



Date: July 21, 2014

Questions and Answers Regarding Sierra Madre's Moratorium on Water Service Connections

On July 8, 2014, the City Council took action to implement a moratorium on new water service connections to the City's water system. We have received a number of questions regarding the Council's action. This fact sheet has been prepared to answer the questions we have received. Please note that this fact sheet will be updated as needed. You can check the date at the top of this page to know if you are reading the most recent version.

Q&A on Water Moratorium

1. *Why did the Council adopt a moratorium on new water service connections?*

The City Council has been keeping a close watch on Sierra Madre's water situation. As early as May 2013, the City had implemented mandatory water conservation measures. Then in January 2014, California's Governor proclaimed a state of emergency due to the current drought conditions in the state.

In the meantime, the drought continues. For the rainy season of 2012-2013 the City only received 9.72 inches of rain. For the rainy season of 2013-2014, the city received only 5.9 inches of rain. This can be compared to the 50 year mean, which is 23.76 inches of rain. The aquifer where Sierra Madre has historically pumped its water, dropped to levels where the City's wells could not be operated, and in October 2013, for the first time in the history of the City's water department, the City began importing water via a Metropolitan Water District connection.

It became evident that additional action needed to be considered. On July 8, 2014, the City Council implemented the moratorium on new water service connections. There are many other reasons why the City Council imposed the moratorium. The reasons are included as findings in City Resolution No. 14-58, Urgency Ordinance 1356U and 1357U, copies of which are attached to this Fact Sheet.

2. *When will the City Council be considering an extension to the moratorium?*

On July 8, 2014, the City Council adopted Ordinance No. 1357U, establishing an Interim Moratorium Ordinance Pursuant to Government Code Section 65858 on the issuance of all building permits and any discretionary approvals for construction of new development requiring new water service connections. The interim ordinance was an urgency ordinance, making it effective immediately. The Interim Ordinance 1357U will expire on August 22, 2014, unless the City Council takes action to extend the moratorium before it expires.

The City Council will consider extending the Interim Ordinance 1357U at a meeting on **Tuesday, August 12, 2014 at 6:30 pm**, in the City Hall Council Chambers. The public is encouraged to attend to provide input.

3. How long is the moratorium in effect?

It is important to note that the City Council approved three separate pieces of implementing legislation – City Resolution No. 14-58, Urgency Ordinance 1356U and 1357U, and each has different timing.

- Resolution 14-58 remains in effect until it is modified or rescinded by formal City Council action.
- Ordinance 1356U remains in effect until the ground water levels in the East Raymond Basin recover sufficiently to permit the City to pump its full adjudicated ground water supply from its four wells, for distribution to its existing customers within the City.
- Urgency Ordinance 1357U remains in effect until August 22, 2014, unless the City Council takes action to extend the moratorium before it expires. The longest period of time the ordinance could be extended, is for a period of an additional 22 months and 15 days (until July 5, 2016).

4. What does each of the ordinances and the resolution do?

- Resolution 14-58 relied upon the authority of the existing Mandatory Water Conservation Plan Ordinance, which can be found under Chapter 13-24 of the Sierra Madre Municipal Code (SMMC), and declared a Phase III mandatory water conservation event per SMMC 13.24.210. Phase III mandates that existing customers curtail their water use by 30%, as required by SMMC 13.24.100. When either a Phase III or Phase IV mandatory water conservation is declared, a moratorium on new water service connections under SMMC 13.24.220 is automatically triggered. Under the Ordinance, the moratorium provisions cannot be enacted without the Phase III or Phase IV conservation provision in place.

The specific moratorium under Resolution 14-58 prohibits the installation of new potable water services, new temporary meters or new permanent meters, and prohibits the issuance of statements of immediate ability to serve or provide potable water service (such as "will serve" letters), except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or
2. The project is necessary to protect the public's health, safety and welfare.

The resolution allows for the increase in water meter service size only in instances where the increase is solely to accommodate installation of fire sprinklers in a structure which already has a water service connection.

This moratorium is not time-limited and can continue indefinitely, unless it is modified or rescinded by formal City Council action; however, if the Council rescinds the mandatory Phase III 30% water conservation, the moratorium under this resolution will be automatically lifted

- Urgency Ordinance 1356U declared a water shortage emergency and imposed a moratorium on issuance of new water service connections until the water shortage ends. This moratorium is issued under the authority of California Water Code

Sections 350 et. seq. and 375 et seq. The ordinance prohibits the installation of new or additional water service connections. The ordinance allows for the increase in water meter service size only in instances where the increase is necessary to accommodate installation of fire sprinklers in a structure which already has a water service.

The findings of this ordinance allow for the moratorium to remain in place until certain milestones are met in terms of water levels in the aquifer from which the city draws its water supply.

- Urgency Ordinance 1357U imposed a moratorium on issuance of building permits and/or granting of discretionary approvals for construction of new development requiring new water service connections, per Government Code 65858. Government Code Section 65858 is a provision of the State Planning and Zoning Law, which authorizes an interim, urgency zoning ordinance to prevent development which may be inconsistent with a plan under development—such as the City's intended update of its General Plan, development and zoning codes to enact more stringent water conservation requirements--pending adoption of that plan.

This moratorium has a strict two year time limit under state law; it cannot remain in place more than 24 months and it cannot be extended again.

5. *Will the City impose penalties under the Phase III water conservation mandate?*

Penalties for exceeding water conservation targets have been waived pursuant to previous Council direction. The Council previously directed staff to return in November 2014 with a discussion regarding the possible reinstatement of penalties. When Phase III (30%) conservation was initiated, the City Council did not reinstate penalties. It should be noted that if drought conditions worsen or local conservation efforts do not improve, penalties may be reinstated by City Council action at any time.

6. *Can I get building permits for a room addition or a patio cover at my existing home?*

If you have an existing water service connection, you can apply for building permits with the City for room additions, patios, including new construction, remodeling, alteration, reconstruction, and demolition during the moratorium.

7. *Can I continue with plan processing and get plans approved?*

If you have an existing water connection serving the property, plans that are currently in plan check with the City for development which does not require an additional water service connection can continue with processing for plan check approval. Development Services staff will contact you when your plans are approved and ready for you to obtain the necessary building permit(s).

8. *Can I upgrade my existing water meter (install a larger water meter) to accommodate a fire sprinkler system for my home?*

Yes. All three moratoria allow for the increase in water service size solely to accommodate installation of fire sprinklers in a structure which already has a water service.

9. *Can I get a smaller meter?*

Repair or replacement of meters “in kind” is allowable under all three moratoria. An exception to this limitation is when replacement of an existing meter with a larger meter is necessary to accommodate installation of fire sprinklers or other fire protection facilities. There is no similar exception for replacement of an existing meter with a smaller meter.

10. *If I have an abandoned water service to my property, such as a service with the meter removed, does that exempt me from the moratorium?*

No. For purposes of the moratoria, a water service or water connection is defined as a complete, continuous connection between a private point of use and a city water main. A water service with the meter removed is not a complete, continuous connection, as there is a gap between the public side of the “connection” and the private side.

11. *Can the three Stonegate projects that are currently going before the Planning Commission, continue with the processing of the Conditional Use and Hillside Development applications to construct new homes? What about the other parcels in the Stonegate development?*

Yes. These properties have existing water service connections and can continue with the review by the Planning Commission for the proposed construction of new homes. If the Planning Commission were to approve any of the three projects, building permits can be issued to construct the homes because the moratorium only prohibits issuance of building permits for properties which do not have existing water service connections. All of the properties in the Stonegate subdivision have existing water service connections, and as such, the City can process future development applications and issue building permits within the moratorium.

12. *What work will the Development Services Department have since there is a building moratorium?*

The majority of the current workload in the Development Services Department is processing remodeling, additions, and new construction and development permit applications for existing homes and properties, which have existing water service connections.

In the past several months, building activity has increased and it is expected that this level of activity will continue. The Development Services Department is currently processing 20 development permit applications. For the month of June 2014, staff received 9 plan check applications, issued 39 permits (building, electrical, mechanical, and plumbing), and conducted 127 site inspections for properties which have existing water service connections. The Development services front counter received 208 visits in the month of June from contractors, architects, and resident homeowners seeking information on zoning, land use, and building permit requirements.

The Development Services staff is also managing the General Plan Update and other studies as directed by the City Council and Planning Commission. In addition to the current workload, with the adoption of the moratorium, the City Council will be directing City staff to study and develop water conservation policies, which will require revisiting sections of the General Plan Update to ensure that goals, objectives and policies are added or modified concerning water conservation, review and amend the zoning code, establish new design and development standards for new construction, develop new landscaping standards, create best practices/guidelines for water conservation, among other policies and programs. This major effort, while the moratorium is in place, will

involve the work of other City departments, including Public Works, and Commissions and the City Council for review and adoption of these policies.

Further questions?

If you have additional questions, please feel free to contact the Development Services Department, or the Public Works Department at (626) 355-7135 during City Hall's open hours of 11 am to 5:30 pm on Mondays to Thursdays.

Attachments

RESOLUTION NO. 14-58

**A RESOLUTION OF THE CITY COUNCIL OF CITY OF SIERRA MADRE DECLARING
A PHASE III (30%) WATER CONSERVATION PURSUANT TO SIERRA MADRE
MUNICIPAL CODE SECTION 13.24.210 AND DECLARING A MORATORIUM ON
NEW WATER SERVICE CONNECTIONS PURSUANT TO SIERRA MADRE
MUNICIPAL CODE SECTION 13.24.220**

WHEREAS, on January 17, 2014, the Governor of the State of California proclaimed a state of emergency in the State of California due to current drought conditions in the state; and

WHEREAS, the Governor's proclamation also noted that the snowpack in California's mountains are approximately 20 percent of the normal average for January 2014, and that the state is experiencing extremely dry conditions that have persisted since at least 2012; and

WHEREAS, the Governor's proclamation called upon all Californians to reduce their water usage by 20 percent; and

WHEREAS, on January 17, 2014, the California State Water Resources Control Board notified all water rights holders in California that the coming months, if dry weather persists, the State Water Board will notify water rights holders in critically dry watersheds of the requirement to limit or stop diversions of water under their water right, based upon the priority of their rights; and

WHEREAS, Sierra Madre is a public water supply distributor to the resident customers within its jurisdiction and produces and delivers potable water from four wells located with the Eastern Unit of the Raymond Basin; and

WHEREAS, Sierra Madre has the adjudicated right to extract up to 1,764 acre feet annually of ground water from the Eastern Unit of the Raymond Basin, plus the amount of water it can salvage through its efforts to spread water and recharge the Eastern Unit of the Raymond Basin; and

WHEREAS, the average annual water consumption in Sierra Madre is 3,003 acre feet, exceeding the adjudicated right; the annual additional groundwater production is allowable and offset by the amount of rainwater captured and spread for recharge; and

WHEREAS, during the rainy season of 2012-2013 the City received only 9.72 inches of precipitation, compared to the City's 50 year mean of 23.76 inches; because of the lack of rainfall and the restriction on diversion of water, Sierra Madre, which is the only entity which spreads water in the East Raymond Basin for recharge, has been able to capture and spread only a fraction of the necessary water at the spreading grounds; and

WHEREAS, on May 28, 2013 City implemented mandatory Phase II (20% reduction in use) water conservation on its existing customers and may consider implementing Phase III (30% reduction in use); and

WHEREAS, the historically low precipitation, low recharge and continued pumping of ground water have led to an over-draft of the East Raymond Basin such that the water levels in the aquifer have fallen below 500 feet above mean sea level; accordingly, the Raymond Basin Management Board acting in its capacity as Watermaster of the Raymond Basin, has enacted the "500 foot rule" which reduces Sierra Madre's adjudicated ground water extraction right by 47%; and

WHEREAS, since October, 2013, due to the extended drought and over draft condition of the Eastern Unit of the Raymond Basin, the water levels of the aquifer have

fallen to the extent that Sierra Madre cannot pump water for delivery from any of its four production wells; and

WHEREAS, for 107 years, except for a brief period where we experienced ground water contamination, Sierra Madre's traditional sources of horizontal tunnels and groundwater wells has been sufficient to meet its water needs without having to import water from a supplemental source; and

WHEREAS, the citizens of Sierra Madre take great pride in the quality of the water that is produced from its traditional sources, and such water is a distinguishing and defining characteristic of Sierra Madre, and such water significantly contributes to Sierra Madre's identity and sense of "place"; and

WHEREAS, for the first time in the history of the water department, Sierra Madre has become completely dependent on imported water from the San Gabriel Valley Municipal Water District (SGVMWD) via the Metropolitan Water District ("MWD") to serve its existing customers, utilizing 1) 4,000 acre feet of water it had purchased and stored several years ago—however, this source of water will be exhausted by fall 2014 and 2) an additional 2,703 acre feet recently purchased from MWD, which is anticipated to be exhausted by March 2015; and

WHEREAS, Recital I of the September 9, 2013 Agreement for Exchange and Purchase of Water between Metropolitan Water District and the San Gabriel Valley Municipal Water District under which Sierra Madre receives its imported water supply states, "It is not intended that the service connection will be used by Sierra Madre or others to increase the total amount of available water to accommodate growth or to accommodate sale or leasing of Sierra Madre's groundwater supplies to any other agency;" and,

WHEREAS, the current use of MWD water, which is of a slightly different chemistry from the City's groundwater, has produced water discoloration problems for many of its existing customers, which is likely due to chemical reaction with the city's distribution system or the customer's plumbing. Although the City has hired a consultant to study the problem and provide potential solutions and options, in the meantime the customer must let the water run to flush the system in an attempt to clear the discolored water from the pipes, thereby using extra water during a period of mandatory conservation; and

WHEREAS, during the rainy season of 2013-2014, the City received only 5.9 inches of precipitation, compared to the City's 50 year mean of 23.76 inches; worsening the drought and further reducing the City's ability to capture rain water for groundwater recharge; and

WHEREAS, it is estimated that even with a return of normal rainfall and the renewed ability to spread water for effective recharge, that it will take at least three to five years for the East Raymond Basin aquifer water levels to recover sufficiently to enable the City to return to the use of its four wells for extraction and deliver any portion of its adjudicated ground water to its existing water customers; and

WHEREAS, given the overdraft condition of the East Raymond Basin, the Raymond Basin Management Board may engage a study of the Basin and review its safe yield. A reduction in the safe yield of the East Raymond Basin will further negatively impact the City's ability to access sufficient ground water to supply its existing water customers; and

WHEREAS, The City of Sierra Madre is located in a high fire hazard area, and the on-going drought and the overdraft condition of the East Raymond Basin increase the danger of fire, especially in the high fire season of the summer months, which increases the need for a reliable and sustainable supply of water; and

WHEREAS, there is no Sierra Madre "right" to continue to purchase water from MWD, which must provide water service first to its existing customers; and

WHEREAS, the City Council intends to review and update the provisions of its development and zoning code to implement new zoning and development requirements and conditions of approval which will address water conservation requirements for all development, provide additional review the Water Resources chapter and Land Use element of the General Plan to address water conservation policies, and consider mitigation measures, such as "in lieu impact fees," and regulations creating "no net water use increase;" and

WHEREAS, the City has undertaken scientific studies of the composition of its well water and imported water to determine the feasibility of mixing water sources in order to for allow supplementation of local water sources with imported water rather than the current replacement of local water sources with imported water, and until completion of said studies the amount of water available to the City in any given year cannot be accurately forecasted; and

WHEREAS, oscillation between using ground water from the East Raymond Basin and imported MWD water will not resolve the discoloration problems that many customers are having with the water. It is important to stabilize conditions in the East Raymond Basin to enable the City to return to the use of its four wells for production, delivery and distribution of its adjudicated ground water and a return of customer confidence in the water quality; and

WHEREAS, Sierra Madre's citizens wish to return to their traditional source of water and avoid importation of water unless the necessity of importation is established by extraordinary circumstances; and

WHEREAS, Sierra Madre' external and supplemental source of water is the San Gabriel Valley Municipal Water District, whose only supply source is the California's State Water Project, which is currently allocating only 5% of requests to its customers; and

WHEREAS, if construction, that requires a new connection to the city's water system, continues in light of the present water shortage conditions and without the benefit of additional regulations and conditions requiring water conservation measures which do not presently exist, the water shortage conditions faced by the City will be exacerbated; and

WHEREAS, if construction, that requires a new connection to the city's water system, continues without a better understanding of the amount of water that the City can plan on in the long term the water shortage conditions faced by the City may be exacerbated; and

WHEREAS, approval of any additional subdivisions, use permits, variances, building permits or any other applicable entitlement for use which would require a new water service connection, which are not authorized by this Ordinance would result in these threats to the public health, safety and welfare; and

WHEREAS, given the continuing drought, the worsening conditions in the East Raymond Basin and the uncertainty of the ability to continue to obtain imported water from MWD for existing customers, it is necessary to mandate further conservation measures for the preservation of resources for existing customers, as authorized by Sierra Madre Municipal Code Section Chapter 13.24, "Mandatory Water Conservation Plan;" and

WHEREAS, Water Code section 375 authorizes any public entity, including a city, which supplies water at retail or wholesale for the benefit of persons within the service area of the jurisdiction of the public entity to adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity, by ordinance or resolution adoption by majority of the members of the governing body after holding a noticed

public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, in accordance with Water Code Section 376, any ordinance or resolution adopted pursuant to Section 375 is effective upon adoption and shall be published pursuant to Government Code Section 6061 in full within 10 days of adoption in a newspaper of general circulation.

WHEREAS, on July 8, 2014, the City Council held a duly noticed public hearing to consider the implementation of further mandatory water conservation measures.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES RESOLVE AS FOLLOWS:

1. Pursuant to its authority under Water Code Sections 350 and 375 and Sierra Madre Municipal Code Section 13.24.020, and based on the findings specified above, the City Council finds and declares that a water shortage emergency condition exists requiring the urgent necessity of establishing further mandatory conservation measures.

2. Pursuant to its authority under Water Code Section 375 and Sierra Madre Municipal Code Sections 13.24.100 and 13.24.210, mandatory Phase III (30%) water conservation is hereby declared and implemented.

3. Pursuant to its authority under Water Code Sections 356 and 375 and Sierra Madre Municipal Code Section 13.24.220, a moratorium on new, or additional water service connections is hereby declared and implemented, including, as follows:

A. No new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as "will serve" letters) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or

2. The project, as determined by the City Manager, in consultation with the City Attorney, is necessary to protect the public's health, safety and welfare; or

3. The repair, maintenance, or renovation of existing structures or facilities, which have a water service connection on the effective date of the passage of this resolution; the repair or replacement of water service connections that are lawfully existing as of the effective date of this Ordinance, where the repair or replacement complies with all applicable laws, rules and regulations; or

4. The replacement of an existing water service connection with a higher capacity water service connection, where necessary to accommodate installation of fire sprinklers or other fire protection facilities consistent with all applicable laws, rules and regulations.

B. Annexations to the city's water service area will be suspended.

C. Other water uses may be prohibited, as determined by the water superintendent after public notice to customers. This section shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for up to a period of one year.

4. This Resolution shall become effective immediately upon adoption by the City Council and shall be published once in the newspaper of general circulation.

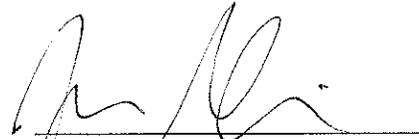
APPROVED AND ADOPTED on the 8th day of July, 2014.

I, the undersigned, hereby certify that the foregoing Resolution Number No.14-58 was duly adopted by the Sierra Madre City Council following a roll call vote:

AYES: Mayor, John Harabedian, Mayor Pro Tem, John Capoccia, Council Members, Rachelle Arizmendi, Denise Delmar and Gene Goss

NOES: None

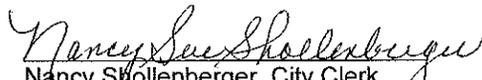
ABSENT: None



John Harabedian, Mayor

ATTEST:

APPROVED AS TO FORM:



Nancy Stollenberger, City Clerk

Teresa L. Highsmith, City Attorney

ORDINANCE NO. 1356U

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE
DECLARING THE EXISTENCE OF A WATER SHORTAGE EMERGENCY AND
IMPOSING A MORATORIUM ON THE ISSUANCE OF NEW WATER SERVICE
CONNECTIONS IN ANY ZONING DISTRICT IN THE CITY, TO TAKE EFFECT
IMMEDIATELY AND CONTINUE IN EFFECT UNTIL SHORTAGE ENDS**

WHEREAS, the City of Sierra Madre is a public water supply distributor for customers within its jurisdiction, within the meaning of California Water Code section 350 et. seq.; and

WHEREAS, Water Code sections 350 et seq. authorizes the City Council, as the governing body of a public water supply distributor, to declare that water shortage emergency conditions prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, pursuant to Water Code sections 351 and 352, a public hearing on this declaration was duly noticed at least seven days prior to the public hearing and held on July 8, 2014; and

WHEREAS, Water Code section 353 provides that upon declaration of a water shortage emergency, the governing body shall adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will, in the sound discretion of the City Council, conserve the water supply for the greatest public benefit with regard to domestic use, sanitation, and fire protection; and

WHEREAS, pursuant to Water Code section 354, after allocating and setting aside the amount of water which in the opinion of the governing body will be necessary to supply water needed for domestic use, sanitation, and fire protection, the adopted regulations may establish priorities in the use of water for other purposes and provide for the allocation, distribution, and delivery of water for such other purposes, without discrimination between consumers using water for the same purpose or purposes; and

WHEREAS, pursuant to Water Code section 355, the City Council's regulations and restrictions shall remain in full force and effect until the supply of water available for distribution within such area has been replenished or augmented; and

WHEREAS, pursuant to Water Code section 356, the regulations and restrictions may include the right to deny applications for new or additional service connections, and may also include provision for their enforcement by discontinuing service to consumers wilfully violating the regulations and restrictions; and

WHEREAS, pursuant to Water Code section 357, if the adopted regulations and restrictions on delivery and consumption of water conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of the water supply available for distribution within such service area, the regulations and restrictions shall prevail over the provisions of such laws relating to water rights for the duration of the period of emergency; and

WHEREAS, Water Code section 375 authorizes any public entity, including a city, which supplies water at retail or wholesale for the benefit of persons within the service area of the jurisdiction of the public entity to adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity, by ordinance or resolution

adoption by majority of the members of the governing body after holding a noticed public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, in accordance with Water Code Section 376, any ordinance or resolution adopted pursuant to Section 375 is effective upon adoption and shall be published pursuant to Government Code Section 6061 in full within 10 days of adoption in a newspaper of general circulation.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, acting as the governing body of the City's Water Department, a public water supply distributor, hereby ordains as follows:

Section 1. Findings of Water Shortage Emergency Conditions.

The City Council makes the following findings:

1. On January 17, 2014, the Governor of the State of California proclaimed a state of emergency in the State of California due to current drought conditions in the state; and
2. The Governor's proclamation also noted that the snowpack in California's mountains are approximately 20 percent of the normal average for January 2014, and that the state is experiencing extremely dry conditions that have persisted since at least 2012; and
3. The Governor's proclamation called upon all Californians to reduce their water usage by 20 percent; and
4. On January 17, 2014, the California State Water Resources Control Board notified all water rights holders in California that the coming months, if dry weather persists, the State Water Board will notify water rights holders in critically dry watersheds of the requirement to limit or stop diversions of water under their water right, based upon the priority of their rights; and
5. Sierra Madre is a public water supply distributor to the resident customers within its jurisdiction and produces and delivers potable water from four wells located with the Eastern Unit of the Raymond Basin; and
6. Sierra Madre has the adjudicated right to extract up to 1,764 acre feet annually of ground water from the Eastern Unit of the Raymond Basin, plus the amount of water it can salvage through its efforts to spread water and recharge the Eastern Unit of the Raymond Basin; and
7. The average annual water consumption in Sierra Madre is 3,003 acre feet, exceeding the adjudicated right; and the annual additional groundwater production is allowable and offset by the amount of rainwater captured and spread for recharge; and
8. During the rainy season of 2012-2013 the City received only 9.72 inches of precipitation, compared to the City's 50 year mean of 23.76 inches; because of the lack of rainfall and the restriction on diversion of water, Sierra Madre, which is the only entity which spreads water in the East Raymond Basin for recharge, has been able to capture and spread only a fraction of the necessary water at the spreading grounds; and
9. On May 28, 2013 City implemented mandatory Phase II (20% reduction in use) water conservation on its existing customers and may consider implementing Phase III (30% reduction in use); and
10. The historically low precipitation, low recharge and continued pumping of ground water have led to an over-draft of the East Raymond Basin such that the water

levels in the aquifer have fallen below 500 feet above mean sea level; accordingly, the Raymond Basin Management Board acting in its capacity as Watermaster of the Raymond Basin, has enacted the "500 foot rule" which reduces Sierra Madre's adjudicated ground water extraction right by 47%;

11. Since October, 2013, due to the extended drought and over draft condition of the Eastern Unit of the Raymond Basin, the water levels of the aquifer have fallen to the extent that Sierra Madre cannot pump water for delivery from any of its four production wells; and
12. For 107 years, except for a brief period where we experienced ground water contamination, Sierra Madre's traditional sources of horizontal tunnels and groundwater wells has been sufficient to meet its water needs without having to import water from a supplemental source; and
13. The citizens of Sierra Madre take great pride in the quality of the water that is produced from its traditional sources, and such water is a distinguishing and defining characteristic of Sierra Madre, and such water significantly contributes to Sierra Madre's identity and sense of "place"; and
14. For the first time in the history of the water department, Sierra Madre has become completely dependent on imported water from the San Gabriel Valley Municipal Water District (SGVMWD) via the Metropolitan Water District ("MWD") to serve its existing customers, utilizing 1) 4,000 acre feet of water it had purchased and stored several years ago—however, this source of water will be exhausted by fall 2014 and 2) an additional 2,703 acre feet recently purchased from MWD, which is anticipated to be exhausted by March 2015; and
15. Recital I of the September 9, 2013 Agreement for Exchange and Purchase of Water between Metropolitan Water District and the San Gabriel Valley Municipal Water District under which Sierra Madre receives its imported water supply states, "It is not intended that the service connection will be used by Sierra Madre or others to increase the total amount of available water to accommodate growth or to accommodate sale or leasing of Sierra Madre's groundwater supplies to any other agency;" and,
16. The current use of MWD water, which is of a slightly different chemistry from the City's groundwater, has produced water discoloration problems for many of its existing customers, which is likely due to chemical reaction with the city's distribution system or the customer's plumbing. Although the City has hired a consultant to study the problem and provide potential solutions and options, in the meantime the customer must let the water run to flush the system in an attempt to clear the discolored water from the pipes, thereby using extra water during a period of mandatory conservation; and
17. During the rainy season of 2013-2014, the City received only 5.9 inches of precipitation, compared to the City's 50 year mean of 23.76 inches; worsening the drought and further reducing the City's ability to capture rain water for groundwater recharge; and
18. It is estimated that even with a return of normal rainfall and the renewed ability to spread water for effective recharge, that it will take at least three to five years for the East Raymond Basin aquifer water levels to recover sufficiently to enable the City to return to the use of its four wells for extraction and deliver any portion of its adjudicated ground water to its existing water customers; and
19. Given the overdraft condition of the East Raymond Basin, the Raymond Basin Management Board may engage a study of the Basin and review its safe yield. A reduction in the safe yield of the East Raymond Basin will further negatively impact the City's ability to access sufficient ground water to supply its existing water customers; and

20. The City of Sierra Madre is located in a high fire hazard area, and the on-going drought and the overdraft condition of the East Raymond Basin increase the danger of fire, especially in the high fire season of the summer months, which increases the need for a reliable and sustainable supply of water; and
21. There is no Sierra Madre "right" to continue to purchase water from MWD, which must provide water service first to its existing customers; and
22. The City has undertaken scientific studies of the composition of its well water and imported water to determine the feasibility of mixing water sources in order to for allow supplementation of local water sources with imported water rather than the current replacement of local water sources with imported water, and until completion of said studies the amount of water available to the City in any given year cannot be accurately forecasted; and
23. Oscillation between using ground water from the East Raymond Basin and imported MWD water will not resolve the discoloration problems that many customers are having with the water. It is important to stabilize conditions in the East Raymond Basin to enable the City to return to the use of its four wells for production, delivery and distribution of its adjudicated ground water and a return of customer confidence in the water quality; and
24. Sierra Madre's citizens wish to return to their traditional source of water and avoid importation of water unless the necessity of importation is established by extraordinary circumstances; and
25. Sierra Madre' external and supplemental source of water is the San Gabriel Valley Municipal Water District, whose only supply source is the California's State Water Project, which is currently allocating only 5% of requests to its customers; and
26. If additional construction, where no current water service connection exists, continues in light of the present water shortage conditions and without the benefit of additional regulations and conditions requiring water conservation measures which do not presently exist, the water shortage conditions faced by the City will be exacerbated; and
27. If additional construction, where no current water service connection exists, continues without a better understanding of the amount of water that the City can plan on in the long term the water shortage conditions faced by the City may be exacerbated.

Section 2. Declaration of Water Shortage Emergency.

Pursuant to Water Code section 350 et. seq. and based upon the factual findings specified above, the City Council of the City of Sierra Madre, acting as the governing board of the City's Water Department, a public water supply distributor, hereby determines that unless and until the aquifer in the East Raymond Basin recovers sufficiently to allow the City to resume pumping its full adjudicated ground water rights (1,740 acre feet per year) and to spread sufficient water for recharge and to access its water salvage credits, that the City cannot satisfy the ordinary demands and requirements of its existing customers and for firefighting supply. Therefore, the City Council, acting as the governing body of the City's Water Department, declares that an interim water shortage emergency condition exists in the City.

Section 3. Moratorium on New or Additional Water Service Connections

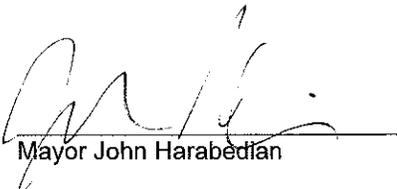
- A. Pursuant to Water Code section 350 et seq., the City Council of the City of Sierra Madre, acting as the governing body of the Water Department, hereby imposes a moratorium on all new or additional water service connections through the City.
- B. Except as otherwise provided in this Ordinance, as of the effective date of this Ordinance, no new or additional water service connections shall be approved or permitted during the moratorium period. Further, no "will serve" letters shall issue during the moratorium period.
- C. This Ordinance shall apply through the City and to all applications for new or additional water service connections within the City that have not yet received final approval as of the effective date of this Ordinance.
- D. This Ordinance shall not apply to the repair or replacement of water service connections that are lawfully existing as of the effective date of this Ordinance, where the repair or replacement complies with all applicable laws, rules and regulations.
- E. This Ordinance shall not apply to the replacement of an existing water service connection with a higher capacity water service connection, where necessary to accommodate installation of fire sprinklers or other fire protection facilities consistent with all applicable laws, rules and regulations

Section 4. Publication, Duration and Effective Date.

- A. This Ordinance shall become effective immediately upon passage and adoption upon 4/5 vote.
- B. This Ordinance shall remain in effect during the period of the emergency declared herein and until the ground water levels in the East Raymond Basin recover sufficiently to permit the City to pump its full adjudicated ground water supply from its four wells for distribution to its existing customers within the City.
- C. This Ordinance, within 10 days after its passage and adoption, shall be published once in its entirety in a newspaper of general circulation and shall also be posted at three public places within the City.

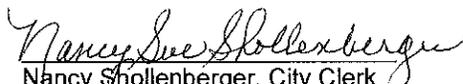
PASSED, APPROVED AND ADOPTED, this 8th day of July, 2014 by the following vote:

AYES: Mayor, John Harabedian, Mayor Pro Tem, John Capoccia, Council Members, Rachele Arizmendi, Denise Delmar and Gene Goss
NOES: None
ABSTAIN: None



Mayor John Harabedian

ATTEST:



Nancy Shollenberger, City Clerk

APPROVED AS TO FORM:



Teresa L. Highsmith, City Attorney

ORDINANCE NO. 1357U

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA ESTABLISHING AN INTERIM MORATORIUM ORDINANCE PURSUANT TO GOVERNMENT CODE SECTION 65858 ON THE ISSUANCE OF ALL BUILDING PERMITS AND/OR GRANTING OF DISCRETIONARY APPROVALS FOR CONSTRUCTION OF NEW DEVELOPMENT REQUIRING NEW WATER SERVICE CONNECTIONS AND DECLARING THE URGENCY THEREOF

WHEREAS, on January 17, 2014, the Governor of the State of California proclaimed a state of emergency in the State of California due to current drought conditions in the state; and

WHEREAS, the Governor's proclamation also noted that the snowpack in California's mountain is approximately 20 percent of the normal average for January 2014, and that the state is experiencing extremely dry conditions that have persisted since at least 2012; and

WHEREAS, the Governor's proclamation called upon all Californians to reduce their water usage by 20 percent; and

WHEREAS, on January 17, 2014, the California State Water Resources Control Board notified all water rights holders in California that the coming months, if dry weather persists, the State Water Board will notify water rights holders in critically dry watersheds of the requirement to limit or stop diversions of water under their water right, based upon the priority of their rights; and

WHEREAS, Sierra Madre is a public water supply distributor to the resident customers within its jurisdiction and produces and delivers potable water from four wells located with the Eastern Unit of the Raymond Basin; and

WHEREAS, Sierra Madre has the adjudicated right to extract up to 1,764 acre feet annually of ground water from the Eastern Unit of the Raymond Basin, plus the amount of water it can salvage through its efforts to spread water and recharge the Eastern Unit of the Raymond Basin; and

WHEREAS, the average annual water consumption in Sierra Madre is 3,003 acre feet, exceeding the adjudicated right; the annual additional groundwater production is allowable and offset by the amount of rainwater captured and spread for recharge; and

WHEREAS, during the rainy season of 2012-2013 the City received only 9.72 inches of precipitation, compared to the City's 50 year mean of 23.76 inches; because of the lack of rainfall and the restriction on diversion of water, Sierra Madre, which is the only entity which spreads water in the East Raymond Basin for recharge, has been able to capture and spread only a fraction of the necessary water at the spreading grounds; and

WHEREAS, on May 28, 2013 City implemented mandatory Phase II (20% reduction in use) water conservation on its existing customers and may consider implementing Phase III (30% reduction in use); and

WHEREAS, the historically low precipitation, low recharge and continued pumping of ground water have led to an over draft of the East Raymond Basin such that the water levels in the aquifer have fallen below 500 feet above mean sea level; accordingly, the Raymond Basin Management Board acting in its capacity as Watermaster of the Raymond Basin, has enacted the "500 foot rule" which reduces Sierra Madre's adjudicated ground water extraction right by 47%;

WHEREAS, since October, 2013, due to the extended drought and over draft condition of the Eastern Unit of the Raymond Basin, the water levels of the aquifer have

fallen to the extent that Sierra Madre cannot pump water for delivery from any of its four production wells; and

WHEREAS, for 107 years, except for a brief period where we experienced ground water contamination, Sierra Madre's traditional sources of horizontal tunnels and groundwater wells has been sufficient to meet its water needs without having to import water from a supplemental source; and

WHEREAS, the citizens of Sierra Madre take great pride in the quality of the water that is produced from its traditional sources, and such water is a distinguishing and defining characteristic of Sierra Madre, and such water significantly contributes to Sierra Madre's identity and sense of "place"; and

WHEREAS, for the first time in the history of the water department, Sierra Madre has become completely dependent on imported water from the San Gabriel Valley Municipal Water District (SGVMWD) via the Metropolitan Water District ("MWD") to serve its existing customers, utilizing 1) 4,000 acre feet of water it had purchased and stored several years ago—however, this source of water will be exhausted by fall 2014 and 2) an additional 2,703 acre feet recently purchased from MWD, which is anticipated to be exhausted by March 2015; and

WHEREAS, Recital I of the September 9, 2013 Agreement for Exchange and Purchase of Water between Metropolitan Water District and the San Gabriel Valley Municipal Water District under which Sierra Madre receives its imported water supply states, "It is not intended that the service connection will be used by Sierra Madre or others to increase the total amount of available water to accommodate growth or to accommodate sale or leasing of Sierra Madre's groundwater supplies to any other agency;" and,

WHEREAS, the current use of MWD water, which is of a slightly different chemistry from the City's groundwater, has produced water discoloration problems for many of its existing customers, which is likely due to chemical reaction with the city's distribution system or the customer's plumbing. Although the City has hired a consultant to study the problem and provide potential solutions and options, in the meantime the customer must let the water run to flush the system in an attempt to clear the discolored water from the pipes, thereby using extra water during a period of mandatory conservation; and

WHEREAS, during the rainy season of 2013-2014, the City received only 5.9 inches of precipitation, compared to the City's 50 year mean of 23.76 inches; worsening the drought and further reducing the City's ability to capture rain water for groundwater recharge; and

WHEREAS, it is estimated that even with a return of normal rainfall and the renewed ability to spread water for effective recharge, that it will take at least three to five years for the East Raymond Basin aquifer water levels to recover sufficiently to enable the City to return to the use of its four wells for extraction and deliver any portion of its adjudicated ground water to its existing water customers; and

WHEREAS, given the over draft condition of the East Raymond Basin, the Raymond Basin Management Board may engage a study of the Basin and review its safe yield. A reduction in the safe yield of the East Raymond Basin will further negatively impact the City's ability to access sufficient ground water to supply its existing water customers; and

WHEREAS, The City of Sierra Madre is located in a high fire hazard area, and the on-going drought and the overdraft condition of the East Raymond Basin increase the danger of fire, especially in the high fire season of the summer months, which increases the need for a reliable and sustainable supply of water; and

WHEREAS, there is no Sierra Madre "right" to continue to purchase water from MWD, which must provide water service first to its existing customers; and

WHEREAS, the City Council intends to review and update the provisions of its development and zoning code to implement new zoning and development requirements and conditions of approval which will address water conservation requirements for all development, provide additional review of the Water Resources chapter and Land Use element of the General Plan to address water conservation policies, and consider mitigation measures, such as "in lieu impact fees," and regulations creating "no net water use increase;" and

WHEREAS, the City has undertaken scientific studies of the composition of its well water and imported water to determine the feasibility of mixing water sources in order to for allow supplementation of local water sources with imported water rather than the current replacement of local water sources with imported water, and until completion of said studies the amount of water available to the City in any given year cannot be accurately forecasted; and

WHEREAS, oscillation between using ground water from the East Raymond Basin and imported MWD water will not resolve the discoloration problems that many customers are having with the water. It is important to stabilize conditions in the East Raymond Basin to enable the City to return to the use of its four wells for production, delivery and distribution of its adjudicated ground water and a return of customer confidence in the water quality; and

WHEREAS, Sierra Madre's citizens wish to return to their traditional source of water and avoid importation of water unless the necessity of importation is established by extraordinary circumstances; and

WHEREAS, Sierra Madre' external and supplemental source of water is the San Gabriel Valley Municipal Water District, whose only supply source is the California's State Water Project, which is currently allocating only 5% of requests to its customers; and

WHEREAS, if construction, that requires a new connection to the city's water system, continues in light of the present water shortage conditions and without the benefit of additional regulations and conditions requiring water conservation measures which do not presently exist, the water shortage conditions faced by the City will be exacerbated; and

WHEREAS, if construction, that requires a new connection to the city's water system, continues without a better understanding of the amount of water that the City can plan on in the long term the water shortage conditions faced by the City may be exacerbated; and

WHEREAS, these issues constitute a current and immediate threat to the public health, safety, and welfare, within the meaning of Government Code Section 65858; and

WHEREAS, approval of any additional subdivisions, use permits, variances, building permits or any other applicable entitlement for use which would require a new water service connection, which are not authorized by this Ordinance would result in these threats to the public health, safety and welfare; and

WHEREAS, Government Code Section 65858, a provision of the State Planning and Zoning Law, authorizes an interim, urgency zoning ordinance to prevent development which may be inconsistent with a plan under development—such as the City's intended update of its development and zoning codes to enact more stringent water conservation requirements—pending adoption of that plan.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE FURTHER FINDS that the adoption of this Ordinance is necessary to protect the public safety, health and welfare by ensuring well-planned and water efficient development of properties in the City necessary to conserve the finite water resources for all customers

and that it should adopt this interim urgency zoning ordinance as authorized by Government Code Section 65858 and

THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES ORDAIN AS FOLLOWS:

Section 1. Notwithstanding any provision of the Sierra Madre Municipal Code or any other ordinance of the City of Sierra Madre, and except as otherwise provided in this Ordinance, no building permit, grading permit, conditional use permit, variance or other land use approval, permit or "will-serve" letter shall be issued for the construction or development of new construction where the development would require a new water service connection, on any lot in any zone within the City.

Section 2. The provisions of Section 1 of this Ordinance shall not apply to any of the following:

- (a) Repair, maintenance or renovation of existing structures or facilities which already have water service connections; or to the repair or replacement of water service connections that lawfully exist as of the effective date of this Ordinance, where the repair or replacement complies with all applicable laws, rules and regulations.
- (b) Replacement of an existing water service connection with a higher capacity water service connection, where necessary to accommodate installation of fire sprinklers or other fire protection facilities consistent with all applicable laws, rules and regulations.
- (c) Repair or maintenance work which the City Manager or her designee determines is necessary to abate a threat to public health or safety;
- (d) Any project for which all necessary discretionary approvals have been granted and for which a building permit has been issued by the Building Department before the close of business on the day this Ordinance takes effect;
- (e) New construction where an existing water service connection already exists before the close of business on the day this Ordinance takes effect.

Section 3. Taking. If a person can demonstrate that the application of this ordinance to his or her property would constitute a taking in violation of the federal or California Constitution or would otherwise be unlawful, an exception to this moratorium can be made pursuant to a variance approved under Section Chapter 17.60 of the Sierra Madre Municipal Code. No variance application shall be required if the Director, in consultation with the City Attorney, determines that an exception to this Ordinance is legally required. In such case, an approval may be granted only if the approving officer or body of the City finds that the exception is legally required.

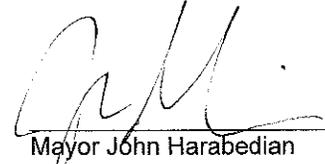
Section 4. Severability. Should any provision of this Ordinance, or its application to any person, parcel or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person, parcel or circumstance and, to that end, the provisions hereof are severable.

Section 5. Effective Date. This Ordinance is adopted by a 4/5 vote of the Sierra Madre City Council, shall take effect immediately upon its adoption as provided by Government Code Section 65858, and shall be of no further force at 11:59 p.m. on August 22, 2014, unless extended or terminated by further action of the City Council.

Section 6. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

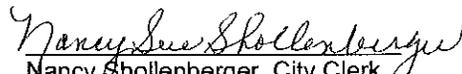
PASSED, APPROVED AND ADOPTED, this 8th day of July, 2014 by the following vote:

AYES: Mayor, John Harabedian, Mayor Pro Tem, John Capoccia, Council Members, Rachelle Arizmendi, Denise Delmar and Gene Goss
NOES: None
ABSENT: None
ABSTAIN: None

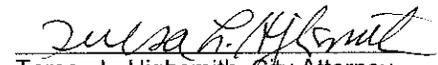


Mayor John Harabedian

ATTEST:


Nancy Shollenberger, City Clerk

APPROVED AS TO FORM:



Teresa L. Highsmith, City Attorney