot.

New developments can increase the total number of affordable units in their project plans by integrating ADUs. Aside from increasing the total number of affordable units, integrating ADUs also promotes housing choices within a development. One such example is the Cannery project in Davis, CA. The Cannery project includes 547 residential units with up to 60 integrated ADUs. ADUs within the Cannery blend in with surrounding architecture, maintaining compatibility with neighborhoods and enhancing community character. ADUs are constructed at the same time as the primary single-family unit to ensure the affordable rental unit is available in the housing supply concurrent with the availability of market rate housing.

### How Are Fees Charged to ADUs?

All impact fees, including water, sewer, park and traffic fees must be charged in accordance with the Fee Mitigation Act, which requires fees to be proportional to the actual impact (e.g., significantly less than a single family home).

Fees on ADUs, must proportionately account for impact on services based on the size of the ADU or number of plumbing fixtures. For example, a 700 square foot new ADU with one bathroom that results in less landscaping should be charged much less than a 2,000 square foot home with three bathrooms and an entirely new landscaped parcel which must be irrigated. Fees for ADUs should be significantly less and should account for a lesser impact such as lower sewer or traffic impacts.

### What Utility Fee Requirements Apply to ADUs?

Cities and counties cannot consider ADUs as new residential uses when calculating connection fees and capacity charges.

Where ADUs are being created within an existing structure (primary or accessory), the city or county cannot require a new or separate utility connections for the ADU and cannot charge any connection fee or capacity charge.

For other ADUs, a local agency may require separate utility connections between the primary dwelling and the ADU, but any connection fee or capacity charge must be proportionate to the impact of the ADU based on either its size or the number of plumbing fixtures.

### What Utility Fee Requirements Apply to Non-City and County Service Districts?

All local agencies must charge impact fees in accordance with the Mitigation Fee Act (commencing with Government Code Section 66000), including in particular Section 66013, which requires the connection fees and capacity charges to be proportionate to the burden posed by the ADU. Special districts and non-city and county service districts must account for the lesser impact related to an ADU and should base fees on unit size or number of plumbing fixtures. Providers should consider a proportionate or sliding scale fee structures that address the smaller size and lesser impact of ADUs (e.g., fees per square foot or fees per fixture). Fee waivers or deferrals could be considered to better promote the development of ADUs.

### Do Utility Fee Requirements Apply to ADUs within Existing Space?

No, where ADUs are being created within an existing structure (primary or accessory), new or separate utility connections and fees (connection and capacity) must not be required.

### Does "Public Transit" Include within One-half Mile of a Bus Stop and Train Station?

Yes, "public transit" may include a bus stop, train station and paratransit if appropriate for the applicant. "Public transit" includes areas where transit is available and can be considered regardless of tighter headways (e.g., 15 minute intervals). Local governments could consider a broader definition of "public transit" such as distance to a bus route.

### Can Parking Be Required Where a Car Share Is Available?

No, ADU law does not allow parking to be required when there is a car share located within a block of the ADU. A car share location includes a designated pick up and drop off location. Local governments can measure a block from a pick up and drop off location and can decide to adopt broader distance requirements such as two to three blocks.

### Is Off Street Parking Permitted in Setback Areas or through Tandem Parking?

Yes, ADU law deliberately reduces parking requirements. Local governments may make specific findings that tandem parking and parking in setbacks are infeasible based on specific site, regional topographical or fire and life safety conditions or that tandem parking or parking in setbacks is not permitted anywhere else in the jurisdiction. However, these determinations should be applied in a manner that does not unnecessarily restrict the creation of ADUs.

Local governments must provide reasonable accommodation to persons with disabilities to promote equal access housing and comply with fair housing laws and housing element law. The reasonable accommodation procedure must provide exception to zoning and land use regulations which includes an ADU ordinance. Potential exceptions are not limited and may include development standards such as setbacks and parking requirements and permitted uses that further the housing opportunities of individuals with disabilities.

### Is Covered Parking Required?

No, off street parking must be permitted through tandem parking on an existing driveway, unless specific findings are made.

### Is Replacement Parking Required When the Parking Area for the Primary Structure Is Used for an ADU?

Yes, but only if the local government requires off-street parking to be replaced in which case flexible arrangements such as tandem, including existing driveways and uncovered parking are allowed. Local governments have an opportunity to be flexible and promote ADUs that are being created on existing parking space and can consider not requiring replacement parking.

### Are Setbacks Required When an Existing Garage Is Converted to an ADU?

No, setbacks must not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Rear and side yard setbacks of no more than five feet are required when new space is added above a garage for an ADU. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the ADU can be constructed wholly or partly above the garage, including extending beyond the garage walls.

Also, when a garage, carport or covered parking structure is demolished or where the parking area ceases to exist so an ADU can be created, the replacement parking must be allowed in any "configuration" on the lot, "...including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or..." Configuration can be applied in a flexible manner to not burden the creation of ADUs. For example, spatial configurations like tandem on existing driveways in setback areas or not requiring excessive distances from the street would be appropriate.

### Are ADUs Permitted in Existing Residence or Accessory Space?

Yes, ADUs located in single family residential zones and existing space of a single family residence or accessory structure must be approved regardless of zoning standards (Section 65852.2(a)(1)(B)) for ADUs, including locational requirements (Section 65852.2(a)(1)(A)), subject to usual non-appealable ministerial building permit requirements. For example, ADUs in existing space does not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements. Simply, where a single family residence or accessory structure exists in any single family residential zone, so can an ADU. The purpose is to streamline and expand potential for ADUs where impact is minimal and the existing footprint is not being increased.

Zoning requirements are not a basis for denying a ministerial building permit for an ADU, including non-conforming lots or structures. The phrase, "within the existing space" includes areas within a primary home or within an attached or detached accessory structure such as a garage, a carriage house, a pool house, a rear yard studio and similar enclosed structures.

### Are Owner Occupants Required?

No, however, a local government can require an applicant to be an owner occupant. The owner may reside in the primary or accessory structure. Local governments can also require the ADU to not be used for short term rentals (terms lesser than 30 days). Both owner occupant use and prohibition on short term rentals can be required on the same property. Local agencies which impose this requirement should require recordation of a deed restriction regarding owner occupancy to comply with GC Section 27281.5

### Are Fire Sprinklers Required for ADUs?

Depends, ADUs shall not be required to provide fire sprinklers if they are not or were not required of the primary residence. However, sprinklers can be required for an ADU if required in the primary structure. For example, if the primary residence has sprinklers as a result of an existing ordinance, then sprinklers could be required in the ADU. Alternative methods for fire protection could be provided.

If the ADU is detached from the main structure or new space above a detached garage, applicants can be encouraged to contact the local fire jurisdiction for information regarding fire sprinklers. Since ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, students, the elderly, in-home health care providers, the disabled, and others, the fire departments want to ensure the safety of these populations as well as the safety of those living in the primary structure. Fire Departments can help educate property owners on the benefits of sprinklers, potential resources and how they can be installed cost effectively. For example, insurance rates are typically 5 to 10 percent lower where the unit is sprinklered. Finally, other methods exist to provide additional fire protection. Some options may include additional exits, emergency escape and rescue openings, 1 hour or greater fire-rated assemblies, roofing materials and setbacks from property lines or other structures.

## Is Manufactured Housing Permitted as an ADU?

Yes, an ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes an efficiency unit (Health and Safety Code Section 17958.1) and a manufactured home (Health and Safety Code Section 18007).

Health and Safety Code Section 18007(a) **“Manufactured home,”** for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

## Can an Efficiency Unit Be Smaller than 220 Square Feet?

Yes, an efficiency unit for occupancy by no more than two persons, by statute (Health and Safety Code Section 17958.1), can have a minimum floor area of 150 square feet and can also have partial kitchen or bathroom facilities, as specified by ordinance or can have the same meaning specified in the Uniform Building Code, referenced in the Title 24 of the California Code of Regulations.

The 2015 International Residential Code adopted by reference into the 2016 California Residential Code (CRC) allows residential dwelling units to be built considerably smaller than an Efficiency Dwelling Unit (EDU). Prior to this code change an EDU was required to have a minimum floor area not less than 220 sq. ft unless modified by local ordinance in accordance with the California Health and Safety Code which could allow an EDU to be built no less than 150 sq. ft. For more information, see HCD’s Information Bulletin at <http://www.hcd.ca.gov/codes/manufactured-housing/docs/ib2016-06.pdf>.

## Does ADU Law Apply to Charter Cities and Counties?

Yes. ADU law explicitly applies to “local agencies” which are defined as a city, county, or city and county whether general law or chartered (Section 65852.2(i)(2)).

### Do ADUs Count toward the Regional Housing Need Allocation?

Yes, local governments may report ADUs as progress toward Regional Housing Need Allocation pursuant to Government Code Section 65400 based on the actual or anticipated affordability. See below frequently asked questions for JADUs for additional discussion.

### Must ADU Ordinances Be Submitted to the Department of Housing and Community Development?

Yes, ADU ordinances must be submitted to the State Department of Housing and Community Development within 60 days after adoption, including amendments to existing ordinances. However, upon submittal, the ordinance is not subject to a Department review and findings process similar to housing element law (GC Section 65585)

# Frequently Asked Questions: Junior Accessory Dwelling Units

## Is There a Difference between ADU and JADU?



Courtesy of Lillypad Homes and Photo Credit to Jocelyn Knight

Yes, AB 2406 added Government Code Section 65852.22, providing a unique option for Junior ADUs. The bill allows local governments to adopt ordinances for JADUs, which are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and an entrance to the outside from the JADU. The JADU must have cooking facilities, including a sink, but is not required to have a private bathroom. Current law does not prohibit local governments from adopting an ordinance for a JADU, and this bill explicitly allows, not requires, a local agency to do so. If the ordinance requires a permit, the local agency shall not require additional parking or charge a fee for a water or sewer connection as a condition of granting a permit for a JADU. For more information, see below.

### ADUs and JADUs

REQUIREMENTS	ADU	JADU
Maximum Unit Size	Yes, generally up to 1,200 Square Feet or 50% of living area	Yes, 500 Square Foot Maximum
Kitchen	Yes	Yes
Bathroom	Yes	No, Common Sanitation is Allowed
Separate Entrance	Depends	Yes
Parking	Depends, Parking May Be Eliminated and Cannot Be Required Under Specified Conditions	No, Parking Cannot Be Required
Owner Occupancy	Depends, Owner Occupancy <i>May</i> Be Required	Yes, Owner Occupancy Is Required
Ministerial Approval Process	Yes	Yes
Prohibition on Sale of ADU	Yes	Yes



## Why Adopt a JADU Ordinance?

JADUs offer the simplest and most affordable housing option. They bridge the gap between a roommate and a tenant by offering an interior connection between the unit and main living area. The doors between the two spaces can be secured from both sides, allowing them to be easily privatized or incorporated back into the main living area. These units share central systems, require no fire separation, and have a basic kitchen, utilizing small plug in appliances, reducing development costs. This provides flexibility and an insurance policy in homes in case additional income or housing is needed. They present no additional stress on utility services or infrastructure because they simply repurpose spare bedrooms that do not expand the homes planned occupancy. No additional address is required on the property because an interior connection remains. By adopting a JADU ordinance, local governments can offer homeowners additional options to take advantage of underutilized space and better address its housing needs.

## Can JADUs Count towards the RHNA?

Yes, as part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, a JADU, including with shared sanitation facilities, that meets the census definition and is reported to the Department of Finance as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. Local governments can track actual or anticipated affordability to assure the JADU is counted to the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit application.

A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

## Can the JADU Be Sold Independent of the Primary Dwelling?

No, the JADU cannot be sold separate from the primary dwelling.

## Are JADUs Subject to Connection and Capacity Fees?

No, JADUs shall not be considered a separate or new dwelling unit for the purposes of fees and as a result should not be charged a fee for providing water, sewer or power, including a connection fee. These requirements apply to all providers of water, sewer and power, including non-municipal providers.

Local governments may adopt requirements for fees related to parking, other service or connection for water, sewer or power, however, these requirements must be uniform for all single family residences and JADUs are not considered a new or separate unit.

### Are There Requirements for Fire Separation and Fire Sprinklers?

Yes, a local government may adopt requirements related to fire and life protection requirements. However, a JADU shall not be considered a new or separate unit. In other words, if the primary unit is not subject to fire or life protection requirements, then the JADU must be treated the same.

## Resources



Courtesy of Karen Chapple, UC Berkeley

## Attachment 1: Statutory Changes (Strikeout/Underline)

### Government Code Section 65852.2

(a) (1) Any A local agency may, by ordinance, provide for the creation of ~~second-accessory dwelling~~ units in single-family and multifamily residential zones. The ordinance may ~~shall~~ do any all of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-accessory dwelling~~ units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-accessory dwelling~~ units on traffic ~~flow~~. flow and public safety.

(B) (i) Impose standards on ~~second-accessory dwelling~~ units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that ~~second-accessory dwelling~~ units do not exceed the allowable density for the lot upon which the ~~second-accessory dwelling~~ unit is located, and that ~~second-accessory dwelling~~ units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of ADUs permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ADUs: an accessory dwelling unit.

(b) (4) (1) An When existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing ADUs in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a ADU if the ADU complies with all of the following: that complies with this section.

(A) The unit is not intended for sale and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached ADU shall not exceed 30 percent of the existing living area.

(F) The total area of floorspace for a detached ADU shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements which apply to detached dwellings, as appropriate.

(I) Approval by the local health officer where a private sewage disposal system is being used, if required.

~~(2) (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.~~

~~(3) (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed ADUs on lots a proposed accessory dwelling unit on a lot zoned for residential use which contain that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision ~~(a), subdivision~~, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant. owner-occupant or that the property be used for rentals of terms longer than 30 days.~~

~~(4) (7) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ADUs an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.~~

~~(5) (8) A ADU which conforms to the requirements of An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which that is consistent with the existing general plan and zoning designations for the lot. The ADUs accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.~~

~~(e) (b) No When a local agency shall adopt an ordinance which totally precludes ADUs within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing ADUs within single-family and multifamily zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.~~

~~(d) (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached second accessory dwelling units. No minimum or maximum size for a second an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

~~(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:~~

~~(1) The accessory dwelling unit is located within one-half mile of public transit.~~

~~(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.~~

~~(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.~~

~~(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.~~

~~(5) When there is a car share vehicle located within one block of the accessory dwelling unit.~~

~~(e) Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the~~

use of the ADU and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of second accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000), 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs, an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinances ordinance adopted pursuant to subdivision (a) or (e) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area," area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Second Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for second accessory dwelling units.

**Government Code Section 65852.22.**

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

(C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a



permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

## Attachment 2: Sample ADU Ordinance

### Section XXX1XXX: Purpose

This Chapter provides for accessory dwelling units on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings contribute needed housing to the community's housing stock. Thus, accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities, including near transit on single family lots.

### Section XXX2XXX: Applicability

The provisions of this Chapter apply to all lots that are occupied with a single family dwelling unit and zoned residential. Accessory dwelling units do exceed the allowable density for the lot upon which the accessory dwelling unit is located, and are a residential use that is consistent with the existing general plan and zoning designation for the lot.

### Section XXX3XXX: Development Standards

#### Accessory Structures within Existing Space

An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the Chapter if complying with:

1. Building and safety codes
2. Independent exterior access from the existing residence
3. Sufficient side and rear setbacks for fire safety.

#### Accessory Structures (Attached and Detached)

##### General:

1. The unit is not intended for sale separate from the primary residence and may be rented.
2. The lot is zoned for residential and contains an existing, single-family dwelling.
3. The accessory dwelling unit is either attached to the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
4. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
5. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.
6. Local building code requirements that apply to detached dwellings, as appropriate.
7. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
8. No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
9. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

##### Parking:

1. Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.
2. Parking is not required in the following instances:
  - The accessory dwelling unit is located within one-half mile of public transit, including transit stations and bus stations.

- The accessory dwelling unit is located in the WWWW Downtown, XXX Area, YYY Corridor and ZZZ Opportunity Area.
  - The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - When there is a car share vehicle located within one block of the accessory dwelling unit.
3. Replacement Parking: When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall not be required and may be located in any configuration on the same lot as the accessory dwelling unit.

### **Section XXX4XXX: Permit Requirements**

ADUs shall be permitted ministerially, in compliance with this Chapter within 120 days of application. The Community Development Director shall issue a building permit or zoning certificate to establish an accessory dwelling unit in compliance with this Chapter if all applicable requirements are met in Section XXX3XXXXX, as appropriate. The Community Development Director may approve an accessory dwelling unit that is not in compliance with Section XXX3XXXXX as set forth in Section XXX5XXXXX. The XXXX Health Officer shall approve an application in conformance with XXXXXXX where a private sewage disposal system is being used.

### **Section XXX5XXX: Review Process for Accessory Structure Not Complying with Development Standards**

An accessory dwelling unit that does not comply with standards in Section XXX3XX may be permitted with a zoning certificate or an administrative use permit at the discretion of the Community Development Director subject to findings in Section XXX6XX

### **Section XXX6XXX: Findings**

A. In order to deny an administrative use permit under Section XXX5XXXX, the Community Development Director shall find that the Accessory Dwelling Unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.

B. In order to approve an administrative use permit under Section XXX5XXXX to waive required accessory dwelling unit parking, the Community Development Director shall find that additional or new on-site parking would be detrimental, and that granting the waiver will meet the purposes of this Chapter.

### **Section XXX7XXX: Definitions**

(1) "Living area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(3) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(4) (1) "Existing Structure" for the purposes of defining an allowable space that can be converted to an ADU means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

### Attachment 3: Sample JADU Ordinance

(Lüypad Homes at <http://luypadhomes.org/>)

#### Draft Junior Accessory Dwelling Units (JADU) – Flexible Housing

##### Findings:

1. **Causation:** Critical need for housing for lower income families and individuals given the high cost of living and low supply of affordable homes for rent or purchase, and the difficulty, given the current social and economic environment, in building more affordable housing
2. **Mitigation:** Create a simple and inexpensive permitting track for the development of junior accessory dwelling units that allows spare bedrooms in homes to serve as a flexible form of infill housing
3. **Endangerment:** Provisions currently required under agency ordinances are so arbitrary, excessive, or burdensome as to restrict the ability of homeowners to legally develop these units therefore encouraging homeowners to bypass safety standards and procedures that make the creation of these units a benefit to the whole of the community
4. **Co-Benefits:** Homeowners (particularly retired seniors and young families, groups that tend to have the lowest incomes) – generating extra revenue, allowing people facing unexpected financial obstacles to remain in their homes, housing parents, children or caregivers; Homebuyers - providing rental income which aids in mortgage qualification under new government guidelines; Renters – creating more low-cost housing options in the community where they work, go to school or have family, also reducing commute time and expenses; Municipalities – helping to meet RHNA goals, increasing property and sales tax revenue, insuring safety standard code compliance, providing an abundant source of affordable housing with no additional infrastructure needed; Community - housing vital workers, decreasing traffic, creating economic growth both in the remodeling sector and new customers for local businesses; Planet - reducing carbon emissions, using resources more efficiently;
5. **Benefits of Junior ADUs:** offer a more affordable housing option to both homeowners and renters, creating economically healthy, diverse, multi-generational communities;

##### Therefore, the following ordinance is hereby enacted:

This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit, permitted as set forth under State Law AB 1866 (Chapter 1062, Statutes of 2002) Sections 65852.150 and 65852.2 and subject to different provisions under fire safety codes based on the fact that junior accessory dwelling units do not qualify as "complete independent living facilities" given that the interior connection from the junior accessory dwelling unit to the main living area remains, therefore not redefining the single-family home status of the dwelling unit.

- A) **Development Standards.** Junior accessory dwelling units shall comply with the following standards, including the standards in Table below:
- 1) **Number of Units Allowed.** Only one accessory dwelling unit or, junior accessory dwelling unit, may be located on any residentially zoned lot that permits a single-family dwelling except as otherwise regulated or restricted by an adopted Master Plan or Precise Development Plan. A junior accessory dwelling unit may only be located on a lot which already contains one legal single-family dwelling.
  - 2) **Owner Occupancy:** The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling, except when the home is held by an agency such as a land trust or housing organization in an effort to create affordable housing.
  - 3) **Sale Prohibited:** A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

- 4) *Deed Restriction:* A deed restriction shall be completed and recorded, in compliance with Section B below.
- 5) *Location of Junior Accessory Dwelling Unit:* A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, and must include conversion of an existing bedroom.
- 6) *Separate Entry Required:* A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
- 7) *Interior Entry Remains:* The interior connection to the main living area must be maintained, but a second door may be added for sound attenuation.
- 8) *Kitchen Requirements:* The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
  - a) A sink with a maximum waste line diameter of one-and-a-half (1.5) inches.
  - b) A cooking facility with appliance which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
  - c) A food preparation counter and storage cabinets that are reasonable to size of the unit.
- 9) *Parking:* No additional parking is required beyond that required when the existing primary dwelling was constructed.

**Development Standards for Junior Accessory Dwelling Units**

SITE OR DESIGN FEATURE	SITE AND DESIGN STANDARDS
Maximum unit size	500 square feet
Setbacks	As required for the primary dwelling unit
Parking	No additional parking required

- B) *Deed Restriction:* Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the City Attorney, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Department stating that:
  - 1) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
  - 2) The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;
  - 3) The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;
  - 4) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.
- C) *No Water Connection Fees:* No agency should require a water connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.

- D) *No Sewer Connection Fees*: No agency should require a sewer connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.
- E) *No Fire Sprinklers and Fire Attenuation*: No agency should require fire sprinkler or fire attenuation specifications for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.

**Definitions of Specialized Terms and Phrases.**

"Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

- (1) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
- (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

**Attachment 4: State Standards Checklist (As of January 1, 2017)**

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
	Lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.	65852.2(a)(1)(D)(ii)
	Accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.	65852.2(a)(1)(D)(iii)
	Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.	65852.2(a)(1)(D)(iv)
	Total area of floor space for a detached accessory dwelling unit does not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
	Setbacks are not required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines are not required for an accessory dwelling unit that is constructed above a garage.	65852.2(a)(1)(D)(vi i)
	(Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(vi ii)
	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
	Parking requirements do not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.	65852.2(a)(1)(D)(x)

\* Other requirements may apply. See Government Code Section 65852.2



## Attachment 5: Bibliography

### Reports

#### [ACCESSORY DWELLING UNITS: CASE STUDY](#) (26 pp.)

By United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

#### [THE MACRO VIEW ON MICRO UNITS](#) (46 pp.)

By Bill Whitlow, et al. – Urban Land Institute (2014)  
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

#### [RESPONDING TO CHANGING HOUSEHOLDS: Regulatory Challenges for Micro-units and Accessory Dwelling Units](#) (76 pp.)

By Vicki Been, Benjamin Gross, and John Infranca (2014)  
New York University: Furman Center for Real Estate & Urban Policy  
Library Call # D55 3 I47 2014

This White Paper fills two gaps in the discussion regarding compact units. First, we provide a detailed analysis of the regulatory and other challenges to developing both ADUs and micro-units, focusing on five cities: New York; Washington, DC; Austin; Denver; and Seattle. That analysis will be helpful not only to the specific jurisdictions we study, but also can serve as a model for those who want to catalogue regulations that might get in the way of the development of compact units in their own jurisdictions. Second, as more local governments permit or encourage compact units, researchers will need to evaluate how well the units built serve the goals proponents claim they will.

#### [SCALING UP SECONDARY UNIT PRODUCTION IN THE EAST BAY: Impacts and Policy Implications](#) (25 pp.)

By Jake Webmann, Alison Nemirow, and Karen Chapple (2012)  
UC Berkeley: Institute of Urban and Regional Development (IURD)  
Library Call # H44 1.1 S33 2012

This paper begins by analyzing how many secondary units of one particular type, detached backyard cottages, might be built in the East Bay, focusing on the Flatlands portions of Berkeley, El Cerrito, and Oakland. We then investigate the potential impacts of scaling up the strategy with regard to housing affordability, smart growth, alternative transportation, the economy, and city budgets. A final section details policy recommendations, focusing on regulatory reforms and other actions cities can take to encourage secondary unit construction, such as promoting carsharing programs, educating residents, and providing access to finance.

[SECONDARY UNITS AND URBAN INFILL: A literature Review \(12 pp.\)](#)

By Jake Wegmann and Alison Nemirow (2011)  
 UC Berkeley: IURD  
 Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

[YES, BUT WILL THEY LET US BUILD? The Feasibility of Secondary Units in the East Bay \(17 pp.\)](#)

By Alison Nemirow and Karen Chapple (2012)  
 UC Berkeley: IURD  
 Library Call # H44.5 1.1 Y47 2012

This paper begins with a discussion of how to determine the development potential for secondary units, and then provides an overview of how many secondary units can be built in the East Bay of San Francisco Bay Area under current regulations. The next two sections examine key regulatory barriers in detail for the five cities in the study (Albany, Berkeley, El Cerrito, Oakland, and Richmond), looking at lot size, setbacks, parking requirements, and procedural barriers. A sensitivity analysis then determines how many units could be built were the regulations to be relaxed.

[YES IN MY BACKYARD: Mobilizing the Market for Secondary Units \(20 pp.\)](#)

By Karen Chapple, J. Weigmann, A. Nemirow, and C. Dentel-Post (2011)  
 UC Berkeley: Center for Community Innovation.  
 Library Call # B92 1.1 Y47 2011

This study examines two puzzles that must be solved in order to scale up a secondary unit strategy: first, how can city regulations best enable their construction? And second, what is the market for secondary units? Because parking is such an important issue, we also examine the potential for secondary unit residents to rely on alternative transportation modes, particular car share programs. The study looks at five adjacent cities in the East Bay of the San Francisco Bay Area (Figure 1) – Oakland, Berkeley, Albany, El Cerrito, and Richmond -- focusing on the areas within ½ mile of five Bay Area Rapid Transit (BART) stations.

**Journal Articles and Working Papers:**[BACKYARD HOMES LA \(17 pp.\)](#)

By Dana Cuff, Tim Higgins, and Per-Johan Dahl, Eds. (2010)  
 Regents of the University of California, Los Angeles.  
 City Lab Project Book.

[DEVELOPING PRIVATE ACCESSORY DWELLINGS \(6 pp.\)](#)

By William P. Macht. Urbanland online. (June 26, 2015)  
 Library Location: Urbanland 74 (3/4) March/April 2015, pp. 154-161.

[GRANNY FLATS GAINING GROUND](#) (2 pp.)

By Brian Barth. Planning Magazine: pp. 16-17. (April 2016)  
Library Location: Serials

["HIDDEN" DENSITY: THE POTENTIAL OF SMALL-SCALE INFILL DEVELOPMENT](#) (2 pp.)

By Karen Chapple (2011)  
UC Berkeley: IURD Policy Brief.  
Library Call # D44 1.2 H53 2011

California's implementation of SB 375, the Sustainable Communities and Climate Protection Act of 2008, is putting new pressure on communities to support infill development. As metropolitan planning organizations struggle to communicate the need for density, they should take note of strategies that make increasing density an attractive choice for neighborhoods and regions.

[HIDDEN DENSITY IN SINGLE-FAMILY NEIGHBORHOODS: Backyard cottages as an equitable smart growth strategy](#) (22 pp.)

By Jake Wegmann and Karen Chapple. Journal of Urbanism 7(3): pp. 307-329. (2014)

Abstract (not available in full text): Secondary units, or separate small dwellings embedded within single-family residential properties, constitute a frequently overlooked strategy for urban infill in high-cost metropolitan areas in the United States. This study, which is situated within California's San Francisco Bay Area, draws upon data collected from a homeowners' survey and a Rental Market Analysis to provide evidence that a scaled-up strategy emphasizing one type of secondary unit – the backyard cottage – could yield substantial infill growth with minimal public subsidy. In addition, it is found that this strategy compares favorably in terms of affordability with infill of the sort traditionally favored in the 'smart growth' literature, i.e. the construction of dense multifamily housing developments.

[RETHINKING PRIVATE ACCESSORY DWELLINGS](#) (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)  
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

[ADUS AND LOS ANGELES' BROKEN PLANNING SYSTEM](#) (4 pp.)

By CARLYLE W. Hall. The Planning Report. (April 26, 2016).  
Land-use attorney Carlyle W. Hall comments on building permits for accessory dwelling units.

**News:**[HOW ONE COLORADO CITY INSTANTLY CREATED AFFORDABLE HOUSING](#)

By Anthony Flint. The Atlantic-CityLab. (May 17, 2016).

In Durango, Colorado, zoning rules were changed to allow, for instance, non-family members as residents in already-existing accessory dwelling units.

[NEW HAMPSHIRE WINS PROTECTIONS FOR ACCESSORY DWELLING UNITS](#) (1 p.)

NLIHC (March 28, 2016)

Affordable housing advocates in New Hampshire celebrated a significant victory this month when Governor Maggie Hassan (D) signed Senate Bill 146, legislation that allows single-family homeowners to add an accessory

dwelling unit as a matter of right through a conditional use permit or by special exception as determined by their municipalities. The bill removes a significant regulatory barrier to increasing rental homes at no cost to taxpayers.

[NEW IN-LAW SUITE RULES BOOST AFFORDABLE HOUSING IN SAN FRANCISCO](#). (3 pp.)

By Rob Poole. Shareable. (June 10, 2014).

The San Francisco Board of Supervisors recently approved two significant pieces of legislation that support accessory dwelling units (ADUs), also known as "in-law" or secondary units, in the city...

[USING ACCESSORY DWELLING UNITS TO BOLSTER AFFORDABLE HOUSING](#) (3 pp.)

By Michael Ryan. Smart Growth America. (December 12, 2014).

# Development Projects



Yucaipa Valley Water District



**Date:** March 13, 2018

**From:** Joseph Zoba, General Manager

**Subject:** Discussion Regarding the Acceptance of Overlying Water Rights for Tract No. 32702 (141 lots) and Tract No. 32702-5 (105 lots)

---

On August 30, 2017, the Beaumont Basin Watermaster adopted Resolution No. 2017-02 Approving the Transfer of Overlying Water Rights to Specific Parcels - Oak Valley Partners. This resolution approved the transfer of all overlying water rights from Oak Valley Partners to parcels within the service area of the Yucaipa Valley Water District.

The attached correspondence dated March 6, 2018 will transfer 90.94 acre-feet of the Oak Valley overlying water rights to Tract 32702 (141 lots) and Tract 32702-5 (105 lots). This transfer of overlying water rights is anticipated to be sufficient for 246 residential, dual-plumbed dwelling units. The District staff has requested the clarification from the developer that the lots will be exempt from paying the Supplemental Water Facility Capacity Charge which was set forth in Resolution No. 2017-23, Section 2.D.

Upon receipt of the corrected letter, this item will be presented at a future board meeting requesting authorization to execute the document and submit the completed form to the Beaumont Basin Watermaster.

# Argent Management

March 6, 2018

Joe Zoba  
General Manager  
Yucaipa Valley Water District  
12770 Second Street  
Yucaipa, CA 92399

RE: Summerwind Trails - Transfer of Overlying Water Rights for Water Service - Tracts 32702 & 32702-5, 246 Single Family Residential Lots

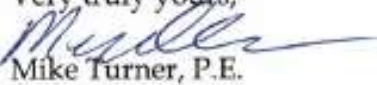
Dear Mr. Zoba:

This letter is written on behalf of San Gorgonio Land, LLC, the owner and developer of the residential portion of the Summerwind Ranch Project in Calimesa. Argent Management, LLC is the managing arm for San Gorgonio Land, LLC.

We are hereby requesting to transfer 90.94 acre-feet of the Summerwind Ranch Beaumont Basin Overlyer Water Rights to Tracts 32702 (141 lots) and 32702-5 (105 lots) to provide potable water requirements for 246 residential single family lots. These three Tracts encompass approximately 56 acres and are included within APN 413-290-037 per the attached Exhibit 1.

The merchant builder for these two Tracts is Lennar Homes of California, Inc., a California Corporation. Upon this transfer, we understand that Lennar Homes will be exempt from paying the District's **Water Facility Capacity Fee** for these 246 lots.

If acceptable to you, please indicate so with your approval signature below.

Very truly yours,  
  
Mike Turner, P.E.  
Corporate VP, Land Development  
Argent Management, LLC

**Supplemental Water Facility Capacity Charge pursuant to Yucaipa Valley Water District, Resolution No. 2017-23, Section 2.D.**

CONCURRENCE:  
  
John Ohanian - Oak Valley Partners

APPROVAL:  
\_\_\_\_\_  
Joe Zoba - General Manager, YVWD

## BEAUMONT BASIN WATERMASTER MEMORANDUM NO. 17-22

**Date:** August 30, 2017

**From:** Joseph Zoba, Treasurer

**Subject:** Consideration of Resolution No. 2017-02 Approving the Transfer of Overlying Water Rights to Specific Parcels - Oak Valley Partners

**Recommendation:** That the Watermaster Committee approves Resolution No. 2017-02.

---

On July 5, 2017, the Secretary of the Beaumont Basin Watermaster received a request to transfer overlying water rights from representatives of Oak Valley Partners. This request, together with supporting documentation, was considered at the Watermaster meeting held on August 2, 2017, and continued for further analysis by the Watermaster Committee until this special meeting.

While the Watermaster Committee members discussed the consistency of this request with prior actions taken by the Watermaster, such as Resolution Nos. 2006-05, 06, 07, and 08, other questions remained. To address the questions asked by the Watermaster Committee, the following attachments are provided for review and discussion at the Special Meeting:

- Judgment Pursuant to Stipulation Adjudicating Groundwater Rights in the Beaumont Basin, Exhibit E dated February 4, 2004 (Memorandum Page 4 of 20);
- Revised correspondence regarding the *Transfer of Overlying Water Rights from Oak Valley Partners to Summerwind Ranch Project* provided by Oak Valley Partners dated August 4, 2017 (Memorandum Page 5 of 20);
- Development Parcels Map, Figure 1 provided by Thomas Harder & Company in association with Alda, Inc. from Oak Valley Partners dated August 25, 2017 (Memorandum Page 13 of 20);
- Oak Valley Partners Parcels Map, Figure 2 provided by Thomas Harder & Company in association with Alda, Inc. from Oak Valley Partners dated August 25, 2017 (Memorandum Page 14 of 20);
- Memorandum from Alvarado Smith regarding the *Production Rights Under Redetermined Safe Yield of Basin*, dated August 24, 2017 (Memorandum Page 15 of 20); and
- Resolution No. 2017-02 A Resolution of the Beaumont Basin Watermaster Approving the Transfer of Overlying Water Rights to Specific Parcels (Memorandum Page 17 of 20).

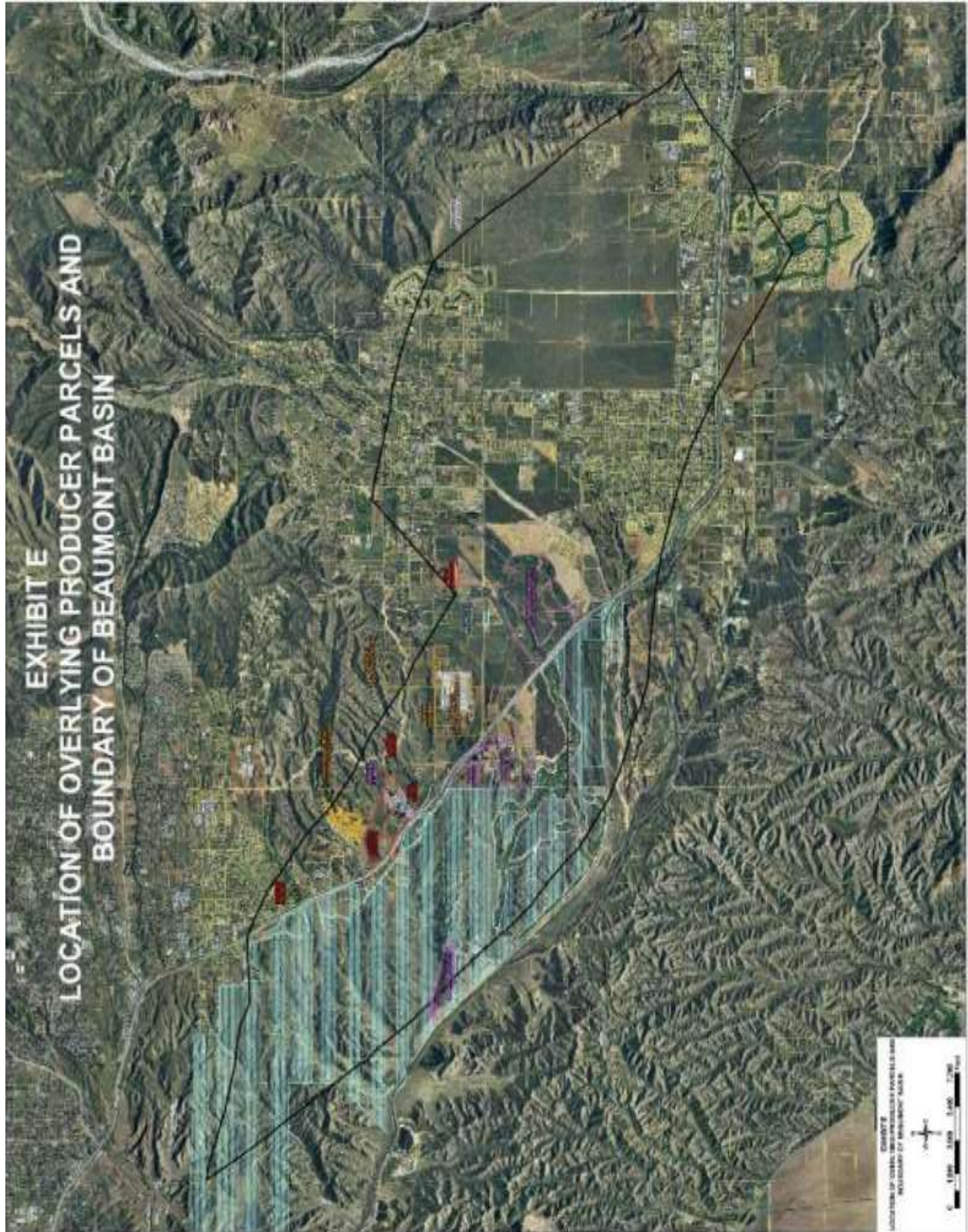


The proposed Resolution No. 2017-02 authorizes the Watermaster Engineer to implement and update the transfer of overlying water rights based on the current and future calculations of safe yield assigned by OVP as appropriative rights to Yucaipa Valley Water District as shown in the following table. The transfer of overlying water rights and conversion to appropriative rights will be identified in annual reports of the Watermaster in manner similar to the transfer of water in storage between appropriators/parties.

---

**Table 3-6**  
**Overlying Parties Production Rights Allocation Based on Revised Safe Yield**

Overlying Party to the 2003 Judgment	Initial Overlying Water Right through 2013	New Overlying Water Right Starting in 2014	5-Year (2012-16) Average Production (ac-ft)	5-Year (2012-16) Running Avg % of Water Right
Sharondale Mesa Owners Association	203.0	154.9	121.7	78.6%
California Oak Valley Golf and Resort LLC	853.0	735.8	572.7	77.8%
Tukwet Canyon Golf Club	2,203.0	1,704.0	1,033.6	60.7%
Rancho Callimesa Mobile Home Park	150.0	116.2	41.9	36.0%
Plantation on the Lake LLC	581.0	450.0	104.6	23.2%
Darmont, Boris and Miriam	2.5	1.9	1.4	73.8%
Gutierrez, Hector, et al.	10.0	7.7	0.4	4.5%
Aldama, Nicolas and Amalia	7.0	5.4	0.9	16.0%
McAmis, Ronald L.	5.0	3.9	0.6	14.5%
Beckman, Walter M.	75.0	58.1	0.6	1.3%
Nikodinov, Nick	20.0	15.5	2.7	17.7%
Albor Properties III, LP	303.0	232.4	2.4	1.0%
Stearns, Leonard M. and Dorothy D.	203.0	154.9	0.7	0.5%
Sunny-Cal Egg and Poultry Company	1,433.5	1,115.0	4.3	0.4%
Merlin Properties	553.0	426.0	1.6	0.4%
Oak Valley Partners, LP	1,803.0	1,386.9	2.5	0.2%
Roman Catholic Bishop of San Bernardino	154.0	119.3	0.0	0.0%
	<b>6,650.0</b>	<b>6,700.0</b>	<b>1,692.8</b>	<b>26.3%</b>



OAK VALLEY PARTNERS, L.P.  
P.O. Box 645 or 10410 Roberts Road  
Calimesa, CA 92320  
Telephone: (714) 785-2381

July 5, 2017  
(Revised: August 4, 2017)

Secretary  
Beaumont Basin Watermaster  
560 Magnolia Avenue  
Beaumont, CA 92223

Re: Transfer of Overlying Water Rights from Oak Valley Partners to  
Summerwind Ranch Project

Dear Secretary:

Discussions have been ongoing between Oak Valley Partners ("OVP") and San Geronio Land, LLC ("SGL") regarding the transfer of 1,806 acre-feet/year of overlying water rights from OVP to be utilized for the development of the Summerwind Ranch ("SWR") project in Calimesa by SGL and OVP. We are hereby requesting that the Beaumont Basin Watermaster ("Watermaster") approve this transfer of these overlying water rights for the benefit of the Assessor Parcel Numbers (APN's) that comprise the SWR project that lie within the Beaumont Basin boundary.

OVP has certain water rights which were assigned to its property as described within the Beaumont Basin Adjudication ("Adjudication") that was filed on February 4, 2004 with the Superior Court of the State of California for the County of Riverside. Within this Adjudication, OVP was granted overlying water rights of 1,806 acre-feet/year over a total of 5,331.65 acres consisting of several assessor parcels that are identified within Exhibits D and E of the Adjudication. Section 3(G) of the Adjudication clearly defines OVP's Overlying Water Rights and states that these rights can be passed on to OVP's successors and assigns.

The old 2004 parcel numbers listed on Exhibit D of the Adjudication that are pertinent to the SWR Specific Plan area include the following parcel numbers:

- 413-040-002
- 413-160-003 thru 007

**Letter to**  
Watermaster  
July 5, 2017  
(Revised August 4, 2017)

Page 2

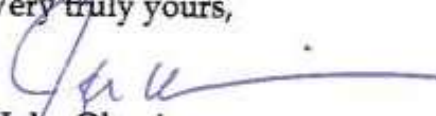
- 413-170-020, 021, 023, 027 thru 031, 033, and 035
- 413-180-011 and 019
- 413-190-001 and 011
- 413-200-002, 010, 014, 015, 020, 023, 024, 026 thru 030, and 034 thru 037
- 413-290-003 and 007
- 413-460-038

We request that the OVP Overlyer Rights be assigned to the APN's listed in exhibit 1 of this letter for the benefit of the SWR Specific Plan.

A copy of this letter and the attachments have been discussed and provided to SGL. We respectfully request that the Watermaster place this item on the agenda for consideration of approval at the next scheduled meeting.

If I can be of any further assistance or can provide any further information, please contact me at your convenience at (714)785-2381.

Very truly yours,



John Ohanian  
Oak Valley Partners, L.P.

(See Attached Exhibit 1)



**RESOLUTION NO. 2017-02****A RESOLUTION OF THE BEAUMONT BASIN WATERMASTER APPROVING THE TRANSFER OF OVERLYING WATER RIGHTS TO SPECIFIC PARCELS**

**WHEREAS**, the Stipulated Judgment establishing the Beaumont Basin Watermaster (Riverside Superior Court Case No. 389197) ("Adjudication") was filed with the Superior Court of California, County of Riverside on February 4, 2004; and

**WHEREAS**, Oak Valley Partners, L.P. ("OVP") has certain water rights which were assigned to its property as described in the Adjudication. Within this Adjudication, OVP was designated as having overlying water rights of 1,806 acre-feet/year based on the designated safe yield at that time over a total of 5,331.65 acres consisting of several assessor parcels that are identified within Exhibits D and E of the Adjudication ("OVP Adjudication Parcels"). Section 3(G) of the Adjudication clearly defines OVP's Overlying Water Rights and states that these rights can be passed on to OVP's successors and assigns for development of their projects. OVP desires to have its designated overlying water rights assigned to the applicable Assessor Parcel Numbers that make up the proposed Summerwind Ranch Specific Plan ("Project") that lie within the Beaumont Basin boundary as depicted on Exhibit 1; and

**WHEREAS**, the referenced OVP 2004 parcel numbers listed on Exhibit D of the Adjudication that are contained within the Project property, totaling an Adjudication-designated 2421.42 acres, include the following parcel numbers:

- 413-040-002;
- 413-160-003 through 007;
- 413-170-020, 021, 023, 027 through 031, 033, and 035;
- 413-180-017 and 019;
- 413-190-001 and 011;
- 413-200-002, 010, 014, 015, 020, 023, 024, 026 through 030, and 034 through 037;
- 413-290-003 and 007;
- 413-460-038; and

**WHEREAS**, OVP desires that the Beaumont Basin Watermaster ("Watermaster") approve the transfer of all of OVP's overlying water rights that are defined within the Adjudication for the development of the Project by OVP and its successors to the Project parcels. OVP intends to secure commitments from the Yucaipa Valley Water District ("District") to provide water service to the development phases of the Project, and requests that when those commitments are made and water service is provided to the designated Project parcels that the overlying water rights for those Project parcels be transferred to the Yucaipa Valley Water District. An example of a request letter to the District from San Gorgonio Land, LLC and/or OVP to transfer an incremental portion of overlying rights for providing water service to the Project is attached as Exhibit 2.

**NOW, THEREFORE, BE IT RESOLVED BY THE BEAUMONT BASIN WATERMASTER** as follows:

1. Transfer of Overlying Water Rights. The Watermaster hereby approves the transfer of all of OVP's overlying water rights, in the amounts as amended from time to time so as to be consistent with the then-current Watermaster approved Beaumont Basin Safe Yield, to the Project parcels listed on Exhibit 1 attached hereto to provide for the development phases of the Project by OVP and its successors/assigns. San Gorgonio Land, LLC is the successor in interest to OVP for the residential portion of the Project.
2. Once OVP and/or its successor(s) secures commitments from the Yucaipa Valley Water District to provide water service to the development phases of the Project, and when water service is provided to the designated Project parcels, then the overlying water rights for those Project parcels shall be transferred to the Yucaipa Valley Water District.
3. Use of Wells. The existing and future wells on the Project parcels may be used to extract water for use on the Project parcels and/or the remaining OVP parcels, consistent with current and future Watermaster rules, regulations and policies.
4. Further Documentation or Action. The Chief of Watermaster Services or Watermaster Engineer is hereby authorized and directed to execute such further documents and instruments, and take such further action, as shall be reasonable required to carry out the purposes and intent of this resolution.
5. Effective Date. The effective date of this resolution is August 30, 2017.

**PASSED AND ADOPTED** this 30th day of August 2017.

BEAUMONT BASIN WATERMASTER

By:

---

Art Vella, Chairman of the  
Beaumont Basin Watermaster







**EXHIBIT 2 (EXAMPLE LETTER)**

\_\_\_\_\_, 2017

Joe Zoba  
General Manager  
Yucaipa Valley Water District  
12770 Second Street  
Yucaipa, CA 92399

RE: Summerwind Ranch - Transfer of Overlying Water Rights for Water Service - Tract 32702-1, 121 Single Family Residential Lots

Dear Mr. Zoba:

This letter is written on behalf of San Gorgonio Land, LLC, which is the owner and developer of the residential portion of the Summerwind Ranch Project in Calimesa. Argent Management, LLC is the managing arm for San Gorgonio Land, LLC.

We are hereby requesting to transfer \_\_\_\_ acre-feet of the Summerwind Ranch Beaumont Basin Overlyer Water Rights to Tract 32702-2, to provide potable water requirements for 121 residential single family lots. This Tract 32702 encompasses \_\_\_\_ acres and is included within APN 413-290-035 per the attached Exhibit 1.

The merchant builder for this Tract 32702-1 is \_\_\_\_\_. Upon this transfer, we understand that the merchant builder will be exempt from paying the District's Facility Capacity Fee for these lots.

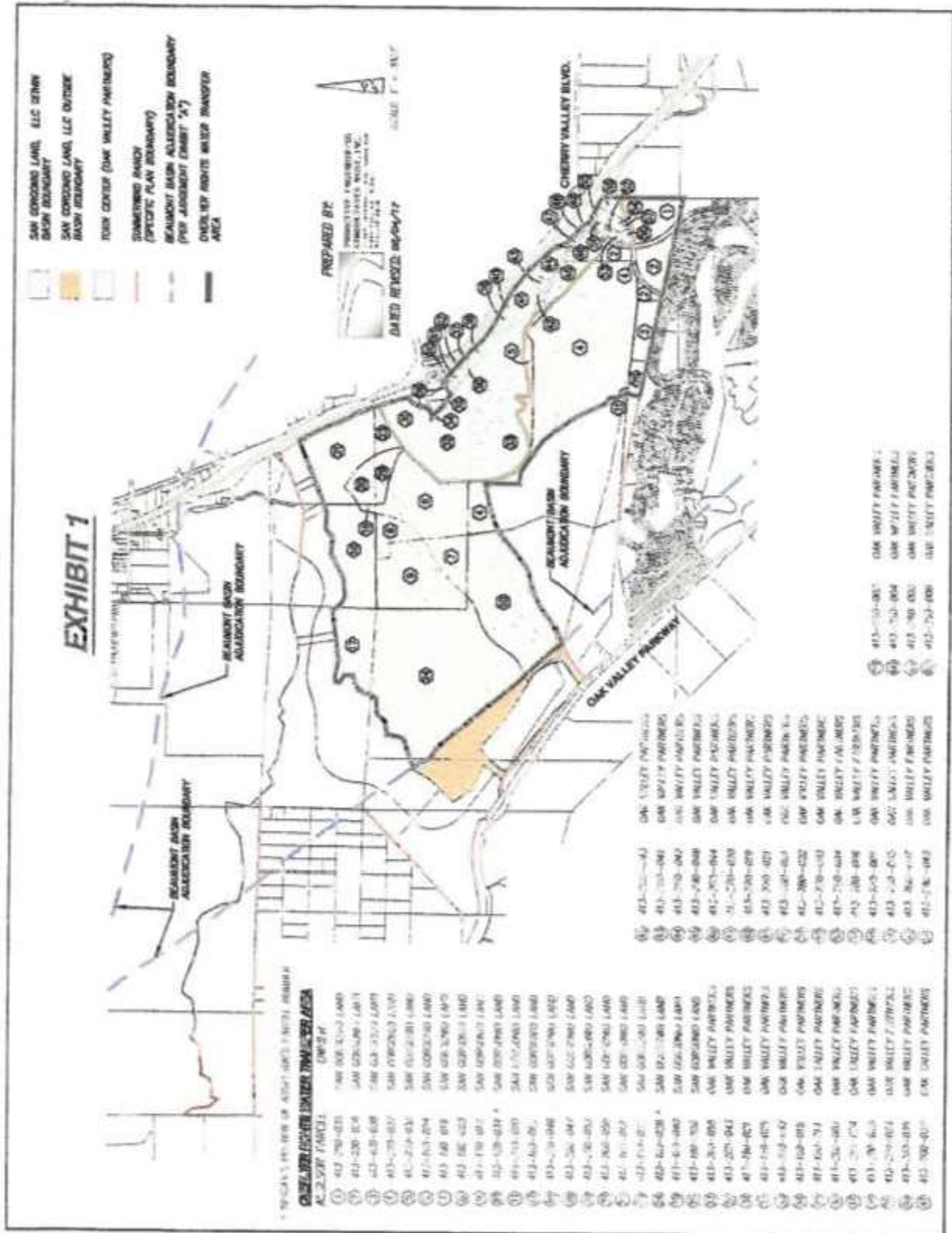
If acceptable to you, please indicate so with your approval signature below.

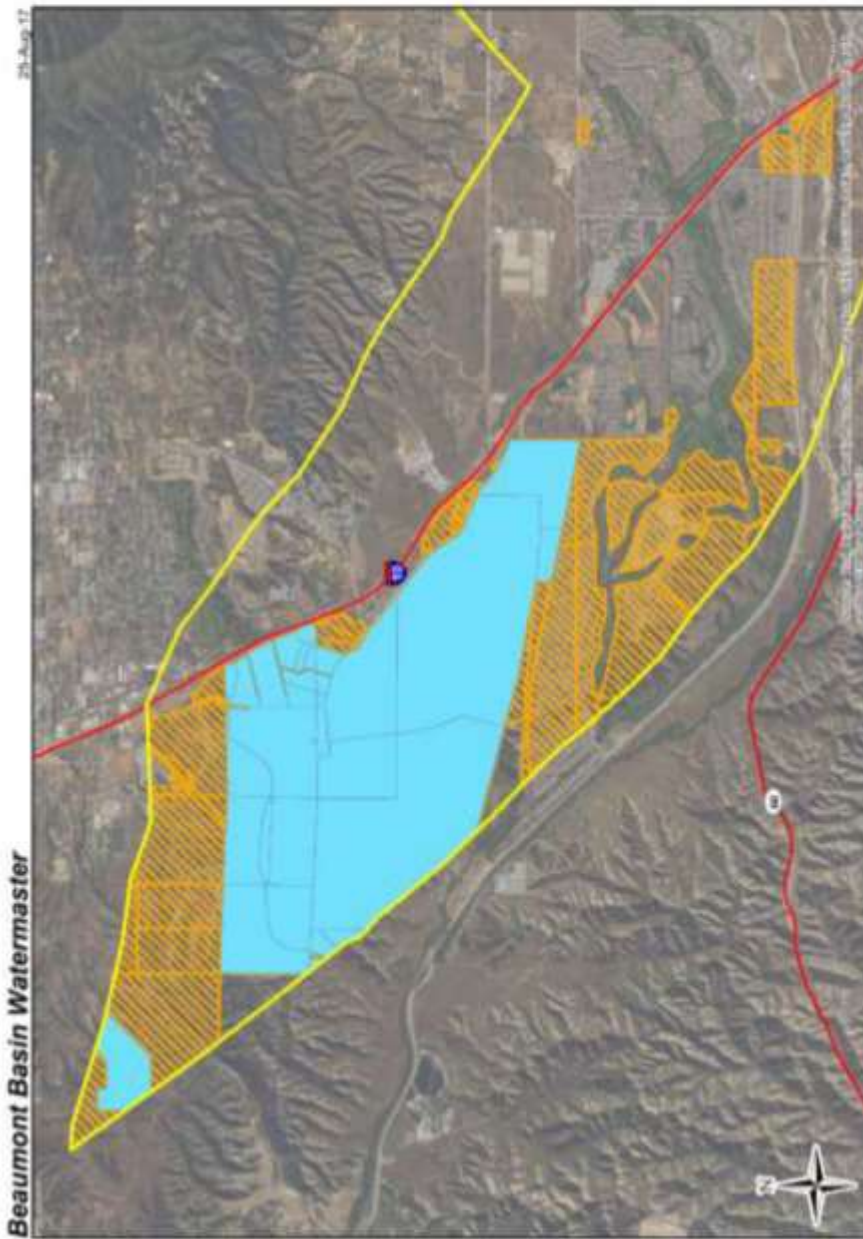
Very truly yours,

Signer's Name  
Signer's Title  
Argent Management, LLC

**APPROVAL:**

\_\_\_\_\_  
Joe Zoba - General Manager  
Yucaipa Valley Water District.





Beaumont Basin Watermaster

25-Aug-17

Note: Parcel Boundaries County of Riverside (2004)

0 0.25 0.5 1 Miles  
NAD 83 State Plane Zone 8

Thomas Harder & Co.  
Geospatial Consultants  
in association with Alda, Inc.

**Map Features**

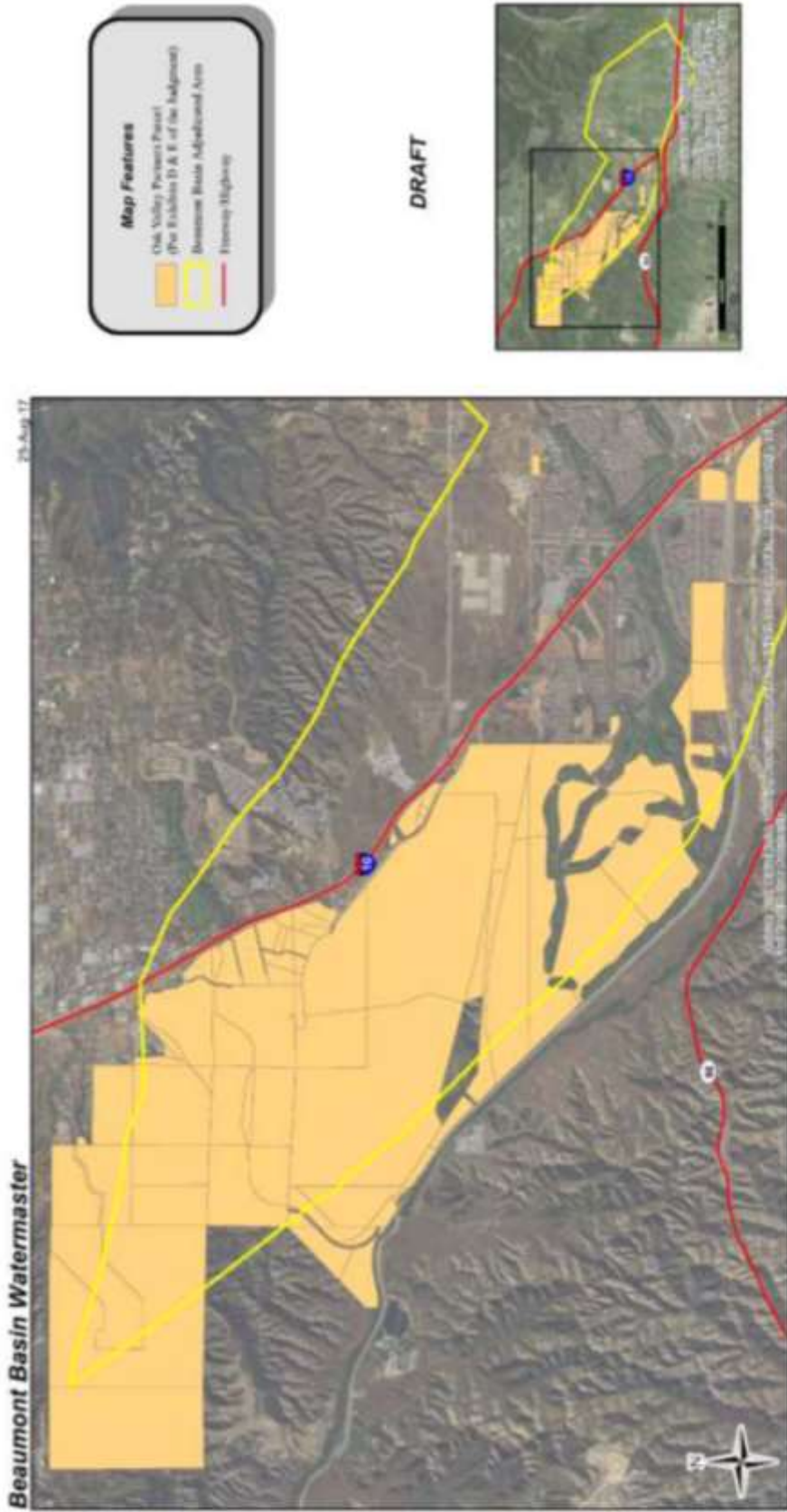
- Planned Development Parcel Within the Adjustment Area (Per Resolution 2017-023)
- Oak Valley Parcels Parcel Within the Adjustment Area (Per Exhibit D & E of the Adjustment)
- Beaumont Basin Adjustment Area
- Freeway/Highway

**DRAFT**



**Development Parcels**

Figure 1



**Oak Valley Partners Parcels**  
Figure 2



## MEMORANDUM

TO: [Beaumont Basin Watermaster](#)  
FROM: [AlvaradoSmith, APC](#)  
DATE: August 24, 2017  
RE: Production Rights Under Redetermined Safe Yield of Basin

---

### BACKGROUND

Pursuant to the Stipulated Judgment creating Watermaster and providing for a Physical Solution for the threats to the Basin, the Safe Yield of the Basin was recently redetermined to be 6700 acre-feet per year as opposed to the original 8650 acre-feet per year as specified in the 2004 Stipulated Judgment. Quantified amounts of water associated with parcels overlying the Basin and appropriated from the Basin were designated to particular owners as identified in Exhibits B, C and D to the Stipulated Judgment.

### ISSUE

With the redetermined Safe Yield of the Basin now at 6700 acre-feet per year, the question has arisen whether the production amounts associated with particular overlying owners and appropriators are to be pro-rata reduced in relation to the redetermined Safe Yield even if prior Watermaster resolutions approving the transfer of rights specified a particular amount of water that was subject to the transfer?

### SHORT ANSWER

Yes. All designated water production amounts related to the Safe Yield of the Basin are pro-rata reduced to 77.5% of the original designation based upon the relationship of the redetermined Safe Yield (6700 acre feet) to the original Safe Yield (8650 acre feet).

### DISCUSSION

All signatories and named parties in the Stipulated Judgment, together with their successors and assigns, are mutually obligated and bound by the terms and conditions of the Stipulated Judgment. The Stipulated Judgment enjoins parties from producing water from the Basin in excess of their share of the Safe Yield (albeit averaged over 5 years). *Stipulated Judgment*, Sec. II, A. and B. Within the powers of Watermaster is the right and directive to redetermine the Safe Yield of the Basin at least every ten years. *Stipulated Judgment*, Sec. Section VI, 5. Y. The adherence to the determined Safe Yield of the Basin is integral to the prescribed Physical Solution addressed in the Stipulated Judgment. Indeed, Watermaster is empowered to bring an action to enjoin any Production not in accordance with the terms of the Stipulated Judgment (See, *Stipulated Judgment*, Sec. V, 3.), and may extract from an Overlying Party or an

August 24, 2017  
Page 2

Appropriative Party sufficient funds to replace the Overproduction of water from the Basin (See, *Stipulated Judgment*, Sec. V, 4.)

The quantities of water originally designated in the Stipulated Judgment for Overlying Parties and Appropriative Parties have always been subject to an adjustment so as to be consistent with a redetermined Safe Yield of the Basin, which Watermaster was mandated to perform at least once every ten years. Concurrently, Watermaster is not empowered to unilaterally adjust the production rights identified in the Stipulated Judgment – that is not one of the enumerated or even inferential powers of Watermaster. Where Watermaster has identified specific water amounts in prior resolutions approving the transfer of water rights, those specific water amounts have always been subject to pro-rata adjustment consistent with the ratio between a redetermined Safe Yield and the original Safe Yield specified in the Stipulated Judgment.

**RESOLUTION NO. 2017-02****A RESOLUTION OF THE BEAUMONT BASIN WATERMASTER APPROVING THE TRANSFER OF OVERLYING WATER RIGHTS TO SPECIFIC PARCELS**

**WHEREAS**, the Stipulated Judgment establishing the Beaumont Basin Watermaster (Riverside Superior Court Case No. 389197) ("Adjudication") was filed with the Superior Court of California, County of Riverside on February 4, 2004; and

**WHEREAS**, Oak Valley Partners, L.P. ("OVP") was designated as holding Overlying Water Rights within the Adjudication, with an overall water amount of 1806 acre-feet/year spread over 5,331.65 acres under the then-specified Safe Yield of the basin as described in the Adjudication. As specified in the Adjudication, OVP's property consists of numerous assessor parcels that are identified within Exhibit D of the Adjudication ("OVP Adjudication Parcels"). Section III, 3(G) of the Adjudication outlines OVP's intended development of its property and specifies the process that OVP may utilize to arrange the transfer of its Overlying Water Rights to particular development parcels eventually to be serviced by one or more retail water service providers upon annexation; and

**WHEREAS**, OVP now desires to have its designated Overlying Water Rights acknowledged in the Adjudication assigned to the requisite Assessor Parcel Numbers within the Summerwind Ranch Specific Plan ("Project") that correlate to certain of the OVP Adjudication Parcels; and

**WHEREAS**, the OVP Adjudication Parcels listed on Exhibit D of the Adjudication that correlate to the Project parcels and which total 2409.02 acres include the following parcel numbers from Exhibit D:

- 413-040-002;
- 413-160-003 through 007;
- 413-170-020, 021, 023, 027 through 031, 033, and 035;
- 413-180-017 and 019;
- 413-190-001 and 011;
- 413-200-002, 010, 014, 015, 020, 023, 024, 026 through 030, and 034 through 037;
- 413-290-003 and 007;
- 413-460-038; and

**WHEREAS**, the Assessor Parcel Numbers for the Project parcels that correlate to the above-designated OVP Adjudication Parcels as contained in Exhibit D to the Adjudication are listed and specified in Exhibit 1 attached hereto; and

**WHEREAS**, OVP desires that Watermaster approve the transfer of all of OVP's Overlying Water Rights designated within the Adjudication to the Project parcels identified in Exhibit 1 attached hereto for the development of the Project by OVP and its successors and/or assigns; and



**WHEREAS**, OVP further intends to secure commitments from the Yucaipa Valley Water District to provide water service to development phases of the Project, and requests that when those commitments are made and water service is provided to the designated Project parcels that the Overlying Water Rights for those Project parcels be transferred to the Yucaipa Valley Water District ("YVWD") consistent with the Adjudication.

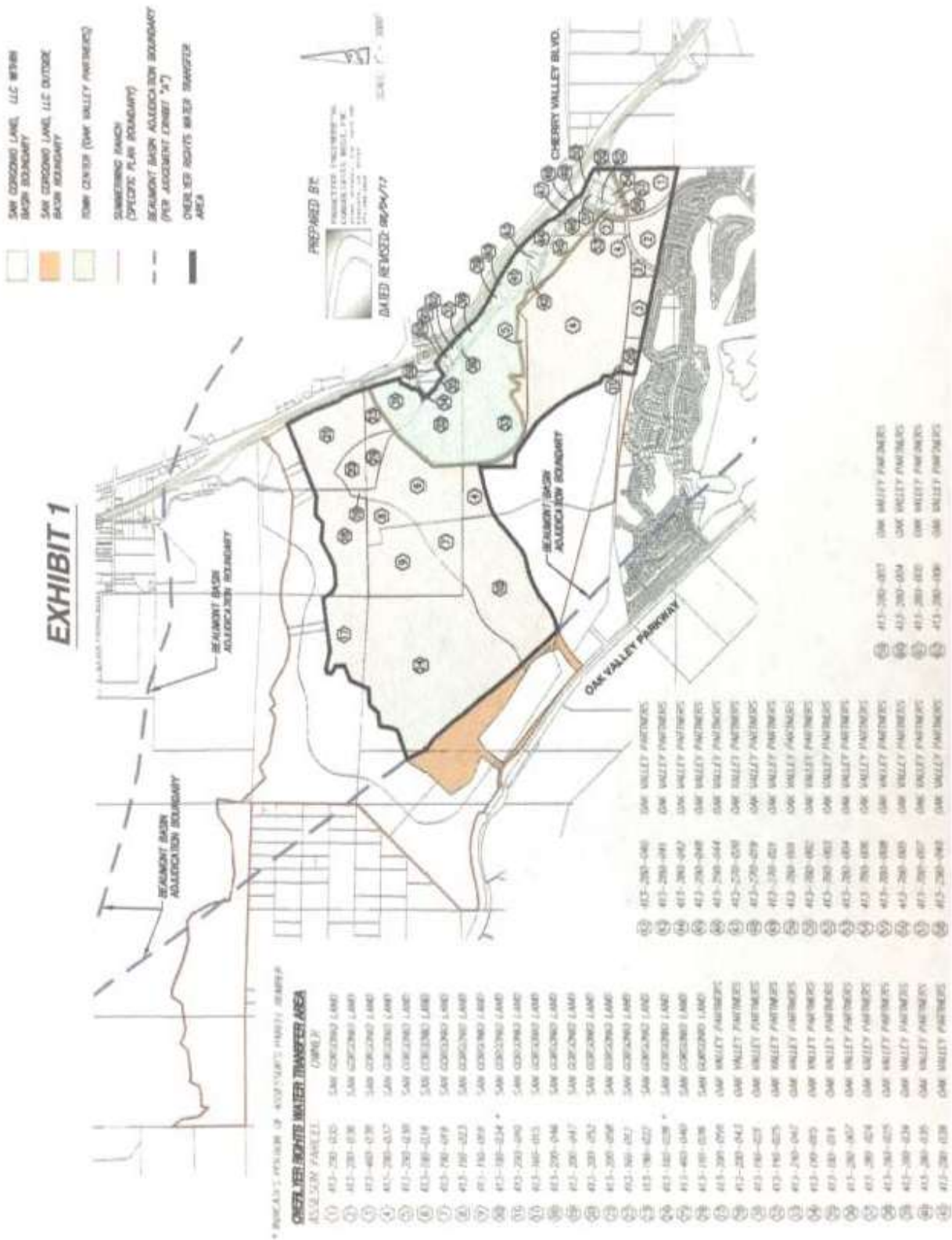
**NOW, THEREFORE, BE IT RESOLVED BY THE BEAUMONT BASIN WATERMASTER** as follows:

1. Transfer of Overlying Water Rights. Watermaster hereby approves the transfer of all of OVP's Overlying Water Rights to the Project parcels listed on Exhibit 1 attached hereto to provide for the development phases of the Project by OVP and its successors/assigns. OVP shall immediately inform Watermaster of any successor or assign who takes ownership of one or more Project parcels listed on Exhibit 1 to which Overlying Water Rights have been transferred. As of this time, the amount of water associated with the OVP Overlying Water Rights is consistent with the relationship between the redetermined safe yield (6700 acre-feet) and the original Safe Yield (8650 acre-feet), or in other words 77.5% of the original amount identified to OVP in Exhibit B to the Adjudication.
2. Transfer of Rights on Confirmed Water Service by YVWD. Once OVP and/or its successor(s) or assigns secures commitments from the Yucaipa Valley Water District to provide water service to the development phases of the Project, and when water service is provided to the designated Project parcels, then the overlying water rights for those Project parcels shall be transferred to YVWD. YVWD shall report to Watermaster when it has provided retail water service to various properties making up portions of the Project and Watermaster shall account for the same consistent with Section VI, 5. W. of the Adjudication.
3. Use of Wells. The existing and future wells on the Project parcels may be used to extract water for use on the Project parcels and/or any remaining OVP parcels, consistent with the Adjudication and current and future Watermaster rules, regulations and policies.
4. Further Documentation or Action. The Chief of Watermaster Services or Watermaster Engineer is hereby authorized and directed to execute such further documents and instruments, and take such further action, as shall be reasonably required to carry out the purposes and intent of this resolution.
5. Effective Date. The effective date of this resolution is August 30, 2017.

**PASSED AND ADOPTED** by the Beaumont Basin Watermaster this 30th day of August 2017.

BEAUMONT BASIN WATERMASTER

By: \_\_\_\_\_  
Art Vella, Chairman of the  
Beaumont Basin Watermaster





**Date:** March 13, 2018

**From:** Matthew Porras, Management Analyst

**Subject:** Overview of a Proposed Development Agreement with Nassif Gobrial for Property Located at 12278 5<sup>th</sup> Street, Yucaipa

---

The District staff has received a request from Nassif Gobrial for the installation of a second water meter on property located at 12278 5<sup>th</sup> Street, Yucaipa.



The District staff is in the process of preparing a development agreement to document the terms and conditions for the installation of a second service at this property.



**Date:** March 13, 2018

**From:** Matthew Porras, Management Analyst

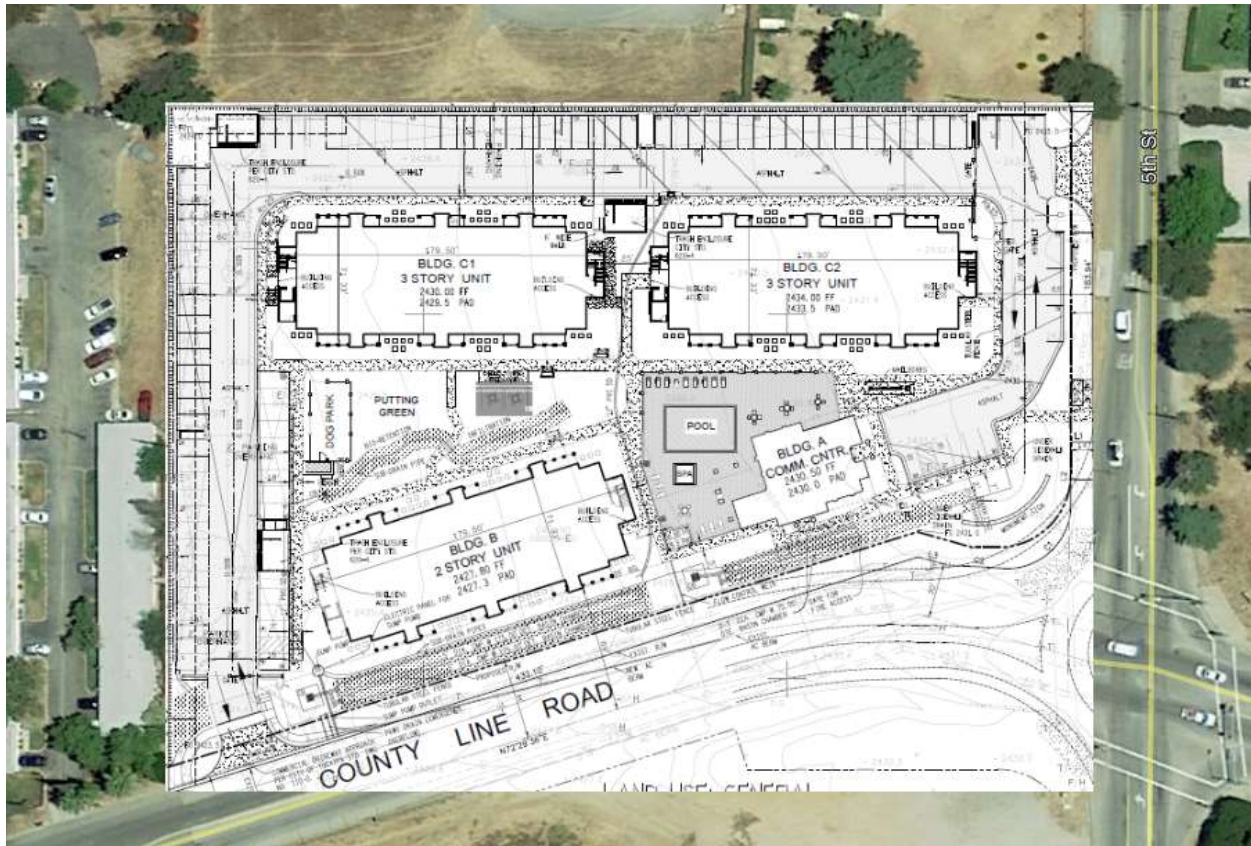
**Subject:** Overview of a Senior Housing Project Located at 34232 County Line Road, Yucaipa

The District staff is working with a property owner for the development of an affordable senior housing complex that includes the construction of 96 units on 3.48 gross acre site bounded by County Line Road and 5th Street (NW corner). The proposed senior housing facility is comprised of 64 one-bedroom, one-bath units; and 32 two-bedroom, one and a half bath units. Site features include a 2,500 square foot community/administration building with a total building area of approximately 78,000 square feet. Project amenities include, community kitchen, exercise room, community great room, pool w/ spa, seating areas, dog park, putting green, outdoor barbeque area, walkways, landscaping, and hardscape.





The abandonment and relocation of existing sewer infrastructure will be required due to the proposed project design. Existing infrastructure will need to be protected with minimal interruption of service during construction of this project.



The attached draft agreement provides additional project details and considerations.

**AGREEMENT TO PROVIDE SEWER SERVICE  
 TO ASSESSOR PARCEL NUMBER 0318-235-24 IN THE  
 CITY OF YUCAIPA, COUNTY OF SAN BERNARDINO**

This Agreement is made and effective this 20<sup>th</sup> day of March 2018, by and between the Yucaipa Valley Water District, a public agency ("District") and Eagle Yucaipa 55 LP, ("Developer"). Each is sometimes referred to herein as a "Party" and jointly as the "Parties".

Project File	Work Order
P-65-359	#65-27816

For contractual issues, the Parties are represented by the following responsible individuals authorized to execute this Agreement:

**District**

Yucaipa Valley Water District  
 12770 Second Street  
 Post Office Box 730  
 Yucaipa, California 92399  
 Attention: Joseph Zoba, General Manager  
 Telephone: (909) 797-5119 x2  
 Email: jzoba@yvwd.us

**Developer**

Eagle Yucaipa 55, LP  
 1500 Quail Street, Suite 120  
  
 Newport Beach, CA 92660  
 Attention: Randall J. Friend  
 Telephone: (714).436.2300  
 Email: rfriender@eaglereg.com

The Developer has represented to the District that they are the owner of the following parcel(s) which is/are the subject of this Agreement and described herein as the "Property":

Assessor Parcel Numbers	County
0318-235-24	San Bernardino

**RECITALS**

WHEREAS, the Developer desires to develop its Property situated within the service area of the District as shown on Exhibit A attached hereto with 96 Units; and

WHEREAS, the Developer has provided plans, drawings, and/or concepts to the District to construct the proposed "Project" as shown on Exhibit B attached hereto; and

WHEREAS, the Developer desires to obtain service from the District for the Project in accordance with the current Rules, Regulations, and Policies of the District; and General Construction Conditions as provided in Exhibit C attached hereto; and

WHEREAS, it is the purpose of this Agreement to set forth the terms and conditions by which the District will provide service to the Project.

## AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Developer and the District agree as follows:

- A. Project Overview.** The Proposed senior housing development consists of 96 rental units, shared open space with amenities including community administration building, community kitchen, exercise room, community great room, pool and spa, dog park, putting green and outdoor barbeque area ("Project"). The Project is located at the intersection of County Line Road and 5<sup>th</sup> Street in Yucaipa, California. The Project will receive sewer service only from the Yucaipa Valley Water District.
- B. Special Conditions.** The following conditions, being contained herein, will be required by the Yucaipa Valley Water District for the Developer to receive service for the Project.
1. Project Specific Drinking Water Conditions: The Project will be served drinking water from South Mesa Mutual Water Company. The Developer will provide approved plans, specifications, and construction drawings to Yucaipa Valley Water District for review and identification of potential utility conflicts prior to activation of water service for the Project.
  2. Project Specific Recycled Water Conditions: The Project will not receive recycled water service from Yucaipa Valley Water District or South Mesa Mutual Water Company.
  3. Project Specific Stormwater Conditions. The City of Yucaipa and/or the County of San Bernardino will retain responsibility and authority for stormwater related to the Project. The Developer will provide approved plans, specifications, and construction drawings to Yucaipa Valley Water District for review and identification of onsite stormwater collection facilities and retention basins. In some cases, special construction will be required to protect District Facilities from interference with the infrastructure and/or operations of the stormwater facilities.
  4. Project Specific Sewer Conditions. The Developer shall design and construct onsite sewer infrastructure and related appurtenances pursuant to the District approved plans and construction drawings to serve the Project.
    - a. The abandonment and relocation of existing sewer infrastructure will be required due to the proposed project design. Existing infrastructure will need to be protected with minimal interruption of service during construction of this project.
    - b. The Yucaipa Valley Water District will not provide sewer service to the Project until all sewer infrastructure is completed and accepted by the District.
    - c. Developer shall pay all rates, fees, and charges as required herein and in effect at the time the sewer service is available to any Project phase.



- d. The Developer is responsible for the construction and maintenance of all on-site sewer Facilities.
  - e. Monthly sewer charges for this project, as established and approved by the District Board of Directors, will be invoiced to the property owner as an annual property tax lien or assessment pursuant to the Rules and Regulations of the District.
5. Rates, Fees and Charges. The most current rates, fees and charges will be payable pursuant to the Resolution/Ordinance in effect at the time connection to the sewer system is completed and service is provided.
  6. Project Related Invoices. The Developer agrees to deposit funds with the District, as required herein, within 10 business days following the District's approval of this Agreement. The Developer acknowledges and hereby agrees that the District is authorized, from time-to-time, to reimburse itself from the funds on deposit for Project costs incurred and that the District will not release any structure for occupancy unless there is a minimum balance in the Project Cash Account.
  7. Ownership; Operation and Maintenance. Once constructed and accepted by the District, title to the Facilities, excluding the on-site Facilities, will be conveyed by the Developer to the District, and the District will operate and maintain the Facilities and provide service to the Developer's Property in accordance with the District's Rules, Regulations and Policies and the provisions of this Agreement.
  8. Easements, Dedications, and Recorded Documentation: All easements, dedications and recorded documentation required by the District shall be provided by the Developer to the District in a timely manner as required by the District.
  9. Annexation. This Project is located within the service area of the District, so an annexation is not required.
  10. Annual Review of Construction Drawings. The District requires an annual review of approved construction drawings related to this Project. The Developer will be required to update and resubmit construction drawings based on comments provided by the District at the sole cost and expense of the Developer prior to the start of construction.
  11. Amendment. This Agreement may be amended, from time-to-time, by mutual agreement, in writing signed by both Parties. The District and the Developer further agree that to the extent this Agreement does not address all aspects of the Developer's Property and/or Project, the Parties will meet and confer and negotiate in good faith and execute a written amendment or supplement to this Agreement.
  12. Assignment. This Agreement will not be assigned, whether in whole or in part by either Party.
  13. Term and Termination of Agreement. Unless extended by mutual agreement of the parties in writing, this Agreement shall terminate at 5:00 p.m., on the day before the sixth (6<sup>th</sup>) anniversary date of this Agreement; provided, however, that this

Agreement shall automatically terminate, without further liability to either party, as follows:

- a. Immediately, upon abandonment by the Developer of the Developer's Property and/or the work hereunder. "Abandonment" is defined as the act of bankruptcy or Developer's failure to improve the Property in a manner consistent with the proposed development plan within twelve months of the effective date of this Agreement; and/or
- b. Within 45 days of the date of the issuance of a Notice of Default by the District to the Developer in the event the Developer fails or refuses to perform, keep or observe any of the terms, conditions or covenants set forth in this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective on the day and year first above written.

YUCAIPA VALLEY WATER DISTRICT

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
Jay Bogh, Board President

DEVELOPER

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

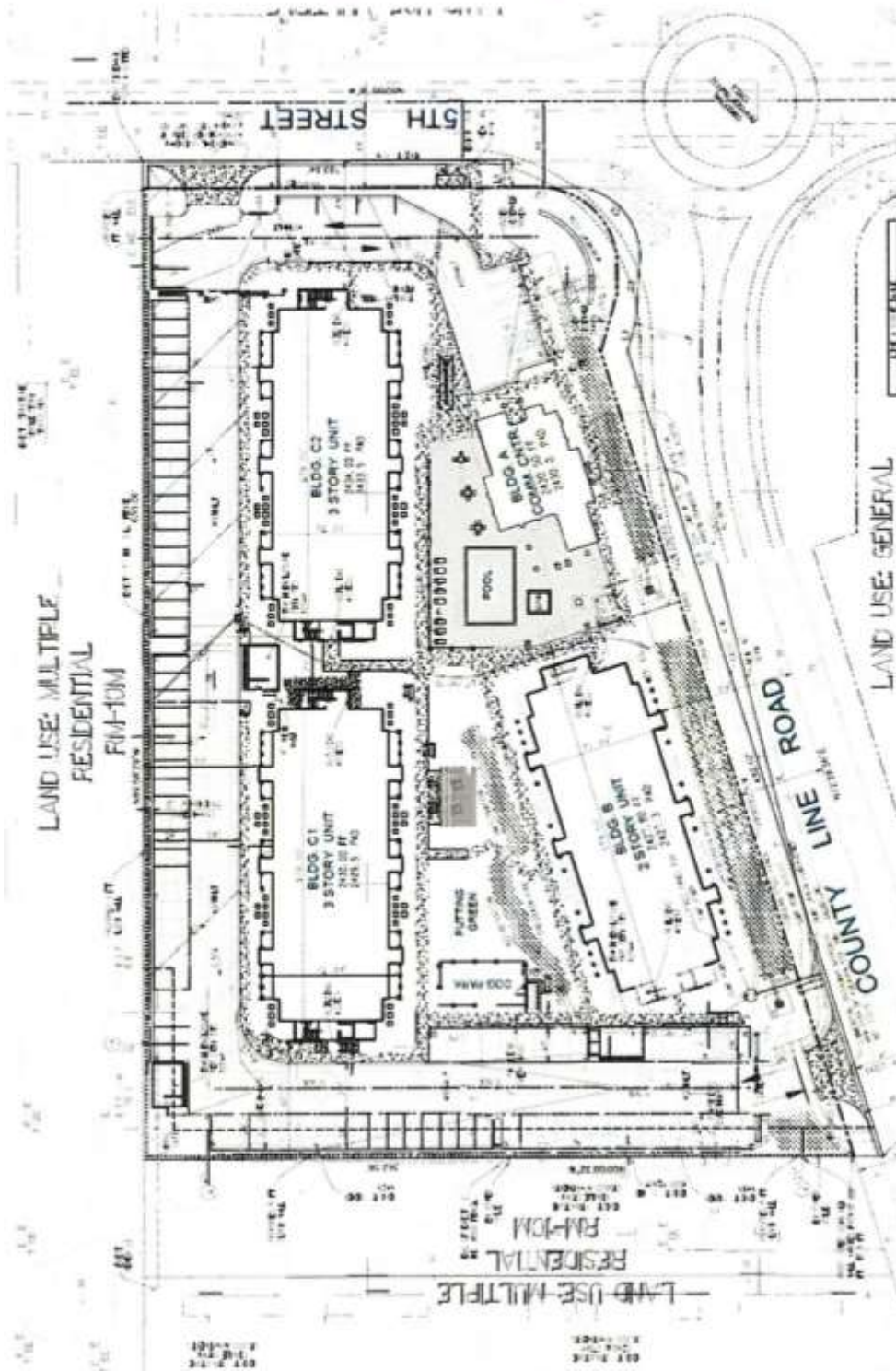
Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

## Exhibit A - Project Location and District Boundary



### Exhibit B - Proposed Development Concept



## Exhibit C - General Construction Conditions

### DESIGN AND CONSTRUCTION - SEWER INFRASTRUCTURE

- A. Licensed Professionals. All work, labor and services performed and provided in connection with, for example, the preparation of surveys and descriptions of real property and rights-of-way, the preparation of construction specifications, plans and drawings, and the construction of all Facilities shall be performed by or under the direction of professionals appropriately licensed by the State of California and in good standing.
- B. Plan Acceptance; Facility Acceptance. Upon its final review and approval of the plans and specifications ("Plans"), the District shall sign the construction drawings ("Approved Plans") indicating such approval ("Plan Acceptance"). Plans are subject to an annual review by the District and modifications will be required by the District to conform to revised construction standards and policies as part of the Plan Acceptance. The Developer shall update and resubmit the Plans for final approval by the District.
1. The Developer shall not permit, or suffer to permit, the construction of any Facility without having first obtained Plan Acceptance or completed modifications required by annual updates. In the event the Developer fails or refuses to obtain the District's Plan Acceptance, the District may refuse, in its sole discretion and without liability to the Developer, to issue its Facility Acceptance (as that term is defined below) as to such Facility when completed.
  2. The Developer shall not deviate from any Approved Plans and/or specifications without the District's prior written approval.
- C. Facility Inspection. All construction work shall be inspected on a timely basis by District personnel and/or by District's consultants at the sole cost of the Developer. The Developer acknowledges that the inspector(s) shall have the authority to require that any and all unacceptable materials, workmanship, construction and/or installation not in conformance with either (i) the Approved Plans, or (ii) standard practices, qualities and standards in the industry, as reasonably determined by the District, shall be replaced, repaired or corrected at Developer's sole cost and expense.
1. In the event the Developer's contractor proposes to work overtime and beyond normal business hours, the Developer shall obtain the District's approval at least 24 hours in advance so that inspection services may be appropriately scheduled. The Developer shall be solely responsible for paying all costs and expenses associated with such inspection services.
  2. The District shall promptly upon request of Developer cause the final inspection of a Facility that Developer indicates is completed. If the District finds such Facilities to have been completed in conformance with the Approved Plans for which a Plan Acceptance has been issued, then District shall issue to Developer its letter ("Facility Acceptance") indicating satisfactory completion of the Facility and District's acceptance thereof. Neither inspection nor issuance of the Facility Acceptance shall constitute a waiver by District of any claims it might have against

Developer for any defects in the work performed, the materials provided, or the Facility constructed arising during the one-year warranty period.

- D. Project Coordination and Designation of Developer's Representative. The Developer shall be solely responsible for coordinating the provision of all work, labor, material, and services associated with the planning, design and construction of the Facilities required for the Project.
1. The Developer shall be solely responsible for compliance with all applicable federal, state, and local safety rules and regulations, and shall conduct periodic safety conferences as required by law and common sense.
  2. Prior to proceeding with any Facility construction, the Developer shall schedule and conduct a preconstruction conference with the District. In the event the Developer fails or refuses to conduct any such conference, the District may refuse, in its sole discretion, to accept the Facilities constructed by the Developer.
  3. The District and the Developer hereby designate the individual identified on page 1 of this Agreement as the person who shall have the authority to represent the District and Developer in matters concerning this Agreement. In order to ensure maximum continuity and coordination, the District and Developer agree not to arbitrarily remove or replace the authorized representative, but in the event of a substitution, the substituting Party shall promptly advise the other Party of such substitution, in writing.
- E. District's Right to Complete Facilities. The District is hereby granted the unqualified right to complete, construct or repair all or any portion of the water and/or sewer Facilities, at Developer's sole cost and expense in the event there is a threat to the public's health, safety or welfare.
- F. Construction of Connections to District Facilities. Unless otherwise agreed to in writing by the District, the District shall furnish all labor, materials and equipment necessary to construct and install connections between the Developer's Facilities and the District's water, recycled water, and sewer systems. All costs and expenses associated therewith shall be paid by the Developer.
- G. Compliance with Law and District Regulations. The Developer hereby agrees that all Facilities shall be planned, designed and constructed in accordance with all applicable laws, and the District's Rules, Regulations and Policies in effect at the time of construction. The Developer shall keep fully informed of and obey all laws, rules and regulations, and shall indemnify the District against any liability arising from Developer's violation of any such law, rule or regulation.
- H. Developer's Warranties. The Developer shall unconditionally guaranty, for a period of one year following the District's Facility Acceptance thereof, any and all materials and workmanship, at the Developer's sole cost and expense. The provision of temporary water service through any of the Developer's Facilities, prior to District's acceptance of same, shall not nullify nor diminish the Developer's warranty obligation, nor shall the Developer's warranty obligation be voided if the District determines, in its sole discretion, to make any emergency repairs necessary to protect the public's health, safety or welfare or to ensure

continuity of water or sewer service. The District shall notify Developer of such emergency repairs.

- I. Testing and Disinfection. Upon approval by the District, the Developer, at its sole cost and expense, shall undertake and satisfactorily complete a testing program, including without limitation, compaction, cleaning, video and air testing for all Facilities prior to acceptance by the District.
- J. Bond Requirements. The Developer shall provide to the District, in a form satisfactory to the District, the following bonds:
  1. Performance and Warranty Bond. A performance bond issued by a corporate surety or sureties licensed and permitted to do business by and within the State of California in an amount representing not less than one hundred percent (100%) of any and all construction work to be conducted or performed under this Agreement. A warranty bond issued by a corporate surety or sureties licensed and permitted to do business by and within the State of California in an amount representing not less than fifty percent (50%) of the total cost of any and all construction performed hereunder, insuring against any and all defects in the Facilities constructed hereunder, for a period of not less than one full year after the date of acceptance thereof by the District.
  2. Labor and Materials Payment Bond. A labor and materials payment bond issued by a corporate surety or sureties licensed and permitted to do business by and within the State of California in an amount representing not less than one hundred percent (100%) of the total cost of any and all construction performed hereunder per California Civil Code Sections 9550 and following.
  3. Miscellaneous Bond Requirements. All bonds required by this section are subject to the approval as to form and content by the General Manager and District's Legal Counsel. All bonds required by this section shall be provided by a surety that is an "admitted" surety insurer authorized to transact surety insurance in California, with assets exceeding its liabilities in the amount equal to or in excess of the amount of the bonds, and each bond shall not be in excess of ten percent (10%) of the surety insurer's assets. The bond shall be duly executed and shall meet all of the requirements of Section 995.660 of the Code of Civil Procedure.
- K. Title to Facilities and Right-of-Way. Provided that the Developer's Facilities are designed and constructed as required hereunder and the District proposes to issue its Facility Acceptance, the Developer shall, concurrently with the District's Facility Acceptance, convey ownership title to all Facilities (and right-of-way, if applicable) to the District, free and clear of any and all liens and encumbrances except those that are expressly agreed to by the District. The District may require fee title or an easement, depending upon the location of the Facility through action by the Board of Directors. Upon conveyance of title, the District shall assume the responsibility of operating and maintaining the Facilities, subject to the Developer's warranty as provided herein. The Developer acknowledges and agrees that the District shall not be obligated to operate and maintain the Facilities and to provide service to and through them until all applicable conditions imposed by this Agreement hereunder are satisfied and title to the Facilities has been conveyed and delivered to the District in recordable form.

- L. Risk of Loss. Until such time as acceptance thereof by the District, and until good and marketable title to the easements, rights-of-way and Facilities are conveyed and delivered to the District in recordable form, the Developer shall be solely and completely responsible for any and all losses and/or damage of every kind or nature to the easements, rights-of-way and Facilities. In the event Developer believes the loss and/or damages arose from or are related to acts performed by the District, this provision does not preclude Developer's insurance carrier from seeking indemnity and/or reimbursement from the District.
- M. Conditions Precedent to the Provision of Service. Unless the District otherwise agrees in writing, the District shall not be obligated to provide service to the Developer's Property or any part thereof, including model homes, until Facility Acceptance by the District and Developer conveys to the District the right-of-way and Facilities associated with the requested service. Upon acceptance of the right-of-way and appurtenant Facilities, the District shall provide the service requested and assume the responsibility for operating and maintaining the affected Facilities. Service provided by the District shall be in accordance with its Rules, Regulations and Policies and shall be comparable in quality of service to that provided all similarly situated customers.

#### FEES AND CREDITS

- N. Developer Fees, Charges, Costs and Expenses. The Developer shall be solely responsible for the payment to the District of all fees, charges, costs and expenses related to this Project.
- O. Developer Cash Account Deposit. The Developer acknowledges and hereby agrees that the District is authorized, from time-to-time, to reimburse itself from the funds on deposit for Project costs incurred.
1. The Developer shall provide the initial deposit to the District, and maintain the minimum balance in the Cash Account for the Project as provided below:
    - a. An initial deposit of \$2,500 and a minimum balance of \$1,000 for a Project that involves the construction of 1 to 2 proposed structures;
    - b. An initial deposit of \$5,000 and a minimum balance of \$2,000 for a Project that involves the construction of 3 to 5 proposed structures;
    - c. An initial deposit of \$10,000 and a minimum balance of \$3,000 for a Project that involves the construction of 6 to 20 proposed structures;
    - d. An initial deposit of \$25,000 and a minimum balance of \$5,000 for all other Projects.
  2. The initial deposit shall be received by the District prior to the issuance of grading permits for the Project.
  3. The District shall provide a monthly accounting of how funds were disbursed.



- 4. The Developer agrees to deposit funds with the District within 30 calendar days upon the date an invoice is issued by the District or a Notice of Default will be issued by the District.
  - 5. The District will not release any structure for occupancy unless the minimum balance is available to the District in the Project Cash Account.
  - 6. Should any unexpended funds remain in the Cash Account upon completion of the Project or termination of this Agreement, then such funds shall be reimbursed to the Developer within 60 days.
- P. Current Fees and Charges. In the event of a change in the District's schedule of fees and charges, such change shall automatically be incorporated into this Agreement as though set forth in full. Unless otherwise agreed to in writing by the District, the Developer shall pay, when due, the then-current amount of the applicable fee or charge.
- Q. District Financial Participation; Credits. The District may agree to participate in certain Facilities for this Project. Any participation or financial contribution to construct the water and/or sewer infrastructure associated with this Project is identified in the Special Conditions at the beginning of the Agreement.

**PERMITS AND DOCUMENTATION**

- R. Permits, Licenses and CEQA Documentation. The Developer shall be solely responsible for securing and paying for all permits and licenses necessary to develop its project. The Developer shall be solely responsible for complying with the California Environmental Quality Act under the auspices of the City and/or County within which the Property is situated. However, upon request, the Developer shall furnish to the District all relevant environmental documentation and information.
- 1. The Developer, at its sole cost and expense, shall be solely responsible for defending against any and all legal challenges, including but not limited to permits, licenses and CEQA documentation.
- S. Documents Furnished by the Developer. The Developer shall furnish to the District documentation as required by the District specified below, within the time periods specified. Each and every document submittal shall consist of a fully executed original or certified copy (in recordable form, if applicable) and two copies.

Document(s)	Due Date
Certification of Streets to Rough Grade	Prior to Construction
City/County Encroachment Permits and Conditions	Prior to Construction
Field Engineering Surveys ("Cut Sheets")	Prior to Construction
Grant of Easements and Rights-of-Way	Prior to Construction
Labor and Materials Bond	Prior to Construction
Liability Insurance Certificate(s)	Prior to Construction
Performance Bond	Prior to Construction

Soil Compaction Tests	Prior to Acceptance
Warranty Bond	Prior to Acceptance
List of Approved Street Addresses and Assessor Parcel Numbers	Prior to Setting Meter
Mechanic's Lien Releases	Upon Request of District

NOTE: The DEVELOPER hereby acknowledges and agrees that the foregoing list is not intended to be exclusive; therefore, the DISTRICT reserves the right to request, from time-to-time, additional documents or documentation.

**INSURANCE AND INDEMNIFICATION**

T. Indemnification and Hold Harmless. The Developer and the District agree that the District should, to the extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, defense costs, court costs or any other costs arising out of or in any way related to the performance by Developer of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the Parties to be interpreted and construed to provide the fullest protection possible under the law to the District, except for liability attributable to the District's intentional and/or negligent acts. Developer acknowledges that the District would not enter into this Agreement in the absence of this commitment from the Developer to indemnify and protect the District as set forth here.

Therefore, the Developer shall defend, indemnify and hold harmless the District, its employees, agents and officials, from any liability, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, actual attorneys' fees incurred by the District, court costs, interest, defense costs including expert witness fees and any other costs or expenses of any kind whatsoever without restriction or limitation incurred in relation to, as a consequence of or arising out of or in any way attributable actually, allegedly or impliedly, in whole or in part in the performance by Developer of this Agreement. All obligations under this provision are to be paid by the Developer as incurred by the District. Notwithstanding the foregoing, the Developer shall have no obligation to defend, indemnify or hold harmless the District, its employees, agents or officials from any liability arising, in whole or in part, from the District's intentional and/or negligent acts.

U. Insurance. The Developer agrees to provide insurance in accordance with the requirements set forth here throughout the term of this Agreement. If the Developer uses existing coverage to comply with these requirements and that coverage does not meet the requirements set forth herein, the Developer agrees to amend, supplement or endorse the existing coverage to do so. The following coverages will be provided by the Developer and maintained on behalf of the District and in accordance with the requirements set forth herein.

1. Commercial General Liability Insurance (Primary) shall be provided on ISO-CGL Form No. CG 00 01 10 93. Policy limits shall be no less than \$1,000,000 per occurrence for all coverages and \$2,000,000 general aggregate. The District and its officials, employees and agents shall be added as additional insureds using ISO Form CG 20 10 10 93. Coverage shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance, primary or excess, available to the District or any employee or agent of the District. Coverage shall not be limited

to the vicarious liability or supervisory role of any additional insured. Coverage shall contain no contractors' limitation endorsement. There shall be no endorsement or modification limiting the scope of coverage for liability arising from explosion, collapse, or underground property damage.

2. Umbrella Liability Insurance (over Primary) shall apply to bodily injury/property damage, personal injury/advertising injury, at a minimum, and shall include a "drop down" provision providing primary coverage above a maximum \$25,000 self-insured retention for liability not covered by primary policies but covered by the umbrella policy. Coverage shall be following form to any underlying coverage. Coverage shall be provided on a "pay on behalf" basis, with defense costs payable in addition to policy limits. There shall be no cross-liability exclusion and no contractor's limitation endorsement. Policy limits shall be not less than \$1,000,000 per occurrence and \$1,000,000 in the aggregate, above any limits required in the underlying policies. The policy shall have starting and ending dates concurrent with the underlying coverages.
3. Workers' Compensation/Employer's Liability shall provide workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than \$1,000,000 per accident or disease. Employer's liability coverage shall be scheduled under any umbrella policy described above. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects the District, its employees or agents.
4. The Developer and the District further agree as follows:
  - a. All insurance coverage provided pursuant to this Agreement shall not prohibit the Developer, and the Developer's employees or agents, from waiving the right of subrogation prior to a loss. The Developer waives its right of subrogation against the District.
  - b. Unless otherwise approved by the District in writing, the Developer's insurance shall be written by insurers authorized to do business in the State of California and with a minimum "Best's" Insurance Guide rating of "A:VII". Self-insurance will not be considered to comply with these insurance specifications.
  - c. The Developer agrees to provide evidence of the insurance required herein, satisfactory to the District, consisting of certificate(s) of insurance evidencing all of the coverages required and an additional insured endorsement to the Developer's general liability and umbrella liability policies. Certificate(s) are to reflect that the insurer will provide 30 days' notice of any cancellation of coverage. The Developer agrees to require its insurer to modify such certificate(s) to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions. The Developer agrees to provide complete certified copies of policies to the District within 10 days of the District's request for such copies.

- d. In the event of any loss that is not insured due to the failure of the Developer to comply with these requirements, the Developer agrees to be responsible for any all losses, claims, suits, damages, defense obligations and liability of any kind attributed to the District, or the District's officials, employees and agents as a result of such failure.
- e. The Developer agrees not to attempt to avoid its defense and indemnity obligations to the District and its employees, agents and officials by using as defense the Developer's statutory immunity under workers' compensation and similar statutes.

### MISCELLANEOUS PROVISIONS

- V. Status of the Parties. This Agreement is not intended to create, and nothing herein contained shall be construed to create, an association, a trust, a joint venture, a partnership or other entity of any kind, or to constitute either party as the agent, employee or partner of the other.
- W. Force Majeure. If either the District or the Developer is delayed, hindered or prevented from performing any term of this Agreement by any cause beyond either party's control including, without limitation, any strike, walkout, prohibitions imposed by law, rules or regulations, riot, war, act of God or the default of the other party, then such performance may be excused or the time of performance tolled during the period of delay.
- X. Incorporation of Prior Agreements. This Agreement contains all of the agreements of the parties with respect to any matter covered or mentioned in this Agreement, and no prior agreement or understanding pertaining to any such matter shall be effective for any purpose.
- Y. Waiver. No waiver by either Party of any provisions of this Agreement shall be deemed to be a waiver of any other provision hereof or of any subsequent breach by either Party of the same or any other provisions.
- Z. Severance. If any provision of this Agreement is determined to be void by any court of competent jurisdiction then such determination shall not affect any other provision of this Agreement provided that the purpose of this Agreement is not frustrated.
- AA. Disclaimer. Utilizing fees and Facilities provided to the District by the Developer, the District will supply sewer collection and treatment services to the Developer's Property and Project, however, the District shall not be obligated to utilize public funds to subsidize the Project.
- BB. Preparation of This Agreement. This Agreement shall not be construed against the Party preparing it but shall be construed as if both Parties prepared it.
- CC. Alternative Dispute Resolution. Any dispute as to the construction, interpretation or implementation of this Agreement, or any rights or obligations hereunder, shall be submitted to mediation. Unless the Parties enter into a written stipulation to the contrary, prior to the filing of any complaint to initiate legal action, all disputes shall first be submitted

Yucaipa Valley Water District  
Development Agreement No. 2018-XX  
Page 15 of 15

to non-binding mediation, conducted by the Judicial Arbitration and Mediation Services, Inc./Endispute, or its successor, or any other neutral, impartial mediation service that the Parties mutually agree upon in accordance with its rules for such mediation. Mediation fees shall be shared equally by the DEVELOPER and the DISTRICT.

END OF SECTION

DRAFT

# Administrative Items



Yucaipa Valley Water District



**Date:** March 13, 2018  
**From:** Allison M. Edmisten, Chief Financial Officer  
 Peggy Little, Administrative Supervisor  
**Subject:** Presentation of the Unaudited Financial Report for the Period Ending on February 28, 2018

The following unaudited financial report has been prepared by the Administrative Department for your review. The report has been divided into five sections to clearly disseminate information pertaining to the financial status of the District. Please remember that the following financial information has not been audited.

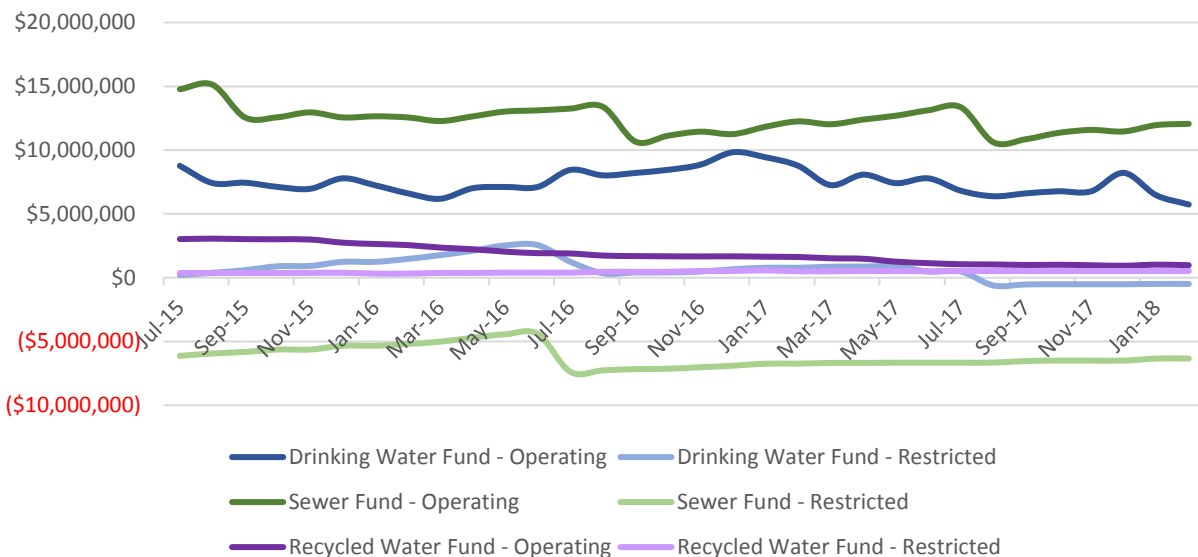
**Cash Fund Balance and Cash Flow Reports**

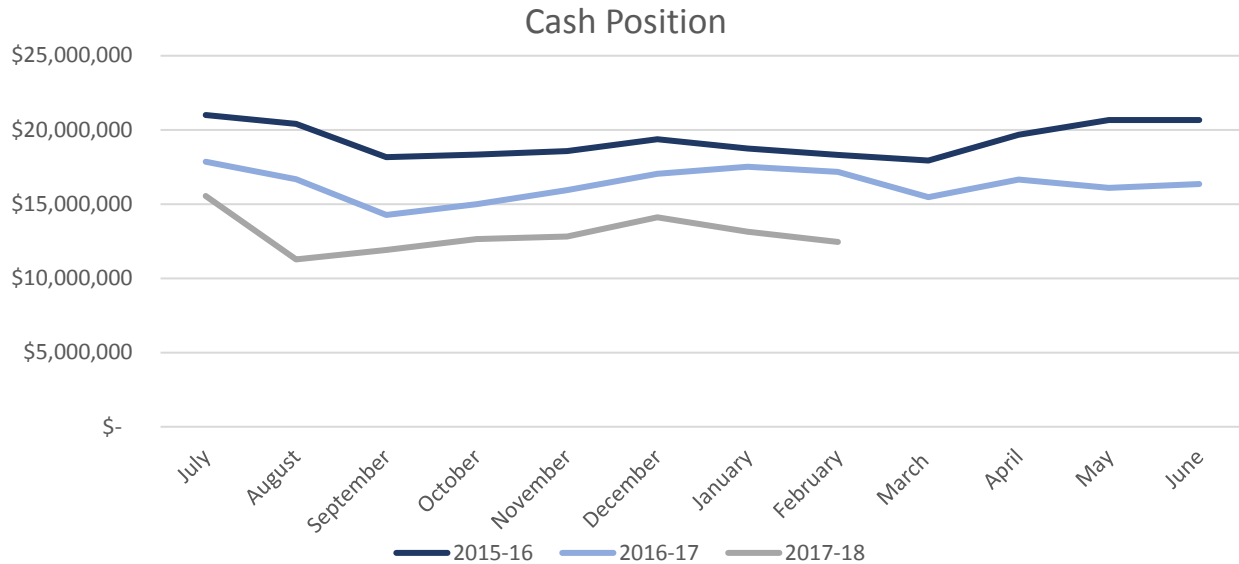
[Detailed information can be found on page 7 to 8 of 24]

The Cash Fund Balance Report provides a summary of how the total amount of funds maintained by financial institutions is distributed throughout the enterprise and non-enterprise funds of the District. A summary of the report is as follows:

Fund Source	Operating Funds	Restricted Funds	Total Funds
Water Division	\$ 5,733,551.23	\$ (489,303.00)	\$ 5,244,248.23
Sewer Division	\$ 12,058,855.90	\$ (6,340,176.61)	\$ 5,718,679.29
Recycled Water Division	\$ 979,050.18	\$ 519,371.76	\$ 1,498,421.94
<b>Total</b>	<b>\$ 18,771,457.31</b>	<b>\$ (6,310,107.85)</b>	<b>\$ 12,461,349.46</b>

Fund Balance





Most of the funds reflected in the Cash Fund Balance Report are designated for specific purposes and are therefore restricted, either by law or by District policy.

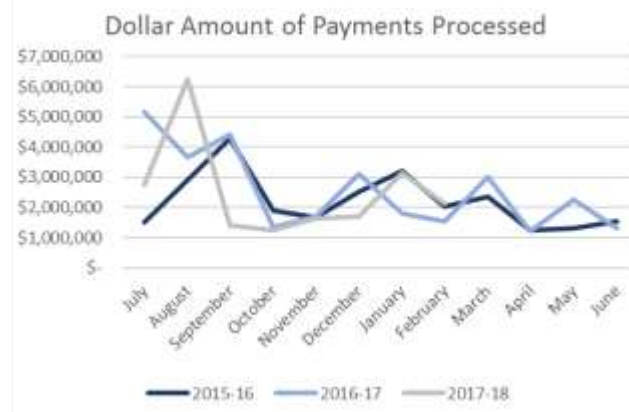
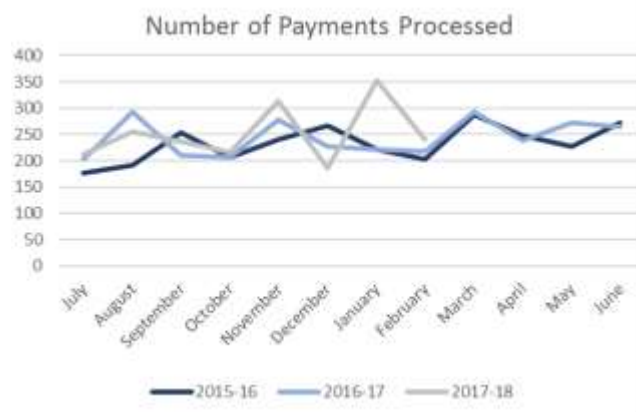
The Cash Flow Report provides a list of the debt service payment due dates and amounts as well as the cash flow requirements for debt service for each month of the fiscal year.

### Cash Disbursement Report

[Detailed information can be found on pages 9 to 13 of 24]

The cash disbursement report lists each check and electronic payment processed during the month of February 2018. All payments are reviewed by District staff for accuracy and completeness, checks are usually signed by the General Manager and one Director, but may be signed by two Directors. The Chief Financial Officer will make any check, payment, invoice or supporting documentation available for review to any board member upon request.

	Number Processed	Amount Processed
Checks	229	\$ 1,849,776.27
Electronic Payments	11	\$ 289,377.72
<b>Total</b>	<b>240</b>	<b>\$ 2,139,153.99</b>





**Financial Account Information**

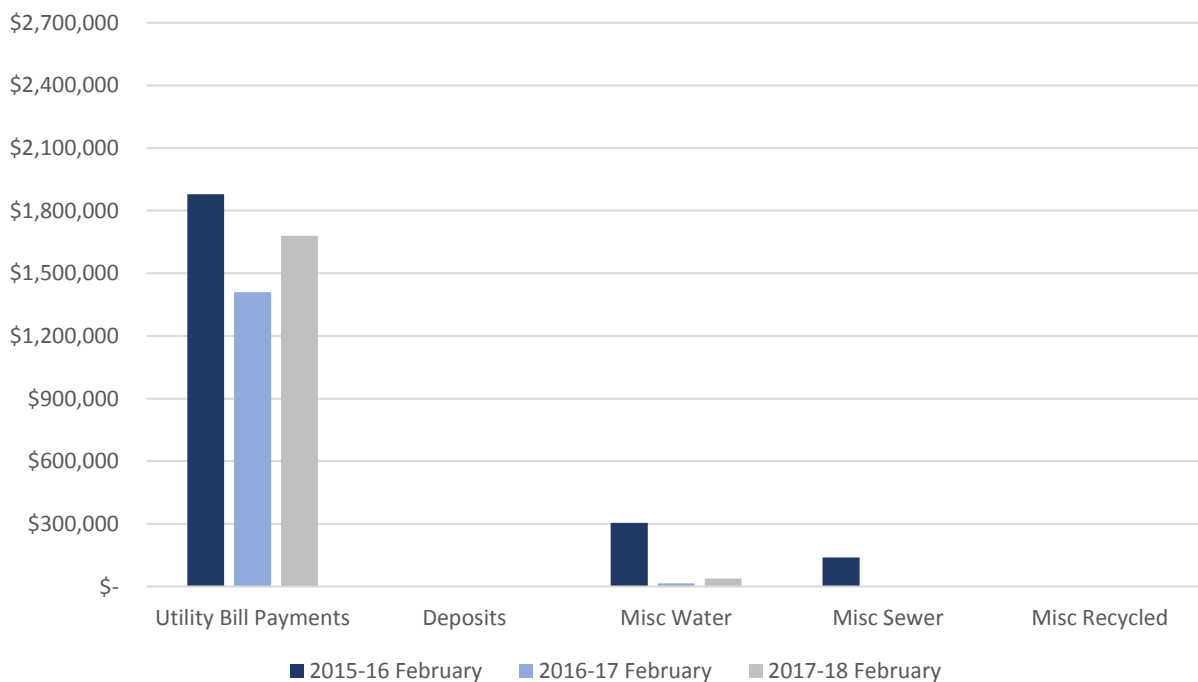
The District currently deposits all revenue received into the Deposit Checking account. The General Checking account is used as a sole processing account for all District checks and electronic payroll. The Investment Checking account is used for the purchase and redemption of US treasury notes and bills and for the transfer of LAIF funds. The US treasury notes and bills are booked at cost.

The LAIF investment account is a pooled money account administered by the State of California. Additional information on the LAIF account is provided below in the investment summary report.

**Monthly Revenue Allocation:**

Funding Source	Total
Utility Bill Payments	\$ 1,678,979.09
Deposits	\$ 120.00
Misc. Water Related Activities	\$ 38,421.81
Misc. Sewer Related Activities	\$ 63.55
Misc. Recycled Related Activities	\$ 11.81
<b>Total</b>	<b>\$ 1,717,596.26</b>

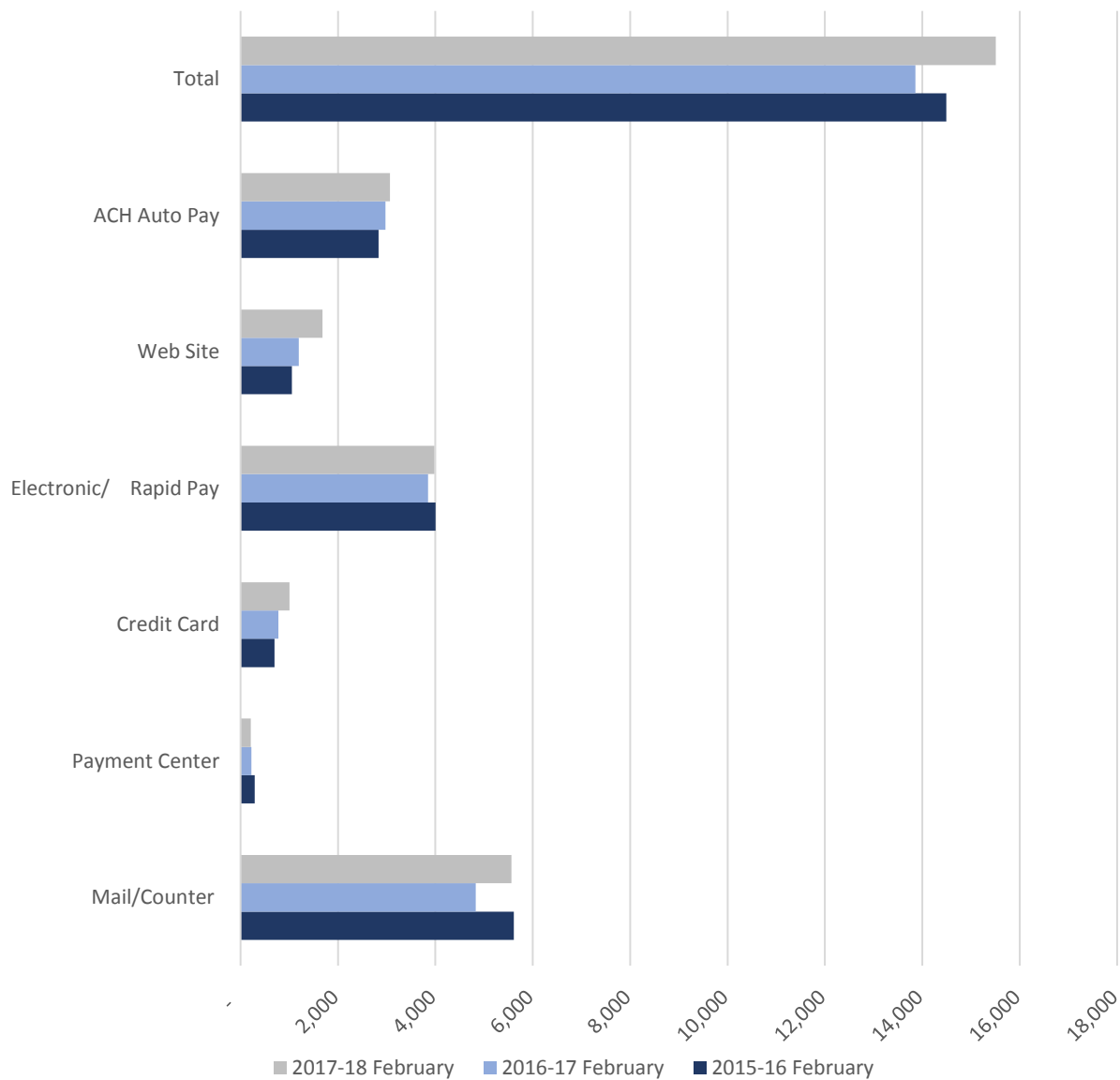
Monthly Revenue Allocation



Summary of Utility Bill Payments:

Payment Method	Number of Payments	% of Total Received
Mail/Counter	5,563	35.87%
Payment Center	211	1.36%
Credit Card	1,002	6.46%
Electronic Rapid Pay	3,980	25.66%
Web Site	1,684	10.86%
ACH Auto Pay	3,068	19.78%
<b>Total</b>	<b>15,508</b>	<b>100.00%</b>

Type of Payments

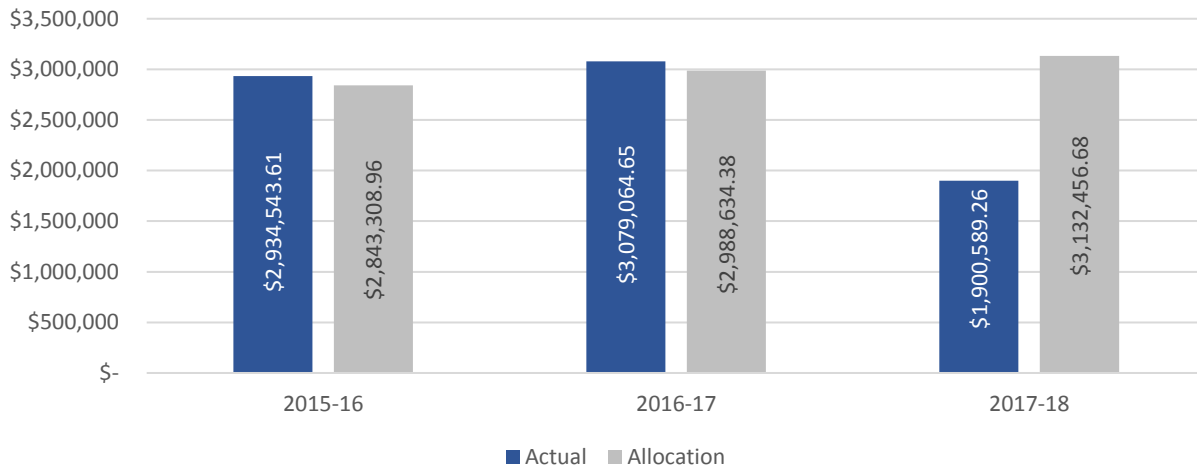


Summary of Property Tax Revenue:

Current Month	Year-to-Date	Allocation Amount*	Percentage
Property Taxes	\$1,900,589.26	\$ 3,132,456.68	60.67%

*\*As of March 2018, the “budgeted amount” has been changed to “allocation amount” as we now have the data from both San Bernardino and Riverside Counties. The allocation is \$84,456.68 more than the budgeted amount.*

Property Taxes - Actual vs. Allocation



**Investment Summary**

[Detailed information can be found on pages 14 to 15 of 24]

The investment summary report illustrates the District's investments in US treasury notes and bills in addition to the investments held by the Local Agency Investment Fund or LAIF. The yields for the treasury notes and bills are provided for each individual transaction. The historical annual yield for funds invested with LAIF is also provided.

Separate pooled money investment reports prepared by the State of California are maintained by the District and available for review.

Investment Policy Disclosure - The District is currently compliant with the portfolio of its Investment Policy and State law. The District is using Sandy Gage with Merrill Lynch Wealth Management (Bank of America Corporation) for Treasury investments. The District expects to meet its expenditure requirements for the next six months.

**Fiscal Year 2017-18 Detail Budget Status**

[Detailed information can be found on pages 16 to 24 of 24]

The revenue and expense budget status for the 2017-18 Fiscal Year is provided for your review.

### Questions or Comments

If you have any questions about a particular budget account, please do not hesitate to contact the Chief Financial Officer directly. If you need additional information, the members of the Administrative Department would be happy to provide you with any detailed information you may desire.

<b>Summary of Revenue Budget</b>				
<b>As of February 28, 2018 (56% of Budget Cycle)</b>				
<b>Division</b>	<b>Current Month</b>	<b>Year-to-Date</b>	<b>Budget Amount</b>	<b>Percentage</b>
Water	\$ 654,789	\$ 8,134,313	\$ 13,924,171	58.42%
Sewer	\$ 951,517	\$ 7,312,691	\$ 12,132,940	60.27%
Recycled Water	\$ 22,318	\$ 505,266	\$ 810,795	62.32%
<b>District Revenue</b>	<b>\$ 1,628,624</b>	<b>\$ 15,952,270</b>	<b>\$ 26,867,906</b>	<b>59.37%</b>

<b>Summary of Water Budget vs. Expenses</b>				
<b>As of February 28, 2018 (56% of Budget Cycle)</b>				
<b>Department</b>	<b>Current Month</b>	<b>Year-to-Date</b>	<b>Budget Amount</b>	<b>Percentage</b>
Water Resources	\$ 317,266	\$ 3,695,333	\$ 4,902,900	75.37%
Public Works	\$ 159,045	\$ 1,598,455	\$ 3,044,488	52.50%
Administration	\$ 274,125	\$ 2,437,735	\$ 3,681,118	66.22%
Long Term Debt	\$ 603,806	\$ 2,293,913	\$ 2,295,665	99.92%
Asset Acquisition	\$ -	\$ -	\$ -	0.00%
<b>TOTAL</b>	<b>\$ 1,354,242</b>	<b>\$ 10,025,436</b>	<b>\$ 13,924,171</b>	<b>72.00%</b>

<b>Summary of Sewer Budget vs. Expenses</b>				
<b>As of February 28, 2018 (56% of Budget Cycle)</b>				
<b>Department</b>	<b>Current Month</b>	<b>Year-to-Date</b>	<b>Budget Amount</b>	<b>Percentage</b>
Treatment	\$ 292,639	\$ 2,676,511	\$ 3,631,043	73.71%
Administration	\$ 216,163	\$ 2,052,272	\$ 3,376,153	60.79%
Environmental Control	\$ 53,152	\$ 621,084	\$ 1,256,463	49.43%
Long Term Debt	\$ -	\$ 3,572,942	\$ 3,869,281	92.34%
Asset Acquisition	\$ -	\$ -	\$ -	0.00%
<b>TOTAL</b>	<b>\$ 561,954</b>	<b>\$ 8,922,809</b>	<b>\$ 12,132,940</b>	<b>73.54%</b>

<b>Summary of Recycled Water Budget vs. Expenses</b>				
<b>As of February 28, 2018 (56% of Budget Cycle)</b>				
<b>Department</b>	<b>Current Month</b>	<b>Year-to-Date</b>	<b>Budget Amount</b>	<b>Percentage</b>
Administration	\$ 55,729	\$ 604,570	\$ 810,795	74.57%
<b>TOTAL</b>	<b>\$ 55,729</b>	<b>\$ 604,570</b>	<b>\$ 810,795</b>	<b>74.57%</b>

<b>District Expenses</b>	<b>\$ 1,971,925</b>	<b>\$ 19,552,815</b>	<b>\$ 26,867,906</b>	<b>72.77%</b>
--------------------------	---------------------	----------------------	----------------------	---------------

*Note: Budget amounts for certain categories were updated in November as a result of the budget adjustments that were approved by the Board on November 21, 2017.*

## Cash Fund Balance Report - February 2018

Water Division		GL#	Balance
Restricted	*ID 1 Construction Funds	02-10216	\$ 293,145.85
	*ID 2 Construction Funds	02-10217	\$ 80,409.31
	*FCC - Debt Service YVRWFF Phase I	02-10401	\$ (3,570,142.64)
	*FCC - Future YVRWFF Phase II & III	02-10403	\$ 421,202.32
	*FCC - Recycled System	02-10410	\$ (862,364.41)
	*FCC - Booster Pumping Plants	02-10411	\$ 691,764.33
	*FCC - Pipeline Facilities	02-10412	\$ 145,149.96
	*FCC - Water Storage Reservoirs	02-10413	\$ 2,311,532.28
Operating	Depreciation Reserves	02-10310	\$ 579,427.16
	Infrastructure Reserves	02-10311	\$ 3,589,393.00
	Sustainability Fund	02-10313	\$ 85,777.96
	Rate Stabilization Fund	02-10314	\$ 500,209.14
	Imported Water Fund - MUNI	02-10315	\$ 295,579.02
	Imported Water Fund - SGPWA	02-10316	\$ 720,300.25
	Operating Funds:		\$ (37,135.30)
	<b>Total Water Division</b>		

Sewer Division		GL#	Balance
Restricted	*SRF Reserve Fund - Brineline	03-10218	\$ 637,449.00
	*SRF Reserve Fund - WISE	03-10219	\$ 184,928.00
	*SRF Reserve Fund - R 10.3	03-10220	\$ 51,531.00
	*SRF Reserve Fund - Crow St	03-10221	\$ 19,255.00
	*FCC - Debt Service WWTP Expansion & Upgrade	03-10405	\$ 1,809,115.49
	*FCC - Future WWTP Expansion	03-10407	\$ 1,410,130.63
	*FCC - Sewer Interceptors	03-10415	\$ (800,781.71)
	*FCC - Lift Stations	03-10416	\$ 347,723.76
	*FCC - Effluent Disposal Facilities	03-10417	\$ (1,607,390.06)
	*FCC - Salt Mitigation Facilities	03-10418	\$ (8,392,137.72)
Operating	Project Fund - Encumbered	03-10215	\$ 276,000.00
	Depreciation Reserves	03-10310	\$ 3,666,698.89
	Infrastructure Reserves	03-10311	\$ 5,152,980.00
	Rate Stabilization Fund	03-10314	\$ 1,464,394.90
	Operating Funds:		\$ 1,498,782.11
<b>Total Wastewater Division</b>			<b>\$ 5,718,679.29</b>

Recycled Water Division		GL#	Balance
Restricted	*FCC - Recycled System	04-10410	\$ 64,882.79
	*FCC - Booster Pumping Plants	04-10411	\$ 1,532.04
	*FCC - Pipeline Facilities	04-10412	\$ 222,369.18
	*FCC - Water Storage Reservoirs	04-10413	\$ 230,587.75
Operating	Project Fund - Encumbered	04-10215	\$ -
	Depreciation Reserves	04-10310	\$ 41,670.84
	Infrastructure Reserves	04-10311	\$ 269,172.31
	Operating Funds:		\$ 668,207.03
<b>Total Recycled Water Division</b>			<b>\$ 1,498,421.94</b>

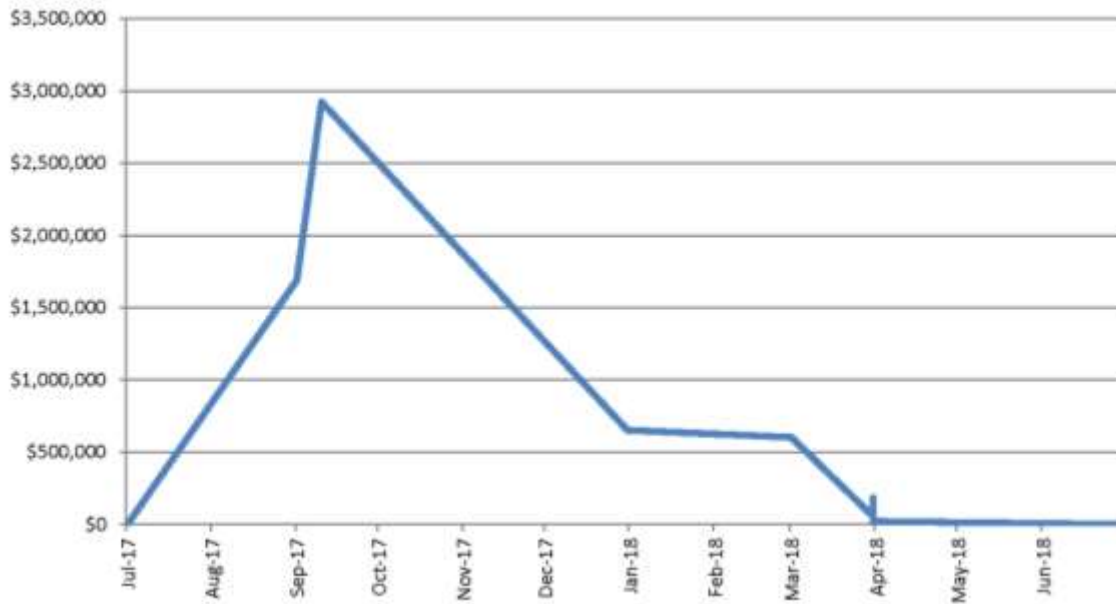
**DISTRICT TOTAL \$ 12,461,349.46**

\*=Restricted Funds

### Cash Flow Report for Fiscal Year 2017-18

Financial Obligations for Fiscal Year 2017-18				
Due Date	Fund	Description	Term of Obligation	Amount
9/1/2017	Water	2015A Bond Payment - YVRWFF	2015-2034	\$ 1,690,106.25
9/10/2017	Sewer	SRF Payment - WRWRF	2009-2028	\$ 2,923,668.75
12/31/2017	Sewer	SRF Payment - Yucaipa Regional Brineline	2013-2032	\$ 652,249.39
3/1/2018	Water	2015A Bond Payment - YVRWFF	2015-2034	\$ 603,806.25
3/31/2018	Sewer	SRF Payment - Recycled Reservoir R-10.3	2014-2033	\$ 54,243.03
3/31/2018	Sewer	SRF Payment - Desalinization at WRWRF	2014-2033	\$ 186,470.11
3/31/2018	Sewer	SRF Payment - Crow Street/Recycled Booster B-12.1	2016-2035	\$ 21,247.48
<b>Total</b>				<b>\$ 6,131,791.26</b>

**Payment Schedule and Cash Flow Requirements  
for Fiscal Year 2017-18**



### Checks and Electronic Payments - February 2018

<u>Check Date</u>	<u>Check Number</u>	<u>Name</u>	<u>Check Amount</u>
2/2/2018	31002	PAYROLL CHECK	\$ 2,166.85
2/2/2018	31003	WageWorks, Inc.	\$ 1,483.43
2/2/2018	31004	IBEW Local 1436	\$ 532.00
2/2/2018	31005	California State Disbursement	\$ 115.38
2/2/2018	31006	California State Disbursement	\$ 397.38
2/2/2018	31007	Department of the Treasury - I	\$ 175.00
2/5/2018	31008	Atkinson, Andelson, Loya, Ruud	\$ 10,307.42
2/5/2018	31009	MILLER, DENNIS L	\$ 823.87
2/5/2018	31010	Atkinson, Andelson, Loya, Ruud	\$ 2,442.78
2/5/2018	31011	Luis Crespo	\$ 165.00
2/5/2018	31012	Luke's Transmission Inc.	\$ 166.45
2/5/2018	31013	All American Sewer Tools	\$ 3,491.00
2/5/2018	31014	Ameripride Uniform Services	\$ 627.26
2/5/2018	31015	Aqua-Metric Sales Company	\$ 36,550.50
2/5/2018	31016	BSK Associates	\$ 1,245.00
2/5/2018	31017	Burgeson's Heating & Air Cond.	\$ 444.00
2/5/2018	31018	Miriam Avalos	\$ 150.00
2/5/2018	31019	Corelogic, Inc.	\$ 330.00
2/5/2018	31020	Coverall North America, Inc.	\$ 1,021.00
2/5/2018	31021	Crown Ace Hardware - Yucaipa	\$ 890.09
2/5/2018	31022	First American Data Tree, LLC	\$ 50.00
2/5/2018	31023	Evoqua Water Technologies LLC	\$ 1,102.10
2/5/2018	31024	Frontier Communications	\$ 149.05
2/5/2018	31025	G&G Environmental Compliance, I	\$ 4,440.73
2/5/2018	31026	Gonzales Environmental Consult	\$ 10,000.00
2/5/2018	31027	House Of Quality, Parts Plus	\$ 1,977.63
2/5/2018	31028	InfoSend, Inc.	\$ 1,441.75
2/5/2018	31029	Raiset R. Santana and Adriana	\$ 146.25
2/5/2018	31030	Krieger & Stewart	\$ 74,284.40
2/5/2018	31031	Nagem, Inc.	\$ 689.84
2/5/2018	31032	National Business Furniture LL	\$ 5,778.55
2/5/2018	31033	NetComp Technologies, Inc.	\$ 2,718.86
2/5/2018	31034	Pacific Coast Landscape & Desi	\$ 5,700.00
2/5/2018	31035	Pro-Pipe & Supply, Inc.	\$ 94.47
2/5/2018	31036	SCCI, Inc.	\$ 350.00
2/5/2018	31037	San Bernardino County Dept of	\$ 28,602.00
2/5/2018	31038	SB CNTY-Fire Hazard Abatement	\$ 100.00
2/5/2018	31039	San Bdno. Valley Muni. Water D	\$ 83,581.66
2/5/2018	31040	Association of San Bernardino	\$ 175.00
2/5/2018	31041	Spectrum Business	\$ 1,834.00
2/5/2018	31042	Stark-Edge Custom Curbing	\$ 350.00
2/5/2018	31043	Superior Tank Co., Inc.	\$ 3,900.00
2/5/2018	31044	The Gas Company	\$ 218.34
2/5/2018	31045	UPS Store#1504/ Mail Boxes Etc	\$ 208.00
2/5/2018	31046	Kenneth Carnes	\$ 2,786.60
2/5/2018	31047	Backflow Apparatus & Valve Co.	\$ 106.80
2/5/2018	31048	Brenntag Pacific, Inc	\$ 32,040.91
2/5/2018	31049	Cemex Inc. USA	\$ 1,414.98
2/5/2018	31050	Grainger	\$ 142.13
2/5/2018	31051	Harrington Ind. Plastic, LLC	\$ 1,236.56
2/5/2018	31052	Hasa, Inc.	\$ 3,551.23
2/5/2018	31053	Hemet Valley Tool Inc.	\$ 394.49

### Checks and Electronic Payments - February 2018

<u>Check Date</u>	<u>Check Number</u>	<u>Name</u>	<u>Check Amount</u>
2/5/2018	31054	Inland Water Works Supply Co.	\$ 4,880.07
2/5/2018	31055	Nuckles Oil Company, Inc.	\$ 3,087.53
2/5/2018	31056	Astra Associates Inc.	\$ 846.95
2/5/2018	31057	Nalco Company	\$ 5,164.50
2/5/2018	31058	NCL Of Wisconsin Inc	\$ 1,085.46
2/5/2018	31059	Pall Corporation	\$ 150.00
2/5/2018	31060	Polydyne Inc.	\$ 2,949.12
2/5/2018	31061	Quinn Company	\$ 199.82
2/5/2018	31062	Safety Kleen Systems, Inc.	\$ 952.23
2/5/2018	31063	US Bank	\$ 9,655.67
2/5/2018	31064	Jennifer Ares	\$ 44.31
2/5/2018	31065	Ryan Janisch	\$ 35.00
2/5/2018	31066	Standard Insurance Company	\$ 1,988.04
2/5/2018	31067	US Healthworks Medical Group,	\$ 608.09
2/5/2018	31068	Workboot Warehouse	\$ 356.59
2/5/2018	31069	Berkshire Hathaway Homestate C	\$ 11,243.89
2/5/2018	31070	Standard Insurance Vision Plan	\$ 676.60
2/5/2018	31071	MetLife Small Business Center	\$ 78.03
2/5/2018	31072	Ashley Gibson	\$ 131.84
2/5/2018	31073	Boot Barn Inc.	\$ 167.39
2/5/2018	31074	Blue Shield of California	\$ 1,817.80
2/5/2018	31075	Nippon Life Insurance Co. of A	\$ 2,203.79
2/12/2018	31076	PALOMAREZ, GUILLERMO	\$ 23.86
2/12/2018	31077	Grainger	\$ 241.86
2/12/2018	31078	AmeriGas Propane LP	\$ 160.55
2/12/2018	31079	Ameripride Uniform Services	\$ 633.34
2/12/2018	31080	Aqua-Metric Sales Company	\$ 2,785.34
2/12/2018	31081	Bernell Hydraulics, Inc.	\$ 424.80
2/12/2018	31082	BSK Associates	\$ 250.00
2/12/2018	31083	Cal's Towing	\$ 85.00
2/12/2018	31084	Cal-Mesa Steel Supply, Inc.	\$ 113.78
2/12/2018	31085	Cliff's Pest Control, Inc.	\$ 115.00
2/12/2018	31086	Jan Brinkman Jr.	\$ 65.00
2/12/2018	31087	Daily Journal Corporation	\$ 721.60
2/12/2018	31088	Eco Pro Environmental Services	\$ 85.00
2/12/2018	31089	Evoqua Water Technologies LLC	\$ 1,932.41
2/12/2018	31090	Fedex	\$ 113.85
2/12/2018	31091	InfoSend, Inc.	\$ 3,400.42
2/12/2018	31092	Konica Minolta Business Soluti	\$ 1,037.67
2/12/2018	31093	Lawyers Title	\$ 900.00
2/12/2018	31094	Merlin Johnson Construction, In	\$ 150.00
2/12/2018	31095	Nagem, Inc.	\$ 746.83
2/12/2018	31096	Q Versa, LLC	\$ 54,191.42
2/12/2018	31097	Red Alert Special CourieVOIDED	\$ 344.25
2/12/2018	31098	San Bernardino County Dept of	\$ 2,256.00
2/12/2018	31099	SB CNTY-Fire Hazard Abatement	\$ 656.00
2/12/2018	31100	Underground Service Alert Of S	\$ 361.45
2/12/2018	31101	Wateruse Association	\$ 1,605.00
2/12/2018	31102	Wells Fargo Bank-Corporate Tru	\$ 603,548.00
2/12/2018	31103	News Mirror Publishing, Inc.	\$ 300.00
2/12/2018	31104	Yucaipa Valley Water District	\$ 6,928.39
2/12/2018	31105	Luke's Transmission Inc.	\$ 634.49



### Checks and Electronic Payments - February 2018

<u>Check Date</u>	<u>Check Number</u>	<u>Name</u>	<u>Check Amount</u>
2/12/2018	31106	Brenntag Pacific, Inc	\$ 7,881.19
2/12/2018	31107	Hach Company	\$ 1,007.21
2/12/2018	31108	Inland Water Works Supply Co.	\$ 6,184.96
2/12/2018	31109	Nuckles Oil Company, Inc.	\$ 2,871.82
2/12/2018	31110	NCL Of Wisconsin Inc	\$ 1,286.66
2/12/2018	31111	Tom Ponton Industries, Inc.	\$ 1,677.38
2/12/2018	31112	SF CC Intermediate Holdings In	\$ 79.99
2/12/2018	31113	Star Fleet Filtration, Inc.	\$ 391.76
2/12/2018	31114	Steven Enterprises, Inc	\$ 61.96
2/12/2018	31115	Uline, Inc.	\$ 1,744.46
2/12/2018	31116	Calmat Company	\$ 5,070.01
2/12/2018	31117	YRC, Inc.	\$ 267.87
2/12/2018	31118	CWEA-TCP (OAKPORT ST.)	\$ 350.00
2/16/2018	31119	PAYROLL CHECK	\$ 2,166.86
2/16/2018	31120	PAYROLL CHECK	\$ 431.40
2/16/2018	31121	Association of San Bernardino	\$ 135.00
2/16/2018	31122	WageWorks, Inc.	\$ 1,483.43
2/16/2018	31123	California State Disbursement	\$ 115.38
2/16/2018	31124	California State Disbursement	\$ 397.38
2/16/2018	31125	Department of the Treasury - I	\$ 175.00
2/20/2018	31126	State Water Resources Control	\$ 60.00
2/20/2018	31127	CWEA-TCP (OAKPORT ST.)	\$ 265.00
2/20/2018	31128	Dhaval Kothari	\$ 351.65
2/20/2018	31129	JAMES, DEDA	\$ 37.61
2/20/2018	31130	FIELD, BEVERLY & JOH	\$ 18.25
2/20/2018	31131	NIZINSKI, BERNARD	\$ 117.24
2/20/2018	31132	MILLER, ANDREW	\$ 83.58
2/20/2018	31133	Delta Partners, LLC	\$ 7,500.00
2/20/2018	31134	Dudek & Associates, Inc	\$ 34,343.00
2/20/2018	31135	HDR Engineering, Inc.	\$ 5,873.10
2/20/2018	31136	One Stop Landscape Supply Inc	\$ 23,244.50
2/20/2018	31137	Platinum Advisors, LLC	\$ 5,000.00
2/20/2018	31138	RMC Water and Environment	\$ 1,764.00
2/20/2018	31139	San Bdno. Valley Muni. Water D	\$ 22,314.00
2/20/2018	31140	Scinor Water America, LLC	\$ 157,042.29
2/20/2018	31141	David L. Wysocki	\$ 2,737.50
2/20/2018	31142	Matthew M. Barlow	\$ 789.49
2/20/2018	31143	Ameripride Uniform Services	\$ 610.10
2/20/2018	31144	AT&T Mobility	\$ 1,504.31
2/20/2018	31145	John F. Simister	\$ 973.19
2/20/2018	31146	Best Home Center	\$ 31.14
2/20/2018	31147	Clinical Laboratory of San Ber	\$ 12,047.50
2/20/2018	31148	Victor James Valenti	\$ 4,334.48
2/20/2018	31149	Evoqua Water Technologies LLC	\$ 257.59
2/20/2018	31150	Gerold Construction Inc.	\$ 45,114.00
2/20/2018	31151	Nicholas C. Hendrickson	\$ 75.99
2/20/2018	31152	Nagem, Inc.	\$ 935.00
2/20/2018	31153	Red Alert Special Couriers	\$ 344.26
2/20/2018	31154	San Gorgonio Pass Water Agency	\$ 12,693.72
2/20/2018	31155	Separation Processes, Inc.	\$ 5,992.25
2/20/2018	31156	Spectrum Business	\$ 2,649.00
2/20/2018	31157	The Counseling Team Internatio	\$ 240.00

### Checks and Electronic Payments - February 2018

<u>Check Date</u>	<u>Check Number</u>	<u>Name</u>	<u>Check Amount</u>
2/20/2018	31158	Yucaipa Disposal, Inc.	\$ 1,480.65
2/20/2018	31159	Alfa Laval Inc.	\$ 8,081.25
2/20/2018	31160	California Water Technologies,	\$ 4,023.86
2/20/2018	31161	Dinosaur Tire Inc.	\$ 1,028.11
2/20/2018	31162	Grainger	\$ 1,168.85
2/20/2018	31163	Haaker Equipment Company	\$ 108.29
2/20/2018	31164	Industrial Safety Supply Corp	\$ 140.40
2/20/2018	31165	Inland Water Works Supply Co.	\$ 492.48
2/20/2018	31166	Office Solutions Business Prod	\$ 104.68
2/20/2018	31167	Patton Sales Corporation	\$ 738.09
2/20/2018	31168	Sinclair Rock and Sand Inc.	\$ 4,800.00
2/20/2018	31169	Steven Enterprises, Inc	\$ 2,863.77
2/20/2018	31170	Uline, Inc.	\$ 1,237.42
2/20/2018	31171	Kristen Frankforter	\$ 180.93
2/20/2018	31172	WageWorks, Inc.	\$ 207.50
2/20/2018	31173	Ashley Gibson	\$ 66.49
2/26/2018	31174	Atkinson, Andelson, Loya, Ruud	\$ 11,741.98
2/26/2018	31175	Peggy Little	\$ 70.32
2/26/2018	31176	Allison Edmisten	\$ 34.16
2/26/2018	31177	HOMES, INVITATION	\$ 172.40
2/26/2018	31178	TREJO-GARCIA, LINDA	\$ 650.00
2/26/2018	31179	ADS, LLC	\$ 4,275.00
2/26/2018	31180	Luke's Transmission Inc.	\$ 15.00
2/26/2018	31181	Ameripride Uniform Services	\$ 662.44
2/26/2018	31182	John F. Simister	\$ 418.10
2/26/2018	31183	Bear Valley Mutual Water Compa	\$ 2,646.00
2/26/2018	31184	Burgeson's Heating & Air Cond.	\$ 33,950.00
2/26/2018	31185	CA State Dept of Parks & Recre	\$ 2,000.00
2/26/2018	31186	Randall L. and Leann L. Miller	\$ 700.00
2/26/2018	31187	Central Communications	\$ 122.86
2/26/2018	31188	Fedex	\$ 21.08
2/26/2018	31189	Frontier Communications	\$ 150.35
2/26/2018	31190	Incode Division-Tyler Technolo	\$ 2,762.44
2/26/2018	31191	InfoSend, Inc.	\$ 5,254.17
2/26/2018	31192	Nagem, Inc.	\$ 986.27
2/26/2018	31193	NetComp Technologies, Inc.	\$ 2,550.00
2/26/2018	31194	Pacific Coast Landscape & Desi	\$ 17,305.00
2/26/2018	31195	Pro-Pipe & Supply, Inc.	\$ 25.98
2/26/2018	31196	DMJ and Associates, Inc.	\$ 186.41
2/26/2018	31197	SCE Rosemead	\$ 163,817.34
2/26/2018	31198	Spectrum Business	\$ 1,834.00
2/26/2018	31199	U.S. Telepacific Corp	\$ 2,449.26
2/26/2018	31200	Vortex Industries. Inc.	\$ 1,196.50
2/26/2018	31201	Wells Fargo Bank-Corporate Tru	\$ 5,000.00
2/26/2018	31202	William Lyon Homes, Inc	\$ 21,858.99
2/26/2018	31203	Airgas, Inc.	\$ 84.76
2/26/2018	31204	All American Sewer Tools	\$ 766.12
2/26/2018	31205	Aqua-Metric Sales Company	\$ 2,317.95
2/26/2018	31206	Brenntag Pacific, Inc	\$ 21,617.35
2/26/2018	31207	Mar-Lyn Builders, Inc.	\$ 1,047.07
2/26/2018	31208	JW D'Angelo Co.	\$ 2,852.57
2/26/2018	31209	Fresno Oxygen	\$ 636.19

## Checks and Electronic Payments - February 2018

<u>Check Date</u>	<u>Check Number</u>	<u>Name</u>	<u>Check Amount</u>
2/26/2018	31210	Grainger	\$ 216.70
2/26/2018	31211	Graybar Electric Co., Inc.	\$ 62.81
2/26/2018	31212	Haaker Equipment Company	\$ 1,659.68
2/26/2018	31213	Hasa, Inc.	\$ 7,330.39
2/26/2018	31214	Myers & Sons Hi-Way Safety Inc	\$ 794.12
2/26/2018	31215	Home Depot U.S.A. Inc	\$ 9,156.67
2/26/2018	31216	Industrial Safety Supply Corp	\$ 792.35
2/26/2018	31217	Inland Water Works Supply Co.	\$ 11,632.38
2/26/2018	31218	Nicholas C. Hendrickson	\$ 422.14
2/26/2018	31219	Nuckles Oil Company, Inc.	\$ 2,074.48
2/26/2018	31220	Nalco Company	\$ 5,164.50
2/26/2018	31221	BlueTarp Financial, Inc.	\$ 426.88
2/26/2018	31222	Office Solutions Business Prod	\$ 150.40
2/26/2018	31223	Polydyne Inc.	\$ 2,949.12
2/26/2018	31224	Tom Ponton Industries, Inc.	\$ 11,445.21
2/26/2018	31225	R & R Anderson Trucking	\$ 1,021.07
2/26/2018	31226	Donald Kent Stone	\$ 540.00
2/26/2018	31227	Calmat Company	\$ 5,255.53
2/26/2018	31228	NEIGHBORHOOD PTSHP H	\$ 432.78
2/2/2018	31229	PAYROLL CHECK - VOID	\$ -
2/2/2018	31230	PAYROLL CHECK - VOID	\$ -
			<b>\$ 1,849,776.27</b>
2/2/2018	electronic pmt	IRS - PAYROLL TAXES	\$ 51,292.65
2/2/2018	electronic pmt	CA-EDD	\$ 9,512.35
2/2/2018	electronic pmt	VOYA-457	\$ 5,516.63
2/2/2018	electronic pmt	CA-PERS Supplemental Income 45	\$ 19,256.76
2/2/2018	electronic pmt	Public Employees' Retirement S	\$ 23,382.88
2/16/2018	electronic pmt	IRS - PAYROLL TAXES	\$ 48,598.65
2/16/2018	electronic pmt	CA-EDD	\$ 8,357.57
2/16/2018	electronic pmt	VOYA-457	\$ 7,009.63
2/16/2018	electronic pmt	CA-PERS Supplemental Income 45	\$ 21,157.68
2/16/2018	electronic pmt	Public Employees' Retirement S	\$ 22,847.81
2/20/2018	electronic pmt	CalPERS - HEALTH	\$ 72,445.11
			<b>\$ 289,377.72</b>

## Investment Summary - February 2018

### U.S. TREASURIES

Quantity	Description	Cusip	Maturity Date	Yield	Cost of Purchase	Market Value
500,000	US Treasury Bill	912796PQ6	July 12, 2018	0.330%	\$ 496,612.76	\$ 506,650.13
<b>Total Values</b>					<b>\$ 496,612.76</b>	<b>\$ 506,650.13</b>

<b>Money Market Account Activity-Beginning Balance</b>	<b>\$ 506,866.56</b>
7/31/17 - Bond Interest	\$ -
12/31/17 - Dividend/Interest	\$ 61.33
Business Account Fee	\$ (125.00)
<b>Income</b>	<b>\$ (63.67)</b>
Intra-Bank Transfers to/from Investment Checking	\$ -
<b>Fund Transfers</b>	<b>\$ -</b>
Cusip Maturity	\$ -
<b>Redemptions</b>	<b>\$ -</b>
Cusip Purchase	\$ (496,612.76)
<b>Purchases</b>	<b>\$ (496,612.76)</b>
<b>Ending Balance - Money Market</b>	<b>\$ 10,190.13</b>
<b>US Treasury Securities Investment Principal</b>	<b>\$ 496,612.76</b>
<b>Total Assets</b>	<b>\$ 506,802.89</b>

*Note: As of 3/7/18, the updated treasury information for February has not been received. The information above is as of 1/31/18.*

## Investment Summary - February 2018

### LOCAL AGENCY INVESTMENT FUND

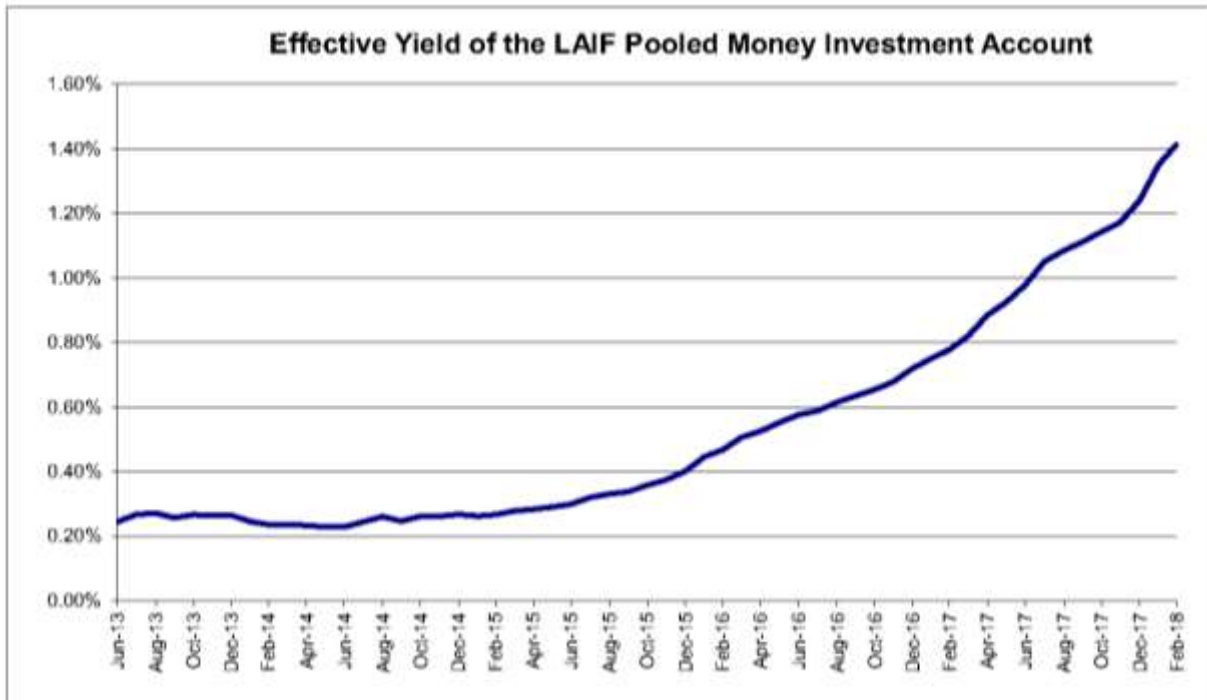
PERIOD	TOTAL WITHDRAWAL AMOUNT	TOTAL DEPOSIT AMOUNT	ACCRUED INTEREST (QUARTERLY)	ENDING BALANCE
July 31, 2017	\$ (1,600,000.00)	\$ -	\$ 34,146.51	\$ 13,745,550.98
August 31, 2017	\$ (4,000,000.00)	\$ -	\$ -	\$ 9,745,550.98
September 30, 2017	\$ -	\$ -	\$ -	\$ 9,745,550.98
October 31, 2017	\$ -	\$ -	\$ 32,517.12	\$ 9,778,068.10
November 30, 2017	\$ -	\$ -	\$ -	\$ 9,778,068.10
December 31, 2017	\$ -	\$ 1,804,683.42	\$ -	\$ 11,582,751.52
January 31, 2018	\$ -	\$ -	\$ -	\$ 11,582,751.52
February 28, 2018	\$ -	\$ -	\$ -	\$ 11,582,751.52
March 31, 2018	\$ -	\$ -	\$ -	\$ 11,582,751.52
April 30, 2018	\$ -	\$ -	\$ -	\$ 11,582,751.52
May 31, 2018	\$ -	\$ -	\$ -	\$ 11,582,751.52
June 30, 2018	\$ -	\$ -	\$ -	\$ 11,582,751.52

**L.A.I.F. INCOME SUMMARY**

INCOME RECEIVED

CURRENT QUARTER    FY YEAR-TO-DATE

\$ -                      \$ 66,663.63



FY 2017-18 Water Revenue					
G/L ACCOUNT #	DESCRIPTION	BUDGET	Feb '18	Year to Date	%
02-40010	Sales - Water	\$ 5,912,971	\$ 273,430	\$ 3,663,362	61.95%
02-40011	Sales - Construction Water	\$ 20,000	\$ 741	\$ 20,892	104.46%
02-40012	Sales - Imported Water (SGPWA)	\$ 250,000	\$ 11,463	\$ 155,821	62.33%
02-40013	Sales - Imported Water (MUNI)	\$ 850,000	\$ 39,911	\$ 492,790	57.98%
02-40014	Sales Disc.-Multi Units Usage Chrg.	\$ (100,000)	\$ (7,115)	\$ (69,845)	69.85%
02-40015	Water Wholesale Revenue	\$ 300,000	\$ 11,426	\$ 107,502	35.83%
02-40016	Service Establishment Fee	\$ 5,000	\$ -	\$ 500	10.00%
02-41000	Service Demand Charges	\$ 3,200,000	\$ 264,597	\$ 1,907,402	59.61%
02-41001	Fire Service Standby Fees	\$ 45,000	\$ 3,273	\$ 14,491	32.20%
02-41003	Construction Service Charge	\$ 15,000	\$ 209	\$ 1,633	10.88%
02-41005	Sales Disc.-Multi Units Service Chrg.	\$ (135,000)	\$ (11,360)	\$ (82,187)	60.88%
02-41010	Unauthorized Use of Water Charge	\$ 2,000	\$ -	\$ 375	18.75%
02-41110	Meter/Lateral installation	\$ 75,000	\$ -	\$ 15,210	20.28%
02-41112	Fire Flow Test Fees	\$ 3,500	\$ 150	\$ 2,625	75.00%
02-41113	Disconnect/Reconnect Fees	\$ 125,000	\$ 5,850	\$ 49,735	39.79%
02-41121	Penalty - Late Charges	\$ 125,000	\$ 9,556	\$ 96,370	77.10%
02-42123	Management & Accounting Fees	\$ 189,000	\$ 15,750	\$ 126,000	66.67%
02-41124	Bad Debt	\$ (20,000)	\$ -	\$ -	0.00%
02-43010	Interest Earned	\$ 50,000	\$ 610	\$ 47,667	95.33%
02-43110	Property Tax - Unsecured	\$ 115,000	\$ 125	\$ 48,358	42.05%
02-43120	Property Tax - Secured	\$ 2,600,000	\$ 64,684	\$ 1,415,729	54.45%
02-43130	Tax Collection - Prior	\$ 25,000	\$ (35,745)	\$ (34,712)	-138.85%
02-43140	Other Taxes	\$ 170,000	\$ 145	\$ 102,214	60.13%
02-49110	Rental Income (WATER STOCK)	\$ 1,700	\$ -	\$ -	
02-49150	Revenue - Misc. Non-Operating	\$ 100,000	\$ 7,091	\$ 52,380	52.38%
	<b>WATER OPERATING REVENUE</b>	<b>\$ 13,924,171</b>	<b>\$ 654,789</b>	<b>\$ 8,134,313</b>	<b>58.42%</b>
	Grants	\$ -	\$ -	\$ -	
02-89901	Facility Capacity Charges	\$ -	\$ -	\$ 136,697	
02-89902	Sustainability	\$ -	\$ -	\$ 38,130	
	<b>TOTAL WATER REVENUE</b>	<b>\$ 13,924,171</b>	<b>\$ 654,789</b>	<b>\$ 8,309,140</b>	

NOTE: Plan check & inspection fees to 02-42122

FY 2017-18 Sewer Revenue					
G/L ACCOUNT #	DESCRIPTION	BUDGET	Feb '18	Year to Date	%
03-40016	Sales - Establish Service Fee	\$ 500	\$ -	\$ 175	35.00%
03-41000	Sales - Sewer Charges	\$ 11,890,265	\$ 958,581	\$ 7,080,425	59.55%
03-41005	Sales Disc-Multi Units Service Chrg.	\$ (200,000)	\$ (18,244)	\$ (133,594)	66.80%
03-41110	Meter/Lateral Installation	\$ 2,500	\$ -	\$ -	0.00%
03-41121	Penalty - Late Charges	\$ 129,925	\$ 11,180	\$ 83,573	64.32%
03-41131	Front Footage Fees	\$ 30,000	\$ -	\$ -	0.00%
03-41124	Bad Debt	\$ (15,000)	\$ -	\$ -	0.00%
03-42122	Revenue - Other Operating	\$ 3,250	\$ -	\$ 1,260	38.77%
03-43010	Interest Earned	\$ 35,000	\$ -	\$ 44,352	126.72%
03-43110	Property Tax - Unsecured	\$ 50,000	\$ -	\$ 50,000	100.00%
03-43120	Property Tax - Secured	\$ 175,000	\$ -	\$ 175,000	100.00%
03-43130	Tax Collection - Prior	\$ 10,000	\$ -	\$ 10,000	100.00%
03-43140	Other Taxes	\$ 1,500	\$ -	\$ 1,500	100.00%
03-49150	Misc. Non-Oper Revenue	\$ 20,000	\$ -	\$ -	0.00%
	<b>SEWER OPERATING REVENUE</b>	<b>\$ 12,132,940</b>	<b>\$ 951,517</b>	<b>\$ 7,312,691</b>	<b>60.27%</b>
	Grants	\$ -		\$ -	
03-89901	Facility Capacity Charges	\$ -	\$ -	\$ 324,598	
03-89903	Contrib Capital-Front Footage Fees	\$ -	\$ -	\$ -	
03-89905	Contrib Capital-Infrastructure	\$ -	\$ -	\$ -	
	<b>TOTAL SEWER REVENUE</b>	<b>\$ 12,132,940</b>	<b>\$ 951,517</b>	<b>\$ 7,637,289</b>	

FY 2017-18 Recycled Revenue					
G/L ACCOUNT #	DESCRIPTION	BUDGET	Feb '18	Year to Date	%
04-40010	Sales - Recycled Water	\$ 565,795	\$ 16,161	\$ 318,398	56.27%
04-40011	Sales - Construction Water	\$ 20,000	\$ 124	\$ 1,644	8.22%
04-41000	Sales - Service Demand Chrg.	\$ 60,000	\$ 5,670	\$ 40,718	67.86%
04-41003	Const. Water Minimum Chrg.	\$ 5,000	\$ 94	\$ 591	11.82%
04-41110	Meter/Lateral installation	\$ 15,000	\$ -	\$ (650)	-4.33%
04-41121	Penalty - Late Charges	\$ 1,000	\$ 269	\$ 3,353	335.32%
04-41122	Revenue - Other Operating	\$ 500	\$ -	\$ (1,145)	-228.96%
04-43010	Interest Earned	\$ 10,000	\$ -	\$ 9,856	98.56%
04-43110	Property Tax - Unsecured	\$ 10,000	\$ -	\$ 10,000	100.00%
04-43120	Property Tax - Secured	\$ 110,000	\$ -	\$ 110,000	100.00%
04-43130	Property Tax - Prior	\$ 10,000	\$ -	\$ 10,000	100.00%
04-43140	Property Tax - Other	\$ 2,500	\$ -	\$ 2,500	100.00%
04-49150	Misc. Non-Operating Revenue	\$ 1,000	\$ -	\$ -	0.00%
	<b>RECYCLED OPERATING REVENUE</b>	<b>\$ 810,795</b>	<b>\$ 22,318</b>	<b>\$ 505,266</b>	<b>62.32%</b>
	Grants	\$ -	\$ -	\$ -	
04-89901	Facility Capacity Charges	\$ -	\$ -	\$ -	
	<b>TOTAL RECYCLED REVENUE</b>	<b>\$ 810,795</b>	<b>\$ 22,318</b>	<b>\$ 505,266</b>	



FY 2017-18 Water Expenses					
G/L ACCOUNT #	DESCRIPTION	BUDGET	Feb '18	Year to Date	%
02-5-01-50010	Labor-Water Resources	\$ 832,563	\$ 63,868	\$ 488,668	58.69%
02-5-01-50011	Labor Credit	\$ -	\$ -	\$ -	
02-5-01-50013	Benefits-Fica	\$ 55,800	\$ 5,285	\$ 40,318	72.25%
02-5-01-50014	Benefits-Life Insurance	\$ 3,440	\$ 117	\$ 934	27.14%
02-5-01-50016	Benefits-Health\Defrd Comp	\$ 144,480	\$ 16,435	\$ 123,302	85.34%
02-5-01-50017	Benefits-Disability Insurance	\$ 6,565	\$ 930	\$ 6,788	103.39%
02-5-01-50019	Benefits-Workers Compensation	\$ 19,693	\$ -	\$ 16,907	85.85%
02-5-01-50021	Benefits-PERS	\$ 51,059	\$ 2,963	\$ 24,598	48.18%
02-5-01-50022	Benefits-PERS-Employer	\$ 106,500	\$ 3,753	\$ 31,231	29.32%
02-5-01-50023	Benefits-Uniforms	\$ 2,580	\$ 148	\$ 1,231	47.72%
02-5-01-50024	Benefits-Vacation & Sick Pay	\$ 7,500	\$ 709	\$ 5,400	72.00%
02-5-01-50025	Benefits-Boot Allowance	\$ 1,720	\$ -	\$ 1,522	88.52%
02-5-01-51003	R&M - Structures	\$ 275,000	\$ 45,270	\$ 341,558	124.20%
02-5-01-51011	R&M - CLA Valves	\$ 30,000	\$ -	\$ 7,175	23.92%
02-5-01-51140	General Supplies & Expenses	\$ 1,000	\$ -	\$ 1,393	139.28%
02-5-01-51210	Utilities - Power Purchases	\$ 1,400,000	\$ 88,388	\$ 855,962	61.14%
02-5-01-51211	Utilities - Electricity & Fuel	\$ 5,000	\$ 402	\$ 2,695	53.89%
02-5-01-51316	Imported Water Purchases	\$ 1,100,000	\$ 62,552	\$ 1,126,649	102.42%
02-5-01-54019	Licenses & Permits	\$ 25,000	\$ 2,256	\$ 46,422	185.69%
02-5-01-54110	Laboratory Services	\$ 85,000	\$ -	\$ 31,856	37.48%
02-5-01-57040	YVRWFF Operating Expense	\$ 750,000	\$ 24,192	\$ 540,726	72.10%
	<b>WATER RESOURCE TOTALS</b>	<b>\$ 4,902,900</b>	<b>\$ 317,266</b>	<b>\$ 3,695,333</b>	<b>75.37%</b>
02-5-03-50010	Labor-Public Works	\$ 1,503,049	\$ 92,812	\$ 721,406	48.00%
02-5-03-50011	Labor Credit	\$ -	\$ -	\$ (3,176)	
02-5-03-50013	Benefits-Fica	\$ 126,030	\$ 7,402	\$ 55,753	44.24%
02-5-03-50014	Benefits-Life Insurance	\$ 9,500	\$ 192	\$ 1,980	20.84%
02-5-03-50016	Benefits-Health\Defrd Comp	\$ 399,000	\$ 27,811	\$ 240,884	60.37%
02-5-03-50017	Benefits-Disability Insurance	\$ 14,900	\$ 1,319	\$ 10,186	68.36%
02-5-03-50019	Benefits-Workers Compensation	\$ 44,500	\$ -	\$ 17,829	40.07%
02-5-03-50021	Benefits-PERS	\$ 45,000	\$ 2,903	\$ 22,000	48.89%
02-5-03-50022	Benefits-PERS Employer	\$ 102,000	\$ 6,046	\$ 47,312	46.38%
02-5-03-50023	Benefits-Uniforms	\$ 4,000	\$ 445	\$ 4,951	123.78%
02-5-03-50024	Benefits-Vacation & Sick Pay	\$ 7,500	\$ 147	\$ 2,031	27.08%
02-5-03-50025	Benefits-Boot Allowance	\$ 4,750	\$ -	\$ 3,783	79.65%
02-5-03-51001	R & M - Vehicles & Equipment	\$ 230,000	\$ 18,309	\$ 215,251	93.59%
02-5-03-51011	R&M - Valves	\$ 10,000	\$ -	\$ 7,172	71.72%
02-5-03-51020	R&M - Pipelines	\$ 225,000	\$ 1,509	\$ 145,567	64.70%
02-5-03-51021	R&M - Service Lines	\$ 175,000	\$ 65	\$ 39,002	22.29%
02-5-03-51022	R&M - Fire Hydrants	\$ 40,000	\$ -	\$ 12,125	30.31%
02-5-03-51030	R&M - Water Meters	\$ 75,000	\$ -	\$ 36,412	48.55%
02-5-03-51031	Fire Flow Testing	\$ 28,259	\$ -	\$ 18,352	64.94%
02-5-03-51092	Equipment Credits	\$ -	\$ -	\$ (3,192)	
02-5-03-51140	General Supplies & Expenses	\$ 1,000	\$ 85	\$ 2,826	282.60%
	<b>PUBLIC WORKS TOTALS</b>	<b>\$ 3,044,488</b>	<b>\$ 159,045</b>	<b>\$ 1,598,455</b>	<b>52.50%</b>
02-5-06-50010	Labor-Administration	\$ 792,038	\$ 48,547	\$ 382,302	48.27%

FY 2017-18 Water Expenses					
G/L ACCOUNT #	DESCRIPTION	BUDGET	Feb '18	Year to Date	%
02-5-06-50011	Labor Credit	\$ -	\$ -	\$ -	
02-5-06-50012	Director Fees	\$ 22,500	\$ 2,699	\$ 15,299	67.99%
02-5-06-50013	Benefits-Fica	\$ 62,000	\$ 4,554	\$ 32,585	52.56%
02-5-06-50014	Benefits-Life Insurance	\$ 3,740	\$ 134	\$ 993	26.55%
02-5-06-50016	Benefits-Health\Defrd Comp	\$ 154,600	\$ 18,912	\$ 145,903	94.37%
02-5-06-50017	Benefits-Disability Insurance	\$ 7,300	\$ 694	\$ 5,164	70.73%
02-5-06-50019	Benefits-Workers Compensation	\$ 21,900	\$ -	\$ 8,433	38.51%
02-5-06-50021	Benefits-PERS	\$ 56,700	\$ 2,616	\$ 20,620	36.37%
02-5-06-50022	Benefits PERS Employer	\$ 118,200	\$ 3,599	\$ 28,978	24.52%
02-5-06-50023	Uniforms	\$ 2,800	\$ 106	\$ 1,028	36.71%
02-5-06-50024	Benefits-Vacation & Sick Pay	\$ 8,000	\$ 256	\$ 2,406	30.07%
02-5-06-50025	Benefits-Boots	\$ 1,840	\$ 140	\$ 1,381	75.05%
02-5-06-51003	R&M - Structures	\$ 45,000	\$ 2,400	\$ 128,113	284.70%
02-5-06-51091	Expense Credits (overhead)	\$ -	\$ (3)	\$ (2,601)	
02-5-06-51120	Safety Equipment/Supplies	\$ 25,000	\$ 792	\$ 18,632	74.53%
02-5-06-51125	Petroleum Products	\$ 100,000	\$ 8,532	\$ 75,664	75.66%
02-5-06-51130	Office Supplies & Expenses	\$ 30,000	\$ 1,761	\$ 13,219	44.06%
02-5-06-51140	General Supplies & Expenses	\$ 35,000	\$ 6,555	\$ 36,116	103.19%
02-5-06-51199	Disaster Incidences	\$ -	\$ -	\$ -	
02-5-06-51211	Utilities - Electricity	\$ 30,000	\$ 1,919	\$ 21,160	70.53%
02-5-06-51213	Utilities - Natural Gas	\$ 3,000	\$ 308	\$ 889	29.64%
02-5-06-54002	Dues & Subscriptions	\$ 16,500	\$ 569	\$ 14,466	87.67%
02-5-06-54005	Computer Expenses	\$ 100,000	\$ 7,751	\$ 99,297	99.30%
02-5-06-54010	Postage	\$ 3,500	\$ 135	\$ 2,413	68.93%
02-5-06-54011	Printing & Publications	\$ -	\$ -	\$ 1,207	
02-5-06-54012	Education & Training	\$ 15,000	\$ 1,295	\$ 7,530	50.20%
02-5-06-54013	Utility Billing Expenses	\$ 180,000	\$ 9,458	\$ 108,621	60.35%
02-5-06-54014	Public Relations	\$ 50,000	\$ 1,119	\$ 2,676	5.35%
02-5-06-54016	Travel Related Expenses	\$ 10,000	\$ 3,355	\$ 12,728	127.28%
02-5-06-54017	Certifications & Renewals	\$ 7,000	\$ 480	\$ 6,314	90.19%
02-5-06-54020	Meeting Related Expenses	\$ 8,000	\$ 719	\$ 4,495	74.92%
02-5-06-54022	Utilities - YVWD Services	\$ 50,000	\$ -	\$ 42,779	85.56%
02-5-06-54024	Utilities - Waste Disposal	\$ 2,500	\$ -	\$ 1,337	53.49%
02-5-06-54025	Utilities - Telephone & Internet	\$ 45,000	\$ 2,876	\$ 27,845	61.88%
02-5-06-54099	Conservation & Rebates	\$ 10,000	\$ 22,314	\$ 22,735	
02-5-06-54104	Contractual Services	\$ 80,000	\$ 2,786	\$ 85,584	106.98%
02-5-06-54107	Legal	\$ 40,000	\$ 21	\$ 40,301	100.75%
02-5-06-54108	Audit & Accounting	\$ 16,000	\$ -	\$ 10,975	68.59%
02-5-06-54109	Professional Fees	\$ 165,000	\$ 8,855	\$ 128,094	77.63%
02-5-06-55500	Depreciation Reserves	\$ 200,000	\$ 16,667	\$ 133,333	66.67%
	Infrastructure Replacement	\$ 1,000,000	\$ 83,333	\$ 666,664	66.67%
02-5-06-56001	Insurance	\$ 100,000	\$ 7,872	\$ 64,166	64.17%
02-5-06-57030	Regulatory Compliance	\$ 15,000	\$ -	\$ 1,905	12.70%
02-5-06-57090	Election Related Expenses	\$ -	\$ -	\$ -	
02-5-06-57096	Beaumont Basin Watermaster	\$ 50,000	\$ -	\$ 15,988	31.98%
02-5-06-57199	Suspense	\$ -	\$ -	\$ -	
	<b>ADMINISTRATION TOTALS</b>	<b>\$ 3,681,118</b>	<b>\$ 274,125</b>	<b>\$ 2,437,735</b>	<b>66.22%</b>

FY 2017-18 Water Expenses					
G/L ACCOUNT #	DESCRIPTION	BUDGET	Feb '18	Year to Date	%
02-5-40-57201	Debt Srv-Series 2015A Princ.(2500	\$ 1,065,000	\$ 603,806	\$ 1,668,806	156.70%
02-5-40-57402	Interest-Long-Term Debt Bonds	\$ 1,230,665	\$ -	\$ 625,106	50.79%
	<b>40 - Debt</b>	<b>\$ 2,295,665</b>	<b>\$ 603,806</b>	<b>\$ 2,293,913</b>	<b>99.92%</b>
02-5-40-57001	Asset Acq. - Water Resources	\$ -	\$ -	\$ -	--
02-5-40-57003	Asset Acq. - Public works	\$ -	\$ -	\$ -	--
02-5-40-57006	Asset Acq. - Admin (fuel master)	\$ -	\$ -	\$ -	--
	<b>40 - Capital Outlay</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>--</b>
				\$ 10,025,436	
	<b>TOTAL WATER EXPENSES</b>	<b>\$ 13,924,171</b>	<b>\$ 1,354,243</b>	<b>\$ 10,025,436</b>	<b>72.00%</b>

FY 2017-18 Sewer Expenses					
G/L ACCOUNT #	DESCRIPTION	BUDGET	Feb '18	Year to Date	%
03-5-02-50010	Labor-S Treatment	\$ 878,548	\$ 65,061	\$ 530,527	60.39%
03-5-02-50013	Benefits-Fica	\$ 62,000	\$ 5,196	\$ 42,765	68.98%
03-5-02-50014	Benefits-Life Insurance	\$ 3,680	\$ 109	\$ 1,032	28.05%
03-5-02-50016	Benefits-Health\Defrd Comp	\$ 155,600	\$ 14,190	\$ 122,730	78.88%
03-5-02-50017	Benefits-Disability Insurance	\$ 7,300	\$ 886	\$ 6,864	94.03%
03-5-02-50019	Benefits-Workers Compensation	\$ 21,900	\$ -	\$ 16,907	77.20%
03-5-02-50021	Benefits-PERS	\$ 53,000	\$ 3,077	\$ 27,448	51.79%
03-5-02-50022	Benefits-PERS Employer	\$ 92,375	\$ 3,822	\$ 34,285	37.11%
03-5-02-50023	Benefits-Uniforms	\$ 2,800	\$ 311	\$ 2,412	86.14%
03-5-02-50024	Benefits-Vacation & Sick Pay	\$ 5,000	\$ 414	\$ 3,335	66.69%
03-5-02-50025	Benefits-Boot Allowance	\$ 1,840	\$ -	\$ 1,644	89.35%
03-5-02-51003	R&M - Structures	\$ 275,000	\$ 61,980	\$ 449,598	163.49%
03-5-02-51010	R&M - Automation Control	\$ 80,000	\$ -	\$ 37,989	47.49%
03-5-02-51106	Chemicals	\$ 500,000	\$ 41,851	\$ 394,742	78.95%
03-5-02-51111	Propane	\$ 10,000	\$ -	\$ 161	1.61%
03-5-02-51115	Laboratory Supplies	\$ 30,000	\$ 477	\$ 22,737	75.79%
03-5-02-51140	General Supplies & Expenses	\$ 2,000	\$ 489	\$ 1,858	92.90%
03-5-02-51210	Utilities - Power Purchases	\$ 800,000	\$ 62,410	\$ 553,014	69.13%
03-5-02-54110	Laboratory Services	\$ 100,000	\$ 1,902	\$ 60,852	60.85%
03-5-02-57031	Sludge Disposal	\$ 250,000	\$ -	\$ 157,151	62.86%
03-5-02-57034	Brine Operating Expenses	\$ 300,000	\$ 30,464	\$ 208,462	69.49%
	<b>TREATMENT TOTALS</b>	<b>\$ 3,631,043</b>	<b>\$ 292,639</b>	<b>\$ 2,676,511</b>	<b>73.71%</b>
03-5-06-50010	Labor-Administration	\$ 707,579	\$ 40,271	\$ 312,632	44.18%
03-5-06-50011	Labor Credit	\$ -	\$ -	\$ -	
03-5-06-50012	Directors Fees	\$ 22,500	\$ 2,699	\$ 15,299	67.99%
03-5-06-50013	Benefits-Fica	\$ 54,200	\$ 3,873	\$ 26,941	49.71%
03-5-06-50014	Benefits-Life Insurance	\$ 3,500	\$ 116	\$ 919	26.26%
03-5-06-50016	Benefits-Health\Defrd Comp	\$ 144,700	\$ 16,502	\$ 129,090	89.21%
03-5-06-50017	Benefits-Disability Insurance	\$ 6,400	\$ 569	\$ 4,336	67.76%
03-5-06-50019	Benefits-Workers Compensation	\$ 19,100	\$ -	\$ 11,433	59.86%
03-5-06-50021	Benefits-PERS	\$ 49,600	\$ 2,243	\$ 17,027	34.33%
03-5-06-50022	Benefits PERS Employer	\$ 103,300	\$ 3,047	\$ 23,628	22.87%
03-5-06-50023	Benefits-Uniforms	\$ 2,564	\$ 58	\$ 529	20.64%
03-5-06-50024	Benefits-Vacation & Sick Pay	\$ 10,000	\$ 256	\$ 2,406	24.06%
03-5-06-50025	Benefits-Boot Allowance	\$ 1,710	\$ -	\$ -	0.00%
03-5-06-51120	Safety Equipment/Supplies	\$ 10,000	\$ 717	\$ 3,781	37.81%
03-5-06-51125	Petroleum Products	\$ 20,000	\$ 1,200	\$ 10,803	54.02%
03-5-06-51130	Office Supplies	\$ 4,000	\$ 1,503	\$ 5,730	143.25%
03-5-06-51140	General Supplies & Expenses	\$ 25,000	\$ 1,974	\$ 20,768	83.07%
03-5-06-51199	Disaster Repairs	\$ -	\$ -	\$ -	
03-5-06-54002	Dues & Subscriptions	\$ 10,000	\$ -	\$ 7,741	77.41%
03-5-06-54003	Management & Admin Services	\$ 189,000	\$ 15,750	\$ 126,000	66.67%
03-5-06-54005	Computer Expenses	\$ 100,000	\$ 2,250	\$ 81,486	81.49%
03-5-06-54011	Printing & Publications	\$ -	\$ -	\$ 159	N/A
03-5-06-54012	Education & Training	\$ 9,000	\$ 1,862	\$ 6,696	74.41%
03-5-06-54014	Public Relations	\$ 50,000	\$ -	\$ 1,486	2.97%
03-5-06-54016	Travel Related Expenses	\$ 7,000	\$ 3,191	\$ 12,965	185.22%
03-5-06-54017	Certifications & Renewals	\$ 7,500	\$ -	\$ 2,743	36.57%
03-5-06-54019	Licenses & Permits	\$ 62,500	\$ 2,000	\$ 65,558	104.89%
03-5-06-54020	Meeting Related Expenses	\$ 5,000	\$ 558	\$ 3,493	69.85%

FY 2017-18 Sewer Expenses					
G/L ACCOUNT #	DESCRIPTION	BUDGET	Feb '18	Year to Date	%
03-5-06-54022	Utilities - YVWD Services	\$ 2,000	\$ -	\$ 849	42.43%
03-5-06-54024	Utilities - Waste Disposal	\$ 13,000	\$ -	\$ 7,777	59.83%
03-5-06-54025	Utilities - Telephone & Internet	\$ 30,000	\$ 4,156	\$ 36,417	121.39%
03-5-06-54030	Drinking Water	\$ 1,000	\$ 85	\$ 805	80.47%
03-5-06-54104	Contractual Services	\$ 70,000	\$ 910	\$ 33,671	48.10%
03-5-06-54107	Legal	\$ 45,000	\$ -	\$ 31,793	70.65%
03-5-06-54108	Audit & Accounting	\$ 16,000	\$ -	\$ 10,975	68.59%
03-5-06-54109	Professional Fees	\$ 225,000	\$ 2,500	\$ 125,131	55.61%
03-5-06-55500	Depreciation Reserves	\$ 500,000	\$ 41,667	\$ 333,334	66.67%
	Infrastructure Replacement	\$ 700,000	\$ 58,333	\$ 466,664	66.67%
03-5-06-56001	Insurance	\$ 100,000	\$ 7,872	\$ 62,974	62.97%
03-5-06-57030	Regulatory Compliance	\$ 50,000	\$ -	\$ 48,232	96.46%
	<b>ADMINISTRATION TOTALS</b>	<b>\$ 3,376,153</b>	<b>\$ 216,163</b>	<b>\$ 2,052,272</b>	<b>60.79%</b>
03-5-07-50010	Labor-Environmental Control	\$ 524,161	\$ 28,814	\$ 251,145	47.91%
03-5-07-50011	Labor Credit	\$ -	\$ -	\$ -	
03-5-07-50013	Benefits-Fica	\$ 43,302	\$ 2,231	\$ 19,645	45.37%
03-5-07-50014	Benefits-Life Insurance	\$ 3,200	\$ 63	\$ 510	15.95%
03-5-07-50016	Benefits-Health\Defrd Comp	\$ 134,400	\$ 8,815	\$ 63,040	46.90%
03-5-07-50017	Benefits-Disability Insurance	\$ 5,100	\$ 397	\$ 3,205	62.84%
03-5-07-50019	Benefits-Workers Compensation	\$ 15,300	\$ -	\$ 11,969	78.23%
03-5-07-50021	Benefits-PERS	\$ 25,000	\$ 860	\$ 8,996	35.98%
03-5-07-50022	Benefits-PERS Employer	\$ 40,000	\$ 1,761	\$ 15,983	39.96%
03-5-07-50023	Benefits-Uniforms	\$ 2,400	\$ 149	\$ 1,319	54.98%
03-5-07-50024	Benefits-Vacation & Sick Pay	\$ 2,000	\$ 220	\$ 1,872	93.58%
03-5-07-50025	Benefits-Boot Allowance	\$ 1,600	\$ -	\$ 338	21.12%
03-5-07-51003	R&M - Structures	\$ 225,000	\$ 4,373	\$ 151,413	67.29%
03-5-07-51140	General Supplies & Expenses	\$ 1,000	\$ -	\$ 710	70.95%
03-5-07-51241	Lift Station #1	\$ 70,000	\$ 3,733	\$ 35,109	50.16%
03-5-07-51242	Lift Station #2	\$ 30,000	\$ 939	\$ 8,145	27.15%
03-5-07-51243	Lift Station #3	\$ 15,000	\$ 233	\$ 3,224	21.49%
03-5-07-51244	Lift Station #4	\$ 50,000	\$ 490	\$ 6,051	12.10%
03-5-07-51248	Lift Station #8	\$ 3,000	\$ 73	\$ 2,033	67.77%
03-5-07-54111	Pretreatment	\$ 66,000	\$ -	\$ 36,378	55.12%
	<b>ENVIRONMENTAL CONTROL TOTAL</b>	<b>\$ 1,256,463</b>	<b>\$ 53,152</b>	<b>\$ 621,084</b>	<b>49.43%</b>
03-5-40-57202	Debt Service - Principal - WRWRF	\$ 2,199,524	\$ -	\$ 2,199,524	100.00%
03-5-40-57203	Debt Service - Principal - Brineline	\$ 423,936	\$ -	\$ 423,936	100.00%
03-5-40-57204	Debt Service - Principal - WISE	\$ 130,782	\$ -	\$ -	0.00%
03-5-40-57205	Debt Service - Principal - R 10.3	\$ 38,318	\$ -	\$ -	0.00%
03-5-40-57206	Debt Service - Principal - Crow & B12-1	\$ 15,014	\$ -	\$ -	0.00%
03-5-40-57403	Debt Service - Interest	\$ 1,061,707	\$ -	\$ 949,482	89.43%
	<b>40 - Debt</b>	<b>\$ 3,869,281</b>	<b>\$ -</b>	<b>\$ 3,572,942</b>	<b>92.34%</b>
03-5-40-57002	Asset Acq. - Treatment	\$ -	\$ -	\$ -	
03-5-40-57006	Asset Acq. - Admin (fuel master)	\$ -	\$ -	\$ -	
03-5-40-57007	Asset Acq. - EC (ADS flow monitors & smart covers)	\$ -	\$ -	\$ -	
	<b>40 - Capital Outlay</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
				<b>\$ 8,922,810</b>	
	<b>TOTAL SEWER EXPENSES</b>	<b>\$ 12,132,940</b>	<b>\$ 561,954</b>	<b>\$ 8,922,810</b>	<b>73.54%</b>

FY 2017-18 Recycled Expenses					
G/L ACCOUNT #	DESCRIPTION	BUDGET	Feb '18	Year to Date	%
04-5-06-50010	Labor-Recycled Water	\$ 343,507	\$ 27,255	\$ 236,835	68.95%
04-5-06-50012	Director Fees	\$ 5,000	\$ -	\$ -	0.00%
04-5-06-50013	Benefits-FICA	\$ 20,000	\$ 2,211	\$ 18,051	90.25%
04-5-06-50014	Benefits-Life Insurance	\$ 1,820	\$ 61	\$ 412	22.66%
04-5-06-50016	Benefits-Health & Def Comp	\$ 30,000	\$ 9,046	\$ 56,002	186.67%
04-5-06-50017	Benefits-Disability Insurance	\$ 3,300	\$ 426	\$ 2,962	89.75%
04-5-06-50019	Benefits-Workers Compensation	\$ 4,000	\$ -	\$ 8,011	200.27%
04-5-06-50021	Benefits-PERS Employee	\$ 11,000	\$ 1,146	\$ 10,098	91.80%
04-5-06-50022	Benefits-PERS Employer	\$ 18,243	\$ 1,981	\$ 16,357	89.66%
04-5-06-50023	Benefits-Uniforms	\$ 1,365	\$ 70	\$ 417	30.54%
04-5-06-50024	Benefits-Vacation & Sick Pay	\$ 500	\$ 21	\$ 265	53.09%
04-5-06-50025	Benefits-Boots	\$ 910	\$ -	\$ 200	21.98%
04-5-06-51003	R & M-Structures	\$ 25,000	\$ -	\$ 28,907	115.63%
04-5-06-51011	R & M-Valves	\$ 5,000	\$ -	\$ -	0.00%
04-5-06-51020	R & M-Pipelines	\$ 5,000	\$ -	\$ 734	14.68%
04-5-06-51021	R & M-Service Lines	\$ 15,000	\$ -	\$ 1,024	6.83%
04-5-06-51022	R & M-Fire Hydrants	\$ 1,000	\$ -	\$ -	0.00%
04-5-06-51030	R & M-Meters/Backflows	\$ 9,000	\$ 5,638	\$ 9,177	101.96%
04-5-06-51140	General Supplies & Expenses	\$ 2,500	\$ -	\$ 5,560	222.40%
04-5-06-51210	Utilities-Power Purchases	\$ 85,000	\$ 1,887	\$ 40,419	47.55%
04-5-06-54002	Dues & Subscriptions	\$ 4,000	\$ -	\$ 1,688	42.20%
04-5-06-54005	Computer Expense	\$ 9,000	\$ -	\$ 10,298	114.43%
04-5-06-54011	Printing & Publications	\$ -	\$ -	\$ 35	N/A
04-5-06-54012	Education & Training	\$ 4,000	\$ 150	\$ 4,317	107.93%
04-5-06-54014	Public Relations	\$ 2,000	\$ -	\$ 1,057	52.83%
04-5-06-54016	Travel Related Expenses	\$ 2,500	\$ 392	\$ 3,879	155.15%
04-5-06-54017	Certifications & Renewals	\$ 500	\$ -	\$ 871	174.20%
04-5-06-54019	Licenses & Permits	\$ 20,000	\$ -	\$ 11,156	55.78%
04-5-06-54020	Meeting Related Expenses	\$ 1,000	\$ 131	\$ 998	99.80%
04-5-06-54022	Utilities - YVWD Services	\$ 25,000	\$ -	\$ 19,180	76.72%
04-5-06-54025	Utilities - Telephone & Internet	\$ 1,500	\$ -	\$ 1,304	86.91%
04-5-06-54010	Contractual Services	\$ 8,400	\$ 29	\$ 2,268	27.00%
04-5-06-54107	Legal	\$ 1,250	\$ -	\$ -	0.00%
04-5-06-54108	Audit & Accounting	\$ 2,500	\$ -	\$ 1,950	78.00%
04-5-06-54109	Professional Fees	\$ 40,000	\$ -	\$ 57,936	144.84%
04-5-06-54110	Laboratory Services	\$ -	\$ -	\$ -	
04-5-06-55500	Depreciation	\$ 8,000	\$ 665	\$ 5,340	66.75%
	Infrastructure Replacement	\$ 25,000	\$ 2,083	\$ 16,664	66.66%
04-5-06-56001	Insurance	\$ 20,000	\$ 1,749	\$ 13,994	69.97%
04-5-06-57030	Regulatory Compliance	\$ 40,000	\$ 789	\$ 16,204	40.51%
04-5-06-57040	Environmental Compliance	\$ 9,000	\$ -	\$ -	0.00%
				\$ 604,570	
	<b>TOTAL RECYCLED EXPENSES</b>	<b>\$ 810,795</b>	<b>\$ 55,729</b>	<b>\$ 604,570</b>	<b>74.57%</b>



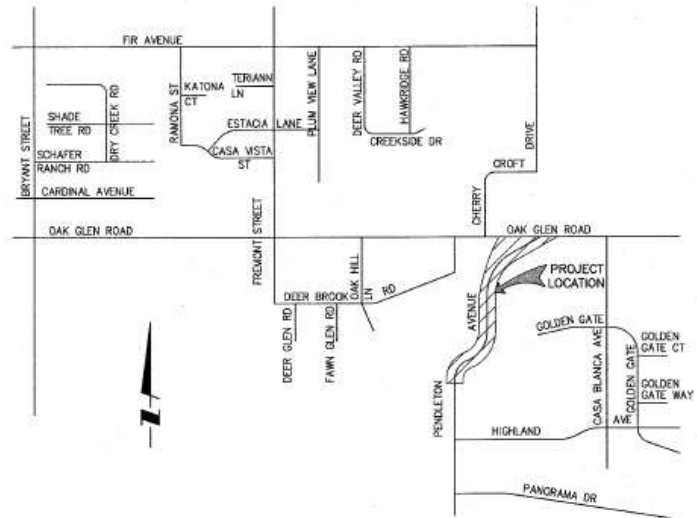
**Date:** March 13, 2018

**From:** Matthew Porras, Management Analyst

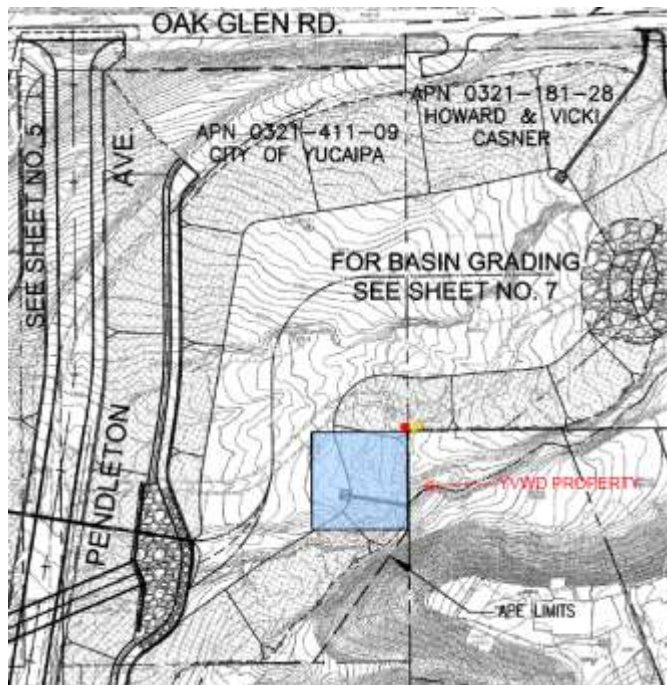
**Subject:** Property Offer from City of Yucaipa, 11335 Pendleton Avenue, Yucaipa

The City of Yucaipa is planning a project that will adjust the alignment and elevation of the roadway on Pendleton Avenue, south of Oak Glen Road and north of Highland Avenue. The project also improves the surrounding area and will assist in flood control.

The District owns property that will be impacted by this project. The City of Yucaipa has prepared an offer to purchase the property of approximately 10,000 square feet for a price of \$25,000 as described in the attachment. The District has an interest in maintaining a monitoring well and limited access.



**VICINITY MAP**



District staff will provide future updates as an agreement is drafted.



December 20, 2016

Yucaipa Valley Water District  
Joseph Zoba, General Manager  
12770 2<sup>nd</sup> Street  
Yucaipa, California 92399

Reference: Offer to purchase in fee your real property identified as 11355 Pendleton Avenue, Yucaipa, California and San Bernardino County Assessor's Parcel Number 0321-411-10

Dear Joe:

The City of Yucaipa ("City") seeks to acquire your property located at 11355 Pendleton Avenue in the City of Yucaipa and also identified as San Bernardino County Assessor's Parcel Number 0321-411-10 (referred to below as the "Property") to construct the proposed Oak Glen Creek Open Space Acquisition Project ("Project").

The proposed project in and along Pendleton Avenue is part of the City Yucaipa's Low Water Crossing Replacement Project. Construction in the manner proposed necessitates the acquisition of private property for the realignment of Pendleton Avenue consistent with existing and proposed flood control basin improvements in the vicinity.

I apologize for the formality of this letter, but the law requires that it contain certain information. I am happy to meet with you to discuss the City's offer and to answer any questions you may have regarding this offer.

1. **OFFER TO PURCHASE.** Subject to, and upon the terms and conditions set forth below, the City hereby offers to purchase the Property for a public use:

- An approximate 10,000 square foot parcel described more particularly on Exhibit "A" to this letter and depicted on Exhibit "B" to this letter.

Exhibits "A" and "B" are incorporated herein by this reference.

It is the policy of the City to acquire property that is in private ownership only when it is necessary to do so, and through voluntary purchase, if possible. In accordance with the applicable law, the City has obtained, and has reviewed and approved, an appraisal of the fair market cash value of the Property.

2. **PURCHASE PRICE.** The City offers to purchase the Property for \$25,000.00. This amount represents at least the full amount that the City believes to be just compensation for the acquisition of the Property as of September 12, 2016. It is not less than the approved

10076.00807.0024075v1.doc



appraisal of the Property on the date of value of September 12, 2016 and does not include any increase or decrease in value of the Property caused by the Project for which the City seeks to acquire the Property.

This amount does not reflect any relocation assistance, benefits or payments, if any, that you may be entitled to receive. However, there are no structures located on the Property, and accordingly, the proposed acquisition of the Property will not result in the displacement of any person, personal property or business. Since no businesses were found operating on the Property, the acquisition of the Property will not result in loss of business goodwill. Enclosed with this letter as Exhibit "C" is a brochure summarizing the Eminent Domain process and the legal requirements for establishing loss of business goodwill as set forth in Code of Civil Procedure section 1263.510.

Pursuant to Code of Civil Procedure section 1263.615, a public entity is required to advise a property owner if it plans to commence use of the property it seeks to purchase within two years, and if not, to offer the property owner an opportunity to lease back the property at market value. The City does not offer a leaseback agreement for the Property pursuant to Code of Civil Procedure section 1263.615 because the City's public use of the Property is scheduled to begin as soon as the City acquires the necessary property interests needed for the Project, or within two years, whichever is sooner.

3. **BASIS FOR OFFER.** The appraisal of the Property took into consideration the highest and best use of the Property, the location, the condition and size of any improvements existing on the land, zoning, the September 12, 2016 date of value, and other factors that affect fair market value. Fair market value is defined as "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." (Code of Civil Procedure § 1263.320).

#### *Description of the Property*

The subject parcel is an interior lot located approximately 280 feet east of Pendleton Avenue and approximately 400 feet south of Oak Glen Road, in the vicinity of Oak Glen Creek, east of Casa Blanca Avenue and northwest of Golden Gate Drive. The Property has no frontage on Pendleton Avenue; it does have legal access for ingress and egress from Lot 4, Block D owned by the City of Yucaipa. The subject has a street address of 11355 Pendleton Avenue, Yucaipa, California. Pendleton Avenue is a secondary arterial of the City.

The Property is within zoning district Institutional (IN).

#### *Highest and Best Use*

The appraiser opined that based on the physically possible, legally permissible, and financially feasible uses of the Property and based upon the general plan designation and zoning, the highest and best use of the Property is to hold for speculation; potential residential development.

### *Summary of Valuation Analysis*

Since the Property was valued as vacant land, only the Sales Comparison Approach is considered relevant with respect to estimating the Fee Simple value of the Property. The Cost Approach and Income Approach are not considered applicable in the valuation of vacant land. The sales transactions that were considered in the Sales Comparison Approach reflected properties with many qualities similar to the Property. Given the nature of the Property, and current market practice, exclusive consideration is given to the Sales Comparison Approach.

Under the Sales Comparison Approach, the appraiser relied on land sales transactions of properties with similar highest and best uses, zoning, utility and other factors of comparability. Specifically, the appraiser relied on five comparable land sales between April 2014 and March 2016. Two of the comparable sales are located in Banning; three are in Mentone. The comparable sales ranged in size from 10,850 s.f. to 12,632 s.f. They sold between \$2.23 per square foot to \$3.04 per square foot.

### *Fair Market Land Value of Property*

After making the relevant applicable adjustments, including adjustments for size, location, and market conditions, the appraiser opined that the fair market land value of the Property was \$2.50 per square foot. Thus, the fair market value of the Property is \$25,000, calculated as follows:

$$10,000 \text{ S.F.} \times \$2.50 \text{ per square foot} = \$25,000$$

The appraiser's valuation analysis and the market data relied on by the appraiser are attached hereto collectively as Exhibit "D" to this letter.

4. **CONDITIONS OF OFFER.** This offer is subject to and conditioned upon the following:

(a) the City's approval, in its sole and absolute discretion, of the results of such soils geological, toxic waste, hazardous substance, and/or any other kind of tests and analyses, as the City, or its representative, may perform prior to the opening of escrow, or, in the City's sole and absolute discretion, after the opening of escrow;

(b) the willingness to issue, and subsequent issuance as of the close of escrow, by a title insurance company of the City's choice, of a CLTA title insurance policy for the amount of the purchase price showing fee title to the Property vested in the City, subject only to such conditions, covenants, restrictions, and utility easements of record as are approved by the City in its sole and absolute discretion; and

(c) the timely acceptance of this offer in accordance with paragraph 6, below.

5. **RIGHT OF ENTRY.** By accepting this offer, you hereby grant to the City and its representatives, a right of entry at reasonable times for the purpose of conducting investigations and tests. Such investigation shall be at the City's expense.

6. **ACCEPTANCE AND POSSESSION.** If the above offer is acceptable, within thirty (30) days of the date of this offer, please date and sign the enclosed copy of this letter in the space provided and return it to me in the self-addressed reply envelope. Following receipt of your acceptance, the City will prepare a purchase and sale agreement and related documents and forward them for your review and execution.

7. **OFFER TO PAY REASONABLE COSTS OF AN INDEPENDENT APPRAISAL PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 1263.025.** Pursuant to Code of Civil Procedure section 1263.025, the City hereby offers to pay your reasonable costs, up to \$5,000.00, for an independent appraisal of the Property. By law, an appraiser licensed by the Office of Real Estate Appraisers must prepare the independent appraisal. Although you are not required to obtain an appraisal at this time or at all, if you believe such an appraisal will assist you in evaluating this offer, it is in your interest to obtain the independent appraisal as expeditiously as possible. Please let us know by January 31, 2017 whether you wish to have the City issue this money to you for this purpose. If you choose to have the City issue a check to your attention towards the reasonable costs of an independent appraisal of the Property please forward to the City an invoice from your appraiser identifying the property that is the subject of the appraisal and the fee charged for the appraisal. Alternatively, you can submit a declaration providing the relevant information under penalty of perjury in the form attached as Exhibit E hereto.

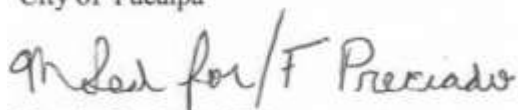
8. **ADMISSIBILITY OF OFFER.** If for any reason you should reject this offer, please be advised that this letter and the offer made herein are tendered under the provisions of Evidence Code section 1152, and shall not be admissible to prove the City's liability and may not be used as an admission of value in litigation or other proceeding involving the Property.

9. **EXPIRATION OF OFFER.** This offer will expire at 5:00 p.m. on January 31, 2017 unless your written acceptance is received at this office prior to that date and time.

If you have any questions or would like to discuss this offer, please do not hesitate to contact Mike Seal at (909) 797-2489. In the meantime, I will call you to schedule a meeting to discuss the City's offer and the Project.

Sincerely,

City of Yucaipa



Fermin Preciado, P.E.  
City Engineer

Enclosures

We hereby accept the above offer of the City of Yucaipa to purchase the Property identified as 11355 Pendleton Avenue, Yucaipa and San Bernardino County Assessor's Parcel Number 0321-411-10.

YUCAIPA VALLEY WATER DISTRICT

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Representative

File No: 616674348

**EXHIBIT "A"**

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

**PARCEL 1:**

That portion of Lot 4, Block D, Yucaipa Water & Lumber Company Subdivision NO. 1, in the City of Yucaipa, County of San Bernardino, State of California, as shown by Map on file in [Book 17, Page 27](#) of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the southeast corner of said Lot 4, said point being a ¾" iron pipe tagged "L.S. 2345;  
Thence North 00° 17' 00" West along the east line of said Lot 4, 137.85 feet to the True Point of Beginning;  
Thence continuing North 0° 17' 00" West, 100.00 feet;  
Thence at right angles, South 89° 43' 00" West, 100.00 feet;  
Thence at right angles South 00° 17' 00" East, 65.00 feet to a point hereinafter referred to as Point "A";  
Thence continuing South 00° 17' 00" East, 35.00 feet;  
Thence at right angles, North 89° 43' 00" East, 100.00 feet to the Point of Beginning.

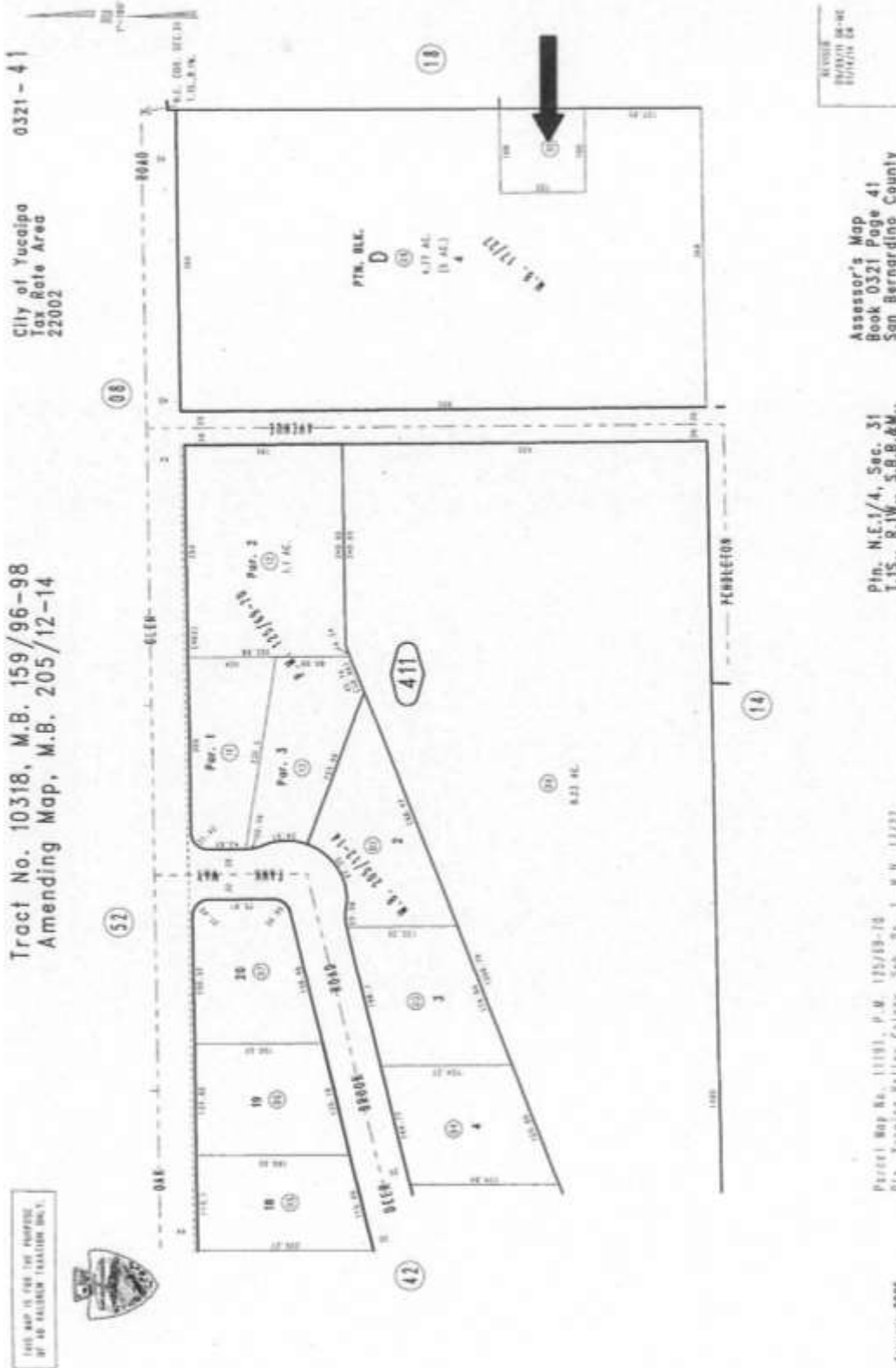
[Assessor's Parcel No: 0321-411-10](#)

**PARCEL 2:**

An easement for water lines, utility purposes, and ingress and egress over, under and across that portion of Lot 4, Block D, Yucaipa Water & Lumber Company Subdivision NO. 1, in the City of Yucaipa, County of San Bernardino, State of California, as shown by Map on file in [Book 17, Page 27](#) of Maps, in the Office of the County Recorder of said County, said easement being 20 feet in width, the centerline of said easement being described as follows:

Beginning at the aforesaid Point "A";  
Thence South 89° 43' 00" West, 259.75 feet to a point on the easterly right of way line of Pendleton Avenue, as shown by Map of Yucaipa Water & Lumber Company Subdivision NO. 1

# EXHIBIT 'B'



### ***Notice Informing Owners of Public Entity's Decision to Appraise Their Real Property***

When a public entity identifies real property or portions of that property that it may need for a proposed project, it sends to the property owners a notice informing the owners that it intends to appraise their property. This notice informs the owners that the public entity has decided to appraise their real property and notifies them that an appraiser will contact them. An appraiser licensed by the Office of Real Estate Appraisers will contact the owners and request permission to inspect their property. The appraiser will also invite the owners to accompany the appraiser on the inspection and to provide to the appraiser any information that the owners consider relevant to the value of the real property. Permitting the inspection and accompanying the appraiser on the site inspection will allow the appraiser to fully assess the value of the real property. If the owners do not allow the appraiser to inspect the real property, the appraiser will inspect the subject property from the public right of way.

### ***Appraisal of Fair Market Value of Real Property***

After the appraiser inspects the real property, the appraiser prepares an appraisal of the fair market value of the property.

#### ***What is fair market value?***

The Eminent Domain Law defines fair market value as the highest price on the date of value that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for selling the property, and a buyer, ready, willing and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available. (Code of Civil Procedure Section 1263.320). The appraisal will take into consideration the highest and best use of the real property. The appraisal can take several weeks to several months to be completed, depending on the appraiser's workload.

After the appraisal is completed, staff will review the appraisal to see if it complies with the requirements of the Eminent Domain Law. Staff will then recommend that the governing body of the public entity approve the appraisal and set just compensation. Just compensation must be at least the fair market value of the real property as set forth in the appraisal.

### **Offer**

#### ***When will the property owners receive an offer to purchase the property?***

The public entity will provide the owner with a written offer to purchase the real property or real property interests after it sets just compensation. The public entity generally sends the written offer within thirty (30) days from the date the public entity sets just compensation. The public entity cannot offer to purchase the real property for less than the fair market value of the property as determined by the appraisal. (Government Code Section 7267.2).

## Exhibit “C”

### EMINENT DOMAIN INFORMATIONAL PAMPHLET

#### INTRODUCTION

California Government Code Section 7267.2 requires a public entity to provide property owners with an information pamphlet detailing the eminent domain process and their rights under the Eminent Domain Law at the time it offers to purchase the owners’ real property or portions of their property. This informational pamphlet provides a general overview of the eminent domain process and answers questions commonly asked by property owners regarding their rights. This is an informational pamphlet only and is not intended to give a complete statement of all state or federal laws and regulations regarding eminent domain or to provide property owners with any form of legal advice.

#### OVERVIEW OF EMINENT DOMAIN PROCESS

##### What is eminent domain?

Eminent domain is the acquisition of private property by a public entity for a public use. Public entities, such as the state and the federal government, counties, cities, and school districts, may exercise the power of eminent domain to acquire real property for a public use if they meet all legal requirements, including the payment of just compensation to the owners or into the court for the benefit of the owners. (CALIFORNIA CONSTITUTION, art. I, sec. 19). Public uses include, but are not limited to roads, parks, public facilities, public utilities, police stations, fire stations, libraries, and schools.

A public entity may acquire any interest in real property such as a fee interest, permanent easement, slope easement, or temporary construction easement. A public entity may acquire only the property interests that are needed for the public use. If a public entity acquires a portion of a parcel and this results in damage to the remainder parcel, the owner is entitled to be compensated for the loss of value, if any, to the remainder parcel. If the appraiser determines that the remainder parcel is an uneconomic remnant because it will be left in a size, shape or condition to be of little or no value to the owner, the public entity will offer to purchase the entire parcel.

The law requires that public entities make every reasonable effort to acquire real property expeditiously by negotiated purchase. As discussed more fully below, there are several steps that a public entity must take prior to acquiring real property by eminent domain. These legal prerequisites are meant to protect property owners and ensure that they have an opportunity to participate in the acquisition process. These preacquisition steps include the appraisal process, offers and negotiations.

##### Appraisal Process

The public entity is required to obtain a fair market value appraisal of the real property before it can acquire it by eminent domain.



***What must the public entity include in the written offer to purchase the property?***

Government Code Section 7267.2 requires that the offer include a written statement of, and summary of the basis for, the amount the public entity established as just compensation. The offer must also include the following:

- The date of value, highest and best use, and applicable zoning of the real property;
- The principal transactions, reproduction or replacement cost analysis, or capitalization analysis, supporting the determination of value; and
- Where appropriate, the just compensation for the real property acquired and for damages to the remainder shall be separately stated and shall include the calculations and narrative explanation supporting the compensation, including any offsetting benefits.

If the real property is owner-occupied residential property and contains no more than four residential units, the owners are entitled to review a copy of the appraisal.

**Negotiations**

The public entity will negotiate with the property owners for the sale of the real property after it sends the offer letter

***Can the property owners obtain their own appraisal of their real property?***

As of January 1, 2007, the public entity is required to offer to pay the owners' reasonable costs, up to \$5,000.00, for an independent appraisal of their real property. The law requires that an appraiser licensed by the Office of Real Estate Appraisers prepare the independent appraisal. The public entity will inform the owners of their rights to be reimbursed for these appraisal costs at the time it sends the offer letter.

***Are the property owners required to accept the public entity's offer to purchase the property?***

No. The property owners are encouraged to contact the public entity to negotiate the sale of the real property. The owners can negotiate the amount they believe to be the fair market value of the real property and the terms and conditions of the offer.

***Are there any advantages to selling the real property to a public entity?***

Yes. The property owner will receive at least the fair market value of the real property and will not be responsible for real estate commissions, title fees, title insurance, escrow fees, closing costs, and other fees and costs. Some acquisitions by public entities in lieu of condemnation may result in tax benefits to the property owners. The owners should discuss any such tax benefits, if any, with their tax advisors.

### *Negotiated Acquisition*

If a negotiated agreement for the sale of the real property is reached, the public entity will prepare a purchase and sale agreement. The conveyance of the real property is handled through an escrow.

### **Resolution of Necessity**

If the public entity and the property owners do not reach an agreement for the sale of the real property, the public entity can hold a hearing to determine whether it will acquire the property by eminent domain.

### *Notice of Hearing on Resolution of Necessity*

If the public entity has determined that it is necessary to consider the acquisition of the real property by eminent domain, it will send a written notice to the property owners informing them of the date, time and location of the public entity's hearing at which it will consider the adoption of a resolution of necessity. (Code of Civil Procedure Section 1245.235). The notice informs the property owners of their right to be heard at this hearing and of their right to present evidence and to preserve their objections to the public entity's right to take the real property.

The Eminent Domain Law requires that a public entity make the following findings pursuant to Code of Civil Procedure Section 1245.230 to adopt a resolution of necessity authorizing the public entity to acquire the real property by eminent domain:

- That the public interest and necessity require the project;
- That the project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- That the subject property is necessary for the project; and
- That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence. (Code of Civil Procedure Section 1240.030).

A public entity may adopt a resolution of necessity only after the governing body has given each person whose real property is to be acquired by eminent domain and whose name and address appears on the last equalized assessment roll notice a reasonable opportunity to appear and be heard on the above matters.

The governing body of the public entity will consider all written and oral evidence before it at the hearing, including any objections to the adoption of the resolution of necessity. The public entity can adopt a resolution of necessity authorizing the acquisition of the real property by eminent domain if at least two-thirds of the all of the members of the governing body vote to adopt the resolution. If the governing body consists of five members, the adoption of a resolution of necessity requires at least four out of five affirmative votes.

### **Eminent Domain Proceeding**

The resolution of necessity is the document that authorizes the public entity's attorneys to commence an eminent domain proceeding. Accordingly, if the governing body of the public entity adopts a resolution of necessity, its attorneys will prepare a complaint in eminent domain and related pleadings to acquire the real property by eminent domain. Generally, the complaint in eminent domain will name as defendants any parties that have a recorded interest in the parcel, including the record owners, tenants, easement holders whose interests may be impacted by the acquisition of the property or beneficiaries under deeds of trust.

The public entity will serve the property owners and other named defendants with a copy of the summons, complaint and related documents filed with the court. The defendants served with the summons and complaint have thirty (30) days from the date that they are served with the summons and complaint to file an answer or responsive pleading with the court. (Code of Civil Procedure Section 412.20). Property owners should consider retaining an attorney with experience in eminent domain proceedings to represent them. The parties can continue to negotiate after the eminent domain proceeding is filed.

#### ***Orders for Prejudgment Possession and Deposit of Probable Compensation***

##### ***Can the public entity take possession of the real property before trial?***

A public entity may request an order from the court for early possession of the real property or real property interests. This is called an order for prejudgment possession.

To obtain an order for prejudgment possession, the public entity must show that it is entitled to acquire the real property by eminent domain and that it has deposited with the court for deposit into the county treasury or directly with the State Treasury the amount of probable compensation for the property. The public entity must submit a summary of the basis for the appraisal when it applies to deposit the amount of probable compensation with the court.

Property owners have the right to oppose a public entity's motion for an order for prejudgment possession. The public entity's motion for an order for prejudgment possession notifies property owners that they have the right to oppose the motion and that they must serve the public entity and file with the court the opposition to the motion within thirty (30) days from the date on which the property owner was served with the motion. If the property owners' opposition asserts a hardship, it has to be supported by a declaration signed under penalty of perjury stating facts supporting the hardship. The public entity can file a reply to the opposition not less than fifteen (15) days before the hearing. At the hearing, if the motion is opposed, the court may enter an order for possession of the real property after considering the relevant facts and any opposition if it finds each of the following:

- The public entity is entitled to take the property by eminent domain;
- The public entity has deposited the amount of probable compensation pursuant to Code of Civil Procedure Section 1255.010 *et seq.*;

- There is an overriding need for the public entity to possess the property prior to the issuance of final judgment in the case and the public entity will suffer a substantial hardship if the application for possession is denied or limited; and
- The hardship that the public entity will suffer if possession is denied or limited outweighs any hardship on the defendant or occupant that would be caused by the granting of the order for possession. (Code of Civil Procedure Section 1255.410).

#### ***Withdrawal of Deposit of Probable Compensation***

Property owners can apply to withdraw the funds on deposit with the court. Property owners must serve a copy of their application to withdraw the funds on the public entity. The court cannot order the disbursement of the funds on deposit until 20 days after the date on which the application for withdrawal was served on the public entity. The public entity may file an objection to the withdrawal if, for example, other parties to the proceeding are known or believed to have an interest in the just compensation. Property owners waive any challenges to the public entity's right to take if they withdraw the funds on deposit with the court. Property owners do not, however, waive their claims for greater compensation for the real property if they withdraw the funds on deposit.

#### **Trial**

In eminent domain proceedings, the judge decides legal issues, such as the right to take and the issue of entitlement to certain damages. Property owners are entitled to have the jury determine the amount of just compensation. The majority of eminent domain proceedings are resolved by the respective public entity and property owner prior to trial.

#### **VACATING THE PROPERTY**

##### **When will property owners and tenants be required to move from the real property?**

If you reach a negotiated settlement with the public entity, the public entity will attempt to determine a mutually agreeable date for you to move. If the real property is condemned, the public entity cannot require that you move without a court order. If your real property is lawfully occupied, the public entity must serve you with a motion for an order for prejudgment possession ninety (90) days before the court hearing. Orders for prejudgment possession are discussed more fully above. If the order for prejudgment possession is granted, the public entity must serve you with the order thirty (30) days before it intends to take possession of your property. If your real property is unoccupied, the public entity must serve you with a motion for an order for possession sixty (60) days before the court hearing. If the order is granted, the public entity must serve you with the order ten (10) days before it intends to take possession of your property.

#### **RELOCATION ASSISTANCE**

Property owners and occupants of real property (tenants) that are displaced as the result of a public project may be entitled to relocation assistance and benefits under the Uniform

Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 *et seq.*), if applicable, or under Title 1, Division 7, Chapter 1 of the Government Code of the State of California (Section 7260 *et seq.*) and the Relocation Assistance and Real Property Acquisition Guidelines (Chapter 6 of Title 25 of the California Code of Regulations). Relocation benefits may include moving expenses, re-establishment costs, rent differential payments, or interest differential payments. A relocation consultant, hired by the public entity, will meet with the property owners and or tenants to determine their eligibility and potential benefits.

#### **LOSS OF BUSINESS GOODWILL**

Goodwill is the benefit that accrues to a business as a result of its location, reputation, skill and other factors that contribute to a business maintaining and acquiring patrons. Public entities are required to compensate owners of a business conducted on the real property, or on the remainder parcel, if the business owners prove all of the following:

- The loss is caused by the taking of the real property or the injury to the remainder;
- The loss cannot reasonably be prevented by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill;
- Compensation for the loss will not be including in payments under Section 7262 of the Government Code; and
- Compensation for the loss will not duplicated in the compensation otherwise awarded to the owner.

Business owners must raise their claim for loss of business goodwill in their answer to the public entity's complaint. The public entity will engage a business valuation expert to determine the value of the goodwill of the business in the eminent domain proceeding.

**CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1263.510**

(a) The owner of a business conducted on the property taken, or on the remainder if the property is part of a larger parcel, shall be compensated for loss of goodwill if the owner proves all of the following:

(1) The loss is caused by the taking of the property or the injury to the remainder.

(2) The loss cannot reasonably be prevented by a relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill.

(3) Compensation for the loss will not be included in payments under Section 7262 of the Government Code.

(4) Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner.

(b) Within the meaning of this article, "goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage.

(c) If the public entity and the owner enter into a leaseback agreement pursuant to Section 1263.615, the following shall apply:

(1) No additional goodwill shall accrue during the lease.

(2) The entering of a leaseback agreement shall not be a factor in determining goodwill. Any liability for goodwill shall be established and paid at the time of acquisition of the property by eminent domain or subsequent to notice that the property may be taken by eminent domain.

**Low Water Crossing Replacement Project****EXECUTIVE SUMMARY**

<b>Identification of Properties:</b>	The parcel of the proposed full acquisition is identified as 11355 Pendleton Avenue, Yucaipa, CA.
<b>Assessor Parcel No.:</b>	0321-411-10-0-000
<b>Thomas Map No:</b>	SB 650C-1
<b>Date of Value:</b>	September 12, 2016
<b>Property Rights Appraised:</b>	Fee simple interest
<b>Land Area:</b>	Approximately 0.2296 acre or 10,000 square feet.
<b>Improvements:</b>	Raw land
<b>Zoning:</b>	Institutional Zoning District (IN) Municipal Plan and General Plan, City of Yucaipa Planning Department.
<b>Flood Zone:</b>	The site is located in Community Panel Number 060739-06071C8745H. The panel date is 08/28/2008. The site is located in Zone A. Flood Zone A is within the 100-year Floodplain and requires flood insurance.
<b>Earthquake:</b>	According to the California Division of Mines and Geology, the subject City of Yucaipa is located within an Alquist/Priolo Special Earthquake Zone.
<b>Utilities:</b>	Electricity, water, gas, telephone, and sewer are available on Oak Glen Road but not at the subject property.

EXHIBIT "D" (page 1 of 5)

**Low Water Crossing Replacement Project**

**Highest & Best Use  
of Parcel:**

**As Vacant:**

hold for speculative nature that has residential potential in conjunction with adjacent properties.

OPINION OF VALUE CONCLUSION - FEE SIMPLE LAND VALUE		
FAIR MARKET VALUE / APN 0321-411-10	\$	25,000

EXHIBIT "D" (page 2 of 5)





### Low Water Crossing Replacement Project

#### SUMMARY OF EFFECTIVELY VACANT LAND SALES

ITEM	STREET ADDRESS	SALE DATE	ZONE	CASH EQV. PRICE
	CITY STATE ZIP	DOCUMENT NO.	SQUARE FEET	PRICE PSF
	ASSESSOR'S PARCEL NUMBER	BUYER	ACRES	
		SELLER		

Low Density Residential

1	West Side of Murray St.	March 14, 2016	LDR	\$ 32,500
	North of Summit Dr.	98053	12,832	\$ 2.57
	Banning, CA 92220	John Muncy	0.29	
	534-021-016	Ken & Barbara Hicks		
2	NWC Murray St. & Summit Dr.	March 14, 2016	LDR	\$ 32,500
	Banning, CA 92220	98053	12,832	\$ 2.57
	534-021-018	John Muncy	0.29	
		Ken & Barbara Hicks		
3	2829 Mill Creek Road	June 17, 2014	RS	\$ 25,000
	Mertone, CA 92359	217100	11,200	\$ 2.23
	0302-152-15	James & Monique Sharlein	0.26	
		Breault P. Living Trust		
4	2815 Mill Creek Road	May 20, 2014	RS	\$ 33,000
	Mertone, CA 92359	182886	10,850	\$ 3.04
	0302-152-09	James & Monique Sharlein	0.25	
		Reda M. Mendoza Trust		
5	2821 Mill Creek Road	April 21, 2014	RS	\$ 27,500
	Mertone, CA 92359	140963	10,850	\$ 2.53
	0302-152-11	Jaime Sebastian	0.25	
		Reda M. Mendoza Trust		

EXHIBIT "D" (page 4 of 5)

	SUBJECT	One	Two	Three	Four	Five
Sale Price	N/A	\$32,500	\$32,500	\$25,000	\$33,000	\$27,500
Site Size (sf)	10,000	12,632	12,632	11,200	10,850	10,850
Acres	0.23	0.29	0.29	0.26	0.25	0.25
\$ psf	N/A	\$2.57	\$2.57	\$2.23	\$3.04	\$2.53
Rights Conveyed	Fee Simple	0%	0%	0%	0%	0%
Adjusted \$ psf	N/A	\$2.57	\$2.57	\$2.23	\$3.04	\$2.53
Financing Terms	Conventional	0%	0%	0%	0%	0%
Condition of Sale	Conventional	0%	0%	0%	0%	20%
Adjusted \$ psf	N/A	\$2.57	\$2.57	\$2.23	\$3.04	\$3.04
Date	September-16	2.5%	2.5%	11.0%	12.0%	12.0%
Adjusted \$ psf	N/A	\$2.64	\$2.64	\$2.48	\$3.41	\$3.41
General Location	Upper Income	10%	10%	0%	0%	0%
Specific Location	Pendleton Road	-5%	-5%	-5%	-5%	-5%
Site Improvements	None	0%	0%	0%	0%	0%
Site Shape	Rectangular	0%	0%	0%	0%	0%
Topography	Essentially Level	0%	0%	0%	0%	0%
Utility Status	None	-6%	-6%	-6%	-6%	-6%
Zone/Density	Institutional	-3%	-3%	-3%	-3%	-3%
Access	Interior	0%	-5%	0%	0%	0%
Flood Hazard	A-Zone	-10%	-10%	-10%	-10%	-10%
Site Size (sf)	10,000	10%	10%	8%	5.0%	5%
<hr/>						
Subtotal of Adjustments	Residential	-4%	-9%	-18%	-19%	-19.00%
<hr/>						
FINAL INDICATORS	Adjusted \$ psf	\$2.53	\$2.40	\$2.08	\$2.76	\$2.76
<hr/>						

EXHIBIT "D" (page 5 of 5)



**Date:** March 13, 2018  
**From:** Matthew Porras, Management Analyst  
**Subject:** Status of the Vehicle and Equipment Health Report

---

The purpose of this status report is to provide an evaluation of the vehicles and equipment used by District staff. The wide variety of tasks performed by staff requires a diverse fleet of vehicles and equipment. The table attached identifies all vehicles as well as key pieces of equipment owned by the District.

#### District Vehicle Fleet

The District operates and maintains 50 vehicles ranging from small electric carts to large combination sewer cleaning trucks.

Water Meter Reader staff members use right hand drive Jeep Wranglers to transport themselves from meter to meter. Integrated Operators primarily utilize  $\frac{3}{4}$  ton pick-up trucks for daily duties. Public Works staff may use a water truck, crane truck, service bed pick-up truck, dump truck, and combination cleaning truck all in one job.



The District currently has two units out of service due to mechanical issues and one unit out of service due to vehicle theft. Many assets in the category have been replaced in recent years, primarily pick-up and service trucks along with a water truck and two dump trucks. Upcoming additions to the vehicle fleet include; a combination cleaning truck, a replacement pick-up (for stolen vehicle mentioned above), small utility carts for onsite maintenance, a stake side pick-up truck to assist in moving inventory and material handling, small panel vans to be used for inspections, as well as efficient commuters for administrative staff members.

#### Large and Heavy Equipment

The assets in this category include various tractors, loaders, and lifts. The recent additions of a new back-hoe/loader and wheel loader have been vital to the District's ability to respond to issues that arise. Upcoming replacements include two back-hoes/loaders a crane truck, and a fork lift.



Towable Equipment

District trailers have many functions ranging from traffic arrow boards, to emergency spill response trailers, to portable distribution boosters. The recent acquisition of a trailer mounted message board assists in public notifications and enhanced traffic control safety. Upcoming additions include a combination light tower and power supply generator to be used during night work and emergency responses.



Emergency Preparedness

This category of equipment includes portable generators that can be transported (in an emergency) to District facilities that do not have pad mounted stand-by power generation. Upcoming additions include a



portable generator that would be positioned to provide power to the operations of the Public Works facilities in the event of a power outage. The benefit of utilizing a portable generator for the stand-by power of the Public Works facilities would increase the flexibility of the equipment to be relocated as needed.

Priority Replacements

Using the Vehicle Health Report as a guide to understand the need for replacement vehicles and equipment, District staff has prioritized a replacement schedule in three phases to be considered. The procurement of these vehicles and equipment will be a focus of District staff and the updates to the Vehicle Health Report will be discussed annually.

Replacement Phasing

Each phase identifies 10 assets to replace. The phases are not necessarily correlated to fiscal year, although can be used to assist in planning and budget analysis.

Phase 1 Replacements	Phase 2 Replacements	Phase 3 Replacements
Unit 33 -Vactor Truck	Unit 26 – 1 Ton Pick-Up	Unit 38 – 1 Ton Pick-Up
Unit 39 – Crane Truck	Unit 4 – ½ Ton SUV	Unit 45 – Jetter Truck
Unit 5 – ¾ Ton Pick-Up	Unit 11 - ¾ Ton Pick-Up	Unit 12 – GEM Cart
Unit 31 - ¾ Ton Pick-Up	Unit 13 - ¾ Ton Pick-Up	Unit 49 – GEM Cart
Unit 27 – GEM Cart	Unit 17 - ¾ Ton Pick-Up	Unit 51 – ¼ Ton Pick-Up
Unit 48 – GEM Cart	Unit 24 - ¾ Ton Pick-Up	Unit 60 – ¼ Ton Pick-Up
Unit 70 – ¾ Ton Pick-Up	Unit 15262 – Back Hoe	Unit 15225 – Tractor/Loader
Unit 15260 – Back Hoe	Unit 61 – ¼ Ton SUV	Unit 15263 – Back-Hoe
Unit 15216 – Fork Lift	Unit 43 - ¾ Ton Pick-Up	Unit 48 – GEM Cart
Unit 15365 – Light Tower	Unit 30 - ¾ Ton Pick-Up	Unit 65 – Dump Truck

Financial Consideration

Funding for replacement vehicles/equipment as well as new vehicles/equipment will be presented at a future Board meeting.

Equipment Health Report												
2017	Equipment Description					Cost Analysis			Replacement Priority			
	Unit #	In Service	Year	Make	Model	Maintenance Associated Costs	Purchase Price	Cost/Price Ratio	Replacement Rating	Phase 1	Phase 2	Phase 3
Vehicles	33	Yes	1986	Ford/Vactor	Combination Truck	\$95,902	\$137,856	70%	Red	1		
	39	Yes	1988	Ford	Crane Truck	\$72,381	\$70,823	102%	Red	1		
	26	Yes	1990	Chevrolet	3500 Pick-Up	\$10,504	\$14,980	70%	Red		2	
	38	Yes	1991	Chevrolet	3500 Pick-Up	\$14,383	\$20,774	69%	Red			3
	5	Yes	1998	Ford	F-250 Pick-Up	\$15,774	\$18,773	84%	Red	1		
	31	Yes	1998	Ford	F-250 Pick-Up	\$23,031	\$18,773	123%	Red	1		
	4	Yes	1999	Ford	Expedition	\$8,773	\$28,634	30%	Red		2	
	43	Yes	2000	Ford	F-250 Pick-Up	\$17,271	\$23,596	73%	Yellow		2	
	30	Yes	2000	Ford	F-250 Pick-Up	\$45,560	\$34,877	131%	Yellow		2	
	45	Yes	2000	Ford	F-450 Jetter Truck	\$98,749	\$92,682	107%	Red		2	
	47	Yes	2001	International	Aquatech	\$162,715	\$235,479	69%	Green	1		
	6	Yes	2002	International	Aquatech	\$155,373	\$250,831	62%	Green			
	12	Yes	2002	Chrysler	Gem	\$9,668	\$2,958	327%	Red			3
	27	No	2002	Chrysler	Gem	\$13,156	\$4,716	279%	Red	1		
	48	No	2002	Chrysler	Gem	\$5,005	\$4,716	106%	Red			3
	49	Yes	2002	Chrysler	Gem	\$7,330	\$3,500	209%	Red			3
	11	Yes	2003	Chevrolet	K2500 Pick-Up	\$46,819	\$18,178	258%	Red		2	
	13	Yes	2003	Ford	F-250 Pick-Up	\$44,753	\$19,820	226%	Red		2	
	17	Yes	2003	Ford	F-250 Pick-Up	\$50,667	\$19,820	256%	Red		2	
	24	Yes	2003	Ford	F-250 Pick-Up	\$58,673	\$19,820	296%	Red		2	
	61	Yes	2007	Ford	Edge	\$5,645	\$23,139	24%	Yellow		2	
	51	Yes	2008	Ford	Ranger	\$15,555	\$12,718	122%	Red			3
	52	Yes	2008	Ford	Ranger	\$7,921	\$12,718	62%	Yellow			
	53	Yes	2008	Ford	Ranger	\$2,109	\$12,718	17%	Green			
	54	Yes	2008	Ford	Ranger	\$6,417	\$12,718	50%	Green			
	55	Yes	2008	Ford	Ranger	\$3,912	\$12,718	31%	Green			
	56	Yes	2008	Ford	Ranger	\$1,911	\$12,718	15%	Green			
	57	Yes	2008	Ford	Ranger	\$6,146	\$12,718	48%	Green			
	58	Yes	2008	Ford	Ranger	\$4,808	\$12,718	36%	Green			
	59	Yes	2008	Ford	Ranger	\$2,060	\$12,718	16%	Green			
	60	Yes	2008	Ford	Ranger	\$15,404	\$12,718	121%	Red			3
	64	Yes	2010	Dodge	Ram 4500 Dump	\$22,486	\$47,407	47%	Yellow			3
	65	Yes	2011	Dodge	Ram 5500 Dump	\$24,104	\$55,256	44%	Yellow			
	66	Yes	2011	Ford	F-450 Service Truck	\$12,295	\$44,981	27%	Green			
67	Yes	2013	Jeep	Wrangler	\$5,031	\$29,704	17%	Green				
68	Yes	2013	Jeep	Wrangler	\$6,696	\$29,704	23%	Green				
69	Yes	2013	Jeep	Wrangler	\$6,207	\$29,704	21%	Green				
70	Stolen	2015	Ford	F-250 Pick-Up	\$13,674	\$21,421	64%	Red	1			
73	Yes	2015	Ford	F-250 Pick-Up	\$6,890	\$21,421	32%	Green				
78	Yes	2015	Ford	F-250 Pick-Up	\$4,420	\$21,421	21%	Green				
71	Yes	2015	Ford	F-250 Pick-Up (4x4)	\$7,856	\$24,804	32%	Green				
72	Yes	2015	Ford	F-250 Pick-Up (4x4)	\$8,904	\$24,804	36%	Green				
74	Yes	2015	Ford	F-250 Pick-Up (4x4)	\$3,761	\$24,804	15%	Green				
75	Yes	2015	Ford	F-250 Pick-Up (4x4)	\$3,965	\$24,804	16%	Green				
76	Yes	2015	Ford	F-250 Pick-Up (4x4)	\$6,482	\$24,804	26%	Green				
77	Yes	2015	Ford	F-250 Pick-Up (4x4)	\$5,387	\$24,804	22%	Green				
79	Yes	2016	Ford	F-550 Service Truck (4x4)	\$8,177	\$50,803	16%	Green				
80	Yes	2016	Ford	F-550 Service Truck (4x4)	\$4,258	\$50,803	8%	Green				
81	Yes	2016	Ford	F-550 Service Truck (4x4)	\$3,067	\$50,803	6%	Green				
83	Yes	2017	International	4300 Water Truck	\$4,896	\$92,621	5%	Green				
82	Yes	2017	International	7800 Dump Truck	\$0	\$164,825	0%	Green				
84	Yes	2017	International	4400 Midsize Dump	\$0	\$166,640	0%	Green				
Large and Heavy Equipment	15225	Yes	1987	John Deere	Landscape Loader	\$13,315	\$22,407	59%	Red			3
	15260	Yes	1989	Caterpillar	Backhoe/Loader	\$17,671	\$60,000	29%	Red	1		
	15262	Yes	1990	Case	Backhoe/Loader	\$30,843	\$60,000	51%	Red		2	
	15216	Yes	1991	Case	Forklift	\$11,678	\$27,479	42%	Red	1		
	15221	Yes	1992	Caterpillar	D4H Bulldozer	\$17,582	\$55,690	32%	Yellow			
	15263	Yes	1998	Caterpillar	426 Backhoe/Loader	\$70,884	\$77,155	92%	Red			3
	15264	Yes	2003	Genie	Manlift (4x4)	\$3,231	\$40,169	8%	Green			
	15560	Yes	2005	Gorman	Booster, Skid Mount	\$0	\$17,900	0%	Green			
	15265	Yes	2007	John Deere	310 Backhoe/Loader	\$60,486	\$68,991	88%	Yellow			
	15292	Yes	2009	SkyReach	Reach Forklift	\$3,985	\$23,109	17%	Yellow			
	15266	Yes	2013	Caterpillar	924 Wheel Loader	\$1,368	\$131,351	1%	Green			
	15562	Yes		Baldor	Booster, Skid Mount	\$0	\$10,000	0%	Green			
	15291	Yes		Caterpillar	Forklift	\$5,601	\$20,935	27%	Green			
	15450	Yes	2017	Caterpillar	Backhoe/Loader	\$0	\$161,600	0%	Green			
15563	Yes			12.1 Skid Mount Booster	\$0	\$10,000	0%	Green				
Towable Equipment	15365	Yes	1998	Boss	Light Tower	\$360	\$9,035	4%	Yellow	1		
	15366	Yes	1999	Interstate	Equipment Trailer	\$13,079	\$17,718	74%	Green			
	15363	Yes	2001	Honda	Trash Pump	\$337	\$1,200	28%	Green			
	15364	Yes	2007	Carson	Enclosed Trailer	\$5,667	\$7,765	73%	Green			
	15372	Yes	2007	John Deere	Portable Booster	\$18,161	\$32,742	55%	Green			
	15375	Yes	2011	Caterpillar	Portable Booster	\$7,927	\$22,637	35%	Green			
	15363	Yes	2007	Solarguide	Arrow Board	\$308	\$4,256	7%	Green			
	15364	Yes	2007	Solarguide	Arrow Board	\$626	\$4,256	15%	Green			
	15679	Yes	2012	Sullair	Air Compressor	\$3,004	\$12,000	25%	Green			
	15680	Yes	2015	Sullair	Air Compressor	\$837	\$20,498	4%	Green			
	15381	Yes	2018	Precision	Solar Message Board	\$0	\$15,208	0%	Green			
15366	Yes		Stow	Cement Mixer	\$105	\$2,330	5%	Green				
Emergency	15466	Yes	1989	Caterpillar	300 KW Generator	\$14,291	\$32,000	45%	Green			
	15449	Yes	2001	Caterpillar	100 KW Generator	\$19,537	\$29,615	66%	Green			
	15450	Yes	2001	Caterpillar	100 KW Generator	\$4,478	\$29,615	15%	Green			
	15447	Yes	2001	Caterpillar	300 KW Generator	\$9,123	\$70,339	13%	Green			
15448	Yes	2001	Caterpillar	300 KW Generator	\$9,509	\$70,339	14%	Green				
										10	10	10

Recently Surplused Vehicles and Equipment	Unit #	Year	Make	Model	Date of Sale	Auction Sale Amount	Replacement Secured	Replacement Unit #	Notes
	32	1988	Ford	Dump Truck	7/1/2017	\$3,750	Yes	84	1) Color coded replacement rating based on cost analysis, frequency of use, current demand, compliance, and safety 2) Replacement Priority Phasing includes all assets with a "RED" rating. (Phase timeline TBD and subject to change) 3) Maintenance Costs are compiled data from asset management software and may not be complete (improved tracking implemented) 4) The purpose of the Vehicle Health Report is to assist in fleet management and improve the safety of tools used by District staff while acting as a budgeting and planning tool.
	34	1988	Chevrolet	C-70 Service Truc	7/1/2017	\$1,755	Yes	81	
	23	1988	Ford	F-150	1/8/2018	\$330	No		
	16	1989	Chevrolet	C-70	1/8/2018	\$2,610	Yes	82	
	44	1989	Ford	Water Truck	7/1/2017	\$4,510	Yes	83	
	15	1990	Ford	Service Truck	7/1/2017	\$995	Yes	80	
	14	1991	Chevrolet	Dump Truck	7/1/2017	\$5,745	No		
	15272	Unknown	Broderson	Hydo-Hammer	12/16/2017	\$7,550	Yes	15450	
	15359	1990	Zieman	Equipment Trailer	1/6/2018	\$3,513	No		

# Director Comments



Yucaipa Valley Water District



# Adjournment



Yucaipa Valley Water District



## FACTS ABOUT THE YUCAIPA VALLEY WATER DISTRICT

**Service Area Size:** 40 square miles (sphere of influence is 68 square miles)

**Elevation Change:** 3,140 foot elevation change (from 2,044 to 5,184 feet)

**Number of Employees:** 5 elected board members  
62 full time employees

**Operating Budget:** Water Division - \$13,397,500  
Sewer Division - \$11,820,000  
Recycled Water Division - \$537,250  
Total Annual Budget - \$25,754,750

**Number of Services:** 12,434 water connections serving 17,179 units  
13,559 sewer connections serving 20,519 units  
64 recycled water connections

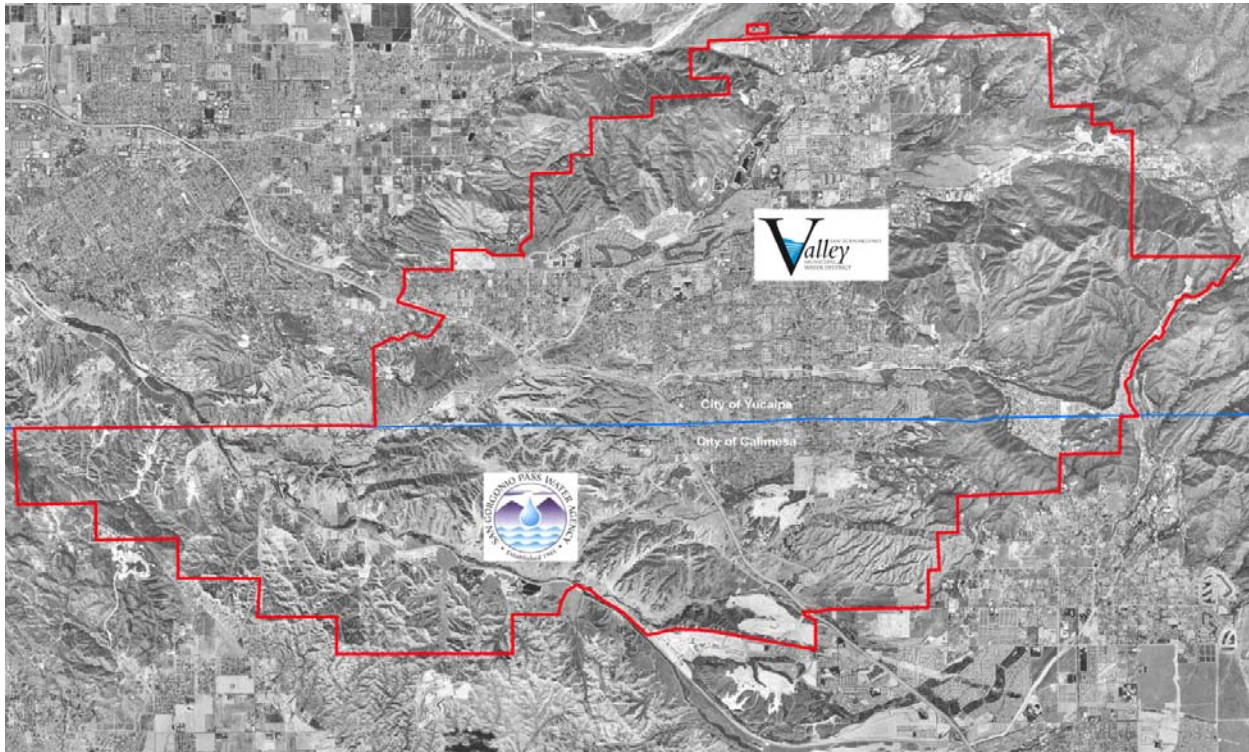
**Water System:** 215 miles of drinking water pipelines  
27 reservoirs - 34 million gallons of storage capacity  
18 pressure zones  
12,000 ac-ft annual water demand (3.9 billion gallons)  
Two water filtration facilities:  
- 1 mgd at Oak Glen Surface Water Filtration Facility  
- 12 mgd at Yucaipa Valley Regional Water Filtration Facility

**Sewer System:** 8.0 million gallon treatment capacity - current flow at 4.0 mgd  
205 miles of sewer mainlines  
5 sewer lift stations  
4,500 ac-ft annual recycled water prod. (1.46 billion gallons)

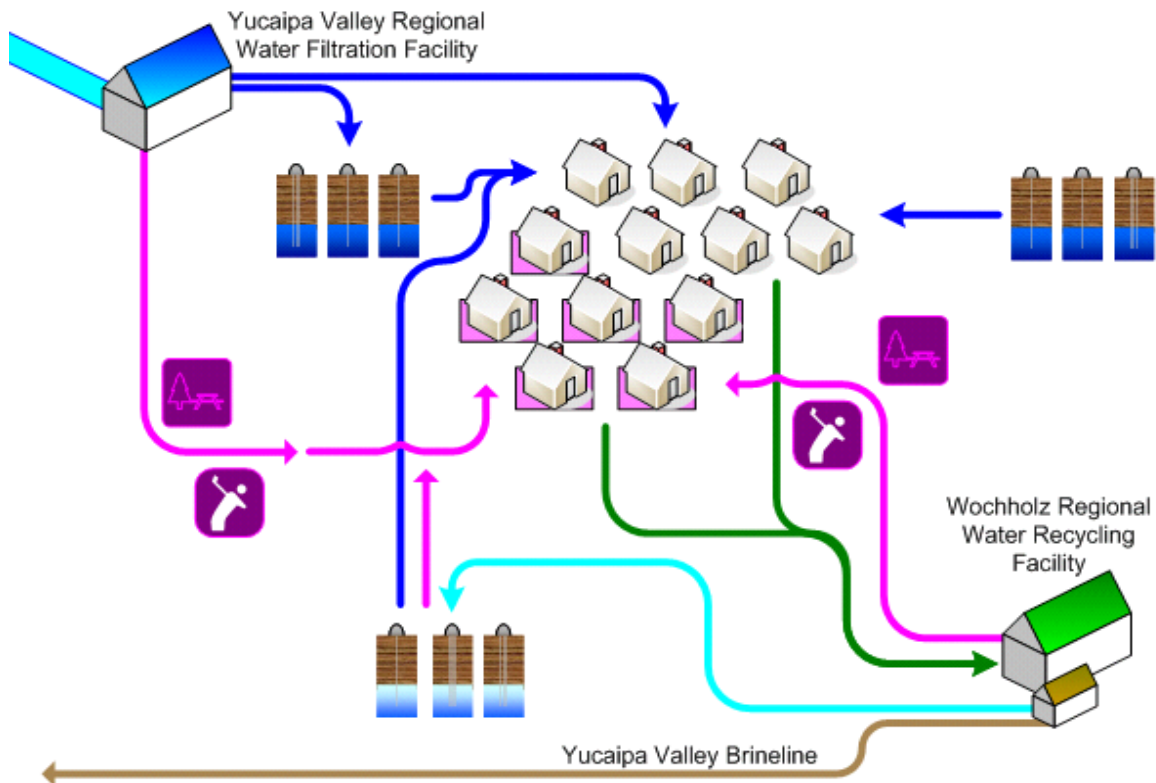
**Recycled Water:** 22 miles of recycled water pipelines  
5 reservoirs - 12 million gallons of storage  
1,200 ac-ft annual recycled demand (0.4 billion gallons)

**Brine Disposal:** 2.2 million gallon desalination facility at sewer treatment plant  
1.108 million gallons of Inland Empire Brine Line capacity  
0.295 million gallons of treatment capacity in Orange County

**State Water Contractors:** San Bernardino Valley Municipal Water District  
San Geronimo Pass Water Agency



**Sustainability Plan:** A Strategic Plan for a Sustainable Future: The Integration and Preservation of Resources, adopted on August 20, 2008.





## THE MEASUREMENT OF WATER PURITY

**One part per hundred** is generally represented by the percent (%).  
This is equivalent to about fifteen minutes out of one day.

**One part per thousand** denotes one part per 1000 parts.  
This is equivalent to about one and a half minutes out of one day.

**One part per million (ppm)** denotes one part per 1,000,000 parts.  
This is equivalent to about 32 seconds out of a year.

**One part per billion (ppb)** denotes one part per 1,000,000,000 parts.  
This is equivalent to about three seconds out of a century.

**One part per trillion (ppt)** denotes one part per 1,000,000,000,000 parts.  
This is equivalent to about three seconds out of every hundred thousand years.

**One part per quadrillion (ppq)** denotes one part per 1,000,000,000,000,000 parts.  
This is equivalent to about two and a half minutes out of the age of the Earth (4.5 billion years).





## GLOSSARY OF COMMONLY USED TERMS

Every profession has specialized terms which generally evolve to facilitate communication between individuals. The routine use of these terms tends to exclude those who are unfamiliar with the particular specialized language of the group. Sometimes jargon can create communication cause difficulties where professionals in related fields use different terms for the same phenomena.

Below are commonly used water terms and abbreviations with commonly used definitions. If there is any discrepancy in definitions, the District's Regulations Governing Water Service is the final and binding definition.

**Acre Foot of Water** - The volume of water (325,850 gallons, or 43,560 cubic feet) that would cover an area of one acre to a depth of 1 foot.

**Activated Sludge Process** – A secondary biological sewer treatment process where bacteria reproduce at a high rate with the introduction of excess air or oxygen, and consume dissolved nutrients in the wastewater.

**Annual Water Quality Report** - The document is prepared annually and provides information on water quality, constituents in the water, compliance with drinking water standards and educational material on tap water. It is also referred to as a Consumer Confidence Report (CCR).

**Aquifer** - The natural underground area with layers of porous, water-bearing materials (sand, gravel) capable of yielding a supply of water; see Groundwater basin.

**Backflow** - The reversal of water's normal direction of flow. When water passes through a water meter into a home or business it should not reverse flow back into the water mainline.

**Best Management Practices (BMPs)** - Methods or techniques found to be the most effective and practical means in achieving an objective. Often used in the context of water conservation.

**Biochemical Oxygen Demand (BOD)** – The amount of oxygen used when organic matter undergoes decomposition by microorganisms. Testing for BOD is done to assess the amount of organic matter in water.

**Biosolids** – Biosolids are nutrient rich organic and highly treated solid materials produced by the sewer treatment process. This high-quality product can be used as a soil amendment on farm land or further processed as an earth-like product for commercial and home gardens to improve and maintain fertile soil and stimulate plant growth.

**Catch Basin** – A chamber usually built at the curb line of a street, which conveys surface water for discharge into a storm sewer.

**Capital Improvement Program (CIP)** – Projects for repair, rehabilitation, and replacement of assets. Also includes treatment improvements, additional capacity, and projects for the support facilities.

**Collector Sewer** – The first element of a wastewater collection system used to collect and carry wastewater from one or more building sewer laterals to a main sewer.

**Coliform Bacteria** – A group of bacteria found in the intestines of humans and other animals, but also occasionally found elsewhere and is generally used as an indicator of sewage pollution.

**Combined Sewer Overflow** – The portion of flow from a combined sewer system, which discharges into a water body from an outfall located upstream of a wastewater treatment plant, usually during wet weather conditions.

**Combined Sewer System**– Generally older sewer systems designed to convey both sewage and storm water into one pipe to a wastewater treatment plant.

**Conjunctive Use** - The coordinated management of surface water and groundwater supplies to maximize the yield of the overall water resource. Active conjunctive use uses artificial recharge, where surface water is intentionally percolated or injected into aquifers for later use. Passive conjunctive use is to simply rely on surface water in wet years and use groundwater in dry years.

**Consumer Confidence Report (CCR)** - see Annual Water Quality Report.

**Cross-Connection** - The actual or potential connection between a potable water supply and a non-potable source, where it is possible for a contaminant to enter the drinking water supply.

**Disinfection By-Products (DBPs)** - The category of compounds formed when disinfectants in water systems react with natural organic matter present in the source water supplies. Different disinfectants produce different types or amounts of disinfection byproducts. Disinfection byproducts for which regulations have been established have been identified in drinking water, including trihalomethanes, haloacetic acids, bromate, and chlorite

**Drought** - a period of below average rainfall causing water supply shortages.

**Dry Weather Flow** – Flow in a sanitary sewer during periods of dry weather in which the sanitary sewer is under minimum influence of inflow and infiltration.

**Fire Flow** - The ability to have a sufficient quantity of water available to the distribution system to be delivered through fire hydrants or private fire sprinkler systems.

**Gallons per Capita per Day (GPCD)** - A measurement of the average number of gallons of water use by the number of people served each day in a water system. The calculation is made by dividing the total gallons of water used each day by the total number of people using the water system.

**Groundwater Basin** - An underground body of water or aquifer defined by physical boundaries.

**Groundwater Recharge** - The process of placing water in an aquifer. Can be a naturally occurring process or artificially enhanced.

**Hard Water** - Water having a high concentration of minerals, typically calcium and magnesium ions.

**Hydrologic Cycle** - The process of evaporation of water into the air and its return to earth in the form of precipitation (rain or snow). This process also includes transpiration from plants, percolation into the ground, groundwater movement, and runoff into rivers, streams and the ocean; see Water cycle.

**Infiltration** – Water other than sewage that enters a sewer system and/or building laterals from the ground through defective pipes, pipe joints, connections, or manholes. Infiltration does not include inflow. See *Inflow*.

**Inflow** - Water other than sewage that enters a sewer system and building sewer from sources such as roof vents, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm drains and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include infiltration. See *Infiltration*.

**Inflow / Infiltration (I/I)** – The total quantity of water from both inflow and infiltration.

**Mains, Distribution** - A network of pipelines that delivers water (drinking water or recycled water) from transmission mains to residential and commercial properties, usually pipe diameters of 4" to 16".

**Mains, Transmission** - A system of pipelines that deliver water (drinking water or recycled water) from a source of supply the distribution mains, usually pipe diameters of greater than 16".

**Meter** - A device capable of measuring, in either gallons or cubic feet, a quantity of water delivered by the District to a service connection.

**Overdraft** - The pumping of water from a groundwater basin or aquifer in excess of the supply flowing into the basin. This pumping results in a depletion of the groundwater in the basin which has a net effect of lowering the levels of water in the aquifer.

**Peak Flow** – The maximum flow that occurs over a specific length of time (e.g., daily, hourly, instantaneously).

**Pipeline** - Connected piping that carries water, oil or other liquids. See Mains, Distribution and Mains, Transmission.

**Point of Responsibility, Metered Service** - The connection point at the outlet side of a water meter where a landowner's responsibility for all conditions, maintenance, repairs, use and replacement of water service facilities begins, and the District's responsibility ends.

**Potable Water** - Water that is used for human consumption and regulated by the California Department of Public Health.

**Pressure Reducing Valve** - A device used to reduce the pressure in a domestic water system when the water pressure exceeds desirable levels.

**Pump Station** - A drinking water or recycled water facility where pumps are used to push water up to a higher elevation or different location.

**Reservoir** - A water storage facility where water is stored to be used at a later time for peak demands or emergencies such as fire suppression. Drinking water and recycled water systems will typically use concrete or steel reservoirs. The State Water Project system considers lakes, such as Shasta Lake and Folsom Lake to be water storage reservoirs.

**Runoff** - Water that travels downward over the earth's surface due to the force of gravity. It includes water running in streams as well as over land.

**Sanitary Sewer System** - Sewer collection system designed to carry sewage, consisting of domestic, commercial, and industrial wastewater. This type of system is not designed nor intended to carry water from rainfall, snowmelt, or groundwater sources. See *Combined Sewer System*.

**Sanitary Sewer Overflow** – Overflow from a sanitary sewer system caused when total wastewater flow exceeds the capacity of the system. See *Combined Sewer Overflow*.

**Santa Ana River Interceptor (SARI) Line** – A regional brine line designed to convey 30 million gallons per day of non-reclaimable wastewater from the upper Santa Ana River basin to the sewer treatment plant operated by Orange County Sanitation District.

**Secondary Treatment** – Biological sewer treatment, particularly the activated-sludge process, where bacteria and other microorganisms consume dissolved nutrients in wastewater.

**Supervisory Control and Data Acquisition (SCADA)** - A computerized system which provides the ability to remotely monitor and control water system facilities such as reservoirs, pumps and other elements of water delivery.

**Service Connection** - The water piping system connecting a customer's system with a District water main beginning at the outlet side of the point of responsibility, including all plumbing and equipment located on a parcel required for the District's provision of water service to that parcel.

**Sludge** – Untreated solid material created by the treatment of sewage.

**Smart Irrigation Controller** - A device that automatically adjusts the time and frequency which water is applied to landscaping based on real-time weather such as rainfall, wind, temperature and humidity.

**Special District** - A political subdivision of a state established to provide a public services, such as water supply or sanitation, within a specific geographic area.

**Surface Water** - Water found in lakes, streams, rivers, oceans or reservoirs behind dams.

**Total Suspended Solids (TSS)** – The amount of solids floating and in suspension in water or sewage.

**Transpiration** - The process by which water vapor is released into the atmosphere by living plants.

**Trickling Filter** – A biological secondary treatment process in which bacteria and other microorganisms, growing as slime on the surface of rocks or plastic media, consume nutrients in primary treated sewage as it trickles over them.

**Underground Service Alert (USA)** - A free service that notifies utilities such as water, telephone, cable and sewer companies of pending excavations within the area (dial 8-1-1 at least 2 working days before you dig).

**Urban Runoff** - Water from city streets and domestic properties that typically carries pollutants into the storm drains, rivers, lakes, and oceans.

**Valve** - A device that regulates, directs or controls the flow of water by opening, closing or partially obstructing various passageways.

**Wastewater** – Any water that enters the sanitary sewer.

**Water Banking** - The practice of actively storing or exchanging in-lieu surface water supplies in available groundwater basin storage space for later extraction and use by the storing party or for sale or exchange to a third party. Water may be banked as an independent operation or as part of a conjunctive use program.

**Water cycle** - The continuous movement water from the earth's surface to the atmosphere and back again; see Hydrologic cycle.

**Water Pressure** - Pressure created by the weight and elevation of water and/or generated by pumps that deliver water to the tap.

**Water Service Line** - The pipeline that delivers potable water to a residence or business from the District's water system. Typically the water service line is a 1" to 1½" diameter pipe for residential properties.

**Watershed** - A region or land area that contributes to the drainage or catchment area above a specific point on a stream or river.

**Water Table** - The upper surface of the zone of saturation of groundwater in an unconfined aquifer.

**Water Transfer** - A transaction, in which a holder of a water right or entitlement voluntarily sells/exchanges to a willing buyer the right to use all or a portion of the water under that water right or entitlement.

**Water Well** - A hole drilled into the ground to tap an underground water aquifer.

**Wetlands** - Lands which are fully saturated or under water at least part of the year, like seasonal vernal pools or swamps.

**Wet Weather Flow** – Dry weather flow combined with stormwater introduced into a combined sewer system, and dry weather flow combined with infiltration/inflow into a separate sewer system.







## COMMONLY USED ABBREVIATIONS

<b>AQMD</b>	Air Quality Management District
<b>BOD</b>	Biochemical Oxygen Demand
<b>CARB</b>	California Air Resources Board
<b>CCTV</b>	Closed Circuit Television
<b>CWA</b>	Clean Water Act
<b>EIR</b>	Environmental Impact Report
<b>EPA</b>	U.S. Environmental Protection Agency
<b>FOG</b>	Fats, Oils, and Grease
<b>GPD</b>	Gallons per day
<b>MGD</b>	Million gallons per day
<b>O &amp; M</b>	Operations and Maintenance
<b>OSHA</b>	Occupational Safety and Health Administration
<b>POTW</b>	Publicly Owned Treatment Works
<b>PPM</b>	Parts per million
<b>RWQCB</b>	Regional Water Quality Control Board
<b>SARI</b>	Santa Ana River Inceptor
<b>SAWPA</b>	Santa Ana Watershed Project Authority
<b>SBVMWD</b>	San Bernardino Valley Municipal Water District
<b>SCADA</b>	Supervisory Control and Data Acquisition system
<b>SSMP</b>	Sanitary Sewer Management Plan
<b>SSO</b>	Sanitary Sewer Overflow
<b>SWRCB</b>	State Water Resources Control Board
<b>TDS</b>	Total Dissolved Solids
<b>TMDL</b>	Total Maximum Daily Load
<b>TSS</b>	Total Suspended Solids
<b>WDR</b>	Waste Discharge Requirements
<b>YVWD</b>	Yucaipa Valley Water District