



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 20, 2015, 5:30 PM**

Call to Order

Roll Call

ORAL COMMUNICATIONS

This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.

2 -Government Code Section 54956.8 — Conference with Real Property Negotiators/Property: 301 N. Hockett Street. Agency Negotiator: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and Friends of the Library. Under Negotiation: Terms and Price.

**6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON
REPORTABLE ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Council Member Reyes

Invocation

PROCLAMATIONS

Friends of Libraries Week - October 18-24, 2015

Pink Heals Day - November 1, 2015

Eleanor Foerster

PRESENTATIONS

Introduction of New Employees

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Local Agency Formation Commission (LAFCO) - October 15, 2015
2. Tulare County Association of Governments (TCAG) - October 19, 2015

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission
 2. Library & Literacy Commission - October 13, 2015
 3. Arts Commission
 4. Animal Control Commission
 5. Youth Commission - October 12, 2015
 6. Transactions and Use Tax Oversight Committee (TUTOC) - October 8, 2015
- II. Staff Informational Reports
 1. Water Conservation Phase III System Status

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

1. **City Council Minutes of April 21, 2015**
2. **Ratification of Emergency Expenditure - Emergency Repair of City Well 11**
Re: Considering ratification of the emergency repair of City Well 11, and authorization to initiate a Purchase Order and make payment to Valley Pump & Dairy in an amount not to exceed \$34,094.

3. **Authorization to Purchase Sports Complex Shade Structure**
Re: Considering approval of the purchase and installation of the Sports Complex shade structure from NSP3 for \$29,894.58.
4. **Purchase Solar Powered Bus Stop Shelters and Lighting Systems**
Re: Considering approval to purchase fourteen (14) PV-AD Shelter systems at a cost of \$59,241 and fifty (50) PV-Stop systems at a cost of \$53,707.50 from Urban Solar.
5. **Acceptance of Project - Plano Street Bridge Widening and Rehabilitation Project**
Re: Considering acceptance of project from Viking Construction, and authorizing the filing of the Notice of Completion for the project consisting of the rehabilitation and widening of the existing Plano Street Bridge and the reconstruction of street approaches.
6. **Acceptance of Project - Newcomb Street Shoulder Stabilization Project**
Re: Considering acceptance of project from Dawson-Mauldin Construction, and authorizing the filing of the Notice of Completion for the project consisting of the installation of curb, gutter, sidewalk, driveways, roadway drainage, asphalt concrete paving, accessible ramps, and other appurtenant structures along Newcomb Street from Olive Avenue to a location midway between Forest Avenue and Roby Avenue.
7. **Authorization to Amend AECOM's Service Agreement for the Sludge Dewatering and Electric Blowers Project**
Re: Considering approval of an amendment to AECOM's service agreement in an amount "not to exceed" \$25,000 for construction support services during the construction of the Sludge Dewatering and Electric Blowers Project.
8. **Intent to Set a Public Hearing for the Adoption of an Ordinance Amending the Municipal Code to Include a Streamlined Permitting Process for Small Residential Rooftop Solar Systems**
e: Considering approval to schedule a Public Hearing on November 3, 2015, to receive input regarding the adoption of an Ordinance Amending the Municipal Code to Include a Streamlined Permitting Process for Small Residential Rooftop Solar Systems.
9. **Consideration of Street Closure for Porterville "Step-Up" Neighborhood Outreach Event**
Re: Considering approval of the temporary closure of West Tomah Avenue between North Beverly and Waukesha on November 5, 2015, in support of the Porterville "Step-Up" Neighborhood Outreach Event.

10. **Property License Agreement Renewal Between the City of Porterville and the Friends of the Library**
Re: Considering approval of a property license agreement between the City of Porterville and the Friends of the Library, to lease the first floor of the building at 301 N. Hockett St.
11. **Approval for Community Civic Event - U.S. Marine Corps Reserve - Toys for Tots - A Christmas to Remember Car and Bike Show - November 14, 2015**
Re: Considering approval of an event to take place on Saturday, November 14, 2015, from 8:00 a.m. to 3:00 p.m., at Veterans Park.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS

12. **Construction of Concrete Improvements - W. North Grand Avenue Reconstruction Project**
Re: A public hearing on the establishment of a fee for concrete improvements in accordance with the Mitigation Fee Act, and Porterville Municipal Code Sections 20-40.1 through 20-40.8 which permits the City to recover costs from property owners for concrete improvements.
13. **Water Conservation Ordinance**
Re: Consideration of an ordinance establishing a water efficient landscape ordinance and amending the municipal code as it relates to water conservation and landscape irrigation.
14. **Sign Ordinance Amendments**
Re: Consideration of a draft ordinance amending Chapter 305 of the Porterville Development Ordinance pertaining to signs.

SCHEDULED MATTERS

15. **Appointment to City Commissions**
Re: Considering appointment of individuals to the Library and Literacy Commission, Parks and Leisure Services Commission, Arts Commission, Animal Control Commission and Transactions and Use Tax (Measure H) Oversight Committee.
16. **Acceptance of the Draft Project Approval & Environmental Document (PA&ED) Stage for State Route 190 Near Term Projects**
Re: Considering acceptance of Caltrans' State Route 190 PA & ED in draft form, and authorization to sign and circulate the environmental document.

17. Consideration of Housing-Related Parks Program Projects

Re: Consideration of Housing-Related Parks Program projects.

18. Consideration of a Request to Sponsor the Tulare County District Attorney 2015 Justice Run

Re: Consideration of a request to sponsor an event to take place on October 24, 2015, at Granite Hills High School.

19. Status and Review of Declaration of Local Drought Emergency

Re: Consideration of the continuance of the Declaration of Local Emergency, the emergency connection of City water to the Akin Water System, and the Draft Agreement between the City and County of Tulare for a new well in support of providing water to East Porterville.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of November 3, 2015

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City's website at www.ci.porterville.ca.us.



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: 1. Water Conservation Phase III System Status

SOURCE: Public Works

COMMENT: On April 1, 2015, the Governor issued an Executive Order that the State Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets. The Governor's Executive Order also directed the Water Board to implement mandatory water reductions in cities and towns across California to reduce potable urban water usage by 25% statewide. The State Water Board released revised proposed regulations that would require the City of Porterville to meet a 32% water usage reduction compared to 2013 production levels. The required implementation date was June 1, 2015.

In order for Porterville to meet the 32% reduction in water usage, the City has transitioned from Phase II to Phase III of the City's Water Conservation Plan as of June 2, 2015. The Water Conservation Plan applies to all municipal water users whether or not within city limits. As part of the Phase III plan, the City has restricted watering days to two days per week, based on address. If an address ends with an "odd" number, the watering days are Tuesday and Saturday only. If an address ends with an "even" number, the watering days are Wednesday and Sunday only. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m. with no watering allowed on Mondays, Thursdays, and Fridays.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. The City of Porterville will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Enforcement statistics for the month of September 2015, show that a total of 460 Notice of Violations were issued for water wasting; 21 resulted in an Administrative Citation.

The City water system has been impacted by the lack of rain over the last four years, resulting in lower water levels. Conservation efforts are beginning to show a beneficial effect on production demand. Water production for September 2015, shows a 30% reduction from the 5-year average.

As part of the emergency regulation, the City is required to provide monthly production data. The production for the month of September 2015 was 341 million gallons, which when compared to the production for the month of

September 2013 of 521 million gallons, equates to a 35% reduction.

Unfortunately, City of Porterville did not obtain the 32% mandated conservation goal for the month of August 2015 (28% reduction), which has triggered a consumptive use audit or audit of metered sales. Meter readings and billing cycles complicate the comparison between well production readings and consumption readings. Therefore, staff is reconciling the data and that data will be available within the next regularly scheduled Water Conservation Phase III staff report (November 17, 2015 City Council meeting).

Upon review of historical production for August 2013, well production did not follow the normal trend as displayed on the attached monthly production status chart. Well production during this month experienced a dip of 5% (24 million gallons). This dip in itself is a significant factor in not meeting the 32% mandated conservation goal during the month of August 2015.

The compliance period for statewide conservation began June 1, 2015, and ends February 29, 2016, with Porterville's cumulative total conservation through September 2015 at 35%. Residential consumption for September 2015 was 126.12 gallons per capita per day (GPCD). Staff is anticipating monthly conservation totals will decline as we enter into winter months; system demand is historically reduced due to less outdoor irrigation. Projected conservation totals for the month of October 2015 are estimated to be in the mid to low 20% range, with additional short falls to the mandated 32% in the following winter months.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. Monthly Production Status September 2015
 2. Drought Response Phase III Flyer

Appropriated/Funded: MB

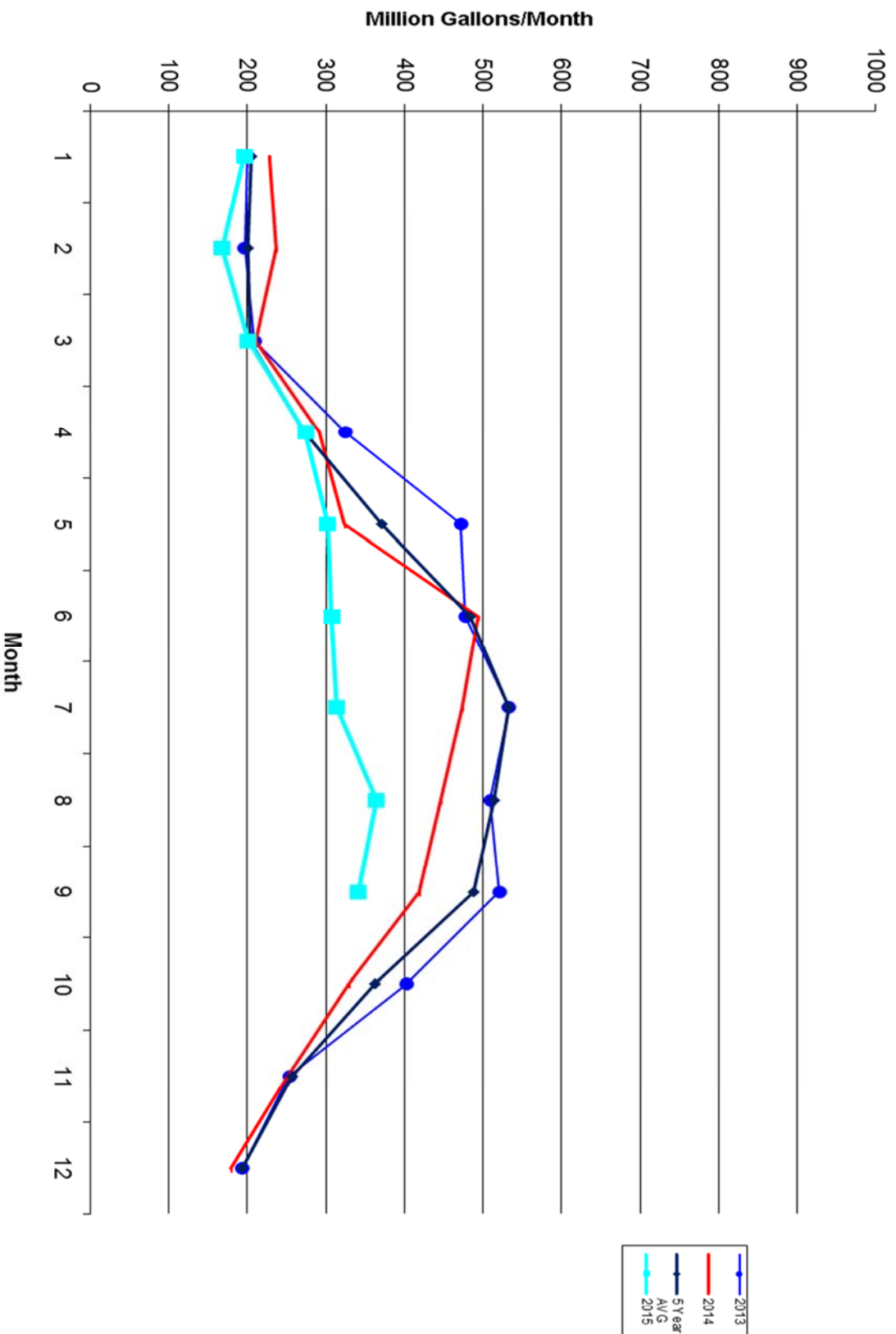
Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

Monthly Production Status 2014 Comparison to 2013 & 5 Year Average 2015 Production





DROUGHT RESPONSE Phase III

Mandatory Odd/Even Watering Schedule, based on address.
Residents will be allowed **TWO** days a week to water lawns and landscapes. No watering allowed on Mondays, Thursdays, and Fridays.

Watering is prohibited between the hours of **5:00 AM to 10:00 AM** and **5:00 PM to 10:00 PM**.

No watering outdoor landscapes during and within **48** hours after measurable rainfall.

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

Vehicles shall only be washed on designated watering days and with a hose equipped with a shut-off nozzle.

The operation of ornamental water features is prohibited unless the fountain uses a recycling system.

Non-compliance with Phase III water conservation regulations could result in citations with fines up to **\$500**.

DROUGHT RESPONSE PHASE III

The City of Porterville has adopted Phase III of its Drought Response Plan. As part of the Phase III plan, the City has restricted watering days to two days per week, based on address.

Mandatory Odd/Even Watering Schedule

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
DO NOT WATER	OK TO WATER	OK TO WATER	DO NOT WATER	DO NOT WATER	OK TO WATER	OK TO WATER
---	ODD	EVEN	---	---	ODD	EVEN

■ Odd Address
 ■ Even Address

ODD NUMBER ADDRESSES

If your address ends with an “odd” number, 1, 3, 5, 7, or 9, your watering days are Tuesday and Saturday *only*.

OR

EVEN NUMBER ADDRESSES

If your address ends with an “even” number, 0, 2, 4, 6, or 8, your watering days are Wednesday and Sunday *only*.

Violation Level	Citation Amount
First Violation	Warning Only
Second Violation	\$100 Fine
Third Violation	\$200 Fine
Fourth Violation	\$500 Fine

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

**The washing of
sidewalks and driveways
is prohibited**

**Vehicles shall only be
washed on designated
watering days and with
hoses equipped with a
shut-off nozzle**

**Ornamental water
features are prohibited
unless the fountain uses
a recycling system**

**WATERING PROHIBITED
BETWEEN THE HOURS OF
5:00 – 10:00 AM
5:00 – 10:00 PM**

**NO WATERING ON
MONDAYS, THURSDAYS,
AND FRIDAYS.**



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: City Council Minutes of April 21, 2015

SOURCE: Administrative Services

COMMENT: The City Clerk's Office has prepared draft minutes for April 21, 2015, for the Council's review and consideration.

RECOMMENDATION: That the City Council approve the draft minutes of April 21, 2015.

ATTACHMENTS: 1. Draft Minutes

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Luisa Zavala, Deputy City Clerk

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
APRIL 21, 2015, 5:30 PM**

Called to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Ward, Council Member Gurrola, Vice Mayor Hamilton, and Mayor Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: APN: 262-150-001. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Rafael Aguilo. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: APN: 243-210-065. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Benny and Jean Webb. Under Negotiation: Terms and Price.
- 3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 253-192-006, 253-192-007 and 253-192-008. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Sierra View Medical Center. Under Negotiation: Terms and Price.
- 4 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 261-140-024. Agency Negotiators: John Lollis. Negotiating Parties: City of Porterville and Verizon Wireless. Under Negotiation: Terms and Price.
- 5 - Government Code Section 54957.6 - Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association, Porterville Safety Support Unit, Management and Confidential Series, Fire Officers Series, Porterville City Firefighters Association, Porterville Peace Officers Association, and all Unrepresented Employees.
- 6 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: J. Duran v. City of Porterville et al., U.S. District Court, Eastern District, Case No. 12:-CV-01239-LJO-BAM.
- 7 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: A. Duran v. City of Porterville et al., U.S. District Court, Eastern District, Case No. 1:13-CV-00370-AWI-BAM.
- 8 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: J. Acevedo v. City of Porterville et al., Tulare County Superior Court Case No. 254083.

9 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Jimmy Lee Shaw v. City of Porterville, Tulare County Superior Court Case No. PCV 260019.

10 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Four Cases in which facts are not yet known to potential plaintiff.

**6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION
TAKEN IN CLOSED SESSION**

The City Attorney reported that no reportable action had taken place.

Pledge of Allegiance Led by Vice Mayor Hamilton
Invocation – a moment of silence was observed.

PROCLAMATIONS

Iris Festival Day - April 25, 2015

PRESENTATIONS

Certificate of Recognition - Sgt. Richard Standridge (Continued to May 5, 2015)
Outstanding Business – Carroll's Tire Warehouse

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Association of Governments (TCAG) "One Voice Trip" - April 13-16, 2015 - Council Member Gurrola reported that she was unable to attend due to missing her connection flight in Phoenix, AZ.
2. CalAct 2015 Spring Conference - April 14-16, 2015 - Vice Mayor Hamilton reported on the keynote speaker, and a breakout session regarding drug screening of transit employees.

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission – no meeting.
 2. Library & Literacy Commission - April 14, 2015
Vice Chair Allan Bailey reported on: discussion regarding the Commission's visit to the newly constructed Tulare Library, the formation of a library foundation, and the City Librarian's report of her participation in the Annual California State Library Director's Forum; Tuesday Morning Story time, Easter Bunny Photo Op and Spring Mini Reading Program participants; Sunday patronage; and his attendance at the Annual Volunteer Appreciation Dinner on 4/13. He also extended

an invitation to the Dia de los Ninos event at Centennial Park on 4/30, from 5:00 p.m. to 7:00 p.m.

3. Arts Commission – Commissioner Joan Givan spoke of the new mural off of Main Street, and extended an invitation to the upcoming Art Walk on 5/1, at 4:30 p.m.
4. Animal Control Commission – no meeting.
5. Youth Commission - April 13, 2015 – no verbal report.
6. Transactions and Use Tax Oversight Committee (TUTOC) – no meeting.

II. Staff Informational Reports

1. Water Conservation Phase II, Water System Status

City Manager Lollis reported on draft regulations that were proposed over the past weekend regarding a 7-tiered conservation program, and a very recent court decision against tiered water rates to encourage water conservation.

ORAL COMMUNICATIONS

- Elva Beltran, Porterville, provided an update regarding PACC's provision of donated water.
- Fred Beltran, Porterville, reported an increase in families without water, and the need for urgency; and spoke of an upcoming informational meeting.
- Maria Mena, extended an invitation to the presentation of a zoom chair to a local veteran on May 2nd, 2:30 p.m., at Don Vino's.
- Brock Neeley, Porterville, provided a copy of the 2013 National School Climate Survey, and spoke of the importance of kids feeling safe at school.
- Antonio Hernandez, Porterville, stated that he and his neighbors on Vandalia Street were out of water, and that there was no City water pipe in their vicinity to connect to.
- Guadalupe Zamudio, Porterville, has been out of water for a year; and stated that she was unable to receive help because she does not have kids and lives in the City.
- Austin Slater, Porterville, spoke of efforts of Porterville College ASB with regard to the drought; and requested the Council's support.
- Andrew Lockman, Office of Emergency Services, Visalia, provided his contact information for those wishing to communicate their concerns and situations to the County.

CONSENT CALENDAR

It was disclosed that Council Member Gurrola had a conflict of interest pertaining to Item No. 4; and Council Member Ward had a conflict of interest pertaining to Item No. 8.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Reyes that the City Council approve Item Nos. 1 through 15, noting the aforementioned abstentions. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF SEPTEMBER 2, 2014

Recommendation: That the City Council approve the draft Minutes for September 2, 2014.

Documentation: M.O. 01-042115
Disposition: Approved.

2. RATIFICATION OF EMERGENCY EXPENDITURE - REPAIR OF WELL 1A

Recommendation: That the City Council:

1. Ratify the emergency repair of the City Well 1A was necessary and met the emergency criteria as promulgated in Article VII, Section 2-38 of the City Code;
2. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$21,416; and
3. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 02-042115
Disposition: Approved.

3. AUTHORIZATION FOR EMERGENCY TRANSIT ENGINE REPAIR

Recommendation: That the City Council:

1. Authorize the transit bus engine overhaul by Cummins Pacific at a cost not to exceed \$14,999; and
2. Authorize payment of said repair upon satisfactory completion.

Documentation: M.O. 03-042115
Disposition: Approved.

4. AWARD OF CONTRACT - SEWER ANNEXATION AREA 455A PROJECT - ADDITIONAL WORK ON WESTFIELD AVENUE

Recommendation: That City Council:

1. Award the Additional Sewer Annexation Area 455: Additional Work on Westfield Avenue Project to 99 Pipeline, in the amount of \$75,175;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen costs;
4. Authorize an additional 10% for construction management, construction surveying, quality control, and inspection services;
5. Authorize the City Engineer to negotiate construction surveying service with one of the firms as approved by Council M.O. 02-100714.

AYES: Reyes, Ward, Hamilton, Stowe
NOES: None
ABSTAIN: Gurrola
ABSENT: None

Documentation: M.O. 04-042115
Disposition: Approved.

5. BID RESULTS FOR WELL NO. 32 PROJECT (PHASE 2 - PUMPING PLANT)

Recommendation: That the City Council:

1. Award the Well No. 32 Project (Phase 2-Pumping Plant) to Steve Dovail Construction in the amount of \$861,280.00;
2. Authorize a 10% contingency to cover unforeseen construction costs; and
3. Authorize 5% for construction management, quality control, and inspection.

Documentation: M.O. 05-042115
Disposition: Approved.

6. AUTHORIZATION TO APPLY FOR SECTION 5311 PROGRAM FUNDING

Recommendation; That the City Council:

1. Approve the draft Resolution authorizing staff to act on behalf of the City to apply for FTA Section 5311 financial assistance; and
2. Authorize the Mayor to sign the Resolution.

Documentation: Resolution No. 41-2015
Disposition: Approved.

7. AUTHORIZE LETTER OF INTENT FOR USE OF LOW CARBON TRANSIT OPERATIONS FUNDS

Recommendation: That the City Council:

1. Approve the attached draft Resolution authorizing staff to act on behalf of the City to apply for LCTOP financial assistance;
2. Authorize the Mayor to sign the Resolution;
3. Authorize the Mayor to sign the Authorized Agent Form;
4. Authorize the City Manager to sign the Certification and Assurances; and
5. Authorize the Mayor to sign the Letter of Intent to release City funding to the City of Visalia so that the funds may be applied to a project within our region in return for Visalia LFT funds.

Documentation: Resolution No. 42-2015
Disposition: Approved.

8. AUTHORIZATION TO AMEND THE BIOLOGICAL ODOR CONTROL SYSTEM PROJECT SERVICE AGREEMENT

Recommendation: That the City Council authorize amending the service agreement with BioAir Solutions by \$28,493 for the Biological Odor Control System for a total cost of \$78,493.

AYES: Reyes, Gurrola, Hamilton, Stowe
NOES: None
ABSTAIN: Ward
ABSENT: None

Documentation: M.O. 06-042115

Disposition: Approved.

9. INTENT TO SET PUBLIC HEARING FOR THE ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

Recommendation: That the City Council:

1. Set a Public Hearing for June 2, 2015, pursuant to Government Code Section 66016, for consideration of implementing the City of Porterville's Impact Fee ENR Cost Index auto escalator; and
2. Authorize staff to notify the community of the Public Hearing in accordance with Government Code Section 66016.

Documentation: M.O. 07-042115

Disposition: Approved.

10. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 37

Recommendation: That the City Council approve the Lease Agreement between the City of Porterville and Mr. Chris Freeman and Mrs. Connie Husley for Lot 37 at the Porterville municipal Airport.

Documentation: M.O. 08-042115

Disposition: Approved.

11. AUTHORIZATION TO REFINANCE SECTION 108 GOVERNMENT GUARANTEED PARTICIPATION CERTIFICATES SERIES HUD 2004-A

Recommendation: That the City Council approve the resolution authorizing the refinancing of the Section 108 HUD Series 2004-A note and authorize the Mayor to execute all documents necessary to accomplish the transaction.

Documentation: Resolution No. 43-2015

Disposition: Approved.

12. AUTHORIZATION FOR THE ESTABLISHMENT AND MAINTENANCE OF INVESTMENT ACCOUNTS WITH MULTI-BANK SECURITIES, INC., AND PERSHING LLC

Recommendation: That the City Council approve the Resolution authorizing the Finance Director to establish and maintain an account with Multi-Bank Securities, Inc., and Pursing, LLC.

Documentation: Resolution No. 44-2015

Disposition: Approved.

13. APPROVAL FOR COMMUNITY CIVIC EVENT - GREATER PORTERVILLE COUNCIL OF SENIOR CITIZENS AND ROLLIN' RELICS – ROLLIN' RELICS CAR SHOW - MAY 9, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Greater Porterville Senior Council and the Rollin' Relics Car Club, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 09-042115

Disposition: Approved.

14. APPROVAL FOR COMMUNITY CIVIC EVENT - COMISION HONORIFICA MEXICANA-AMERICANA, INC. - CINCO DE MAYO PARADE AND FIESTA - MAY 2 - 3, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 10-042115

Disposition: Approved.

15. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN -- PORTERVILLE PEACE OFFICERS' ASSOCIATION

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan.

Documentation: Resolution No. 45-2015

Disposition: Approved.

PUBLIC HEARINGS

16. ZONE CHANGE FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) AT 61 W. NORTH AVENUE

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive input regarding the proposed zone change; and
2. Approve the draft Ordinance, give first reading, and order the Ordinance to print.

City Manager Lollis introduced the item, and the staff report was presented by Acting Community Development Director Jenni Byers.

The Public Hearing opened at 7:29 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:29 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the draft Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2015-002-Z) FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) AT 61 W. NORTH AVENUE, give first reading and order the Ordinance to print. The motion carried unanimously.

The Ordinance was read by title only.

Documentation: Ordinance No. 1823

Disposition: Approved.

SCHEDULED MATTERS

17. CONSIDERATION OF REQUIRING A STREET MAINTENANCE ASSESSMENT BE INCLUDED IN THE APPROVAL OF NEW RESIDENTIAL SUBDIVISIONS

Recommendation: That the City Council consider amending the City's Development Ordinance to require a street maintenance assessment be included in the approval of new residential subdivisions.

City Manager Lollis introduced the item and presented the staff report. City Attorney Lew elaborated on options available to the City, and the Council discussed the assessment as a vehicle to address concerns and complaints regarding street maintenance. The Council then directed staff to bring the item back after review of the current statutory scheme.

Documentation: None.

Disposition: Direction given.

18. CONSIDERATION OF SETTING ASIDE AND RESCINDING THE FEBRUARY 7, 2012, CITY COUNCIL'S DECISIONS FOR THE RIVERWALK MARKETPLACE PHASE II PROJECT

Recommendation: That the City Council adopt the draft Resolution to set aside and rescind without prejudice Council's decisions on February 7, 2012, for the Riverwalk Marketplace Phase II Project.

The City Manager introduced the item, and the Acting Community Development Director presented the staff report.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council adopt the draft Resolution to set aside and rescind without prejudice Council's decisions on February 7, 2012, for the Riverwalk Marketplace Phase II Project. The motion carried unanimously.

Documentation: Resolution No. 46-2015

Disposition: Approved.

19. GOVERNOR'S EXECUTIVE ORDER FOR STATEWIDE MANDATORY WATER REDUCTIONS, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

Recommendation: That the City Council accept staff's report, and provide direction as appropriate.

City Manager Lollis introduced the item and presented the staff report. Following the staff report he added that the State had informed the City that Del Oro Water System was under a no drink order.

- Andrew Lockman, Tulare County OES, stated that the City provision of water to the County via Mutual Aid Request would not hurt the City's water conservation numbers; and addressed questions from the Council regarding the status of the well project, the funding, and agreement.
- Chad Fischer, State Water Resources Control Board Division of Drinking Water, Tulare District Engineer, advised that the City contact the Assistant Deputy Director of the Financial Assistance Division at Water Resources Control and provided staff with his contact information; and stated that the City should complete an online FAST application for the Vandalia Street area.
- Joel Greathouse, Project Manager, State Water Resources Control Board Division of Financial Assistance spoke of funding resources and provided information regarding the online application process.

Acting Public Works Director Mike Reed spoke of the Vandalia area, efforts to survey residents, estimated costs for construction, and connection fees. It was corrected that the FAST application was not for grant funds.

The Council discussed the status of the new well, the Mutual Aid Request, and the continued provision of water; and expressed their shared frustration regarding the lack of forward movement with regard to the new well. They spoke of the importance of being able to provide for their current customers and the pending receipt of the water system study.

- Andrew Lockman, Tulare County OES, addressed questions from the Council regarding the amount of water being requested by the County.

In response to questions posed by the Council, Acting Public Works Director Mike Reed spoke of the status of the water system analysis, and stated that he was not comfortable with the City providing water to the County at that time. He expressed concern regarding the potential impact to the system, especially during the summer months, and planned development.

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Council Member Gurrola that the City Council deny the Mutual Aid Request until an additional water source comes online; and direct staff to work the Porterville Area Coordinating Council regarding the Vandalia residents.

AYES: Ward, Gurrola, Stowe
NOES: Reyes, Hamilton
ABSTAIN: None
ABSENT: None

Documentation: M.O. 11-042115

Disposition: Mutual Aid Request denied; and direction given.

ORAL COMMUNICATIONS

- Fred Beltran, PACC, would work with the City regarding the provision of water to City residents; spoke of the possible purchase of a water truck and the need for a water source for deliveries, should that purchase take place; and suggested that an individual who was not a City or County employee champion the cause to help expedite the process.
- Austin Slater, spoke of GoFund efforts to raise funds for the purchase of a water truck for PACC.

OTHER MATTERS

- Council Member Gurrola, spoke of correspondence received from Latino Water Coalition regarding the Governor's Executive Order to reduce water usage by 25%.
- Mayor Stowe, spoke of Iris Festival on Saturday, April 25, 2015.
- City Manager Lollis, spoke of Administrative Professionals' Day, the Annual Red Star Fly-in was starting Friday, and the IRWMP.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:59 p.m. to the meeting of May 5, 2015

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Ratification of Emergency Expenditure - Emergency Repair of City Well 11

SOURCE: Public Works

COMMENT : The City of Porterville's Well 11, located on E. Garden Avenue, east of 4th Street, has experienced an operational failure. The demand on the water system depends on all wells being operational, so it is imperative that we restore operation to this well. Failure to correct this issue would affect the City's overall water system pressure and production capabilities.

City Code 2-38, Emergency Expenditures/Appropriations, authorizes an expenditure of up to \$100,000 in an extraordinary emergency for the preservation of the public peace, health, or safety. Pursuant to City Code 2-38, these circumstances were communicated to the Mayor by the City Manager and the expenditure was approved by the Mayor due to the extraordinary emergency of the situation. A copy of City Code 2-38 is attached for your reference.

Because of the need for an emergency repair, the normal sealed bid process was not used; emailed quotes were obtained. Securing the services of a pump repair company is challenging, especially during unprecedented drought conditions. However, the following bids were requested and three (3) bids were received from these local pump repair companies:

<u>Company</u>	<u>Total</u>	<u>Availability</u>
Valley Pump & Dairy Systems	\$30,995	Immediately
S.A. Camp Pump & Drilling Co.	\$36,850	October 27, 2015
Zim Industries	\$81,945	November 12, 2015

Valley Pump & Dairy Systems provided a bid and was the lowest bidder. In addition, they were immediately available to start correcting all issues at City Well 11, at a cost not to exceed \$34,094 (inclusive of all parts, taxes, and prevailing wage labor and a 10% contingency). The urgency to get this well operational has necessitated the approval of an emergency repair. Therefore, emergency authorization to engage the services of Valley Pump & Dairy Systems was obtained from the Mayor by the City Manager.

RECOMMENDATION: That City Council:

1. Ratify the determination that emergency repair of City Well
Item No. 2.

11 was necessary and met the emergency criteria as promulgated in Article VII, Section 2-38 of the City Code;

2. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$34,094; and

3. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

ATTACHMENTS:

1. Municipal Code 2-38 Emergency Expenditures/Appropriations

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

2-38: EMERGENCY EXPENDITURES/APPROPRIATIONS:

An appropriation and/or expenditure of up to one hundred thousand dollars (\$100,000.00) is authorized without additional prior council approval, if: a) the city manager has requested that such an appropriation/expenditure be made; b) the mayor has determined that the circumstances for the request constitute an extraordinary emergency, meaning that there is an immediate need to make such appropriation/expenditure for the preservation of the public peace, health or safety; and c) the city manager notifies the council of the specific appropriation/expenditure in writing. (Ord. 1704 § 1, 10-3-2006)



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Authorization to Purchase Sports Complex Shade Structure

SOURCE: Parks and Leisure Services

COMMENT: The Housing-Related Parks Program (HRP) is an innovative program designed to reward local governments that approve housing for low-income households with grant funds for the costs of Park and Recreation Facility creation, development, or rehabilitation.

The scope of work in the standard agreement submitted for the current round of HRP funding included installing shade structures at Zalud, Veterans and Murry Parks, as well as at the Sports Complex. Shade structures at Zalud Park, Veterans Park and Murry Park have been installed. A shade structure for the Sports Complex is the final shade project that was recommended and approved by the Parks and Leisure Services Commission and the City Council in 2012.

More favorable quotes have recently been received than when a single large structure over the playground at the Sports Complex was initially quoted (over \$95,000). The recent quotes include the purchase of two (2) separate shade structures to cover both pieces of playground equipment on the main playground, as well as installation. The three quotes that were received are:

NSP3	\$29,894.58
Ross Recreation	\$35,627.88
GT Shade	\$41,495.00

NSP3 is a member of the National Purchasing Partners government discount program. The \$29,894.58 is proposed to come from the remaining \$84,494.13 Housing-Related Parks Program fund. The Parks and Leisure Services Commission again recommended purchasing the shade structure for the Sports Complex at their October 1, 2015 meeting, in addition to other recommended purchases from the remaining grant balance that will be presented for the City Council's consideration.

RECOMMENDATION: That the City Council authorize the purchase and installation of the Sports Complex shade structure from NSP3 for \$29,894.58.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Purchase Solar Powered Bus Stop Shelters and Lighting Systems

SOURCE: Public Works

COMMENT: On August 6, 2013, City Council authorized staff to purchase and install solar powered bus stop lighting systems (PV-Stop) for each of its 160 bus stops, utilizing the InterCity Transit's Intergovernmental Cooperative Purchasing Agreement. The PV-Stop is pole mounted and provides 5W LED illumination, providing an economical energy efficient illumination that increase the safety and security of our transit passengers.

In August 2015, the City's public transportation system added fifty (50) additional stops as part of its 2015 service expansion. These 50 additional stops are now needing PV-Stops to match existing bus stop amenities.

In July 2012, the City Council authorized staff to purchase and install fourteen (14) passenger shelters with advertising panels. The bus stop shelters with advertising panels deliver a message with impact and have provided an additional source of revenue for the system.

Kings County Metro has a contract, Bus Shelter Lighting Systems, that will allow the City to purchase fourteen (14) solar powered bus shelter advertising lighting systems (PV-AD Shelter). The PV-AD Shelter system is mounted directly on top of the shelter and provides 160W LED illumination. By illuminating the advertising panel, staff believes this will provide advertisers additional visibility to vehicular and pedestrian traffic, as well as increase the demand for bus shelter advertising. Staff believes the extra lighting will also provide additional security to our passengers.

Staff is recommending to utilize the Kings County Metro Contract for the purchase of fourteen (14) PV-AD Shelter systems at a cost of \$59,241 from Urban Solar. Staff is also recommending to once again enter into the InterCity Cooperative Purchasing Agreement for the purchase of fifty (50) PV-Stop systems at a cost of \$53,707.50 from Urban Solar. Installation of both PV-Stop and PV-AD Shelter systems will be performed by transit staff, which is estimated to cost approximately \$5,500.

Solar powered bus stop shelters and lighting systems are listed in the approved capital improvement program and funding has been approved in the FY 2015/16 budget. The purchase of solar powered bus stop shelters and lighting systems, and installation are reimbursable, up to 80%, from the Federal Transit

Administration (FTA) Section 5307 program. The 20% local match will be from Local Transportation Funds (LTF).

RECOMMENDATION: That the City Council authorize the purchase of solar powered bus stop lighting and advertising systems from Urban Solar and authorize payment for said equipment upon satisfactory delivery.

ATTACHMENTS: 1. PV-AD Shelter Quote
 2. PV-Stop Quote

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



QUOTATION USC-AH-20151012
DATE October 12, 2015
TO Porterville Transit
PREPARED BY AJ Harper

COMPANY Richard Tree
Porterville Transit

PO#

SITE LOCATION		PRICING
Porterville, CA		USD

[illegible]

PLEASE NOTE: Unless otherwise stated AND indicated in writing by Urban Solar, the customer/purchaser is responsible to submit all applicable State sales and/or use taxes.

SUBTOTAL	\$ 54,600.00
SALES TAX	8.50%
TOTAL	\$ 59,241.00

Accepted:

Date:

Signature:

Name: _____



PROPOSAL/QUOTE

#5-515 Dupplin Road
Victoria, BC V8Z 1C2
Phone: 778-430-5516
Harper@urbansolarcorp.com

QUOTATION USC-AH-20151012
DATE October 12, 2015
TO Porterville Transit
PREPARED BY AJ Harper

SHIP TO TBD

COMPANY Richard Tree
Porterville Transit

PO#

SITE LOCATION	PRICING
Porterville, CA	USD

ITEM #	DESCRIPTION	QTY	UNIT PRICE	LINE TOTAL
PV-Stop	5W Pole mounted Solar powered LED lighting syste	50	\$ 990.00	\$ 49,500.00
	Color White; Automatic Configuration			
	Pricing Per: Intercity Coop Contract 10-11			
	<i>Design & Engineering incl. - Lead Time 6 Weeks</i>			
	<i>Installation & Operations Manual Included</i>			
	<i>Shipping & Handling Estimate by Weight</i>			

SUBTOTAL	\$ 49,500.00
SALES TAX	8.50%
TOTAL	\$ 53,707.50

PLEASE NOTE: Unless otherwise stated AND indicated in writing by Urban Solar, the customer/purchaser is responsible to submit all applicable State sales and/or use taxes.

Accepted:

Date:

Signature:

Name:



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Acceptance of Project - Plano Street Bridge Widening and Rehabilitation Project

SOURCE: Public Works

COMMENT: Viking Construction has completed the Plano Street Bridge Widening and Rehabilitation Project per plans and specifications. The project consisted of rehabilitating and widening the existing Plano Street Bridge and reconstructing the street approaches.

Staff tracks construction costs of all Capital Improvements Projects and reports project construction expenditures when the project is accepted by City Council. On June 4, 2013, City Council authorized expenditure of \$11,510,956.05 for construction. Multiple City Council items between December 18, 2012, and September 16, 2014, authorized expenditure of \$1,304,643.40 for construction management, inspection, and support services. The following itemizes the construction related costs into two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

- 1) Final construction cost is \$11,370,333.62.
- 2) Construction management and quality control costs are \$1,392,931.84.

Total project construction costs equate to \$12,763,265.46, which is less than the \$12,815,599.45 overall budget approved by City Council throughout the duration of the project. HBP grant funds, COP funds, and LTF funds are the funding sources for the project.

The project required more construction management hours than originally anticipated. There were field issues with the bridge's substructure and superstructure improvements that extended the construction schedule, forcing additional construction management time to continue to document the project properly. The resolution of final claims and closeout paperwork have caused the project acceptance to extend well beyond the construction completion date (an additional eight months).

Additional HBP funds are being requested from Caltrans through an Amendment Modification (AMOD) process to cover an overage of construction management costs expended beyond the original authorized amount. Caltrans has stated that funds are available, but are not payable until after April 1, 2016, due to the process of awarding HBP funds. The City will be reimbursed the proportional

share of the excess construction management costs and this amount will offset LTF funds utilized to finance this component of the project.

Staff requests that City Council accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the Public Works Director to organize a ribbon cutting ceremony to be held on Friday, October 30th, at 2:00 p.m. at the project site.

ATTACHMENTS: 1. Locator Map

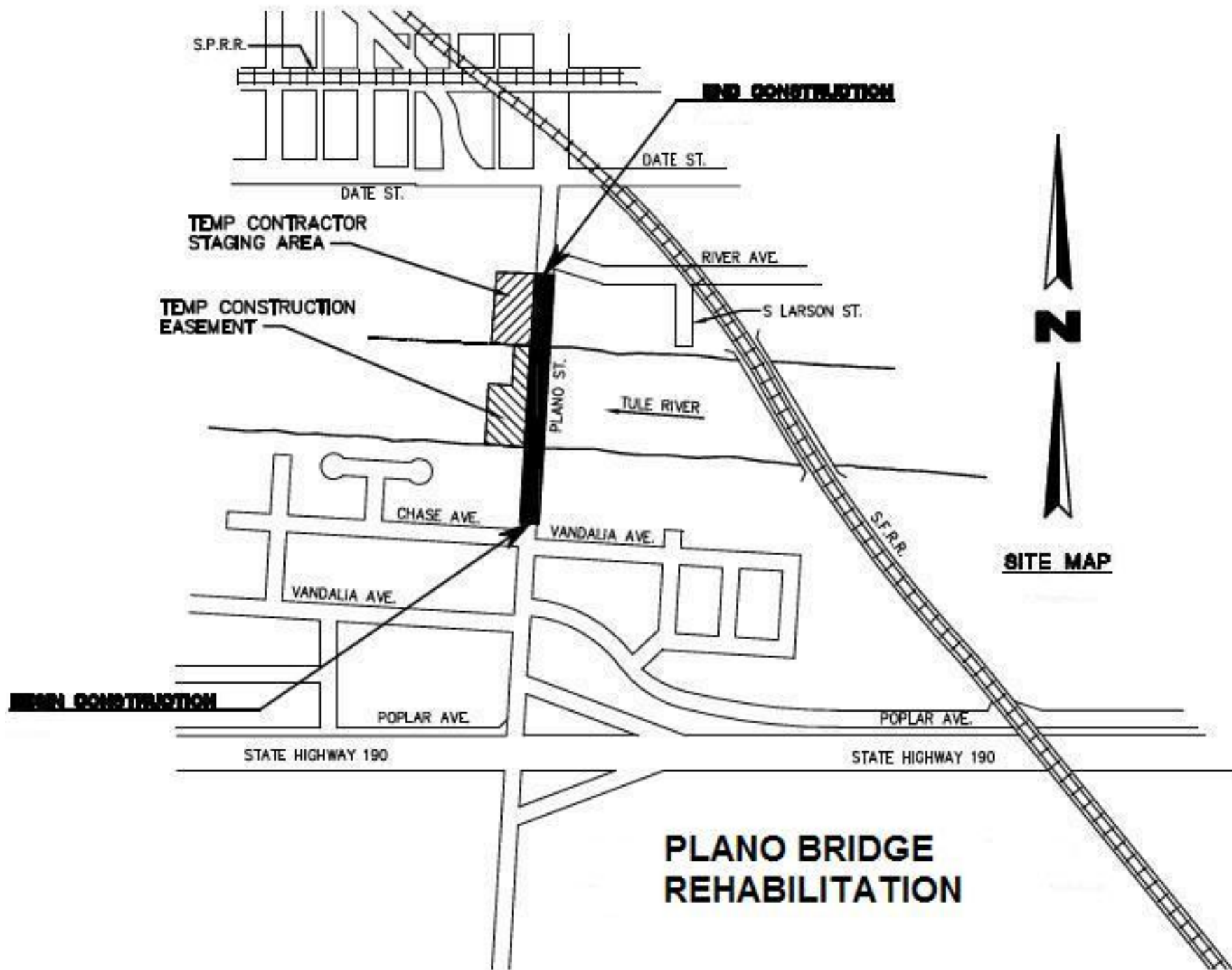
Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager





CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Acceptance of Project - Newcomb Street Shoulder Stabilization Project

SOURCE: Public Works

COMMENT: Dawson-Mauldin Construction has completed the Newcomb Street Shoulder Stabilization Project per plans and specifications. The project consisted of installing curb, gutter, sidewalk, driveways, roadway drainage, asphalt concrete paving, accessible ramps, and other appurtenant structures along Newcomb Street from Olive Avenue to a location midway between Forest Avenue and Roby Avenue.

Staff tracks construction costs of all Capital Improvements Projects and reports project construction expenditures when the project is accepted by the City Council. On December 16, 2014, the City Council authorized the expenditure of \$929,880.71 for construction, construction management, quality control services and surveying for the Newcomb Street Shoulder Stabilization Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management, quality control and surveying.

- 1) Final construction cost is \$864,495.24.
- 2) Construction management, quality control and surveying costs are \$52,854.43.

Total project construction costs equate to \$917,349.67, which is less than the \$929,880.71 overall budget approved by Council at the time of award. CMAQ grant funds, Measure R Alternative Transportation Funds and LTF funds are the funding sources for this project as allocated by the 2014/2015 Budget.

Staff requests that the City Council accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of final payment, provided no stop notices have been filed.

ATTACHMENTS: 1. Locator Map

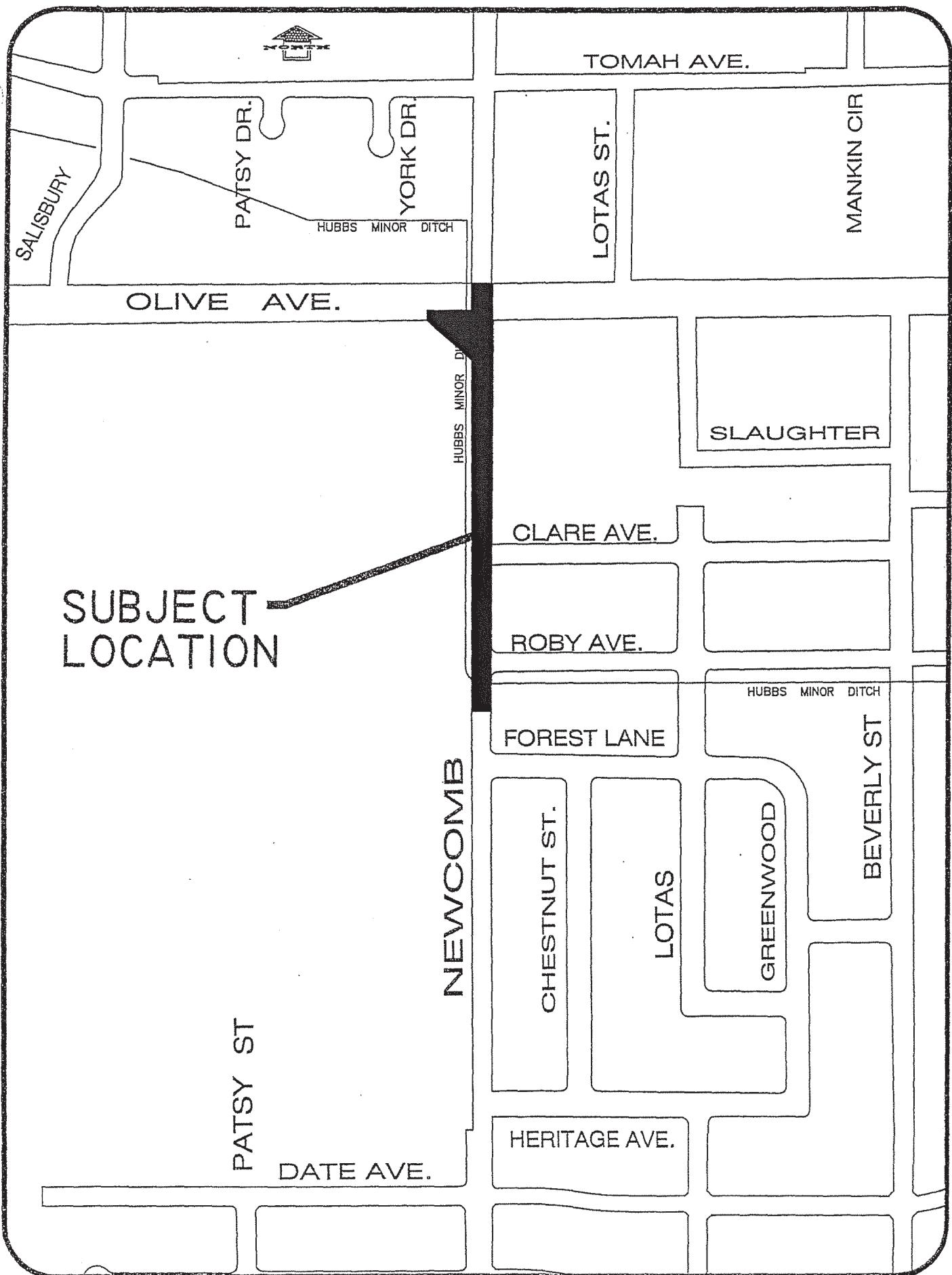
Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



TOMAH AVE.

SALISBURY

PATSY DR.

YORK DR.

HUBBS MINOR DITCH

LOTAS ST.

MANKIN CIR.

OLIVE AVE.

HUBBS MINOR DITCH

SUBJECT
LOCATION

SLAUGHTER

CLARE AVE.

ROBY AVE.

HUBBS MINOR DITCH

FOREST LANE

NEWCOMB

PATSY ST

DATE AVE.

CHESTNUT ST.

LOTAS

GREENWOOD

BEVERLY ST

HERITAGE AVE.



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Authorization to Amend AECOM's Service Agreement for the Sludge Dewatering and Electric Blowers Project

SOURCE: Public Works

COMMENT: On October 4, 2011, the City Council approved a contract with AECOM for design services for the WWTF Sludge Dewatering and Electric Air Blower Project. Subsequent to the initial contract approval, three contract amendments have been approved for the purpose of requiring AECOM to 1) complete topographic surveys to supplement information provided by staff upon project initiation; 2) to define the specifications for the equipment procurement contract; and 3) to design a new electrical panel to replace the dated, existing panel from 1978 and provide construction support services. As the project moves forward during the construction phase, "as built" conditions are resulting in additional questions from Cushman Contracting Corporation, who is the construction contractor.

In order to respond to these Requests for Information (RFI), staff requests that the City Council approve an additional amendment to AECOM's existing service agreement to include additional construction support services at a "not to exceed" cost of \$25,000. The requested services will include the review of all technical submittals, response to Contractor RFI questions during construction, and the preparation of supplemental plans as needed to correct or clarify the original plans to achieve the desired product. The current contract for construction services includes an estimate of 20 RFI's and 60 submittals for construction. The project has already exceeded the initial estimated amount of questions and submittals the consultant anticipated. The consultant at AECOM, the consultant/designer, sent a memorandum quantifying the total RFI's and submittals. The memorandum is attached for the Council's reference.

Funding for the project will come from the Wastewater Treatment Facility Capital Reserve account and was approved in the 2015/2016 Annual Budget.

RECOMMENDATION: That City Council:

1. Approve an amendment to AECOM's service agreement in an amount "not to exceed" \$25,000 for construction support services during the construction of the Sludge Dewatering and Electric Blowers Project; and

2. Authorize the Acting Public Works Director to sign said agreement.

ATTACHMENTS:

1. Sludge Dewatering and Blower Project - AECOM Memo Request

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



AECOM
5001 E Commercenter Dr., Suite 100
Bakersfield, CA 93309

(661) 283-2323 tel
(661) 395-0359 fax

September 29, 2015

Mr. Daniel Cervantez
City of Porterville
291 N Main Street
Porterville, CA 93257

Subject: Request for Additional Budget - Construction Support Services for the Blower and Solids Dewatering Improvements Project

Dear Mr. Cervantez,

As we discussed previously, AECOM is continuing to provide construction support services for the Blower and Solids Dewatering Improvements Project. Our original scope of work included the following tasks to be performed during the construction period of the project:

1. Attendance at the pre-construction conference
2. Review and response of up to 60 shop drawing submittals
3. Review and response of up to 20 RFI's.
4. General coordination with the City, Equipment Vendors, and Contractor as needed
5. Preparation of Record Drawings

In response to the City's request, AECOM began providing the construction support services during the bid period by attending the pre-bid conference, responding to numerous bidder questions/RFI's (37 total) and assisting the City in preparation of three (3) bid addenda documents.

Since the beginning of the construction period, AECOM has attended the pre-construction conference; reviewed and prepared a response to numerous shop drawing submittals and RFI's; and coordinated with the Contractor and equipment vendors. The following data summarizes our shop drawing review work since the beginning of construction to date:

Total number of 1st submittals received to date – 59
Total number of 1st submittals reviewed to date – 52
Total number of 2nd submittals received to date – 22
Total number of 2nd submittals reviewed to date – 22
Total number of 3rd (or more) submittals received to date – 6
Total number of 3rd (or more) submittals reviewed to date – 5
Total reviews to date - 79

Our work in reviewing and responding to RFI's for the same time period is as follows:

Total number of RFI received to date – 20
Total number of RFI reviewed to date – 19

With the additional services provided during the bid period and the on-going review and responses to RFI's and shop drawings we have exhausted our construction support services budget and respectfully request the City's consideration of approving additional budget for AECOM to continue the support services as construction continues.

Our proposed additional scope of work includes shop drawing reviews of up to another 25 submittals, review and responses of up to another 12 RFI's, and continuing coordination with the City, contractor and equipment vendors.

Our proposed additional budget is based on 140 additional hours and a 10 percent allowance for other direct costs. The total proposed budget increase is \$25,000.00. This would increase our overall time and materials not-to-exceed project budget from \$65,000 to \$90,000.

Thank you for consideration of this matter. If you have any questions or need additional information please contact us.

Yours sincerely,



Ben Horn, PE
Managing Engineer



J. T. Gardiner, PE
Project Manager



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Intent to Set a Public Hearing for the Adoption of an Ordinance Amending the Municipal Code to Include a Streamlined Permitting Process for Small Residential Rooftop Solar Systems

SOURCE: Public Works

COMMENT: On September 21, 2014, Governor Brown signed Assembly Bill (AB) 2188 into law, adding Section 65850.5 to the California Government Code. AB 2188 provides that it is the policy of the state to promote and encourage the installation and use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems. It is also their intent that local agencies comply not only with the language of the bill, but also the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

Section 65850.5(g)(1) of the California Government Code requires every city and county to adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. In developing an expedited permitting process, the city or county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review.

The expedited permitting process for small rooftop solar energy systems must be adopted by ordinance to bring the City into compliance with the requirements of AB 2188 and Government Code Section 65850.5(g)(1).

RECOMMENDATION: That City Council:

1. Approve the scheduling of a Public Hearing for November 3, 2015, to receive input regarding the adoption of an Ordinance Amending the Municipal Code to Include a Streamlined Permitting Process for Small Residential Rooftop Solar Systems; and
2. Direct the City Clerk to publish the necessary public notice.

ATTACHMENTS: 1. AB 2188 - Solar energy

Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Assembly Bill No. 2188

CHAPTER 521

An act to amend Section 714 of the Civil Code, and to amend Section 65850.5 of the Government Code, relating to solar energy.

[Approved by Governor September 21, 2014. Filed with
Secretary of State September 21, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2188, Muratsuchi. Solar energy: permits.

(1) Existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems, as defined, and to limit obstacles to their use. Existing law states that the implementation of consistent statewide standards to achieve timely and cost-effective installation of solar energy systems is not a municipal affair, but is instead a matter of statewide concern. Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Existing law requires a solar energy system for heating water to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would specify that these provisions address a statewide concern. The bill would additionally require a city, county, or city and county to adopt, on or before September 30, 2015, in consultation with specified public entities an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems, as specified. The bill would additionally require a city, county, or city and county to inspect a small residential rooftop solar energy system eligible for expedited review in a timely manner, as specified. The bill would prohibit a city, county, or city and county from conditioning the approval of any solar energy system permit on approval of that system by an association that manages a common interest development. The bill would require a solar energy system for heating water in single family residences and solar collectors for heating water in commercial or swimming pool applications to be certified by an accredited listing agency, as defined.

Because the bill would impose new duties upon local governments and local agencies, it would impose a state-mandated local program.

(2) Existing law prohibits any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document from effectively prohibiting or restricting the installation or use of a solar energy system. Existing law exempts from that prohibition provisions that impose reasonable restrictions on a solar energy

system that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. Existing law defines the term “significantly,” for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 20% of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$2,000 over the system cost or a decrease in system efficiency of an amount exceeding 20%, as specified. Existing law requires a solar energy system for heating water subject to the provisions described above to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would instead define the term “significantly,” for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 10% of the cost of the system, not to exceed \$1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$1,000 over the system cost or a decrease in system efficiency of an amount exceeding 10%, as specified. The bill would require a solar energy system for heating water in single family residences and solar collectors for heating water in commercial or swimming pool applications subject to the provisions described above to be certified by an accredited listing agency, as defined.

(3) Existing law requires an application for approval for the installation or use of a solar energy system to be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property and prohibits the approver from willfully avoiding or delaying approval. Existing law requires the approving entity to notify the applicant in writing within 60 days of receipt of the application if the application is denied, as specified.

The bill would instead require the approving entity to notify the applicant in writing within 45 days of receipt of the application if the application is denied, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) In recent years, the state has both encouraged the development of innovative distributed generation technology and prioritized the widespread

adoption of solar power as a renewable energy resource through programs such as the California Solar Initiative.

(b) Rooftop solar energy is a leading renewable energy technology that will help this state reach its energy and environmental goals.

(c) To reach the state’s Million Solar Roofs goal, hundreds of thousands of additional rooftop solar energy systems will need to be deployed in the coming years.

(d) Various studies, including one by the Lawrence Berkeley National Laboratory, show that, despite the 1978 California Solar Rights Act, declaring that the “implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair ... but is instead a matter of statewide concern,” the permitting process governing the installation of rooftop solar energy systems varies widely across jurisdictions and, contrary to the intent of the law, is both an “obstacle” to the state’s clean energy and greenhouse reduction goals and a “burdensome cost” to homeowners, businesses, schools, and public agencies.

(e) The United States Department of Energy, through its SunShot Initiative, has distributed millions of dollars in grants to local and state governments, including California jurisdictions, and nonprofit organizations to reduce the costs of distributed solar through streamlined and standardized permitting.

(f) A modernized and standardized permitting process for installations of small-scale solar distributed generation technology on residential rooftops will increase the deployment of solar distributed generation, help to expand access to lower income households, provide solar customers greater installation ease, improve the state’s ability to reach its clean energy goals, and generate much needed jobs in the state, all while maintaining safety standards.

SEC. 2. Section 714 of the Civil Code is amended to read:

714. (a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document, as defined in Section 4150 or 6552, that effectively prohibits or restricts the installation or use of a solar energy system is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on solar energy systems. However, it is the policy of the state to promote and encourage the use of solar energy systems and to remove obstacles thereto. Accordingly, reasonable restrictions on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

(c) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, consistent with Section 65850.5 of the Government Code.

(2) Solar energy systems used for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the Plumbing and Mechanical Codes.

(3) A solar energy system for producing electricity shall also meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(d) For the purposes of this section:

(1) (A) For solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, “significantly” means an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.

(B) For photovoltaic systems that comply with state and federal law, “significantly” means an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

(2) “Solar energy system” has the same meaning as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5.

(e) (1) Whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed.

(2) For an approving entity that is an association, as defined in Section 4080 or 6528, and that is not a public entity, both of the following shall apply:

(A) The approval or denial of an application shall be in writing.

(B) If an application is not denied in writing within 45 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

(f) Any entity, other than a public entity, that willfully violates this section shall be liable to the applicant or other party for actual damages occasioned thereby, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).

(g) In any action to enforce compliance with this section, the prevailing party shall be awarded reasonable attorney’s fees.

(h) (1) A public entity that fails to comply with this section may not receive funds from a state-sponsored grant or loan program for solar energy. A public entity shall certify its compliance with the requirements of this

section when applying for funds from a state-sponsored grant or loan program.

(2) A local public entity may not exempt residents in its jurisdiction from the requirements of this section.

SEC. 3. Section 65850.5 of the Government Code is amended to read:

65850.5. (a) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems. It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(b) A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city or county makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.

(c) A city, county, or city and county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

(e) Any conditions imposed on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

(f) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) Solar energy systems for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.

(3) A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(g) (1) On or before September 30, 2015, every city, county, or city and county, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a utility, shall adopt an ordinance, consistent with the goals and intent of subdivision (a), that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. In developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city, county, and city and county, shall be deemed complete. Upon confirmation by the city, county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. Upon receipt of an incomplete application, a city, county, or city and county shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(2) The checklist and required permitting documentation shall be published on a publically accessible Internet Web site, if the city, county, or city and county has an Internet Web site, and the city, county, or city and county shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant. In developing the ordinance, the city, county, or city and county shall substantially conform its expedited, streamlined permitting process with the recommendations for expedited permitting, including the checklists and standard plans contained in the most current version of the California Solar Permitting Guidebook and adopted by the Governor's Office of Planning and Research. A city, county, or city and county may adopt an ordinance that modifies the checklists and standards found in the guidebook due to unique climactic, geological, seismological, or topographical conditions. If a city, county, or city and county determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, the city, county, or city and county shall state, in the ordinance

required under this subdivision, the reasons for its inability to accept electronic signatures and acceptance of an electronic signature shall not be required.

(h) For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection, except that a separate fire safety inspection may be performed in a city, county, or city and county that does not have an agreement with a local fire authority to conduct a fire safety inspection on behalf of the fire authority. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this subdivision.

(i) A city, county, or city and county shall not condition approval for any solar energy system permit on the approval of a solar energy system by an association, as that term is defined in Section 4080 of the Civil Code.

(j) The following definitions apply to this section:

(1) “A feasible method to satisfactorily mitigate or avoid the specific, adverse impact” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit. A city, county, or city and county shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

(2) “Electronic submittal” means the utilization of one or more of the following:

- (A) Email.
- (B) The Internet.
- (C) Facsimile.

(3) “Small residential rooftop solar energy system” means all of the following:

(A) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

(B) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, county, or city and county and paragraph (3) of subdivision (c) of Section 714 of the Civil Code.

(C) A solar energy system that is installed on a single or duplex family dwelling.

(D) A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

(4) “Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code.

(5) “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Consideration of Street Closure for Porterville "Step-Up" Neighborhood Outreach Event

SOURCE: Police

COMMENT: A "Step-Up" Neighborhood Outreach Event has been planned for our community this calendar year on Thursday, November 5, 2015, beginning at 5:30 p.m. in the neighborhood near West Putnam Elementary School. Due to site considerations and limitations, it is recommended that the City Council approve the temporary closure of West Tomah Avenue between North Beverly Street and Waukesha Street.

RECOMMENDATION: That the City Council authorize the temporary closure of West Tomah Avenue between North Beverly and Waukesha on November 5, 2015, in support of the Porterville "Step-Up" Neighborhood Outreach Event.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Property License Agreement Renewal Between the City of Porterville and the Friends of the Library

SOURCE: Parks and Leisure Services

COMMENT: The Friends of the Library is a non-profit organization that helps raise money to support special projects for the Porterville Library and the Literacy Program. The Friends accept donations of used books, movies, and music. They hold a sale on the first and third Saturday of each month from 8:30 a.m. to 12:30 p.m.

The Friends of the Library approached the City in 2010 expressing an interest in reaching an agreement to utilize a City-owned property to store and sell their books, movies, and music, as they were in need of more space. City Council approved a five-year property license agreement in September 2010 between the City of Porterville and the Friends of the Library for them to lease the first floor of the building at 301 N. Hockett Street. The Friends of the Library utilizes the space for their bookstore and to store their items.

The initial property license agreement included the option for the Licensee to renegotiate the terms of the agreement for an additional five years. The Friends of the Library has requested the agreement indeed be extended another five years with the terms of the agreement remaining the same. The Licensee shall pay the sum of \$1.00 per year to the City. The term of the new agreement would end October 2020.

RECOMMENDATION: That the City Council consider approval of the property license agreement renewal between the City of Porterville and the Friends of the Library, and authorize and direct the Mayor to execute the same.

ATTACHMENTS:

1. Friends of the Library Letter
2. Friends of the Library Agreement

Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

FOL
41 W. Thurman
Porterville, Ca 93257

City of Porterville
Thru City Librarian

September 30, 2015

Dear Sir:

The Friends of the Porterville Library would like to request an extension of the current lease of the Spencer House at 301 N. Hockett Street. This building currently houses the Friends bookstore. The bookstore generates funds to support the City Library activities.

We appreciate the support we have received from the City Council and City Management during our lease period and request a five year extension with the terms of the lease remaining the same.

Thank you for your consideration and we hope to hear from you soon regarding this matter. Any questions can be directed to Pat Beck, Acting President, at 559-284-4999.

/s/Pat Beck
Patricia Beck
Friends of the Porterville Library

PROPERTY LICENSE AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND
THE FRIENDS OF THE LIBRARY

THIS AGREEMENT, made and entered into the 21st day of October, 2015, by and between the CITY OF PORTERVILLE, a municipal corporation, hereinafter referred to as "LICENSOR", and the FRIENDS OF THE LIBRARY, a non-profit corporation, hereinafter referred to as the "LICENSEE".

RECITALS

- A. WHEREAS, the Licensor is the owner of the real property 301 N. Hockett Street in the City of Porterville, and more particularly described as the Spencer House and
- B. WHEREAS, the Licensee is a duly constituted corporation and
- C. WHEREAS, the Licensee's primary purpose and function is to service the City of Porterville's Public Library and its patrons for the betterment of the local community.

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

- 1. **Use.** That the Licensor, for and in consideration of the premises, covenants, agreements, and stipulations herein contained on the part and behalf of the Licensee to be paid, kept and performed, at the time and in the form and manner herein specified, with the time being a license for the period of time, term, and on the conditions herein set forth, grants to Licensee the non-exclusive right and privilege to engage, use and employ the real property described as the Spencer House for the purpose of carrying on and conducting a community service for the benefit of the public library and its patrons.
- 2. **Term.** This License shall be for five years commencing on October 21, 2015. At the end of five years, provided that the Licensee is not in default and further provided that the City Council of the City of Porterville is satisfied with Operator's performance up to that time, Licensee shall have the option to renegotiate the terms of this agreement for an additional five (5) years.
- 3. **Consideration.** As total consideration for this License, Licensee shall pay to Licensor the sum of \$1.00 per year due and payable annually on October 21st.
- 4. **Conditions Applicable to License.** This Licensee is subject to all existing covenants, conditions, reservations, contracts, leases, licenses, easements, encumbrances, restrictions and rights of ways with respect to the Premises, whether or not of record.

5. **No Transfer or Assignment.** This License is personal to Licensee. Any attempt to transfer or assign this License shall terminate it.
6. **Permits and Regulations.** Licensee shall be responsible for securing any required approvals, permits and authorizations from any federal, state or local agencies and shall comply with all applicable laws and regulations.
7. **No Interference.** Licensee shall not interfere with the normal operation and activities of Licensors and Licensee shall conduct its activities on the Premises with no inconvenience to Licensors, its agents, employees and invitees.
8. **Maintenance.** Licensee agrees to maintain and keep in good and clean order and repair and replace the same, as necessary, the premises, and to keep the building exteriors clean and properly cared for and maintained at all times, to the reasonable satisfaction of the City.

The City shall be responsible for major building and property repairs including repairs to the roof and plumbing. Licensee shall be responsible for minor building repairs.

9. **Modifications.** Licensee shall be allowed to modify the building and facilities, with written consent from the City, which shall not be unreasonable withheld.
10. **Rights and Obligations.** The Licensee shall, without cost, charge or expense to the Licensors, pay all electric power, water, gas, telephone and refuse collection fees and charges, and the same shall not be allowed to become a charge or lien on said real property.
11. **Default.** In the event the Licensee fails to comply with any of the material terms of this Agreement, in addition to any and all other remedies available under the law, this License may be revoked by the City, upon the Licensee's receipt of written notice of the violation to the parties and its failure to cure within ten (10) days. More time may be granted for the cure of any violations if agreed to in writing by the parties.
12. **Alteration in Writing.** This License supersedes any and all prior understandings and agreements, whether written or oral, between the parties with respect to the subject matter of this License. No alteration or variation of this License shall be valid unless made in writing and signed by Licensors and Licensee.
13. **Indemnification.** To the fullest extent permitted by law, Licensee shall indemnify, defend, and hold harmless Licensors, its officers, agents and employees, from and against any claims, damages, costs, expenses, or liabilities (collectively "Claims") arising out of or in any way connected with this License including, without limitation, Claims for loss or damage to any property, or for death or injury to any person or persons but only in proportion to and to the extent

that such Claims arise from the negligent or intentional acts or omissions of Licensee, its officers, agents, partners, invitees or employees.

14. **Insurance.** Licensee agrees that he or she will procure and maintain in force throughout the term of this Agreement at insurance policies insuring Licensee and the City against public liability and property damage in the following minimum amounts, to wit:

1. Comprehensive form of general liability insurance, personal injury liability and property damage, and naming the City of Porterville, its officers, employees, agents and assigns, as additional insured, in at the following amounts:

- a. Bodily insurance, including death to one or more persons, each occurrence: \$1,000,000.00 per occurrence. Prior to commencement of the term of this Agreement, Licensee shall provide Licensor with and original Certificate of Insurance, together with a signed endorsement naming the Licensor as Additional Insured and acknowledging that thirty (30) days written notice of cancellation or material change shall be given Licensor.

All insurance shall be carried with insurance companies having a Best rating of not less than A:VII, and which are admitted and authorized to do business in the State of California by the Insurance commissioner of California. A renewal policy shall be procured not less than ten (10) days prior to the expiration of any such policy. The policies of insurance as above provided, or certificates of the insurers evidencing insurance carried, shall be deposited with the City Clerk of the City immediately upon the execution of this Agreement. Should the required insurance coverage, for any reason whatsoever, be canceled, the insurer is required to provide the City with thirty (30) days notice of such cancellation.

15. **Termination.** This License may be terminated by the Licensor in its sole discretion upon ninety (90) days written notice to Licensee by Licensor.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the _____ of _____, 2015.

FRIENDS OF THE LIBRARY

Pat Beck, President

CITY OF PORTERVILLE

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

APPROVED AS TO FORM

Julia M. Lew, City Attorney



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Approval for Community Civic Event - U.S. Marine Corps Reserve - Toys for Tots - A Christmas to Remember Car and Bike Show - November 14, 2015

SOURCE: Finance

COMMENT: U.S. Marines Toys for Tots is requesting approval to hold a car show and toy drive on Saturday, November 14, 2015, from 8:00 a.m. to 3:00 p.m., at Veterans Park. The U.S. Marines Toys for Tots is asking for the ability to park cars, along with vendor booths, on the grassy area between the playground at Newcomb Street and Henderson Avenue.

This request is made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all the departments involved. The requirements are listed on the attached copy of the Application, Agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That the City Council approve the attached Community Civic Event Application and Agreement submitted by the U.S. Marine Corps Reserve Toys for Tots subject to the stated requirements contained in the Application, Agreement and Exhibit A and Exhibit B.

ATTACHMENTS:

1. Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Map, Outside Amplifier Permit and Certificate of Liability Insurance.

Appropriated/Funded: MB

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us



(Incomplete applications can delay permit process)

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? E-mail address? Website?

Application date: 10/11/2015 9/24/15 Event date: 11/14/15
Event time: 8-3PM

Name of Event: "A Christmas to Remember"
Car & Bike Show

Sponsoring organization: US Marines Reserve Toys For Tots Phone # 559-289-9381
Address: 345 West Bellevue, Porterville, CA 93257

Authorized representative: Grace Muñoz-Rios Phone # 559-289-9381
Address: 345 West Bellevue, Porterville, CA 93257

Event chairperson: Marsha Randolph Phone # 559-202-9083

Location of event Porterville Veteran's Park
(Location map must be attached)

Type of event: Car Show Toy Drive

Non-profit organization status: 501C3 BL# 004432
(IRS Determination)

City services requested (fees associated with these services will be billed separately):

Barricades (quantity):	Street sweeping	Yes	No	☒
Police protection Yes ☐ No ☒	Refuse pickup	Yes	No	☒
Other: _____				

Parks facility application required:	Yes ☒	No ☐	Attached	_____
Assembly permit required:	Yes ☐	No ☒	Attached	_____

STAFF COMMENTS (list special requirements or conditions for event):

Appr.	Deny		
_____	_____	Bus. Lic. Spvr.	_____
_____	_____	Pub. Works Dir	_____
_____	_____	Comm. Dev. Dir.	_____
_____	_____	Field Svcs. Mgr.	_____
_____	_____	Fire Chief	_____
_____	_____	Parks Dir.	_____
_____	_____	Police Chief	_____
_____	_____	Admin. Svcs. Dir.	_____

CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted NO LESS THAN 30 DAYS PRIOR to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred (\$100) for the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. **The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured.** A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. **This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval.** *The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 15-20(e) 18)*

 Authorized Representative Initials

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. **Claims-made policies are not acceptable.**

 Authorized Representative Initials

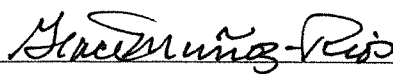
Health permit: Organization/Applicant **will obtain or ensure** that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

 Authorized Representative Initials

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

 Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

US Marines Reserve Toys For Tots		9/24/15
(Name of Organization)	(Signature)	(Date)

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND
AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY
TO BE HELD ON PUBLIC PROPERTY

Location: Porterville Veteran's Park Event date: 11/14/15 Event time: 8:00-2PM

[illegible]

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Event date: 11/14/15 Hours: 8:00-2:00 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
	N/a		
<u>Sidewalks</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
<u>Parking lots and spaces</u>	<u>Location</u>	<u>Activity</u>	

Requirements for Community Civic Event

U.S. Marines Toys for Tots
Christmas to Remember Car Show and Toy Drive

November 14, 2015

Finance Director:

M. Bemis

Public Works Director, Acting:

M. Reed

Community Development Manager:

J. Phillips

Field Services Manager:

B. Styles

No comments.

Fire Chief:

G. Irish

No comments.

Parks and Leisure Services Director:

D. Moore

Cars to remain on the trail while entering and exiting. Only cars in the car show are allowed to remain parked in the park during the event.

Police Lieutenant:

C. Contreras

Please see Conditions/Requirements in Exhibit B.

Administrative Services Director:

P. Hildreth

Please see Exhibit A, page 2.

Requirements for Community Civic Event

Sponsor: U.S. Marines Toys for Tots
Event: A Christmas to Remember Car Show and Toy Drive
Event Chairman: Marsha Randolph
Location: Veterans' Park
Date of Event: November 14, 2015

RISK MANAGEMENT: Conditions of Approval

That the U.S. Marines Toys for Tots provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event

- A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an 'admitted' insurer in the State of California.

CITY OF PORTERVILLE

APPLICATION FOR COMMUNITY CIVIC EVENT

Proposed Event:

Car Show – A Christmas to Remember – Toys for Tots
Veteran Park
November 14th, 2015

Staff Comments: Conditions/Requirements by Police Department

- No street closures have been requested or approved. All street closures require City Council approval well in advance of the event.
- No procession has been mentioned, but participants in any procession on city roadways must comply with all traffic laws and rules of the road. Additionally, they shall not impede vehicular or pedestrian traffic or generally interfere with the normal flow of traffic.
- There shall be no sales, possession or consumption of alcoholic beverages in the park during the event.
- Food vendors should provide inspection certificates from the Tulare County Health Department to event organizers to ensure safe food products.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music or other amplifications to be played so loud as to unreasonably disturb the peace and good order of the business establishments or neighborhoods in the area.
- Amplified music or sound shall not continue beyond 9:00 p.m...

Chris Contreras / Lieutenant
Porterville Police Department

EXHIBIT B

3rd Annual
A Christmas To Remember
Toy's 4 Tots
Car Show
Nov 15-2014
8-4

O = Trees
X - DJ
B = Booth

TARGET

PARKING LOT

ENTER

Helicopter
X

CARS DISPLAYED ON SITE

Arbor

TX

Big Oak Tree

EXIT

Rest Rooms
X

Play Ground
X

SKATE
PARK

HENDERSON

CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)



This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

- 1 Name and home address of the applicant: US Marines Reserve Toys For Tots - Grace
Munoz-Rios, 345 West Bellevue, Porterville, CA 93257
- 2 Address where amplification equipment is to be used: Porterville Veteran's Park
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Dustin Randolph
(559) 202-9083
- 4 Type of event for which amplification equipment will be used: Car Show Toy Drive
- 5 Dates and hours of operation of amplification equipment: 8:00AM - 2:00PM
- 6 A general description of the sound amplifying equipment to be used: DT type - player, speakers
w/microphone

Section 18-9

It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort,

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Grace Munoz-Rios
Signature of Applicant

9/24/15
Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

[Signature]
City of Porterville, Chief of Police/Designee

10-7-15
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/01/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Specialized Insurance Services Inc. Chesapeake 1464 Mt. Pleasant Road Unit 16 #315 Chesapeake VA 23322		CONTACT NAME: Jackie Dunnagan PHONE (A/C, No, Ext): FAX (A/C, No): (866)264-7244 E-MAIL ADDRESS:	
INSURED Marine Toys For Tots Foundatio Lt. Gen. Pete Osman 18251 Quantico Gateway Drive Triangle VA 22172		INSURER(S) AFFORDING COVERAGE INSURER A: Philadelphia Insurance Company INSURER B: The Hartford INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Hired/Non-Owned Auto ☐ \$1 Mil. CSL GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC	Y	N	PHPK1302776	04/22/2015	04/22/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ 10,000	N	N	PHUB491982	04/22/2015	04/22/2016	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A	N	14WECVT2839	04/22/2015	04/22/2016	☒ WC STATU-TORY LIMITS ☐ OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Event: A Christmas to Remember- Car Show & Toy Drive; Porterville Veteran's Park, Henderson & Newcomb, Portville, CA.
Successor Agency to the Porterville Redevelopment Agency is an additional insured with respects to General Liability #PIGLDHSVA(10/11).

CERTIFICATE HOLDER

CANCELLATION

City of Porterville 291 N. Main Street Porterville CA 93257	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Donna Wilson</i>

- (e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;
- (f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;
- (g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or
- (h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:
 - (i) The exceptions contained in Sub-paragraphs (d) or (f); or
 - (ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.
- (2) This insurance does not apply to any insured person or organization, from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing.
- j. **Franchisor** – Any person or organization with respect to their liability as the grantor of a franchise to you.
- k. **As Required by Contract** – Any person or organization where required by a written contract executed prior to the occurrence of a loss. Such person or organization is an additional insured for "bodily injury," "property damage" or "personal and advertising injury" but only for liability arising out of the negligence of the named insured. The limits of insurance applicable to these additional insureds are the lesser of the policy limits or those limits specified in a contract or agreement. These limits are included within and not in addition to the limits of insurance shown in the Declarations
- l. **Owners, Lessees or Contractors** – Any person or organization, but only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by:
 - (1) Your acts or omissions; or
 - (2) The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured when required by a contract.

With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

- (a) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
 - (b) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.
- m. **State or Political Subdivisions** – Any state or political subdivision as required, subject to the following provisions:
 - (1) This insurance applies only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit, and is required by contract.
 - (2) This insurance does not apply to:
 - (a) "Bodily injury," "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or
 - (b) "Bodily injury" or "property damage" included within the "products-completed operations hazard."

M. Duties in the Event of Occurrence, Claim or Suit

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, Paragraph 2. is amended as follows:

a. is amended to include:

This condition applies only when the "occurrence" or offense is known to:

- (1) You, if you are an individual;
- (2) A partner, if you are a partnership; or
- (3) An executive officer or insurance manager, if you are a corporation.

b. is amended to include:

This condition will not be considered breached unless the breach occurs after such claim or "suit" is known to:

- (1) You, if you are an individual;
- (2) A partner, if you are a partnership; or
- (3) An executive officer or insurance manager, if you are a corporation.

N. Unintentional Failure To Disclose Hazards

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, 6. **Representations** is



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Construction of Concrete Improvements - W. North Grand Avenue Reconstruction Project

SOURCE: Public Works

COMMENT: This is the time and place for a Public Hearing to discuss the proposed construction of concrete improvements for the subject project. The concrete improvements are limited to three properties adjacent to W. North Grand Avenue, west of Newcomb Street (approximately 600 feet). LAFCo will be considering the annexation of these properties and others, during the regularly scheduled meeting in November. If LAFCo does not approve the annexation, these improvements will be eliminated from the contract.

The W. North Grand Avenue Reconstruction Project (Newcomb Street to Prospect Street) includes the construction of curbs, gutters, and drive approaches in front of undeveloped properties and/or developed properties that lack these public improvements. Section 20-40.1 of the Municipal Code stipulates that these improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code allows the City to recover the cost of the concrete improvements when the owner pulls a building permit(s) from the City and said permit(s) has a valuation of \$21,569.00 or more within a two (2) year period.

Section 20-40.8 of the Municipal Code requires that each property owner affected by the project be notified of this Public Hearing. The notification clearly describes the City's intent to seek reimbursement for the concrete improvements constructed by the City. This section also requires that City Council hold at least one additional Public Hearing prior to the establishment of a fee. Once the fee is established, the City shall record a general notice of "reimbursement fee" with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

The additional cost for the herein stated concrete improvements will be \$25,000. An additional \$2,500 is required for construction contingency (10%) for a total estimated project cost of \$27,500. These additional funds were allocated by Council on October 6, 2015.

Special Gas Tax Funds is the funding source and there are funds available to appropriate for the additional concrete improvements.

RECOMMENDATION: That the City Council:

1. Take public comments, concerns and questions; and
2. Authorize staff to schedule a Public Hearing prior to the establishment of a fee for the concrete improvements in accordance with the Mitigation Fee Act, upon completion of each project.

ATTACHMENTS: 1. Locator Map

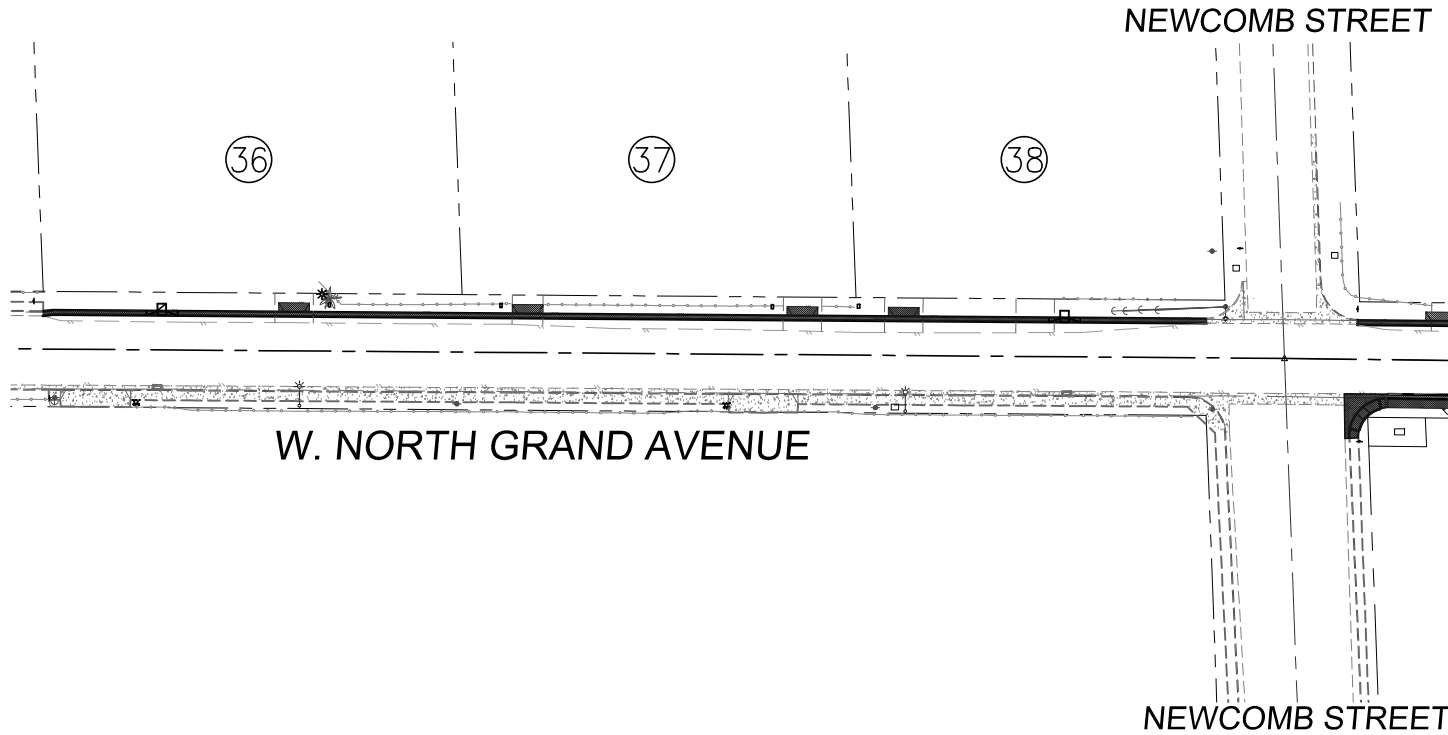
Appropriated/Funded: MB

Review By:

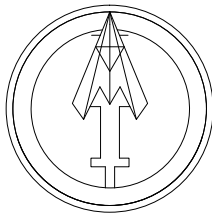
Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



36	243-310-025	1658 W NORTH GRAND AVE	CURRY GREGORY A & KARRI C	1658 W NORTH GRAND AVE	PORTERVILLE CA 93257
37	243-310-027	1648 W NORTH GRAND AVE	FERNANDEZ GABRIEL M & NOEMI S	1642 W NORTH GRAND AVE	PORTERVILLE CA 93257
38	243-310-028	1626 W NORTH GRAND AVE	SALEH ALI A	1205 W WESTFIELD AVE	PORTERVILLE CA 93257



NORTH
SCALE - 1"=100'

EXHIBIT A

NORTH GRAND AVENUE RECONSTRUCTION
PROSPECT STREET TO NORTH OF
NEWCOMB STREET
CONCRETE REIMBURSEMENT MAP

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(559) 782-7462



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Water Conservation Ordinance

SOURCE: Community Development

BACKGROUND:

On April 1, 2015, Governor Brown issued Executive Order B-29-15, which outlined various directives to state agencies, and in turn local governments, in order to save water, increase enforcement against water waste, invest in new technologies, and streamline government response. One specific directive requires the Department of Water Resources to update the State Model Water Efficient Landscape Ordinance (MWELo). In addition to the State mandated water efficient landscape provisions, staff has included other water conservation related amendments to the Municipal Code for consideration.

On June 16, 2015, Council considered prohibiting the installation of natural grass in commercial and industrial zoned areas and to require a permit for the installation of natural grass exceeding 300 square feet in Residential zoned areas. No action was taken by the council at that time, with direction to revisit this topic concurrent with consideration of the MWELo.

COMMENT: The updated MWELo was completed by the Department of Water Resources and became operative on September 15, 2015. The MWELo requires that local agencies report on implementation and enforcement by December 31, 2015. The MWELo may be adopted verbatim by a local agency, or locally modified, as long as the local ordinance is not less restrictive. The proposed ordinance has been locally modified to cross reference local project processes, and to tie into the City's Water Conservation Plan; the modifications to the MWELo are identified for clarification in Attachment 2 - Proposed Code Amendments.

ANALYSIS: The City had adopted certain water efficient landscape provisions based on an earlier State Model Water Efficient Landscape Ordinance. Those provisions were included in Chapter 303 of the Development Ordinance, with other landscaping requirements. With these amendments, staff has created a new sub-section of the Municipal Code, in Chapter 25, Article 1; Division 6 will establish a Water Conservation and Efficiency section, which is timely and prudent given the ongoing drought issues that Porterville has faced.

The state mandated MWELo provisions include the following significant revisions:

* More efficient irrigation systems. Dedicated landscape water meters or sub-meters will now be required for residential landscapes over 5000 square feet; irrigation systems are required to have master shut-off valves; high efficiency sprinklers are required; and the minimum width of areas that can be overhead (spray) irrigated was changed from 8 feet to 10 feet.

* Incentives for graywater usage. Landscapes under 2,500 square feet that are irrigated entirely with graywater or captured rainwater receive an expedited landscape compliance option.

* Limiting the portion of landscapes that can be planted with high water use plants. Maximum water allowance has been reduced significantly; calculations are required to identify the irrigation efficiency of watering devices.

* Reporting requirements. The City of Porterville currently reports to the State on a monthly basis, but the new ordinance will require more detailed information to be presented in the annual reports, which will be due by December 31, 2015, and January 31 of each year thereafter.

* See Attachment 4 for a more detailed summary of significant revisions.

As noted above, other modifications to the Municipal Code related to water conservation are also included in this ordinance. Commercial crop cultivation was established as an allowed use in certain zones in 2012. At that time, staff did not anticipate that farmers of such crops would request municipal water. However, in light of the drought, requests have been made to allow commercial crop cultivation to use municipal water. This ordinance would clarify that use of municipal water for commercial crop irrigation is prohibited, and such language is proposed to be added to Section 301.06 of the Porterville Development Ordinance.

As noted above, Council has previously considered prohibiting the installation of natural grass in commercial and industrial zoned areas and to require a permit for the installation of natural grass exceeding 300 square feet in Residential zoned areas.

Commercial and Industrial Zones: The City currently only requires landscaping in required setbacks and on interior property lines where the use is transitioning from residential to nonresidential uses. Additional landscape requirements are identified in Section 4 of the draft ordinance, Chapter 303.04. Our current ordinance restricts the use of turf to 25% of landscaped areas, as does the MWELo.

The MWELo defines two types of turf: Cool season and warm season grasses. Warm season grasses are commonly known as drought tolerant turf and include Bermuda, St. Augustine and Buffalo.

Staff proposes the following options:

- Prohibit installation of turf with commercial and industrial uses
- Allow installation of only warm season grasses, restricted to the existing 25%

limitation of landscaped area; or

- Allow installation of only warm season grasses and limit turf to no more than 10% of the subject parcel

Residential Zones: Further a topic of discussion was to require a permit for installation of turf greater than 300 square feet in residential zones. The MWELo does not apply to projects (which is defined as a development requiring building permit, plan check or design review) with an aggregate landscape smaller than 500 square feet or a rehabilitated landscape project with greater than 2,500 square feet. Currently the City does not require permit for landscape activities only; however, if council so directs staff a permit process and fee could be defined and brought back at a subsequent meeting.

ENVIRONMENTAL REVIEW:

Pursuant to Item 26 of Executive Order B-29-15, Division 13 (commencing with Section 21000) of the Public Resources Code, otherwise known as the California Environmental Quality Act (CEQA) and regulations adopted pursuant to that Division were suspended. The suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required. Therefore, the adoption of this ordinance is not subject to environmental review. Further, for the associated modifications to the Municipal Code, under the general rule that CEQA does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, no environmental review is required.

RECOMMENDATION:

That the City Council:

1. Consider options identified in the staff report
2. Direct staff to amend the draft ordinance; or adopt the draft ordinance establishing a water efficient landscape ordinance and amending the municipal code as it relates to water conservation and landscape irrigation; and
3. Waive second reading and order to print.

ATTACHMENTS:

1. Draft Ordinance
2. Proposed Code Amendments- Markup Version
3. State Model Water Efficient Landscape Ordinance
4. MWELo 2015 Revision Fact Sheet

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADOPTING A WATER EFFICIENT LANDSCAPE ORDINANCE AND
AMENDING THE PORTERVILLE MUNICIPAL CODE AS IT RELATES TO
WATER CONSERVATION AND LANDSCAPE IRRIGATION

WHEREAS: On January 17, 2014, Governor Edmund G. Brown, Jr. proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS: On April 25, 2014, Governor Brown proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS: On April 1, 2015, Governor Brown issued Executive Order B-29-15, which outlined various directives to state agencies, and in turn local governments, in order to save water, increase enforcement against water waste, invest in new technologies, and streamline government response; and

WHEREAS: One specific directive requires the Department of Water Resources to update the State Model Water Efficient Landscape Ordinance (“State Model”). The updated State Model was completed and became operative on September 15, 2015. The State Model requires that local agencies report on implementation and enforcement by December 31, 2015. The State Model may be adopted verbatim by a local agency or locally modified. The proposed ordinance has been locally modified to cross reference local project processes, and to tie into the City’s Water Conservation Plan; the modifications from the State Model are underlined for clarification; and

WHEREAS: Pursuant to Item 26 of Executive Order B-29-15, Division 13 (commencing with Section 21000) of the Public Resources Code, otherwise known as the California Environmental Quality Act (CEQA) and regulations adopted pursuant to that Division were suspended. The suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required. Therefore, the adoption of this ordinance is not subject to environmental review.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt an ordinance amending the Porterville Municipal Code as it relates to water conservation and landscape irrigation, and commercial crop cultivation, as follows:

SECTION 1:

Add Chapter 25, Article 1, Division 6. Water Conservation and Efficiency, as follows:

§ 25-33. Purpose.

(a) The City of Porterville has found:

- (1) that the waters of the Tule Sub-basin are of limited supply and are subject to ever increasing demands;

- (2) that the continuation of Porterville's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
 - (3) that it is the policy of the City of Porterville to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
 - (4) that landscapes are essential to the quality of life in Porterville by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;
 - (5) that landscape design, installation, maintenance and management can, and should be, water efficient; and
 - (6) that Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not, and shall not, extend to waste or unreasonable method of use.
- (b) Consistent with these legislative findings, the purpose of this ordinance is to:
- (1) promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;
 - (2) establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects through a watershed approach that requires cross-sector collaboration of industry, government and property owners to achieve the many benefits possible;
 - (3) establish provisions for water management practices and water waste prevention for existing landscapes;
 - (4) use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount; and
 - (5) establish economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure.
- (c) Landscapes that are planned, designed, installed, managed and maintained with the watershed based approach can improve California's and Porterville's environmental conditions and provide benefits and realize sustainability goals. Such landscapes will make the urban environment resilient in the face of climatic extremes. Consistent with the legislative findings and purpose of the Ordinance, conditions in the urban setting will be improved by:
- (1) creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat and esthetic benefits;
 - (2) minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas;

- (3) conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment;
- (4) protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materials, and using compost, mulch and efficient irrigation equipment to prevent erosion;
- (5) protecting existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants; and
- (6) utilizing integrated pest management with least toxic methods as the first course of action.

§ 25-34 Applicability

- (a) This ordinance shall apply to all of the following landscape projects:
 - (1) new development projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review;
 - (2) rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
 - (3) existing landscapes limited to Sections 25-52 and 25-53; and
 - (4) cemeteries; recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 25-38, 25-45 and 25-46; and existing cemeteries are limited to Sections 25-52 and 25-53.
- (b) Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in Section 25-55.
- (c) For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2,500 sq. ft. of landscape and meets the lot's or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Section 25-55(a)(5).
- (d) This ordinance does not apply to:
 - (1) registered local, state or federal historical sites;
 - (2) ecological restoration projects that do not require a permanent irrigation system;
 - (3) mined-land reclamation projects that do not require a permanent irrigation system; or
 - (4) existing plant collections, as part of botanical gardens and arboreturns open to the public.
- (e) This Division further applies to all properties within the city limits of the city of Porterville, as well as any property beyond the limit of the city of Porterville but that receives municipal water service from the City.

§ 25-35. Definitions.

The terms used in this ordinance have the meaning set forth below:

- (a) “applied water” means the portion of water supplied by the irrigation system to the landscape.
- (b) “automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
- (c) “backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- (d) “Certificate of Completion” means the document required under Section 25-43.
- (e) “certified irrigation designer” means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.
- (f) “certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.
- (g) “check valve” or “anti-drain valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- (h) “common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- (i) “compost” means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.
- (j) “conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year.
- (k) “distribution uniformity” means the measure of the uniformity of irrigation water over a defined area.
- (l) “drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

- (m) “ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- (n) “effective precipitation” or “usable rainfall” (Eppt) means the portion of total precipitation which becomes available for plant growth.
- (o) “emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.
- (p) “established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
- (q) “establishment period of the plants” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.
- (r) “Estimated Total Water Use” (ETWU) means the total water used for the landscape as described in Section 25-38.
- (s) “ET adjustment factor” (ETAF) means a factor of 0.55 for residential areas and 0.45 for non-residential areas that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.
- (t) “evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.
- (u) “flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
- (v) “flow sensor” means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.
- (w) “friable” means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.
- (x) “Fuel Modification Plan Guideline” means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

- (y) “graywater” means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. “Graywater” includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.
- (z) “hardscapes” means any durable material (pervious and non-pervious).
- (aa) “hydrozone” means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.
- (bb) “infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).
- (cc) “invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.
- (dd) “irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency “Watersense” labeled auditing program.
- (ee) “irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems.
- (ff) “irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.
- (gg) “irrigation water use analysis” means a review of water use data based on meter readings and billing data.
- (hh) “landscape architect” means a person who holds a license to practice landscape architecture in the State of California Business and Professions Code, Section 5615.
- (ii) “landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape

area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

- (jj) “landscape contractor” means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- (kk) “Landscape Documentation Package” means the documents required under Section 25-37.
- (ll) “landscape project” means total area of landscape in a project as defined in “landscape area” for the purposes of this ordinance, meeting requirements under Section 25-34.
- (mm) “landscape water meter” means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.
- (nn) “lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- (oo) “local agency” means the City of Porterville. The City of Porterville is responsible for the enforcement of this ordinance including, but not limited to, approval of a permit and plan check or design review of a project.
- (pp) “local water purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service.
- (qq) “low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (rr) “main line” means the pressurized pipeline that delivers water from the water source to the valve or outlet.
- (ss) “master shut-off valve” is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.
- (tt) “Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 25-38. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.
$$\text{MAWA} = (\text{ET}_0) (0.62) [(\text{ETAF} \times \text{LA}) + ((1-\text{ETAF}) \times \text{SLA})].$$

- (uu) “median” is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.
- (vv) “microclimate” means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
- (ww) “mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
- (xx) “mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and/or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
- (yy) “new construction” means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.
- (zz) “non-residential landscape” means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.
- (aaa) “operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- (bbb) “overhead sprinkler irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).
- (ccc) “overspray” means the irrigation water which is delivered beyond the target area.
- (ddd) “permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
- (eee) “pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.
- (fff) “plant factor” or “plant water use factor” is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the publication “Water Use Classification of Landscape Species”. Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

- (ggg) “project applicant” means the individual or entity submitting a Landscape Documentation Package required under Section 25-37 to request a permit, plan check, or design review from the local agency. A project applicant may be the property owner or his or her designee.
- (hhh) “rain sensor” or “rain sensing shutoff device” means a component which automatically suspends an irrigation event when it rains.
- (iii) “record drawing” or “as-builts” means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.
- (jjj) “recreational area” means areas, excluding private single-family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.
- (kkk) “recycled water”, “reclaimed water”, or “treated sewage effluent water” means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.
- (lll) “reference evapotranspiration” or “ET_o” means a standard measurement of environmental parameters which affect the water use of plants. ET_o is expressed in inches per day, month, or year as represented in Section 25-38, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.
- (mmm) “Regional Water Efficient Landscape Ordinance” means a local Ordinance adopted by two or more local agencies, water suppliers and other stakeholders for implementing a consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.
- (nnn) “rehabilitated landscape” means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 25-34, and the modified landscape area is equal to, or greater than, 2,500 square feet.
- (ooo) “residential landscape” means landscapes surrounding single or multifamily homes.
- (ppp) “runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.
- (qqq) “soil moisture sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.
- (rrr) “soil texture” means the classification of soil based on its percentage of sand, silt, and clay.

- (sss) “Special Landscape Area” (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.
- (ttt) “sprinkler head” means a device which delivers water through a nozzle.
- (uuu) “static water pressure” means the pipeline or municipal water supply pressure when water is not flowing.
- (vvv) “station” means an area served by one valve or by a set of valves that operate simultaneously.
- (www) “swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.
- (xxx) “submeter” means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.
- (yyy) “turf” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.
- (zzz) “valve” means a device used to control the flow of water in the irrigation system.
- (aaaa) “water conserving plant species” means a plant species identified as having a very low or low plant factor.
- (bbbb) “water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.
- (cccc) “watering window” means the time of day irrigation is allowed.
- (dddd) “WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, and the Department of Water Resources 2014.

§ 25-36 Compliance with Landscape Documentation Package.

- (a) Prior to construction, the Zoning Administrator or his designee shall:
 - (1) provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;

- (2) review the Landscape Documentation Package submitted by the project applicant;
 - (3) approve or deny the Landscape Documentation Package;
 - (4) issue a permit or approve the plan check or design review for the project applicant; and
 - (5) upon approval of the Landscape Documentation Package, retain a copy of the Water Efficient Landscape Worksheet for use in reporting as may be required.
- (b) Prior to construction, the project applicant shall:
- (1) submit a Landscape Documentation Package to the City prior to, or as a part of, the building permit submittal package.
- (c) Upon approval of the Landscape Documentation Package by the Zoning Administrator, the project applicant shall:
- (1) receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion; and
 - (2) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee.

§ 25-37 Elements of the Landscape Documentation Package.

- (a) The Landscape Documentation Package shall include the following six (6) elements:
- (1) Project Information;
 - (A) date
 - (B) project applicant
 - (C) project address (if available, parcel and/or lot number(s))
 - (D) total landscape area (square feet)
 - (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the service is other than City of Porterville
 - (G) checklist of all documents in Landscape Documentation Package
 - (H) project contacts to include contact information for the project applicant and property owner
 - (I) applicant signature and date with statement, “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package”
 - (2) Water Efficient Landscape Worksheet:

(A) water budget calculations

1. Maximum Applied Water Allowance (MAWA)
2. Estimated Total Water Use (ETWU)

(3) Soil Management Report;

(4) Landscape Design Plan;

(5) Irrigation Design Plan; and

(6) Grading Design Plan.

§ 25-38 Water Efficient Landscape Worksheet.

(a) A project applicant shall complete the Water Efficient Landscape Worksheet in Appendix A which contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas. The ETAF for a landscape project is based on the plant factors and irrigation methods selected. The Maximum Applied Water Allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for non-residential areas) and expressed as annual gallons required. The Estimated Total Water Use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.

(1) In calculating the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values listed below, as excerpted from the Reference Evapotranspiration Table in Appendix A of the State Model Water Efficiency Landscape Ordinance, 2015.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
Porterville	1.2	1.8	3.4	4.7	6.6	7.7	8.5	7.3	5.3	3.4	1.4	0.7	52.1

(b) Water budget calculations shall adhere to the following requirements:

- (1) The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
- (2) All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.

- (3) All Special Landscape Areas shall be identified and their water use calculated as shown in the Water Efficient Landscape Worksheet.
- (4) ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

§ 25-39 Soil Management Report.

- (a) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:
 - (1) Submit soil samples to a laboratory for analysis and recommendations.
 - (A) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
 - (B) The soil analysis shall include:
 - 1. soil texture;
 - 2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
 - 3. pH;
 - 4. total soluble salts;
 - 5. sodium;
 - 6. percent organic matter; and
 - 7. recommendations.
 - (C) In projects with multiple landscape installations (i.e. production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.
 - (2) The project applicant, or his/her designee, shall comply with one of the following:
 - (A) If significant mass grading is not planned, the soil analysis report shall be submitted to the Zoning Administrator as part of the Landscape Documentation Package; or
 - (B) If significant mass grading is planned, the soil analysis report shall be submitted to the Zoning Administrator as part of the Certificate of Completion.
 - (3) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.
 - (4) The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the Zoning Administrator with Certificate of Completion.

§ 25-40 Landscape Design Plan.

- (a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) Plant Material

- (A) Any plant may be selected for the landscape providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. Methods to achieve water efficiency shall include one or more of the following:

1. Protection and preservation of native species and natural vegetation;
2. Selection of water-conserving plant, tree and turf species, especially local native plants;
3. Selection of plants based on local climate suitability, disease and pest resistance;
4. Selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area; and
5. Selection of plants from local and regional landscape program plant lists.

- (B) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 25-41(a)(2)(D).

- (C) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

1. Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
2. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; allow for adequate soil volume for healthy root growth and
3. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

- (D) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

- (E) High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

- (F) The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.
- (G) The architectural guidelines of a common interest development, which includes community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(2) Water Features

- (A) Recirculating water systems shall be used for water features.
- (B) Where available, recycled water shall be used as a source for decorative water features.
- (C) Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
- (D) Pool and spa covers are highly recommended.

(3) Soil Preparation, Mulch and Amendments

- (A) Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.
- (B) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 25-39).
- (C) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.
- (D) A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to 5 % of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
- (E) Stabilizing mulching products shall be used on slopes that meet current engineering standards.
- (F) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
- (G) Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available.

- (b) The landscape design plan, at a minimum, shall:

- (1) delineate and label each hydrozone by number, letter, or other method;
- (2) identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
- (3) identify recreational areas;
- (4) identify areas permanently and solely dedicated to edible plants;
- (5) identify areas irrigated with recycled water;
- (6) identify type of mulch and application depth;
- (7) identify soil amendments, type, and quantity;
- (8) identify type and surface area of water features;
- (9) identify hardscapes (pervious and non-pervious);
- (10) identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the City of Porterville or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples are provided in Section 25-50.
- (11) identify any applicable rain harvesting or catchment technologies as discussed in Section 25-50 and their 24-hour retention or infiltration capacity;
- (12) identify any applicable graywater discharge piping, system components and area(s) of distribution;
- (13) contain the following statement: “I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan”; and
- (14) bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

§ 25-41 Irrigation Design Plan.

- (a) This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers’ recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design

plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) System

- (A) Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 sq. ft. but not more than 5,000 sq. ft. (the level at which Water Code 535 applies) and residential irrigated landscapes of 5,000 sq. ft. or greater. A landscape water meter may be either:
 - 1. a customer service meter dedicated to landscape use provided by the City of Porterville; or
 - 2. a privately owned meter or submeter.
- (B) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.
- (C) If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
 - 1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
 - 2. Static water pressure, dynamic or operating pressure and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- (D) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- (E) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
- (F) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.

- (G) Flow sensors that detect high flow conditions created by system damage or malfunction are required for all non-residential landscapes and residential landscapes of 5000 sq. ft. or larger.
- (H) Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.
- (I) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- (J) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- (K) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- (L) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 25-38 regarding the Maximum Applied Water Allowance.
- (M) All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard, All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
- (N) Through the Project Review process, or, if an applicable project is not subject to Project Review, during the building permit review process, the Public Works Director will provide information regarding peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.
- (O) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- (P) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- (Q) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
- (R) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.
- (S) Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.

- (T) Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
- (U) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 3. the irrigation designer specifies an alternative design or technology as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 25-41 (a)(1)(I). Prevention of overspray and runoff must be confirmed during the irrigation audit.
- (V) Slopes greater than 25% shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(2) Hydrozone

- (A) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- (B) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- (C) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.
- (D) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
1. the plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
 2. the plant factor of the higher water using plant is used for calculations.
- (E) Individual hydrozones that mix high and low water use plants shall not be permitted.
- (F) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this

valve number in the Water Efficient Landscape Worksheet (Appendix A). This table can also assist with the irrigation audit and programming the controller.

(b) The irrigation design plan, at a minimum, shall contain:

- (1) location and size of separate water meters for landscape;
- (2) location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
- (3) static water pressure at the point of connection to the public water supply;
- (4) flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
- (5) recycled water irrigation systems as specified in Section 25-48;
- (6) the following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan”; and
- (7) the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

§ 25-42 Grading Design Plan.

(a) For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other building permits satisfies this requirement.

- (1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
 - (A) height of graded slopes;
 - (B) drainage patterns;
 - (C) pad elevations;
 - (D) finish grade; and
 - (E) stormwater retention improvements, if applicable.
- (2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:
 - (A) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;

(B) avoid disruption of natural drainage patterns and undisturbed soil; and

(C) avoid soil compaction in landscape areas.

- (3) The grading design plan shall contain the following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan” and shall bear the signature of a licensed professional as authorized by law.

§ 25-43 Certificate of Completion.

(a) The Certificate of Completion (Appendix B) shall include the following six (6) elements:

(1) project information sheet that contains:

(A) date

(B) project name

(C) project applicant name, telephone, and mailing address

(D) project address and location

(E) property owner name, telephone, and mailing address

(2) certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;

(A) where there have been significant changes made in the field during construction, these “as-built” or record drawings shall be included with the certification

(B) a diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes

(3) irrigation scheduling parameters used to set the controller (see Section 25-44);

(4) landscape and irrigation maintenance schedule (see Section 25-45);

(5) irrigation audit report (see Section 25-46); and

(6) soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 25-39).

(b) The project applicant shall:

(1) submit the signed Certificate of Completion to the City of Porterville for review; and

(2) ensure that copies of the approved Certificate of Completion are submitted to the property owner or his or her designee.

(c) The City of Porterville shall:

- (1) receive the signed Certificate of Completion from the project applicant; and
- (2) approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the City of Porterville shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

§ 25-44 Irrigation Scheduling.

- (a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
 - (1) Irrigation scheduling shall be regulated by automatic irrigation controllers.
 - (2) Irrigation shall be scheduled in a manner consistent with the current phase of the City's water conservation plan.
 - (3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
 - (4) Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - (A) the plant establishment period;
 - (B) the established landscape; and
 - (C) temporarily irrigated areas.
 - (5) Each irrigation schedule shall consider for each station all of the following that apply:
 - (A) irrigation interval (days between irrigation);
 - (B) irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - (C) number of cycle starts required for each irrigation event to avoid runoff;
 - (D) amount of applied water scheduled to be applied on a monthly basis;
 - (E) application rate setting;
 - (F) root depth setting;
 - (G) plant type setting;
 - (H) soil type;
 - (I) slope factor setting;

(J) shade factor setting; and

(K) irrigation uniformity or efficiency setting.

§ 25-45 Landscape and Irrigation Maintenance Schedule.

- (a) Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- (b) A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing obstructions to emission devices.
- (c) Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.
- (d) A project applicant is encouraged to implement established landscape industry sustainable Best Practices for all landscape maintenance activities.

§ 25-46 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

- (a) All landscape irrigation audits shall be conducted by a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
- (b) In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of 1 in 7 lots or approximately 15% will satisfy this requirement.
- (c) For new construction and rehabilitated landscape projects installed after December 3, 2015, as described in Section 25-34:
 - (1) the project applicant shall submit an irrigation audit report with the Certificate of Completion to the City of Porterville that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming; and
 - (2) the City of Porterville shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

§ 25-47 Irrigation Efficiency.

- (a) For the purpose of determining Estimated Total Water Use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.

§ 25-48 Recycled Water.

- (a) The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.
- (b) All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.
- (c) Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

§ 25-49 Graywater Systems.

- (a) Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards. Refer to Section 25-34(d) for the applicability of this ordinance to landscape areas less than 2,500 square feet with the Estimated Total Water Use met entirely by graywater.

§ 25-50 Stormwater Management and Rainwater Retention.

- (a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.
- (b) Project applicants shall refer to the City of Porterville and Regional Water Quality Control Board for information on any applicable stormwater technical requirements.
- (c) All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to Section 25-40(a)(3).
- (d) It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e., roof and paved areas) from either:
 - (1) the one inch, 24-hour rain event, or
 - (2) the 85th percentile, 24-hour rain event, and/or
 - (3) additional capacity as required by any applicable local, regional, state or federal regulation.
- (e) It is recommended that storm water projects incorporate any of the following elements to improve on-site storm water and dry weather runoff capture and use:
 - Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
 - Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.
 - Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.

- Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
- Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
- Incorporate infiltration beds, swales, basins and drywells to capture storm water and dry weather runoff and increase percolation into the soil.
- Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

§ 25-51 Public Education.

(a) Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

(1) The City of Porterville shall provide information to owners of permitted renovations and new single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a water budget.

(b) Model Homes. All model homes shall be landscaped and use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.

(1) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per this ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.

(2) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

§ 25-52 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis, Existing.

(a) This section shall apply to all existing landscapes that were installed before December 3, 2015, and are over one acre in size.

(1) For all landscapes in Section 25-52(a) that have a water meter, the City of Porterville shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (0.8)(ET_o)(LA)(0.62)$.

(2) For all landscapes in Section 25-52(a) that do not have a meter, the City of Porterville shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

- (b) All landscape irrigation audits shall be conducted by a third party certified landscape irrigation auditor.

§ 25-53 Water Waste Prevention.

- (a) The City of Porterville shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures.
- (b) Restrictions regarding overspray and runoff may be modified if:
 - (1) the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 - (2) the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

§ 25-54 Effective Precipitation.

- (a) The City of Porterville will consider Effective Precipitation (25% of annual precipitation) in tracking water use and will use the following equation to calculate Maximum Applied Water Allowance:

$MAWA = (ET_o - Eppt) (0.62) [(0.55 \times LA) + (0.45 \times SLA)]$ for residential areas.

$MAWA = (ET_o - Eppt) (0.62) [(0.45 \times LA) + (0.55 \times SLA)]$ for non-residential areas.

§ 25-55 Prescriptive Compliance Option.

- (a) Any project with an aggregate landscape area of 2,500 square feet or less may comply with the prescriptive compliance option as an alternative to the other performance requirements of this ordinance.
- (b) Compliance with the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:
 - (1) Submit a Landscape Documentation Package which includes the following elements:
 - (A) date
 - (B) project applicant
 - (C) project address (if available, parcel and/or lot number(s))
 - (D) total landscape area (square feet), including a breakdown of turf and plant material
 - (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
 - (G) contact information for the project applicant and property owner

- (H) applicant signature and date with statement, "I agree to comply with the requirements of the prescriptive compliance option to the MWELD".
- (2) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test)
- (3) Plant material shall comply with all of the following:
- (A) For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water; For non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;
 - (B) A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
- (4) Turf shall comply with all of the following:
- (A) Turf shall not exceed 25% of the landscape area in residential areas, and there shall be no turf in non-residential areas;
 - (B) Turf shall not be planted on sloped areas which exceed a slope of one foot vertical elevation change for every four feet of horizontal length;
 - (C) Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.
- (5) Irrigation systems shall comply with the following:
- (A) Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data.
 - (B) Irrigation controllers shall be of a type which does not lose programming date in the event the primary power source is interrupted.
 - (C) Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.
 - (D) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.
 - (E) All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard," All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

- (c) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

§ 25-56 Penalties.

- (a) Penalties for violation of this Division will be imposed as prescribed in Chapter 1 of the Porterville Municipal Code.

§ 25-57 Reporting.

- (a) The City of Porterville will report on implementation and enforcement of this Division to the Department of Water Resources on an annual basis, not later than January 31st of each year.
- (b) The report shall include the following information:
 - (1) The number and types of projects subject to the ordinance during the specified reporting period.
 - (2) The total area (in square feet or acres) subject to the ordinance over the reporting period, if available.
 - (3) The number of new housing starts, new commercial projects, and landscape retrofits during the reporting period.
 - (4) The procedure for review of projects subject to the ordinance.
 - (5) Actions taken to verify compliance. If a plan check was performed, note by which entity. If a site inspection was performed, note by which entity. If a post-installation audit was required, note by whom.
 - (6) Describe enforcement measures.
 - (7) Explain challenges to implementing and enforcing the ordinance.
 - (8) Describe educational and other needs to properly apply the ordinance.

SECTION 2:

Amend Sections 25-5 and 25-5.1 and relocate to Chapter 25, Article 1, Division 6, as follows:

§ 25-58 Wasteful Use of Water Prohibited.

In addition to all protocols within this Division adopted with the intent to increase efficient outdoor water use, property owners and residents shall use reasonable care to prevent the waste of water. Water shall not be allowed to run or waste from a property onto streets or highways, and shall not be used to wash sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them.

§ 25-59 City Water Conservation Plan.

The City Council has adopted by resolution its water conservation plan which sets forth water conservation phases and conservation measures including mandatory restrictions on water usage by property owners and water consumers. Violation of the measures in effect, currently and as may be amended by resolution from time to time, pursuant to the applicable phase of the water conservation plan, shall be enforceable as set forth per any applicable remedy provisions in this code, including but not limited to, Sections 1-9 and 1-10, Chapter 2, Article XIV of this Code, and/or this Division. The City's water conservation plan is deemed to be the City's "Water Shortage Contingency Plan" as per applicable state law.

SECTION 3:

Amend Section 25-16.2, in order to maintain consistency with other recently adopted policy, as follows:

The City Council, shall have authority for approval of requests for water service outside city limits, if applicant meets all other conditions as required by this code and the annexation and municipal services policy, and all other pertinent regulations. Consideration of said request shall be in conjunction with approval of required City permits, Tulare LAFCo Extra-territorial Service Agreement, and payment of applicable fees.

SECTION 4:

Amend Chapter 21, Section 301.06 of the Porterville Development Ordinance as follows:

Commercial crop cultivation is allowed as an interim use in zones designated in series 200 of this chapter. Land use regulations as identified in series 200 and elsewhere in this Chapter apply.

(a) Purpose And Intent

- (1) It is the purpose and intent of this section to provide opportunity for interim use of land within city limits until such time as the development market supports the intended development of said lands.
- (2) Commercial crop cultivation can be allowed on an interim basis only where the impacts of an agricultural operation will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the surrounding area.
- (3) Crop cultivation allowed under the premises of this section is secondary to its availability for urban development and should be available for development as an urban use when market conditions improve for such a use.
- (4) Use of a subject site for crop cultivation for an interim period does not result in the land being construed as an agricultural resource requiring protection or preservation.
- (5) If residentially zoned, the land, regardless of the status of its agricultural use, will be considered in the City's housing element and the regional housing needs assessment (RHNA) as available for residential use.

(6) The key intent of this section is to limit the use to a time period that is appropriate to the type of agricultural crop to be planted, to allow sufficient time for a reasonable profit to be realized while assuring that the use is interim in nature. At its discretion, the City Council may set time periods to limit the use to a specific amount of time.

(7) This section shall not be construed to apply to animal confinement.

(c) Considerations

The following factors will be considered on a project by project basis to determine if commercial crop cultivation is an appropriate use for a particular site. The Council may consider the following factors or others as may be appropriate, based on the location of the proposed use and its proximity to urban uses and may consider limiting some crop types due to impacts of excessive noise, dust, vibration, odors or other effects on surrounding uses.

- (1) No "right to farm" is conveyed or otherwise implied with the use.
- (2) The area to be farmed is of adequate size, dimension and topography to accommodate the proposed use.
- (3) The burning of agricultural waste/trimmings/etc., on the property will not create a public nuisance or a danger due to the close proximity of urban uses.
- (4) On site sale of crops is allowed in accordance with subsection D, "Sale Of Agricultural Crops", of this section.
- (5) The use does not involve the installation of underground storage tanks.
- (6) Best management practices to reduce spray drift will be implemented.
- (7) Wells, as needed to serve the subject site, are subject to California Department of Public Health Services approval and review of the City engineer.
- (8) Irrigation water runoff, if any, can be contained on site.
- (9) Use of municipal water for irrigation is prohibited.
- (10) The area shall be groomed of weeds and agricultural waste regularly to reduce potential fire hazard, proliferation of pests, and unsightly conditions.
- (11) Equipment and vehicles related to the active farming operation of the site shall not be parked in the public right of way and vehicular circulation related to the use shall occur on site.
- (12) The applicant shall remove all abandoned crops upon discontinuation of the use.

SECTION 5:

Amend Chapter 21, Section 303 of the Porterville Development Ordinance as follows:

303.01: PURPOSE:

The specific purposes of the landscaping regulations are to:

- (a) Improve the appearance of the community by requiring aesthetically pleasing landscaping on public and private sites;
- (b) Aid in energy conservation by providing shade from the sun and shelter from the wind;
- (c) Soften the appearance of parking lots and other development through landscaping;
- (d) Promote conservation of water resources through the use of native and drought tolerant plants, and water conserving irrigation practices; and
- (e) Minimize or eliminate conflicts between potentially incompatible but otherwise permitted land uses on adjoining lots through visual screening.

303.02: APPLICABILITY:

The standards of this chapter apply to all new development or improvements subject to project review and building permits.

303.03: LANDSCAPE DESIGN PRINCIPLES:

The following design principles are general standards to be used by city staff in evaluating whether landscape plans conform to the requirements of this article:

- (a) Natural Landscapes: Landscape designs shall incorporate and enhance existing natural landscapes and existing specimen trees and native vegetation (including canopy, understory, and ground cover). Particular care shall be given to preserve intact natural landscapes. Where previous landscaping has dramatically altered natural landscapes, new designs shall seek to reestablish natural landscape patterns and plantings. Natural landscapes and native vegetation do not include weeds.
- (b) Composition: The quality of a landscape design is dependent not only on the quantity and selection of plant materials but also on how that material is arranged. Landscape materials shall include a combination of ground covers, shrubs, vines and trees with a variety of plant heights and colors.
- (c) Buffering And Screening: The placement of natural landscape materials (trees, shrubs, and hedges) is the preferred method for buffering differing land uses, for providing a transition between adjacent properties, and for screening the view of any parking or storage area, refuse collection, utility enclosures, or other service area visible from a public street, alley, or pedestrian area. Plants may be used with fences or berms to achieve the desired screening or buffering effect. When used to screen an activity area such as a parking lot, landscaping shall not interfere with public safety.

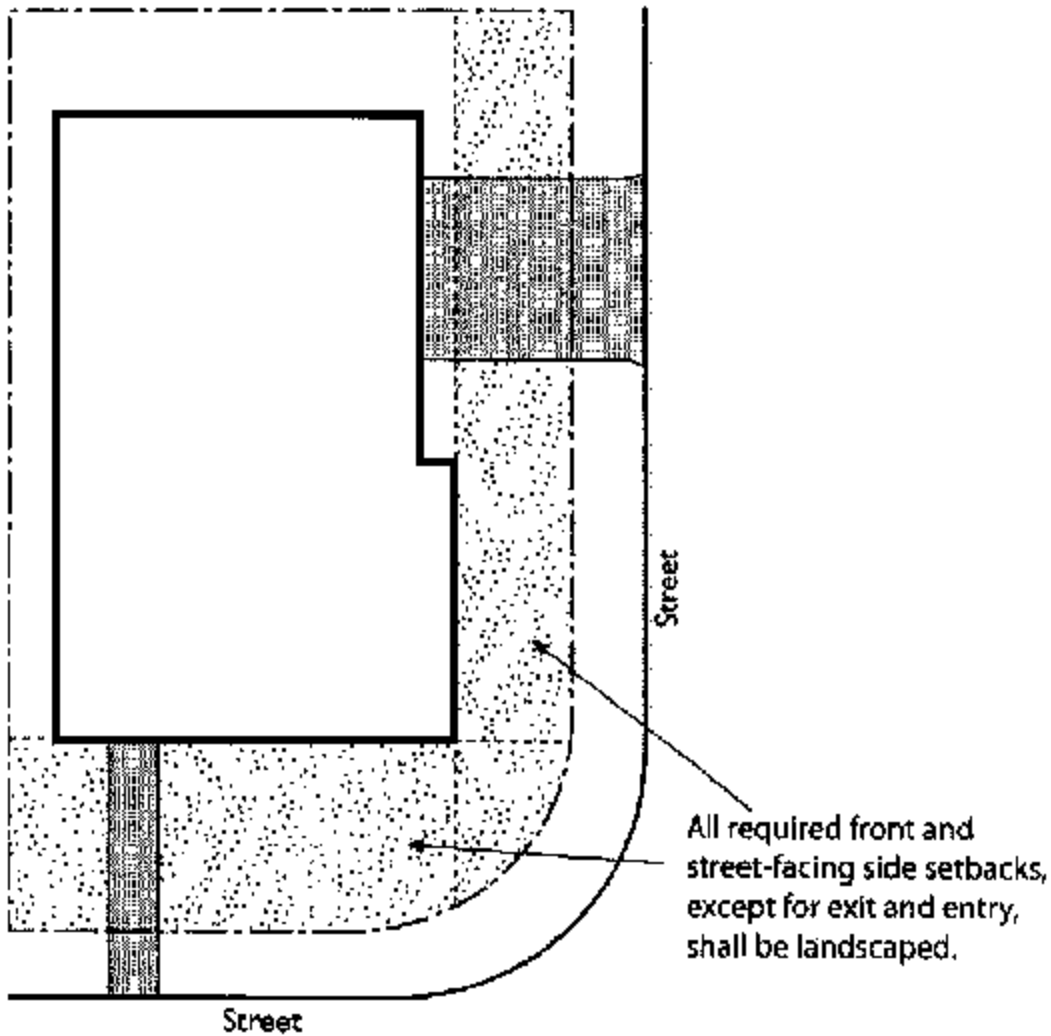
- (d) **Responsive To Local Context And Character:** Landscape designs shall build on the site's and area's unique physical characteristics, conserving and complementing existing natural features. Naturalistic design elements such as irregular plant spacing, undulating berm contours, and mixed proportions of plant species shall be used to ensure that new landscaping blends in and contributes to the quality of the surrounding area. Selection and spacing of plant material shall be reflective of the surrounding area's character.
- (e) **Use Of Native And Drought Resistant Plants:** Landscape designs shall feature native and/or related plant species and avoid invasive species, especially in areas adjacent to existing native vegetation, to take advantage of the unique natural character and diversity of the region and the adaptability of native plants to local environmental conditions. Where feasible, the reestablishment of native habitats shall be incorporated into the landscape design. In the same manner, landscape designs shall utilize drought tolerant plant materials to the maximum extent feasible. The use of drought tolerant plants shall enrich the existing landscape character, conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water.
- (f) **Continuity And Connection:** Landscaping shall be designed within the context of the surrounding area, provided that the landscaping is also consistent with these design principles. Where the design intent and the surrounding landscape is naturalistic, plant materials shall blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Where the design intent and the surrounding landscape is formal, consistent or similar plant material and spacing shall be utilized. Exceptions shall be made when seeking to create a transition between uses, districts, and tiers.
- (g) **Enhancing Architecture:** Landscape designs shall be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Major landscape elements shall be designed to complement architectural elevations and rooflines through color, texture, density, and form on both vertical and horizontal planes. Landscaping shall be in scale with on site and adjacent buildings. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals. When foundation planting is required, plantings and window boxes shall incorporate artistic elements and be compatible with a building's architectural character.

303.04: AREAS TO BE LANDSCAPED:

The following areas shall be landscaped, and may count toward the total area of site landscaping required by the zoning district regulations:

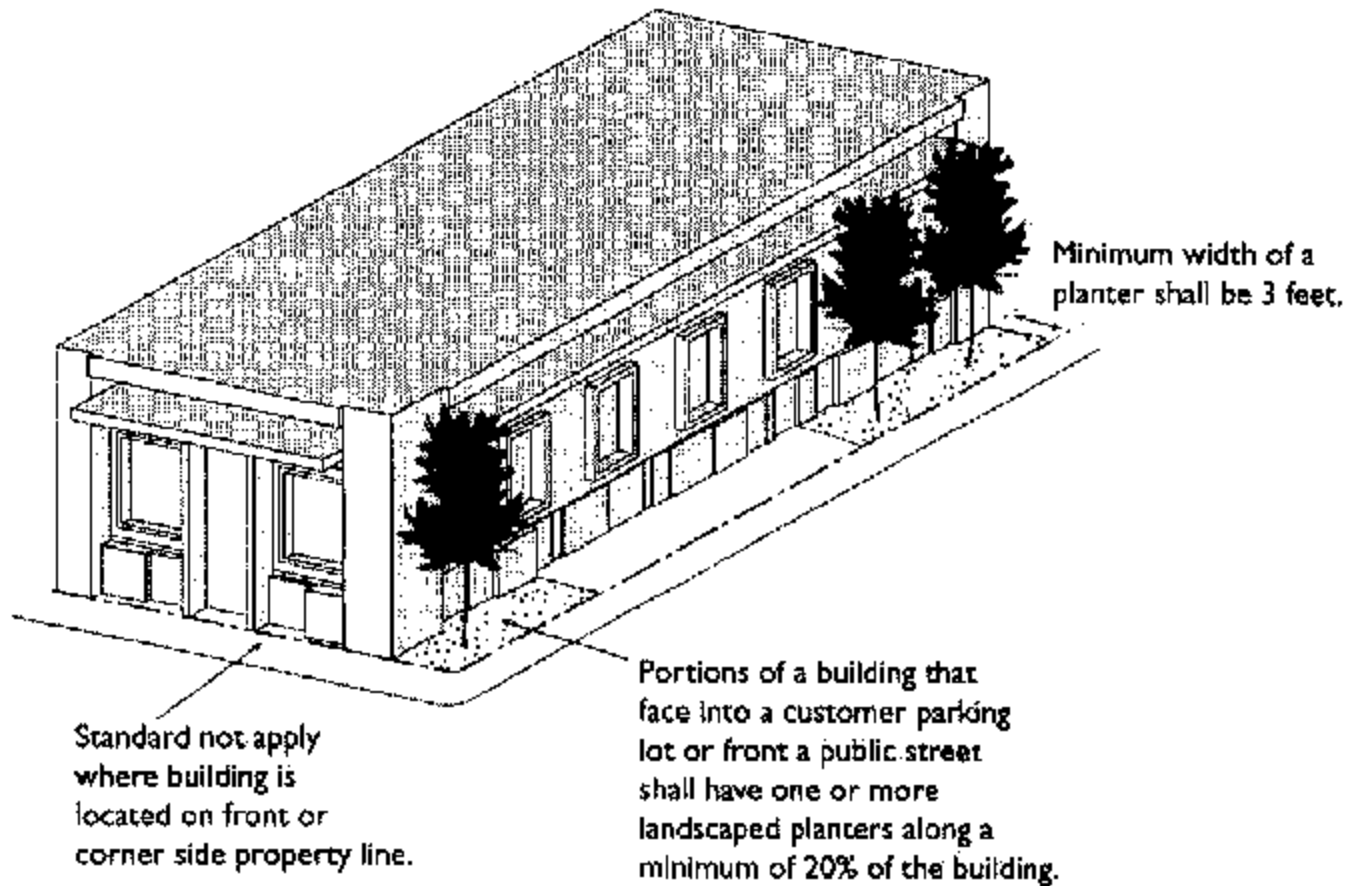
- (a) **Required Setbacks:** All required front and street facing side setbacks, except for areas used for exit and entry, shall be landscaped.

FIGURE 303.04A: REQUIRED SETBACKS



- (b) Interior Property Lines Abutting R Districts: A minimum five foot (5') wide landscape buffer shall be provided along interior property lines, where no building abuts a property line, in districts adjacent to an R district.
- (c) Building Perimeters: The portions of a building facade that face onto a customer parking lot or front a public street shall have one or more landscape planters installed along a minimum twenty percent (20%) of that building face. The minimum width of the planter shall be three feet (3'). This standard does not apply where a building is located on the front or corner side property line and there is no setback between the building and the property line.

FIGURE 303.04C: BUILDING PERIMETERS



- (d) Landscaping In Parking Areas: Parking areas shall be landscaped as required by article 304, "On Site Parking And Loading", of this series.
- (e) Orchards And Gardens: Areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens.
- (f) Unused Areas: All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or left in a natural state. Access to the unused portion of the site shall be prohibited by a concrete curb, timber barrier or other barrier not less than six inches (6") high.

303.05: GENERAL LANDSCAPING STANDARDS:

(a) Materials:

- (1) General: Landscaping shall consist of a combination of ground covers, shrubs, vines, and trees. Landscaped areas may include paved or graveled surfaces, provided they do not cover more than ten percent (10%) of the area required to be landscaped. Plant materials shall be selected from those species and varieties known to thrive in the

Porterville climate and/or listed in Sunset's "Western Garden Book, Region No. 9". Recirculating water shall be used for decorative water features.

- (2) **Ground Cover Materials:** Ground cover shall be of living organic plant material. Ground cover may include grasses. The exclusive or majority use of nonplant materials such as gravel, colored rock, cinder, bark, and similar materials may not be used to meet the minimum planting area requirements required by this article. Mulch is not a substitute for ground cover plants.
 - (3) **Turf Allowance/Drought Tolerant Materials:** The maximum amount of lawn in required landscape areas shall be twenty five percent (25%) except for turf areas that comprise an essential component of a project (e.g., golf courses or playing fields), which are exempt from this limit. The installation of turf on slopes greater than twenty five percent (25%) is prohibited. The use of drought tolerant or artificial turf plant materials is preferred in these applications to conserve the city's water resources.
 - (4) **Mulch:** A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting ground covers or other special planting situations where mulch is not recommended. Stabilizing mulching products shall be used on slopes.
 - (5) **Size And Spacing:** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light) and maintenance needs. Plants shall be of the following size and spacing at the time of installation:
 - a. **Ground Covers:** Areas planted in ground cover plants other than grass seed or sod shall be planted at a rate of one per twelve inches (12") on center.
 - b. **Shrubs:** Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with two (2) to four feet (4') of spacing, depending on the plant species.
 - c. **Trees:** Trees shall be a minimum of fifteen (15) gallons in size with a one inch (1") diameter at breast height (dbh) spaced at thirty five feet (35') on center. Newly planted trees shall be supported with stakes or guywires.
- (b) **Dimension Of Landscaped Areas:** No landscaped area smaller than three feet (3') in any horizontal dimension shall count toward required landscaping.
- (c) **Drivers' Visibility:** Trees and shrubs shall be planted and maintained so that at maturity they do not interfere with traffic safety sight areas, or public safety. Notwithstanding other provisions of this section, landscaping must comply with Section 300.16, "Visibility At Driveways And Intersections (Sight Distance)", of this series.

303.06: INSTALLATION AND COMPLETION:

- (a) Consistency With Approved Plans: All landscaping and screening shall be installed consistent with approved plans and specifications, in a manner designed to promote and maintain healthy plant growth.
- (b) Timing Of Installation: Required landscaping and screening shall be installed prior to the issuance of a certificate of occupancy for the associated project.
- (c) Exception- Assurance Of Landscaping Completion: The zoning administrator may permit the required landscaping to be installed within one hundred twenty (120) days after the issuance of a certificate of occupancy in special circumstances related to weather conditions or plant availability. A surety in the amount equal to one hundred fifty percent (150%) of the estimated cost of landscaping, including materials and labor, as well as an agreement that the required landscaping will be installed within one hundred twenty (120) days, shall be filed with the City to assure completion of landscaping installation within such time. The surety may take the form of cash deposit; and together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.
- (d) Certification Of Substantial Completion: Upon completion of the installation of the landscaping and irrigation system, a field observation shall be completed by the licensed project contractor. A certificate of substantial completion shall be submitted to the City by the licensed project contractor. The certificate shall specifically indicate that the plants were installed as specified, that the irrigation system was installed as designed, along with a list of any deficiencies.

SECTION 6: This ordinance shall be in full force and effect thirty days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 20th day of October, 2015.

By: _____

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk

Proposed Code Amendments

Markup Version

SECTION 1

Note that in Section 1, all language is consistent with the State Model Water Efficient Landscape Ordinance unless underlined. Code section references have changed from §490 et seq in the California Code of Regulations to §25-33 et seq in the Porterville Municipal Code, but are not identified as changes in this document.

Add Chapter 25, Article 1, Division 6. Water Conservation and Efficiency, as follows:

§ 25-33. Purpose.

(a) The City of Porterville has found:

- (1) that the waters of the Tule Sub-basin are of limited supply and are subject to ever increasing demands;
- (2) that the continuation of Porterville's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
- (3) that it is the policy of the City of Porterville to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
- (4) that landscapes are essential to the quality of life in Porterville by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;
- (5) that landscape design, installation, maintenance and management can, and should be, water efficient; and
- (6) that Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

(b) Consistent with these legislative findings, the purpose of this ordinance is to:

- (1) promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;
- (2) establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects through a watershed approach that requires cross-sector collaboration of industry, government and property owners to achieve the many benefits possible;

- (3) establish provisions for water management practices and water waste prevention for existing landscapes;
 - (4) use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount; and
 - (5) establish economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure.
- (c) Landscapes that are planned, designed, installed, managed and maintained with the watershed based approach can improve California's and Porterville's environmental conditions and provide benefits and realize sustainability goals. Such landscapes will make the urban environment resilient in the face of climatic extremes. Consistent with the legislative findings and purpose of the Ordinance, conditions in the urban setting will be improved by:
- (1) creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat and esthetic benefits;
 - (2) minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas;
 - (3) conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment;
 - (4) protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materials, and using compost, mulch and efficient irrigation equipment to prevent erosion;
 - (5) protecting existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants; and
 - (6) utilizing integrated pest management with least toxic methods as the first course of action.

§ 25-34 Applicability

- (a) This ordinance shall apply to all of the following landscape projects:
- (1) new development projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review;
 - (2) rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
 - (3) existing landscapes limited to Sections 25-52 and 25-53; and

(4) cemeteries; recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 25-38, 25-45 and 25-46; and existing cemeteries are limited to Sections 25-52 and 25-53.

~~(b) For local land use agencies working together to develop a regional water efficient landscape ordinance, the reporting requirements of this ordinance shall become effective December 1, 2015 and the remainder of this ordinance shall be effective no later than February 1, 2016.~~

(b) Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in Section 25-55.

(c) For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2,500 sq. ft. of landscape and meets the lot's or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Section 25-55(a)(5).

(d) This ordinance does not apply to:

(1) registered local, state or federal historical sites;

(2) ecological restoration projects that do not require a permanent irrigation system;

(3) mined-land reclamation projects that do not require a permanent irrigation system; or

(4) existing plant collections, as part of botanical gardens and arboretums open to the public.

(e) This Division further applies to all properties within the city limits of the city of Porterville, as well as any property beyond the limit of the city of Porterville but that receives municipal water service from the City.

§ 25-35. Definitions.

The terms used in this ordinance have the meaning set forth below:

(a) "applied water" means the portion of water supplied by the irrigation system to the landscape.

(b) "automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

(c) "backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

(d) "Certificate of Completion" means the document required under Section 25-43.

- (e) “certified irrigation designer” means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.
- (f) “certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.
- (g) “check valve” or “anti-drain valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- (h) “common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- (i) “compost” means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.
- (j) “conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year.
- (k) “distribution uniformity” means the measure of the uniformity of irrigation water over a defined area.
- (l) “drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (m) “ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- (n) “effective precipitation” or “usable rainfall” (Eppt) means the portion of total precipitation which becomes available for plant growth.
- (o) “emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.
- (p) “established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
- (q) “establishment period of the plants” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

- (r) “Estimated Total Water Use” (ETWU) means the total water used for the landscape as described in Section 25-38.
- (s) “ET adjustment factor” (ETAF) means a factor of 0.55 for residential areas and 0.45 for non-residential areas that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.
- (t) “evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.
- (u) “flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
- (v) “flow sensor” means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.
- (w) “friable” means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.
- (x) “Fuel Modification Plan Guideline” means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.
- (y) “graywater” means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. “Graywater” includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.
- (z) “hardscapes” means any durable material (pervious and non-pervious).
- (aa) “hydrozone” means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.
- (bb) “infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).
- (cc) “invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources.

Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

- (dd) “irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency “Watersense” labeled auditing program.
- (ee) “irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems.
- (ff) “irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.
- (gg) “irrigation water use analysis” means a review of water use data based on meter readings and billing data.
- (hh) “landscape architect” means a person who holds a license to practice landscape architecture in the State of California Business and Professions Code, Section 5615.
- (ii) “landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).
- (jj) “landscape contractor” means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- (kk) “Landscape Documentation Package” means the documents required under Section 25-37.
- (ll) “landscape project” means total area of landscape in a project as defined in “landscape area” for the purposes of this ordinance, meeting requirements under Section 25-34.
- (mm) “landscape water meter” means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

- (nn) “lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- (oo) “local agency” means the City of Porterville. The City of Porterville is responsible for the enforcement of this ordinance including, but not limited to, approval of a permit and plan check or design review of a project.
- (pp) “local water purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service.
- (qq) “low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (rr) “main line” means the pressurized pipeline that delivers water from the water source to the valve or outlet.
- (ss) “master shut-off valve” is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.
- (tt) “Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 25-38. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. $MAWA = (ET_o) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$.
- (uu) “median” is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.
- (vv) “microclimate” means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
- (ww) “mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
- (xx) “mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and/or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

- (yy) “new construction” means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.
- (zz) “non-residential landscape” means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.
- (aaa) “operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- (bbb) “overhead sprinkler irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).
- (ccc) “overspray” means the irrigation water which is delivered beyond the target area.
- (ddd) “permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
- (eee) “pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.
- (fff) “plant factor” or “plant water use factor” is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the publication “Water Use Classification of Landscape Species”. Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).
- (ggg) “project applicant” means the individual or entity submitting a Landscape Documentation Package required under Section 25-37 to request a permit, plan check, or design review from the local agency. A project applicant may be the property owner or his or her designee.
- (hhh) “rain sensor” or “rain sensing shutoff device” means a component which automatically suspends an irrigation event when it rains.
- (iii) “record drawing” or “as-builts” means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.
- (jjj) “recreational area” means areas, excluding private single-family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.

- (kkk) “recycled water”, “reclaimed water”, or “treated sewage effluent water” means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.
- (lll) “reference evapotranspiration” or “ET_o” means a standard measurement of environmental parameters which affect the water use of plants. ET_o is expressed in inches per day, month, or year as represented in Section 25-38, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.
- (mmm) “Regional Water Efficient Landscape Ordinance” means a local Ordinance adopted by two or more local agencies, water suppliers and other stakeholders for implementing a consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.
- (nnn) “rehabilitated landscape” means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 25-34, and the modified landscape area is equal to, or greater than, 2,500 square feet.
- (ooo) “residential landscape” means landscapes surrounding single or multifamily homes.
- (ppp) “runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.
- (qqq) “soil moisture sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.
- (rrr) “soil texture” means the classification of soil based on its percentage of sand, silt, and clay.
- (sss) “Special Landscape Area” (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.
- (ttt) “sprinkler head” means a device which delivers water through a nozzle.
- (uuu) “static water pressure” means the pipeline or municipal water supply pressure when water is not flowing.
- (vvv) “station” means an area served by one valve or by a set of valves that operate simultaneously.
- (www) “swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

- (xxx) “submeter” means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.
- (yyy) “turf” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.
- (zzz) “valve” means a device used to control the flow of water in the irrigation system.
- (aaaa) “water conserving plant species” means a plant species identified as having a very low or low plant factor.
- (bbbb) “water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.
- (cccc) “watering window” means the time of day irrigation is allowed.
- (dddd) “WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, and the Department of Water Resources 2014.

~~§492. Provisions for New Construction or Rehabilitated Landscapes.~~

- ~~(a) A local agency may designate by mutual agreement, another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity’s specific responsibilities relating to this ordinance.~~

§ 25-36 Compliance with Landscape Documentation Package.

- (a) Prior to construction, the Zoning Administrator or his designee shall:
- (1) provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
 - (2) review the Landscape Documentation Package submitted by the project applicant;
 - (3) approve or deny the Landscape Documentation Package;
 - (4) issue a permit or approve the plan check or design review for the project applicant; and
 - (5) upon approval of the Landscape Documentation Package, retain a copy of the Water Efficient Landscape Worksheet for use in reporting as may be required.

(b) Prior to construction, the project applicant shall:

(1) submit a Landscape Documentation Package to the City prior to, or as a part of, the building permit submittal package.

(c) Upon approval of the Landscape Documentation Package by the Zoning Administrator, the project applicant shall:

(1) receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion; and

(2) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee.

~~(3) submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.~~

~~§492.2 Penalties.~~

~~(a) — A local agency may establish and administer penalties to the project applicant for non-compliance with the ordinance to the extent permitted by law.~~

§ 25-37 Elements of the Landscape Documentation Package.

(a) The Landscape Documentation Package shall include the following six (6) elements:

(1) Project Information;

(A) date

(B) project applicant

(C) project address (if available, parcel and/or lot number(s))

(D) total landscape area (square feet)

(E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)

(F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the service is other than City of Porterville

(G) checklist of all documents in Landscape Documentation Package

(H) project contacts to include contact information for the project applicant and property owner

(I) applicant signature and date with statement, “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package”

(2) Water Efficient Landscape Worksheet:

(A) water budget calculations

1. Maximum Applied Water Allowance (MAWA)
2. Estimated Total Water Use (ETWU)
- (3) Soil Management Report;
- (4) Landscape Design Plan;
- (5) Irrigation Design Plan; and
- (6) Grading Design Plan.

§ 25-38 Water Efficient Landscape Worksheet.

(a) A project applicant shall complete the Water Efficient Landscape Worksheet in Appendix A which contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas. The ETAF for a landscape project is based on the plant factors and irrigation methods selected. The Maximum Applied Water Allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for non-residential areas) and expressed as annual gallons required. The Estimated Total Water Use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.

(1) In calculating the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values listed below, as excerpted from the Reference Evapotranspiration Table in Appendix A of the State Model Water Efficiency Landscape Ordinance, 2015.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
Porterville	1.2	1.8	3.4	4.7	6.6	7.7	8.5	7.3	5.3	3.4	1.4	0.7	52.1

(b) Water budget calculations shall adhere to the following requirements:

- (1) The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
- (2) All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.

- (3) All Special Landscape Areas shall be identified and their water use calculated as shown in the Water Efficient Landscape Worksheet.
- (4) ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

§ 25-39 Soil Management Report.

- (a) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:
 - (1) Submit soil samples to a laboratory for analysis and recommendations.
 - (A) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
 - (B) The soil analysis shall include:
 - 1. soil texture;
 - 2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
 - 3. pH;
 - 4. total soluble salts;
 - 5. sodium;
 - 6. percent organic matter; and
 - 7. recommendations.
 - (C) In projects with multiple landscape installations (i.e. production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.
 - (2) The project applicant, or his/her designee, shall comply with one of the following:
 - (A) If significant mass grading is not planned, the soil analysis report shall be submitted to the Zoning Administrator as part of the Landscape Documentation Package; or
 - (B) If significant mass grading is planned, the soil analysis report shall be submitted to the Zoning Administrator as part of the Certificate of Completion.
 - (3) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.
 - (4) The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the Zoning Administrator with Certificate of Completion.

§ 25-40 Landscape Design Plan.

(a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) Plant Material

(A) Any plant may be selected for the landscape providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. Methods to achieve water efficiency shall include one or more of the following:

1. Protection and preservation of native species and natural vegetation;
2. Selection of water-conserving plant, tree and turf species, especially local native plants;
3. Selection of plants based on local climate suitability, disease and pest resistance;
4. Selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area; and
5. Selection of plants from local and regional landscape program plant lists.
- ~~6. Selection of plants from local Fuel Modification Plan Guidelines.~~

(B) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 25-41(a)(2)(D).

(C) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

1. Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
2. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; allow for adequate soil volume for healthy root growth and
3. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

(D) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

(E) High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

~~(F) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches. Refer to the local Fuel Modification Plan guidelines.~~

(F) The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.

(G) The architectural guidelines of a common interest development, which includes community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(2) Water Features

(A) Recirculating water systems shall be used for water features.

(B) Where available, recycled water shall be used as a source for decorative water features.

(C) Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

(D) Pool and spa covers are highly recommended.

(3) Soil Preparation, Mulch and Amendments

(A) Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

(B) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 25-39).

(C) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.

(D) A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to 5 % of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

(E) Stabilizing mulching products shall be used on slopes that meet current engineering standards.

(F) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

(G) Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available.

(b) The landscape design plan, at a minimum, shall:

- (1) delineate and label each hydrozone by number, letter, or other method;
- (2) identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
- (3) identify recreational areas;
- (4) identify areas permanently and solely dedicated to edible plants;
- (5) identify areas irrigated with recycled water;
- (6) identify type of mulch and application depth;
- (7) identify soil amendments, type, and quantity;
- (8) identify type and surface area of water features;
- (9) identify hardscapes (pervious and non-pervious);
- (10) identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the City of Porterville or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples are provided in Section 25-50.
- (11) identify any applicable rain harvesting or catchment technologies as discussed in Section 25-50 and their 24-hour retention or infiltration capacity;
- (12) identify any applicable graywater discharge piping, system components and area(s) of distribution;
- (13) contain the following statement: “I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan”; and
- (14) bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

§ 25-41 Irrigation Design Plan.

- (a) This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) System

- (A) Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 sq. ft. but not more than 5,000 sq. ft. (the level at which Water Code 535 applies) and residential irrigated landscapes of 5,000 sq. ft. or greater. A landscape water meter may be either:
1. a customer service meter dedicated to landscape use provided by the City of Porterville; or
 2. a privately owned meter or submeter.
- (B) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.
- (C) If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
 2. Static water pressure, dynamic or operating pressure and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- (D) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- (E) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

- (F) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.
- (G) Flow sensors that detect high flow conditions created by system damage or malfunction are required for all non-residential landscapes and residential landscapes of 5000 sq. ft. or larger.
- (H) Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.
- (I) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- (J) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- (K) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- (L) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 25-38 regarding the Maximum Applied Water Allowance.
- (M) All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard, All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
- (N) Through the Project Review process, or, if an applicable project is not subject to Project Review, during the building permit review process, the Public Works Director will provide information regarding peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.
- (O) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- (P) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- (Q) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

- (R) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.
- (S) Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.
- (T) Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
- (U) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
 - 1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 - 2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 - 3. the irrigation designer specifies an alternative design or technology as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 25-41 (a)(1)(I). Prevention of overspray and runoff must be confirmed during the irrigation audit.
- (V) Slopes greater than 25% shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(2) Hydrozone

- (A) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- (B) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- (C) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.
- (D) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
 - 1. the plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
 - 2. the plant factor of the higher water using plant is used for calculations.

(E) Individual hydrozones that mix high and low water use plants shall not be permitted.

(F) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Water Efficient Landscape Worksheet (Appendix A). This table can also assist with the irrigation audit and programming the controller.

(b) The irrigation design plan, at a minimum, shall contain:

- (1) location and size of separate water meters for landscape;
- (2) location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
- (3) static water pressure at the point of connection to the public water supply;
- (4) flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
- (5) recycled water irrigation systems as specified in Section 25-48;
- (6) the following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan”; and
- (7) the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

§ 25-42 Grading Design Plan.

(a) For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other building permits satisfies this requirement.

- (1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
 - (A) height of graded slopes;
 - (B) drainage patterns;
 - (C) pad elevations;
 - (D) finish grade; and
 - (E) stormwater retention improvements, if applicable.

- (2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:
 - (A) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
 - (B) avoid disruption of natural drainage patterns and undisturbed soil; and
 - (C) avoid soil compaction in landscape areas.
- (3) The grading design plan shall contain the following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan” and shall bear the signature of a licensed professional as authorized by law.

§ 25-43 Certificate of Completion.

- (a) The Certificate of Completion (Appendix B) shall include the following six (6) elements:

- (1) project information sheet that contains:
 - (A) date
 - (B) project name
 - (C) project applicant name, telephone, and mailing address
 - (D) project address and location
 - (E) property owner name, telephone, and mailing address
- (2) certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;
 - (A) where there have been significant changes made in the field during construction, these “as-built” or record drawings shall be included with the certification
 - (B) a diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes
- (3) irrigation scheduling parameters used to set the controller (see Section 25-44);
- (4) landscape and irrigation maintenance schedule (see Section 25-45);
- (5) irrigation audit report (see Section 25-46); and
- (6) soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 25-39).

- (b) The project applicant shall:

- (1) submit the signed Certificate of Completion to the City of Porterville for review; and

- (2) ensure that copies of the approved Certificate of Completion are submitted to the property owner or his or her designee.

(c) The City of Porterville shall:

- (1) receive the signed Certificate of Completion from the project applicant; and
- (2) approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the City of Porterville shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

§ 25-44 Irrigation Scheduling.

(a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

- (1) Irrigation scheduling shall be regulated by automatic irrigation controllers.
- (2) ~~Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.~~ Irrigation shall be scheduled in a manner consistent with the current phase of the City's water conservation plan.
- (3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
- (4) Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - (A) the plant establishment period;
 - (B) the established landscape; and
 - (C) temporarily irrigated areas.
- (5) Each irrigation schedule shall consider for each station all of the following that apply:
 - (A) irrigation interval (days between irrigation);
 - (B) irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - (C) number of cycle starts required for each irrigation event to avoid runoff;
 - (D) amount of applied water scheduled to be applied on a monthly basis;

- (E) application rate setting;
- (F) root depth setting;
- (G) plant type setting;
- (H) soil type;
- (I) slope factor setting;
- (J) shade factor setting; and
- (K) irrigation uniformity or efficiency setting.

§ 25-45 Landscape and Irrigation Maintenance Schedule.

- (a) Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- (b) A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing obstructions to emission devices.
- (c) Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.
- (d) A project applicant is encouraged to implement established landscape industry sustainable Best Practices for all landscape maintenance activities.

§ 25-46 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

- (a) All landscape irrigation audits shall be conducted by ~~a local agency landscape irrigation auditor or~~ a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
- (b) In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of 1 in 7 lots or approximately 15% will satisfy this requirement.
- (c) For new construction and rehabilitated landscape projects installed after December 13, 2015, as described in Section 25-34:
 - (1) the project applicant shall submit an irrigation audit report with the Certificate of Completion to the City of Porterville that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming; and

- (2) the City of Porterville shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

§ 25-47 Irrigation Efficiency.

- (a) For the purpose of determining Estimated Total Water Use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.

§ 25-48 Recycled Water.

- (a) The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.
- (b) All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.
- (c) Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

§ 25-49 Graywater Systems.

- (a) Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards. Refer to Section 25-34(d) for the applicability of this ordinance to landscape areas less than 2,500 square feet with the Estimated Total Water Use met entirely by graywater.

§ 25-50 Stormwater Management and Rainwater Retention.

- (a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.
- (b) Project applicants shall refer to the City of Porterville and Regional Water Quality Control Board for information on any applicable stormwater technical requirements.
- (c) All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to Section 25-40(a)(3).
- (d) It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e., roof and paved areas) from either:
- (1) the one inch, 24-hour rain event, or
 - (2) the 85th percentile, 24-hour rain event, and/or
 - (3) additional capacity as required by any applicable local, regional, state or federal regulation.

(e) It is recommended that storm water projects incorporate any of the following elements to improve on-site storm water and dry weather runoff capture and use:

- Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
- Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.
- Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.
- Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
- Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
- Incorporate infiltration beds, swales, basins and drywells to capture storm water and dry weather runoff and increase percolation into the soil.
- Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

§ 25-51 Public Education.

(a) Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

(1) The City of Porterville shall provide information to owners of permitted renovations and new single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a water budget.

(b) Model Homes. All model homes shall be landscaped and use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.

(1) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per this ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.

(2) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

~~§ 492.18 — Environmental Review.~~

~~(a) — The local agency must comply with the California Environmental Quality Act (CEQA) as appropriate.~~

~~§ 493 — Provisions for Existing Landscapes.~~

- ~~(a) A local agency may by mutual agreement, designate another agency such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.~~

§ 25-52 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis, Existing.

- (a) This section shall apply to all existing landscapes that were installed before December 13, 2015, and are over one acre in size.
- (1) For all landscapes in Section 25-52(a) that have a water meter, the City of Porterville shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (0.8) (ET_o)(LA)(0.62)$.
- (2) For all landscapes in Section 25-52(a) that do not have a meter, the City of Porterville shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.
- (b) All landscape irrigation audits shall be conducted by a third party certified landscape irrigation auditor.

§ 25-53 Water Waste Prevention.

- (a) The City of Porterville shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures.
- (b) Restrictions regarding overspray and runoff may be modified if:
- (1) the landscape area is adjacent to permeable surfacing and no runoff occurs; or
- (2) the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

§ 25-54 Effective Precipitation.

- (a) The City of Porterville will consider Effective Precipitation (25% of annual precipitation) in tracking water use and will use the following equation to calculate Maximum Applied Water Allowance:

$MAWA = (ET_o - Eppt) (0.62) [(0.55 \times LA) + (0.45 \times SLA)]$ for residential areas.

$MAWA = (ET_o - Eppt) (0.62) [(0.45 \times LA) + (0.55 \times SLA)]$ for non-residential areas.

§ 25-55 Prescriptive Compliance Option.

- (a) Any project with an aggregate landscape area of 2,500 square feet or less may comply with the prescriptive compliance option as an alternative to the other performance requirements of this ordinance.
- (b) Compliance with the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:
- (1) Submit a Landscape Documentation Package which includes the following elements:
 - (A) date
 - (B) project applicant
 - (C) project address (if available, parcel and/or lot number(s))
 - (D) total landscape area (square feet), including a breakdown of turf and plant material
 - (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
 - (G) contact information for the project applicant and property owner
 - (H) applicant signature and date with statement, "I agree to comply with the requirements of the prescriptive compliance option to the MWELD".
 - (2) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test)
 - (3) Plant material shall comply with all of the following:
 - (A) For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water; For non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;
 - (B) A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
 - (4) Turf shall comply with all of the following:
 - (A) Turf shall not exceed 25% of the landscape area in residential areas, and there shall be no turf in non-residential areas;
 - (B) Turf shall not be planted on sloped areas which exceed a slope of one foot vertical elevation change for every four feet of horizontal length;

- (C) Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.
- (5) Irrigation systems shall comply with the following:
 - (A) Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data.
 - (B) Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.
 - (C) Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.
 - (D) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.
 - (E) All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard," All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
- (c) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

§ 25-56 Penalties.

- (a) Penalties for violation of this Division will be imposed as prescribed in Chapter 1 of the Porterville Municipal Code.

§ 25-57 Reporting.

- (a) The City of Porterville will report on implementation and enforcement of this Division to the Department of Water Resources on an annual basis, not later than January 31st of each year.
- (b) The report shall include the following information:
 - (1) The number and types of projects subject to the ordinance during the specified reporting period.
 - (2) The total area (in square feet or acres) subject to the ordinance over the reporting period, if available.
 - (3) The number of new housing starts, new commercial projects, and landscape retrofits during the reporting period.
 - (4) The procedure for review of projects subject to the ordinance.

- (5) Actions taken to verify compliance. If a plan check was performed, note by which entity. If a site inspection was performed, note by which entity. If a post-installation audit was required, note by whom.
- (6) Describe enforcement measures.
- (7) Explain challenges to implementing and enforcing the ordinance.
- (8) Describe educational and other needs to properly apply the ordinance.

SECTION 2:

Amend Sections 25-5 and 25-5.1 and relocate to Chapter 25, Article 1, Division 6, as follows:

§ 25-58 Wasteful Use of Water Prohibited.

In addition to all protocols within this Division adopted with the intent to increase efficient outdoor water use, property owners and residents shall use reasonable care to prevent the waste of water. Water shall not be allowed to run or waste from a property onto streets or highways, and shall not be used to wash sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them.

§ 25-59 City Water Conservation Plan.

The City Council has adopted by resolution its water conservation plan which sets forth water conservation phases and conservation measures including mandatory restrictions on water usage by property owners and water consumers. Violation of the measures in effect, currently and as may be amended by resolution from time to time, pursuant to the applicable phase of the water conservation plan, shall be enforceable as set forth per any applicable remedy provisions in this code, including but not limited to, Sections 1-9 and 1-10, Chapter 2, Article XIV of this Code, and/or this Division. The City's water conservation plan is deemed to be the City's "Water Shortage Contingency Plan" as per applicable state law.

SECTION 3:

Amend Section 25-16.2, in order to maintain consistency with other recently adopted policy, as follows:

The City Council shall have authority for approval of requests for water service outside city limits, if applicant meets all other conditions as required by this code and the annexation and municipal services policy, and all other pertinent regulations. Consideration of said request shall be in conjunction with approval of required City permits, Tulare LAFCo Extra-territorial Service Agreement, and payment of applicable fees.

SECTION 4:

Amend Chapter 21, Section 301.06 of the Porterville Development Ordinance as follows:

Commercial crop cultivation is allowed as an interim use in zones designated in series 200 of this chapter. ~~These standards apply to the zones which permit commercial crop cultivation with a minor~~

~~conditional use permit.~~ Land use regulations as identified in series 200 and elsewhere in this Chapter apply.

(a) Purpose And Intent

- (1) It is the purpose and intent of this section to provide opportunity for interim use of land within city limits until such time as the development market supports the intended development of said lands.
- (2) Commercial crop cultivation can be allowed ~~with a conditional use permit~~ on an interim basis only where the impacts of an agricultural operation will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the surrounding area.
- (3) Crop cultivation allowed under the premises of this section is secondary to its availability for urban development and should be available for development as an urban use when market conditions improve for such a use.
- (4) Use of a subject site for crop cultivation for an interim period does not result in the land being construed as an agricultural resource requiring protection or preservation.
- (5) If residentially zoned, the land, regardless of the status of its agricultural use, will be considered in the City's housing element and the regional housing needs assessment (RHNA) as available for residential use.
- (6) The key intent of this section is to limit the use to a time period that is appropriate to the type of agricultural crop to be planted, to allow sufficient time for a reasonable profit to be realized while assuring that the use is interim in nature. At its discretion, the City Council may set time periods to limit the use to a specific amount of time.
- (7) This section shall not be construed to apply to animal confinement.

(c) Considerations

The following factors will be considered on a project by project basis to determine if commercial crop cultivation is an appropriate use for a particular site. The Council may consider the following factors or others as may be appropriate, based on the location of the proposed use and its proximity to urban uses and may consider limiting some crop types due to impacts of excessive noise, dust, vibration, odors or other effects on surrounding uses.

- (1) No "right to farm" is conveyed or otherwise implied with the use.
- (2) The area to be farmed is of adequate size, dimension and topography to accommodate the proposed use.
- (3) The burning of agricultural waste/trimmings/etc., on the property will not create a public nuisance or a danger due to the close proximity of urban uses.
- (4) On site sale of crops is allowed in accordance with subsection D, "Sale Of Agricultural Crops", of this section.

- (5) The use does not involve the installation of underground storage tanks.
- (6) Best management practices to reduce spray drift will be implemented.
- (7) Wells, as needed to serve the subject site, are subject to California Department of Public Health Services approval and review of the City engineer.
- (8) Irrigation water runoff, if any, can be contained on site.
- (9) Use of municipal water for irrigation is prohibited.
- 9(10) The area shall be groomed of weeds and agricultural waste regularly to reduce potential fire hazard, proliferation of pests, and unsightly conditions.
- 10(11) Equipment and vehicles related to the active farming operation of the site shall not be parked in the public right of way and vehicular circulation related to the use shall occur on site.
- 11(12) The applicant shall remove all abandoned crops upon discontinuation of the use.

SECTION 5:

Amend Chapter 21, Section 303 of the Porterville Development Ordinance as follows:

303.01: PURPOSE:

The specific purposes of the landscaping regulations are to:

- (a) Improve the appearance of the community by requiring aesthetically pleasing landscaping on public and private sites;
- (b) Aid in energy conservation by providing shade from the sun and shelter from the wind;
- (c) Soften the appearance of parking lots and other development through landscaping;
- (d) Promote conservation of water resources through the use of native and drought tolerant plants, and water conserving irrigation practices; and
- (e) Minimize or eliminate conflicts between potentially incompatible but otherwise permitted land uses on adjoining lots through visual screening.

303.02: APPLICABILITY:

The standards of this chapter apply to all new development or improvements subject to city project review and building permits as specified herein.

~~B. "Qualified landscape areas" are those areas meeting one or more of the following criteria:~~

- ~~1. New construction and rehabilitated common area landscapes with more than two thousand five hundred (2,500) square feet of landscaped area.~~
- ~~2. New construction landscapes which are homeowner provided and/or homeowner hired in single-unit and multi-unit residential projects with more than five thousand (5,000) square feet of landscaped area.~~

303.03: LANDSCAPE DESIGN PRINCIPLES:

The following design principles are general standards to be used by city staff in evaluating whether landscape plans conform to the requirements of this article:

- (a) Natural Landscapes: Landscape designs shall incorporate and enhance existing natural landscapes and existing specimen trees and native vegetation (including canopy, understory, and ground cover). Particular care shall be given to preserve intact natural landscapes. Where previous landscaping has dramatically altered natural landscapes, new designs shall seek to reestablish natural landscape patterns and plantings. Natural landscapes and native vegetation do not include weeds.
- (b) Composition: The quality of a landscape design is dependent not only on the quantity and selection of plant materials but also on how that material is arranged. Landscape materials shall include a combination of ground covers, shrubs, vines and trees with a variety of plant heights and colors.
- (c) Buffering And Screening: The placement of natural landscape materials (trees, shrubs, and hedges) is the preferred method for buffering differing land uses, for providing a transition between adjacent properties, and for screening the view of any parking or storage area, refuse collection, utility enclosures, or other service area visible from a public street, alley, or pedestrian area. Plants may be used with fences or berms to achieve the desired screening or buffering effect. When used to screen an activity area such as a parking lot, landscaping shall not interfere with public safety.
- (d) Responsive To Local Context And Character: Landscape designs shall build on the site's and area's unique physical characteristics, conserving and complementing existing natural features. Naturalistic design elements such as irregular plant spacing, undulating berm contours, and mixed proportions of plant species shall be used to ensure that new landscaping blends in and contributes to the quality of the surrounding area. Selection and spacing of plant material shall be reflective of the surrounding area's character.
- (e) Use Of Native And Drought Resistant Plants: Landscape designs shall feature native and/or related plant species and avoid invasive species, especially in areas adjacent to existing native vegetation, to take advantage of the unique natural character and diversity of the region and the adaptability of native plants to local environmental conditions. Where feasible, the reestablishment of native habitats shall be incorporated into the landscape design. In the same manner, landscape designs shall utilize drought tolerant plant materials to the maximum extent feasible. The use of drought tolerant plants shall enrich the existing landscape character,

conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water.

- (f) Continuity And Connection: Landscaping shall be designed within the context of the surrounding area, provided that the landscaping is also consistent with these design principles. Where the design intent and the surrounding landscape is naturalistic, plant materials shall blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Where the design intent and the surrounding landscape is formal, consistent or similar plant material and spacing shall be utilized. Exceptions shall be made when seeking to create a transition between uses, districts, and tiers.
- (g) Enhancing Architecture: Landscape designs shall be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Major landscape elements shall be designed to complement architectural elevations and rooflines through color, texture, density, and form on both vertical and horizontal planes. Landscaping shall be in scale with on site and adjacent buildings. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals. When foundation planting is required, plantings and window boxes shall incorporate artistic elements and be compatible with a building's architectural character.

~~303.04: LANDSCAPE PLANS:~~

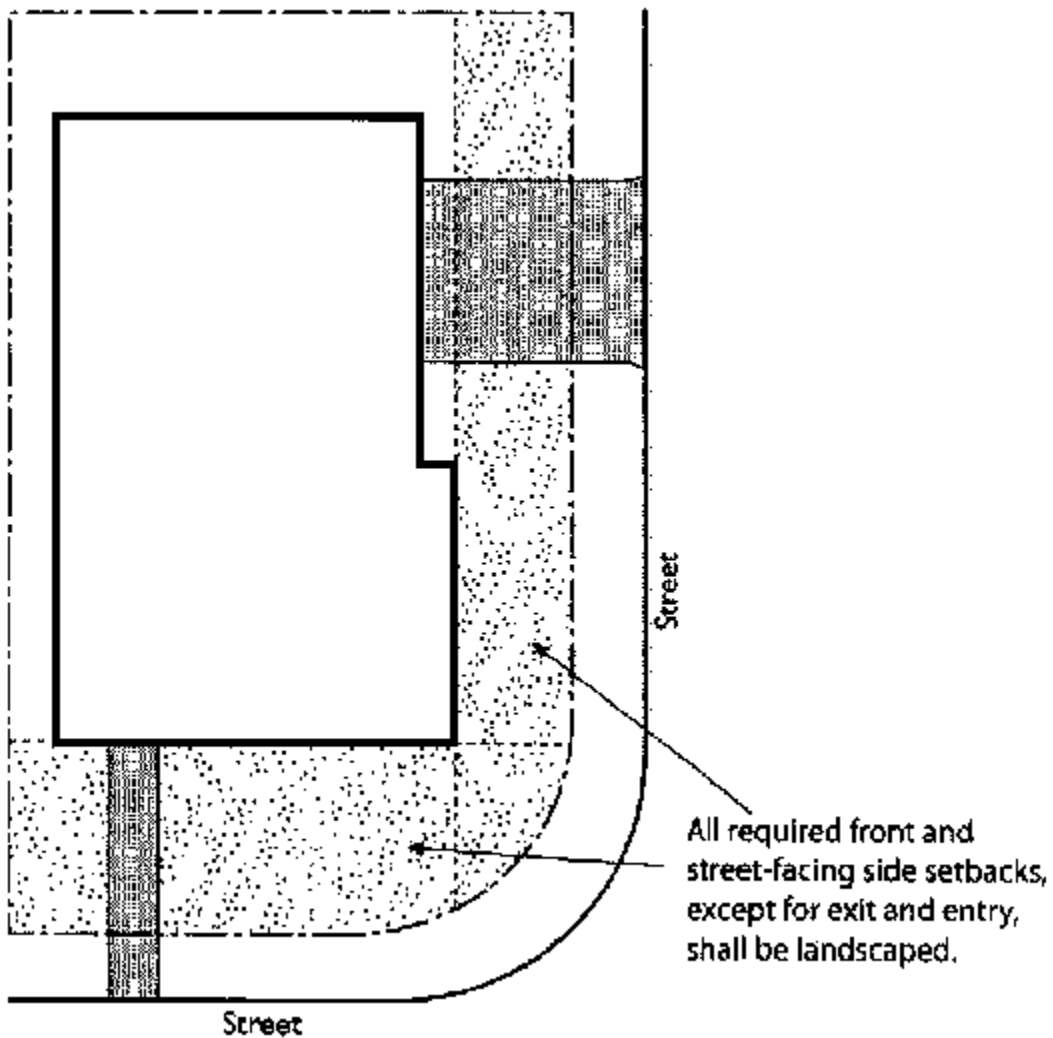
- ~~A. Information Required: A landscape plan shall be submitted with the permit application for all projects for which landscaping is required. Landscape plans shall be drawn to scale and shall at a minimum indicate: proposed plant locations, species, and sizes; any additional proposed landscape elements; soil preparation measures; and any other measures to facilitate plant growth or control erosion. Landscape plans shall include verification that the soil type, depth, and other characteristics are appropriate for the proposed landscaping and irrigation. Landscape plans shall also indicate the location of any existing trees over six inches (6") in diameter, and whether each such tree is proposed for retention or removal. Each landscape plan shall be accompanied by an irrigation plan that at a minimum indicates the location, type and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, and backflow prevention devices.~~
- ~~B. Preparation By Qualified Person: Landscaping for commercial projects, industrial projects, institutional projects, and residential projects consisting of more than twelve (12) units shall be prepared by a California licensed landscape contractor or California registered architect or landscape architect.~~

~~303.05~~04: AREAS TO BE LANDSCAPED:

The following areas shall be landscaped, and may count toward the total area of site landscaping required by the zoning district regulations:

- (a) Required Setbacks: All required front and street facing side setbacks, except for areas used for exit and entry, shall be landscaped.

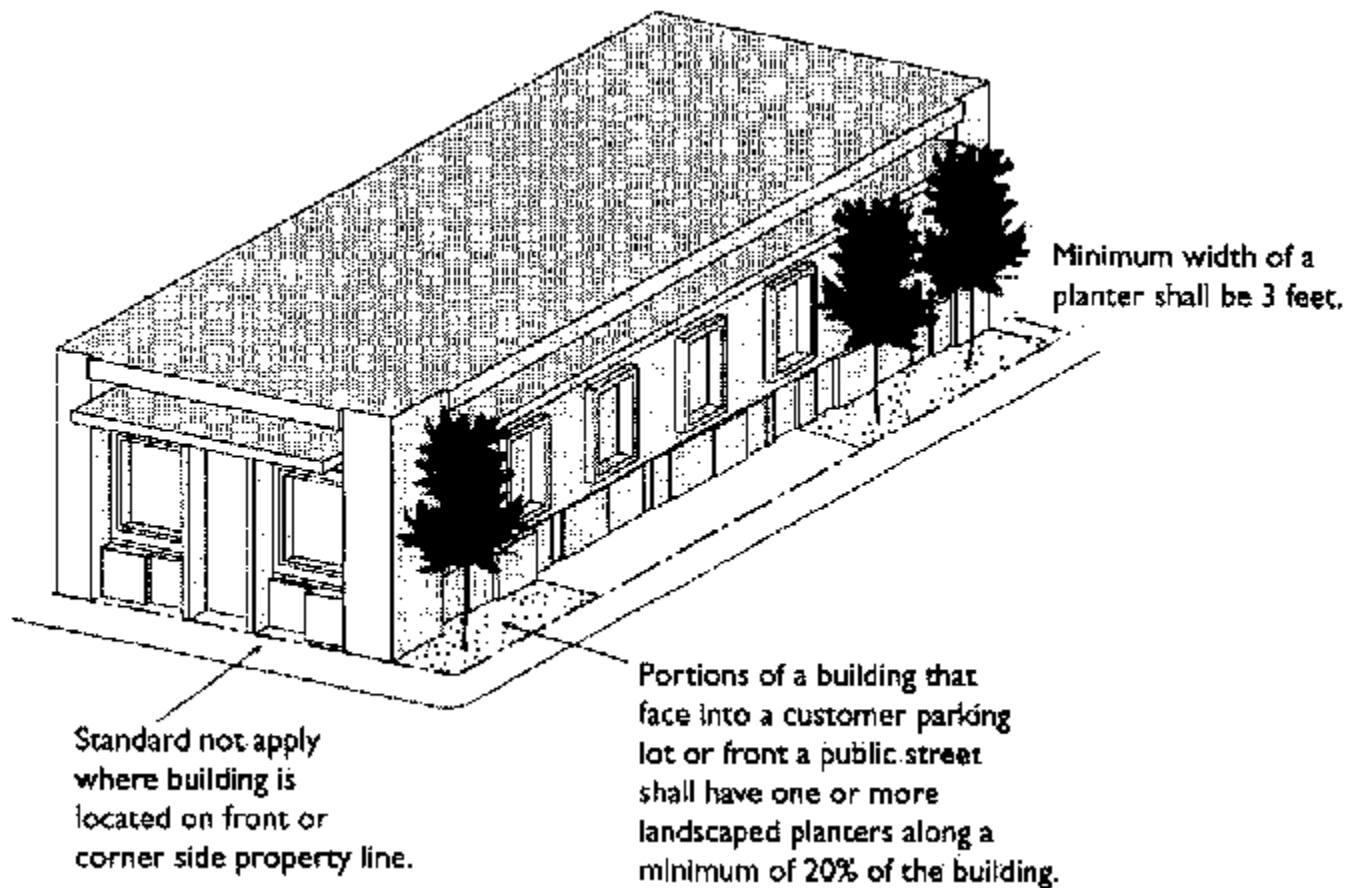
FIGURE 303.0504A: REQUIRED SETBACKS



- (b) Interior Property Lines Abutting R Districts: A minimum five foot (5') wide landscape buffer shall be provided along interior property lines, where no building abuts a property line, in districts adjacent to an R district.
- (c) Building Perimeters: The portions of a building facade that face onto a customer parking lot or front a public street shall have one or more landscape planters installed along a minimum

twenty percent (20%) of that building face. The minimum width of the planter shall be three feet (3'). This standard does not apply where a building is located on the front or corner side property line and there is no setback between the building and the property line.

FIGURE 303.0504C: BUILDING PERIMETERS



- (d) Landscaping In Parking Areas: Parking areas shall be landscaped as required by article 304, "On Site Parking And Loading", of this series.
- (e) Orchards And Gardens: Areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens.
- (f) Unused Areas: All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or left in a natural state. Access to the unused portion of the site shall be prohibited by a concrete curb, timber barrier or other barrier not less than six inches (6") high.

303.0605: GENERAL LANDSCAPING STANDARDS:

(a) Materials:

- (1) General: Landscaping shall consist of a combination of ground covers, shrubs, vines, and trees. Landscaped areas may include paved or graveled surfaces, provided they do not cover more than ten percent (10%) of the area required to be landscaped. Plant materials shall be selected from those species and varieties known to thrive in the Porterville climate and/or listed in Sunset's "Western Garden Book, Region No. 9". Recirculating water shall be used for decorative water features.
 - (2) Ground Cover Materials: Ground cover shall be of living organic plant material. Ground cover may include grasses. The exclusive or majority use of nonplant materials such as gravel, colored rock, cinder, bark, and similar materials may not be used to meet the minimum planting area requirements required by this article. Mulch is not a substitute for ground cover plants.
 - (3) Turf Allowance/Drought Tolerant Materials: The maximum amount of lawn in required landscape areas shall be twenty five percent (25%) except for turf areas that comprise an essential component of a project (e.g., golf courses or playing fields), which are exempt from this limit. The installation of turf on slopes greater than twenty five percent (25%) is prohibited. The use of drought tolerant or artificial turf plant materials is preferred in these applications to conserve the city's water resources.
 - (4) Mulch: A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting ground covers or other special planting situations where mulch is not recommended. Stabilizing mulching products shall be used on slopes.
 - (5) Size And Spacing: Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light) and maintenance needs. Plants shall be of the following size and spacing at the time of installation:
 - a. Ground Covers: Areas planted in ground cover plants other than grass seed or sod shall be planted at a rate of one per twelve inches (12") on center.
 - b. Shrubs: Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with two (2) to four feet (4') of spacing, depending on the plant species.
 - c. Trees: Trees shall be a minimum of fifteen (15) gallons in size with a one inch (1") diameter at breast height (dbh) spaced at thirty five feet (35') on center. Newly planted trees shall be supported with stakes or guywires.
- (b) Dimension Of Landscaped Areas: No landscaped area smaller than three feet (3') in any horizontal dimension shall count toward required landscaping.

- (c) Drivers' Visibility: Trees and shrubs shall be planted and maintained so that at maturity they do not interfere with traffic safety sight areas, or public safety. Notwithstanding other provisions of this section, landscaping must comply with Section 300.16, "Visibility At Driveways And Intersections (Sight Distance)", of this series.

303.07: WATER EFFICIENCY:

A. ~~Efficiency Requirement: Landscaping shall be designed and plantings selected so that water use is minimized. The total "water use value" of the proposed landscaping on a site, as described in the following subsection, may not exceed the total planting area.~~

B. ~~Procedure For Calculating Total Water Use Value: Total water use value shall be calculated as follows:~~

- ~~1. Plants with similar water needs shall be grouped together on the landscape plan. All landscaped areas on a site shall be designated as being in the very low, low, moderate, or high water needs category, according to the California department of water resources study, water use classification of landscape species (WUCOLS). Water bodies and turf shall be classified as high water use.~~
- ~~2. The total area (either in square feet or acres) in very low, low, moderate or high water use planting types shall be determined.~~
- ~~3. The area in each planting type shall be multiplied by the "water use value" for that planting type listed in table 303.07B3 of this section, and the products summed to determine total water use value of the landscape plan.~~

TABLE 303.07B3: WATER USE VALUES OF PLANTING TYPES

Planting Type	Water Use Value
Very low water needs category	0.1
Low water needs category	0.4
Moderate water needs category	1.0
High water needs category	1.6

-	Calculating Total Water Use Value	-
-	Area (sq. ft. or acres) in very low water needs category x 0.1	= -

-	Area (sq. ft. or acres) in low water needs category x 0.4	=	-
-	Area (sq. ft. or acres) in moderate water needs category x 1.0	=	-
-	Area (sq. ft. or acres) in high water needs category x 1.6	=	-
-	Total water use value for site	=	-

4. In order to comply with this water use standard, the total water use value as calculated in subsection B3 of this section for a site shall be less than or equal to the total planting area expressed in square feet or acres.

303.08: IRRIGATION SPECIFICATIONS:

An irrigation system shall be installed that consists of low volume sprinkler heads, dry emitters, and bubbler emitters with automatic controllers. Each system shall be designed to provide adequate coverage to all plant material. Irrigation systems shall be designed, maintained, and managed to meet or exceed 0.71 efficiency.

A. Irrigation systems and decorative water features shall use recycled water when made available from the city.

B. Soil types and infiltration rate shall be considered when designing irrigation systems.

C. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures.

D. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.

E. Overhead irrigation shall be scheduled between eight o'clock (8:00) P.M. and ten o'clock (10:00) A.M. unless weather conditions prevent it.

F. The irrigation plans shall include the following to provide better water efficiency for all landscaped areas:

1. Equipment: Sprinklers and sprays shall not be used in areas less than five feet (5') wide. Drip and bubbler systems shall be used in areas where watering needs do not exceed one and one-half (1.5) gallons per minute per device.

2. Water Meters: Separate landscape water meters shall be installed for all qualified landscape areas.

- ~~3. Controllers: Automatic control systems shall be required for all irrigation systems and shall be able to accommodate all aspects of the design. Automatic controllers shall be digital, and shall have multiple programs, multiple cycles, and sensor input capabilities.~~
- ~~4. Valves: Plants which require different amounts of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in that area. Antidrain (check) valves shall be installed in strategic points to minimize or prevent low head drainage.~~
- ~~5. Sprinkler Heads: Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.~~
- ~~6. Rain Or Moisture Sensor Devices: Soil moisture sensors and rain or moisture sensing override devices are required for all qualified landscape areas.~~

~~303.09: MODEL HOMES:~~

~~At least one model home that is landscaped in each project consisting of eight (8) or more homes shall demonstrate via signs and information, the principles of water efficient landscapes described in this chapter.~~

- ~~A. Front Yard Sign: A four (4) square foot sign shall be located in the front yard of the "water saving" model so that it is clearly visible to buyers. The sign shall indicate that the model features a water saving landscape and irrigation design.~~
- ~~B. Interior Display: A drawing, or combination of drawings, shall be displayed inside the "water saving" model or the sales office which provides a schematic of the landscape. These drawings shall include a key identifying the common name of the plants used in the "water saving" model distributed with the sales information to potential buyers to satisfy this requirement.~~
- ~~C. Literature: Additional literature describing water conserving landscaping and irrigation is encouraged to also be made available to the potential buyer or referenced on the interior display or brochure.~~

~~303.1006: INSTALLATION AND COMPLETION:~~

- ~~(a) Consistency With Approved Plans: All landscaping and screening shall be installed consistent with approved plans and specifications, in a manner designed to promote and maintain healthy plant growth.~~
- ~~(b) Timing Of Installation: Required landscaping and screening shall be installed prior to the issuance of a certificate of occupancy for the associated project.~~
- ~~(c) Exception- Assurance Of Landscaping Completion: The zoning administrator may permit the required landscaping to be installed within one hundred twenty (120) days after the issuance~~

of a certificate of occupancy in special circumstances related to weather conditions or plant availability. A surety in the amount equal to one hundred fifty percent (150%) of the estimated cost of landscaping, including materials and labor, as well as an agreement that the required landscaping will be installed within one hundred twenty (120) days, shall be filed with the City to assure completion of landscaping installation within such time. The surety may take the form of cash deposit; and together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.

- (d) Certification Of Substantial Completion: Upon completion of the installation of the landscaping and irrigation system, a field observation shall be completed by the licensed project contractor. A certificate of substantial completion shall be submitted to the City by the licensed project contractor. The certificate shall specifically indicate that the plants were installed as specified, that the irrigation system was installed as designed, along with a list of any deficiencies.

SECTION 6: This ordinance shall be in full force and effect thirty days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 20th day of October, 2015.

By: _____
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

Model Water Efficient Landscape Ordinance

California Code of Regulations
Title 23. Waters
Division 2. Department of Water Resources
Chapter 2.7. Model Water Efficient Landscape Ordinance

§ 490. Purpose.

(a) The State Legislature has found:

- (1) that the waters of the state are of limited supply and are subject to ever increasing demands;
 - (2) that the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
 - (3) that it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
 - (4) that landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development; and
 - (5) that landscape design, installation, maintenance and management can and should be water efficient; and
- (6) that Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

(b) Consistent with these legislative findings, the purpose of this model ordinance is to:

- (1) promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- (2) establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- (3) establish provisions for water management practices and water waste prevention for existing landscapes;
- (4) use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount;
- (5) promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
- (6) encourage local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and
- (7) encourage local agencies to designate the necessary authority that implements and enforces the provisions of the Model Water Efficient Landscape Ordinance or its local landscape ordinance.

Note: Authority cited: Section 65593, Government Code. Reference: Sections 65591, 65593, 65596, Government Code.

§ 490.1 Applicability

(a) After January 1, 2010, this ordinance shall apply to all of the following landscape projects:

- (1) new construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;
- (2) new construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
- (3) new construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review;

- (4) existing landscapes limited to Sections 493, 493.1 and 493.2; and
 - (5) cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11 and 492.12; and existing cemeteries are limited to Sections 493, 493.1 and 493.2.
- (b) This ordinance does not apply to:
- (1) registered local, state or federal historical sites;
 - (2) ecological restoration projects that do not require a permanent irrigation system;
 - (3) mined-land reclamation projects that do not require a permanent irrigation system; or
 - (4) plant collections, as part of botanical gardens and arboretums open to the public.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 491. Definitions.

The terms used in this ordinance have the meaning set forth below:

- (a) “applied water” means the portion of water supplied by the irrigation system to the landscape.
- (b) “automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
- (c) “backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- (d) “Certificate of Completion” means the document required under Section 492.9.
- (e) “certified irrigation designer” means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.
- (f) “certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.
- (g) “check valve” or “anti-drain valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- (h) “common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- (i) “conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year
- (j) “drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (k) “ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- (l) “effective precipitation” or “usable rainfall” (Eppt) means the portion of total precipitation which becomes available for plant growth.
- (m) “emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.
- (n) “established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
- (o) “establishment period of the plants” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.

(p) “Estimated Total Water Use” (ETWU) means the total water used for the landscape as described in Section 492.4.

(q) “ET adjustment factor” (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.

A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is $(0.7)=(0.5/0.71)$. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.

(r) “evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

(s) “flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

(t) “hardscapes” means any durable material (pervious and non-pervious).

(u) “homeowner-provided landscaping” means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

(v) “hydrozone” means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

(w) “infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

(x) “invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. “Noxious weeds” means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

(y) “irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

(z) “irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

(aa) “irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

(bb) “irrigation water use analysis” means an analysis of water use data based on meter readings and billing data.

(cc) “landscape architect” means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

(dd) “landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

(ee) “landscape contractor” means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

(ff) “Landscape Documentation Package” means the documents required under Section 492.3.

(gg) “landscape project” means total area of landscape in a project as defined in “landscape area” for the purposes of this ordinance, meeting requirements under Section 490.1.

(hh) “lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

(ii) “local agency” means a city or county, including a charter city or charter county, that is responsible for adopting and implementing the ordinance. The local agency is also responsible for the enforcement of this ordinance, including but not limited to, approval of a permit and plan check or design review of a project.

(jj) “local water purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service.

(kk) “low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

(ll) “main line” means the pressurized pipeline that delivers water from the water source to the valve or outlet.

(mm) “Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 492.4. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.

(nn) “microclimate” means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

(oo) “mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

(pp) “mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

(qq) “new construction” means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

(rr) “operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

(ss) “overhead sprinkler irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).

(tt) “overspray” means the irrigation water which is delivered beyond the target area.

(uu) “permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

(vv) “pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.

(ww) “plant factor” or “plant water use factor” is a factor , when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant

factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication “Water Use Classification of Landscape Species”.

(xx) “precipitation rate” means the rate of application of water measured in inches per hour.

(yy) “project applicant” means the individual or entity submitting a Landscape Documentation Package required under Section 492.3, to request a permit, plan check, or design review from the local agency. A project applicant may be the property owner or his or her designee.

(zz) “rain sensor” or “rain sensing shutoff device” means a component which automatically suspends an irrigation event when it rains.

(aaa) “record drawing” or “as-builts” means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

(bbb) “recreational area” means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

(ccc) “recycled water”, “reclaimed water”, or “treated sewage effluent water” means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

(ddd) “reference evapotranspiration” or “ET_o” means a standard measurement of environmental parameters which affect the water use of plants. ET_o is expressed in inches per day, month, or year as represented in Section 495.1, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

(eee) “rehabilitated landscape” means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 490.1, and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.

(fff) “runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

(ggg) “soil moisture sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

(hhh) “soil texture” means the classification of soil based on its percentage of sand, silt, and clay.

(iii) “Special Landscape Area” (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

(jjj) “sprinkler head” means a device which delivers water through a nozzle.

(kkk) “static water pressure” means the pipeline or municipal water supply pressure when water is not flowing.

(lll) “station” means an area served by one valve or by a set of valves that operate simultaneously.

(mmm) “swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

(nnn) “turf” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

(ooo) “valve” means a device used to control the flow of water in the irrigation system.

(ppp) “water conserving plant species” means a plant species identified as having a low plant factor.

(qqq) “water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in

the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

(rrr) “watering window” means the time of day irrigation is allowed.

(sss) “WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

Note: Authority Cited: Section 65595, Government Code. Reference: Sections 65592, 65596, Government Code.

§ 492. Provisions for New Construction or Rehabilitated Landscapes.

(a) A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity’s specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.1 Compliance with Landscape Documentation Package.

(a) Prior to construction, the local agency shall:

(1) provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;

(2) review the Landscape Documentation Package submitted by the project applicant;

(3) approve or deny the Landscape Documentation Package;

(4) issue a permit or approve the plan check or design review for the project applicant; and

(5) upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

(b) Prior to construction, the project applicant shall:

(1) submit a Landscape Documentation Package to the local agency.

(c) Upon approval of the Landscape Documentation Package by the local agency, the project applicant shall:

(1) receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;

(2) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and

(3) submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.2 Penalties.

(a) A local agency may establish and administer penalties to the project applicant for non-compliance with the ordinance to the extent permitted by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.3 Elements of the Landscape Documentation Package.

(a) The Landscape Documentation Package shall include the following six (6) elements:

- (1) project information;
 - (A) date
 - (B) project applicant
 - (C) project address (if available, parcel and/or lot number(s))
 - (D) total landscape area (square feet)
 - (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
 - (G) checklist of all documents in Landscape Documentation Package
 - (H) project contacts to include contact information for the project applicant and property owner
 - (I) applicant signature and date with statement, “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package”.
- (2) Water Efficient Landscape Worksheet;
 - (A) hydrozone information table
 - (B) water budget calculations
 1. Maximum Applied Water Allowance (MAWA)
 2. Estimated Total Water Use (ETWU)
 - (3) soil management report;
 - (4) landscape design plan;
 - (5) irrigation design plan; and
 - (6) grading design plan.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.4 Water Efficient Landscape Worksheet.

(a) A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections (see sample worksheet in Appendix B):

- (1) a hydrozone information table (see Appendix B, Section A) for the landscape project; and
 - (2) a water budget calculation (see Appendix B, Section B) for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.
- (b) Water budget calculations shall adhere to the following requirements:
- (1) The plant factor used shall be from WUCOLS. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
 - (2) All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
 - (3) All Special Landscape Areas shall be identified and their water use calculated as described below.
 - (4) ETAF for Special Landscape Areas shall not exceed 1.0.
- (c) Maximum Applied Water Allowance
- The Maximum Applied Water Allowance shall be calculated using the equation:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations are from the Reference Evapotranspiration Table in Appendix A, for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required and shall use current reference evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

(1) Example MAWA calculation: a hypothetical landscape project in Fresno, CA with an irrigated landscape area of 50,000 square feet without any Special Landscape Area (SLA= 0, no edible plants, recreational areas, or use of recycled water). To calculate MAWA, the annual reference evapotranspiration value for Fresno is 51.1 inches as listed in the Reference Evapotranspiration Table in Appendix A.

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

0.7 = ET Adjustment Factor (ETAF)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

$$\begin{aligned} \text{MAWA} &= (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 0)] \\ &= 1,108,870 \text{ gallons per year} \end{aligned}$$

To convert from gallons per year to hundred-cubic-feet per year:

$$= 1,108,870 / 748 = 1,482 \text{ hundred-cubic-feet per year}$$

(100 cubic feet = 748 gallons)

(2) In this next hypothetical example, the landscape project in Fresno, CA has the same ETo value of 51.1 inches and a total landscape area of 50,000 square feet. Within the 50,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a Special Landscape Area.

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

$$\text{MAWA} = (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})]$$

$$= 31.68 \times [35,000 + 600] \text{ gallons per year}$$

$$= 31.68 \times 35,600 \text{ gallons per year}$$

$$= 1,127,808 \text{ gallons per year or } 1,508 \text{ hundred-cubic-feet per year}$$

(d) Estimated Total Water Use.

The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydrozones shall not exceed MAWA.

$$\text{ETWU} = (\text{ETo})(0.62) \left(\frac{\text{PF} \times \text{HA}}{\text{IE}} + \text{SLA} \right)$$

Where:

ETWU = Estimated Total Water Use per year (gallons)

ETo = Reference Evapotranspiration (inches)

PF = Plant Factor from WUCOLS (see Section 491)

HA = Hydrozone Area [high, medium, and low water use areas] (square feet)

SLA = Special Landscape Area (square feet)

0.62 = Conversion Factor

IE = Irrigation Efficiency (minimum 0.71)

(1) Example ETWU calculation: landscape area is 50,000 square feet; plant water use type, plant factor, and hydrozone area are shown in the table below. The ETo value is 51.1 inches per year. There are no Special Landscape Areas (recreational area, area permanently and solely dedicated to edible plants, and area irrigated with recycled water) in this example.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	10,000	7,000
3	Medium	0.5	16,000	8,000
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	24,700

*Plant Factor from WUCOLS

$$ETWU = (51.1)(0.62) \left(\frac{24,700}{0.71} + 0 \right)$$

= 1,102,116 gallons per year

Compare ETWU with MAWA: For this example MAWA = (51.1) (0.62) [(0.7 x 50,000) + (0.3 x 0)] = 1,108,870 gallons per year. The ETWU (1,102,116 gallons per year) is less than MAWA (1,108,870 gallons per year). In this example, the water budget complies with the MAWA.

(2) Example ETWU calculation: total landscape area is 50,000 square feet, 2,000 square feet of which is planted with edible plants. The edible plant area is considered a Special Landscape Area (SLA). The reference evapotranspiration value is 51.1 inches per year. The plant type, plant factor, and hydrozone area are shown in the table below.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	9,000	6,300
3	Medium	0.5	15,000	7,500
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	23,500
6	SLA	1.0	2,000	2,000

*Plant Factor from WUCOLS

$$ETWU = (51.1)(0.62) \left(\frac{23,500}{0.71} + 2,000 \right)$$

= (31.68) (33,099 + 2,000)

= 1,111,936 gallons per year

Compare ETWU with MAWA. For this example:

$$\begin{aligned}\text{MAWA} &= (51.1) (0.62) [(0.7 \times 50,000) + (0.3 \times 2,000)] \\ &= 31.68 \times [35,000 + 600] \\ &= 31.68 \times 35,600 \\ &= 1,127,808 \text{ gallons per year}\end{aligned}$$

The ETWU (1,111,936 gallons per year) is less than MAWA (1,127,808 gallons per year). For this example, the water budget complies with the MAWA.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.5 Soil Management Report.

(a) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

(1) Submit soil samples to a laboratory for analysis and recommendations.

(A) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

(B) The soil analysis may include:

1. soil texture;
2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
3. pH;
4. total soluble salts;
5. sodium;
6. percent organic matter; and
7. recommendations.

(2) The project applicant, or his/her designee, shall comply with one of the following:

(A) If significant mass grading is not planned, the soil analysis report shall be submitted to the local agency as part of the Landscape Documentation Package; or

(B) If significant mass grading is planned, the soil analysis report shall be submitted to the local agency as part of the Certificate of Completion.

(3) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

(4) The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the local agency with Certificate of Completion.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.6 Landscape Design Plan.

(a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) Plant Material

(A) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. To encourage the efficient use of water, the following is highly recommended:

1. protection and preservation of native species and natural vegetation;
2. selection of water-conserving plant and turf species;

3. selection of plants based on disease and pest resistance;
4. selection of trees based on applicable local tree ordinances or tree shading guidelines; and
5. selection of plants from local and regional landscape program plant lists.

(B) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 492.7(a)(2)(D).

(C) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:

1. use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
2. recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and
3. consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

(D) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

(E) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

(F) The use of invasive and/or noxious plant species is strongly discouraged.

(G) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(2) Water Features

(A) Recirculating water systems shall be used for water features.

(B) Where available, recycled water shall be used as a source for decorative water features.

(C) Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

(D) Pool and spa covers are highly recommended.

(3) Mulch and Amendments

(A) A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

(B) Stabilizing mulching products shall be used on slopes.

(C) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

(D) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 492.5).

(b) The landscape design plan, at a minimum, shall:

- (1) delineate and label each hydrozone by number, letter, or other method;
- (2) identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
- (3) identify recreational areas;
- (4) identify areas permanently and solely dedicated to edible plants;
- (5) identify areas irrigated with recycled water;
- (6) identify type of mulch and application depth;
- (7) identify soil amendments, type, and quantity;
- (8) identify type and surface area of water features;
- (9) identify hardscapes (pervious and non-pervious);

- (10) identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
- (A) infiltration beds, swales, and basins that allow water to collect and soak into the ground;
 - (B) constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
 - (C) pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
- (11) identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
- (12) contain the following statement: “I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan”; and
- (13) bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code and Section 1351, Civil Code.

§ 492.7 Irrigation Design Plan.

(a) For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers’ recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) System

(A) Dedicated landscape water meters are highly recommended on landscape areas smaller than 5,000 square feet to facilitate water management.

(B) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.

(C) The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer’s recommended pressure range for optimal performance.

1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

(D) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

(E) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

(F) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.

(G) High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.

(H) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

(I) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

(J) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

(K) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 492.4 regarding the Maximum Applied Water Allowance.

(L) It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

(M) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

(N) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

(O) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

(P) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.

(Q) Check valves or anti-drain valves are required for all irrigation systems.

(R) Narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.

(S) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
3. the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 492.7 (a)(1)(H). Prevention of overspray and runoff must be confirmed during the irrigation audit.

(T) Slopes greater than 25% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(2) Hydrozone

(A) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

(B) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

(C) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.

(D) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

1. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

2. the plant factor of the higher water using plant is used for calculations.

(E) Individual hydrozones that mix high and low water use plants shall not be permitted.

(F) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.

(b) The irrigation design plan, at a minimum, shall contain:

(1) location and size of separate water meters for landscape;

(2) location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

(3) static water pressure at the point of connection to the public water supply;

(4) flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

(5) recycled water irrigation systems as specified in Section 492.14;

(6) the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and

(7) the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.8 Grading Design Plan.

(a) For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

(1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

(A) height of graded slopes;

(B) drainage patterns;

(C) pad elevations;

(D) finish grade; and

(E) stormwater retention improvements, if applicable.

(2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:

(A) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;

(B) avoid disruption of natural drainage patterns and undisturbed soil; and

(C) avoid soil compaction in landscape areas.

(3) The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.9 Certificate of Completion.

(a) The Certificate of Completion (see Appendix C for a sample certificate) shall include the following six (6) elements:

(1) project information sheet that contains:

- (A) date;
- (B) project name;
- (C) project applicant name, telephone, and mailing address;
- (D) project address and location; and
- (E) property owner name, telephone, and mailing address;

(2) certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;

(A) where there have been significant changes made in the field during construction, these “as-built” or record drawings shall be included with the certification;

(3) irrigation scheduling parameters used to set the controller (see Section 492.10);

(4) landscape and irrigation maintenance schedule (see Section 492.11);

(5) irrigation audit report (see Section 492.12); and

(6) soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 492.5).

(b) The project applicant shall:

(1) submit the signed Certificate of Completion to the local agency for review;

(2) ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his or her designee.

(c) The local agency shall:

(1) receive the signed Certificate of Completion from the project applicant;

(2) approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the local agency shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.10 Irrigation Scheduling.

(a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

(1) Irrigation scheduling shall be regulated by automatic irrigation controllers.

(2) Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

(3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

(4) Parameters used to set the automatic controller shall be developed and submitted for each of the following:

(A) the plant establishment period;

- (B) the established landscape; and
- (C) temporarily irrigated areas.
- (5) Each irrigation schedule shall consider for each station all of the following that apply:
 - (A) irrigation interval (days between irrigation);
 - (B) irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - (C) number of cycle starts required for each irrigation event to avoid runoff;
 - (D) amount of applied water scheduled to be applied on a monthly basis;
 - (E) application rate setting;
 - (F) root depth setting;
 - (G) plant type setting;
 - (H) soil type;
 - (I) slope factor setting;
 - (J) shade factor setting; and
 - (K) irrigation uniformity or efficiency setting.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.11 Landscape and Irrigation Maintenance Schedule.

- (a) Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- (b) A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- (c) Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
- (d) A project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.12 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

- (a) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
- (b) For new construction and rehabilitated landscape projects installed after January 1, 2010, as described in Section 490.1:
 - (1) the project applicant shall submit an irrigation audit report with the Certificate of Completion to the local agency that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule;
 - (2) the local agency shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.13 Irrigation Efficiency.

(a) For the purpose of determining Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.14 Recycled Water.

(a) The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted as described in Section 492.14(b).

(b) Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the local water purveyor stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.

(c) All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.

(d) Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for Special Landscape Areas shall not exceed 1.0.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.15 Stormwater Management.

(a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encouraged.

(b) Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater ordinances and stormwater management plans.

(c) Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.16 Public Education.

(a) Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

(1) A local agency shall provide information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.

(b) Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.

(1) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.

(2) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.17 Environmental Review.

(a) The local agency must comply with the California Environmental Quality Act (CEQA), as appropriate.

Note: Authority cited: Section 21082, Public Resources Code. Reference: Sections 21080, 21082, Public Resources Code.

§ 493. Provisions for Existing Landscapes.

(a) A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 493.1 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

(a) This section, 493.1, shall apply to all existing landscapes that were installed before January 1, 2010 and are over one acre in size.

(1) For all landscapes in 493.1(a) that have a water meter, the local agency shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (0.8)(ET_o)(LA)(0.62)$.

(2) For all landscapes in 493.1(a), that do not have a meter, the local agency shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

(b) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 493.2 Water Waste Prevention.

(a) Local agencies shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.

(b) Restrictions regarding overspray and runoff may be modified if:

(1) the landscape area is adjacent to permeable surfacing and no runoff occurs; or

(2) the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

Note: Authority cited: Section 65594, Government Code. Reference: Section 65596, Government Code.

§ 494. Effective Precipitation.

(a) A local agency may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance:

$MAWA = (ET_o - Eppt)(0.62) [(0.7 \times LA) + (0.3 \times SLA)]$.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

Appendices.

Appendix A. Reference Evapotranspiration (ET_o) Table.

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
ALAMEDA													
Fremont	1.5	1.9	3.4	4.7	5.4	6.3	6.7	6.0	4.5	3.4	1.8	1.5	47.0
Livermore	1.2	1.5	2.9	4.4	5.9	6.6	7.4	6.4	5.3	3.2	1.5	0.9	47.2
Oakland	1.5	1.5	2.8	3.9	5.1	5.3	6.0	5.5	4.8	3.1	1.4	0.9	41.8
Oakland Foothills	1.1	1.4	2.7	3.7	5.1	6.4	5.8	4.9	3.6	2.6	1.4	1.0	39.6
Pleasanton	0.8	1.5	2.9	4.4	5.6	6.7	7.4	6.4	4.7	3.3	1.5	1.0	46.2
Union City	1.4	1.8	3.1	4.2	5.4	5.9	6.4	5.7	4.4	3.1	1.5	1.2	44.2
ALPINE													
Markleeville	0.7	0.9	2.0	3.5	5.0	6.1	7.3	6.4	4.4	2.6	1.2	0.5	40.6
AMADOR													
Jackson	1.2	1.5	2.8	4.4	6.0	7.2	7.9	7.2	5.3	3.2	1.4	0.9	48.9
Shanandoah Valley	1.0	1.7	2.9	4.4	5.6	6.8	7.9	7.1	5.2	3.6	1.7	1.0	48.8
BUTTE													
Chico	1.2	1.8	2.9	4.7	6.1	7.4	8.5	7.3	5.4	3.7	1.7	1.0	51.7
Durham	1.1	1.8	3.2	5.0	6.5	7.4	7.8	6.9	5.3	3.6	1.7	1.0	51.1
Gridley	1.2	1.8	3.0	4.7	6.1	7.7	8.5	7.1	5.4	3.7	1.7	1.0	51.9
Oroville	1.2	1.7	2.8	4.7	6.1	7.6	8.5	7.3	5.3	3.7	1.7	1.0	51.5
CALAVERAS													
San Andreas	1.2	1.5	2.8	4.4	6.0	7.3	7.9	7.0	5.3	3.2	1.4	0.7	48.8
COLUSA													
Colusa	1.0	1.7	3.4	5.0	6.4	7.6	8.3	7.2	5.4	3.8	1.8	1.1	52.8
Williams	1.2	1.7	2.9	4.5	6.1	7.2	8.5	7.3	5.3	3.4	1.6	1.0	50.8
CONTRA COSTA													
Benicia	1.3	1.4	2.7	3.8	4.9	5.0	6.4	5.5	4.4	2.9	1.2	0.7	40.3
Brentwood	1.0	1.5	2.9	4.5	6.1	7.1	7.9	6.7	5.2	3.2	1.4	0.7	48.3
Concord	1.1	1.4	2.4	4.0	5.5	5.9	7.0	6.0	4.8	3.2	1.3	0.7	43.4
Courtland	0.9	1.5	2.9	4.4	6.1	6.9	7.9	6.7	5.3	3.2	1.4	0.7	48.0
Martinez	1.2	1.4	2.4	3.9	5.3	5.6	6.7	5.6	4.7	3.1	1.2	0.7	41.8
Moraga	1.2	1.5	3.4	4.2	5.5	6.1	6.7	5.9	4.6	3.2	1.6	1.0	44.9
Pittsburg	1.0	1.5	2.8	4.1	5.6	6.4	7.4	6.4	5.0	3.2	1.3	0.7	45.4
Walnut Creek	0.8	1.5	2.9	4.4	5.6	6.7	7.4	6.4	4.7	3.3	1.5	1.0	46.2
DEL NORTE													
Crescent City	0.5	0.9	2.0	3.0	3.7	3.5	4.3	3.7	3.0	2.0	0.9	0.5	27.7
EL DORADO													
Camino	0.9	1.7	2.5	3.9	5.9	7.2	7.8	6.8	5.1	3.1	1.5	0.9	47.3
FRESNO													
Clovis	1.0	1.5	3.2	4.8	6.4	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.4
Coalinga	1.2	1.7	3.1	4.6	6.2	7.2	8.5	7.3	5.3	3.4	1.6	0.7	50.9
Firebaugh	1.0	1.8	3.7	5.7	7.3	8.1	8.2	7.2	5.5	3.9	2.0	1.1	55.4
FivePoints	1.3	2.0	4.0	6.1	7.7	8.5	8.7	8.0	6.2	4.5	2.4	1.2	60.4
FRESNO													
Fresno	0.9	1.7	3.3	4.8	6.7	7.8	8.4	7.1	5.2	3.2	1.4	0.6	51.1
Fresno State	0.9	1.6	3.2	5.2	7.0	8.0	8.7	7.6	5.4	3.6	1.7	0.9	53.7
Friant	1.2	1.5	3.1	4.7	6.4	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.3
Kerman	0.9	1.5	3.2	4.8	6.6	7.7	8.4	7.2	5.3	3.4	1.4	0.7	51.2
Kingsburg	1.0	1.5	3.4	4.8	6.6	7.7	8.4	7.2	5.3	3.4	1.4	0.7	51.6
Mendota	1.5	2.5	4.6	6.2	7.9	8.6	8.8	7.5	5.9	4.5	2.4	1.5	61.7
Orange Cove	1.2	1.9	3.5	4.7	7.4	8.5	8.9	7.9	5.9	3.7	1.8	1.2	56.7
Panoche	1.1	2.0	4.0	5.6	7.8	8.5	8.3	7.3	5.6	3.9	1.8	1.2	57.2
Parlier	1.0	1.9	3.6	5.2	6.8	7.6	8.1	7.0	5.1	3.4	1.7	0.9	52.0
Reedley	1.1	1.5	3.2	4.7	6.4	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.3
Westlands	0.9	1.7	3.8	6.3	8.0	8.6	8.6	7.8	5.9	4.3	2.1	1.1	58.8

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
GLENN													
Orland	1.1	1.8	3.4	5.0	6.4	7.5	7.9	6.7	5.3	3.9	1.8	1.4	52.1
Willows	1.2	1.7	2.9	4.7	6.1	7.2	8.5	7.3	5.3	3.6	1.7	1.0	51.3
HUMBOLDT													
Eureka	0.5	1.1	2.0	3.0	3.7	3.7	3.7	3.7	3.0	2.0	0.9	0.5	27.5
Ferndale	0.5	1.1	2.0	3.0	3.7	3.7	3.7	3.7	3.0	2.0	0.9	0.5	27.5
Garberville	0.6	1.2	2.2	3.1	4.5	5.0	5.5	4.9	3.8	2.4	1.0	0.7	34.9
Hopa	0.5	1.1	2.1	3.0	4.4	5.4	6.1	5.1	3.8	2.4	0.9	0.7	35.6
IMPERIAL													
Brawley	2.8	3.8	5.9	8.0	10.4	11.5	11.7	10.0	8.4	6.2	3.5	2.1	84.2
Calipatria/Mulberry	2.4	3.2	5.1	6.8	8.6	9.2	9.2	8.6	7.0	5.2	3.1	2.3	70.7
El Centro	2.7	3.5	5.6	7.9	10.1	11.1	11.6	9.5	8.3	6.1	3.3	2.0	81.7
Holtville	2.8	3.8	5.9	7.9	10.4	11.6	12.0	10.0	8.6	6.2	3.5	2.1	84.7
Meloland	2.5	3.2	5.5	7.5	8.9	9.2	9.0	8.5	6.8	5.3	3.1	2.2	71.6
Palo Verde II	2.5	3.3	5.7	6.9	8.5	8.9	8.6	7.9	6.2	4.5	2.9	2.3	68.2
Seeley	2.7	3.5	5.9	7.7	9.7	10.1	9.3	8.3	6.9	5.5	3.4	2.2	75.4
Westmoreland	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Yuma	2.5	3.4	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.6
INYO													
Bishop	1.7	2.7	4.8	6.7	8.2	10.9	7.4	9.6	7.4	4.8	2.5	1.6	68.3
Death Valley Jct	2.2	3.3	5.4	7.7	9.8	11.1	11.4	10.1	8.3	5.4	2.9	1.7	79.1
Independence	1.7	2.7	3.4	6.6	8.5	9.5	9.8	8.5	7.1	3.9	2.0	1.5	65.2
Lower Haiwee Res.	1.8	2.7	4.4	7.1	8.5	9.5	9.8	8.5	7.1	4.2	2.6	1.5	67.6
Oasis	2.7	2.8	5.9	8.0	10.4	11.7	11.6	10.0	8.4	6.2	3.4	2.1	83.1
KERN													
Arvin	1.2	1.8	3.5	4.7	6.6	7.4	8.1	7.3	5.3	3.4	1.7	1.0	51.9
Bakersfield	1.0	1.8	3.5	4.7	6.6	7.7	8.5	7.3	5.3	3.5	1.6	0.9	52.4
Bakersfield/Bonanza	1.2	2.2	3.7	5.7	7.4	8.2	8.7	7.8	5.7	4.0	2.1	1.2	57.9
Bakersfield/Greenlee	1.2	2.2	3.7	5.7	7.4	8.2	8.7	7.8	5.7	4.0	2.1	1.2	57.9
KERN													
Belridge	1.4	2.2	4.1	5.5	7.7	8.5	8.6	7.8	6.0	3.8	2.0	1.5	59.2
Blackwells Corner	1.4	2.1	3.8	5.4	7.0	7.8	8.5	7.7	5.8	3.9	1.9	1.2	56.6
Buttonwillow	1.0	1.8	3.2	4.7	6.6	7.7	8.5	7.3	5.4	3.4	1.5	0.9	52.0
China Lake	2.1	3.2	5.3	7.7	9.2	10.0	11.0	9.8	7.3	4.9	2.7	1.7	74.8
Delano	0.9	1.8	3.4	4.7	6.6	7.7	8.5	7.3	5.4	3.4	1.4	0.7	52.0
Famoso	1.3	1.9	3.5	4.8	6.7	7.6	8.0	7.3	5.5	3.5	1.7	1.3	53.1
Grapevine	1.3	1.8	3.1	4.4	5.6	6.8	7.6	6.8	5.9	3.4	1.9	1.0	49.5
Inyokern	2.0	3.1	4.9	7.3	8.5	9.7	11.0	9.4	7.1	5.1	2.6	1.7	72.4
Isabella Dam	1.2	1.4	2.8	4.4	5.8	7.3	7.9	7.0	5.0	3.2	1.7	0.9	48.4
Lamont	1.3	2.4	4.4	4.6	6.5	7.0	8.8	7.6	5.7	3.7	1.6	0.8	54.4
Lost Hills	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
McFarland/Kern	1.2	2.1	3.7	5.6	7.3	8.0	8.3	7.4	5.6	4.1	2.0	1.2	56.5
Shafter	1.0	1.7	3.4	5.0	6.6	7.7	8.3	7.3	5.4	3.4	1.5	0.9	52.1
Taft	1.3	1.8	3.1	4.3	6.2	7.3	8.5	7.3	5.4	3.4	1.7	1.0	51.2
Tehachapi	1.4	1.8	3.2	5.0	6.1	7.7	7.9	7.3	5.9	3.4	2.1	1.2	52.9
KINGS													
Caruthers	1.6	2.5	4.0	5.7	7.8	8.7	9.3	8.4	6.3	4.4	2.4	1.6	62.7
Corcoran	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Hanford	0.9	1.5	3.4	5.0	6.6	7.7	8.3	7.2	5.4	3.4	1.4	0.7	51.5
Kettleman	1.1	2.0	4.0	6.0	7.5	8.5	9.1	8.2	6.1	4.5	2.2	1.1	60.2
Lemoore	0.9	1.5	3.4	5.0	6.6	7.7	8.3	7.3	5.4	3.4	1.4	0.7	51.7
Stratford	0.9	1.9	3.9	6.1	7.8	8.6	8.8	7.7	5.9	4.1	2.1	1.0	58.7

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
LAKE													
Lakeport	1.1	1.3	2.6	3.5	5.1	6.0	7.3	6.1	4.7	2.9	1.2	0.9	42.8
Lower Lake	1.2	1.4	2.7	4.5	5.3	6.3	7.4	6.4	5.0	3.1	1.3	0.9	45.4
LASSEN													
Buntingville	1.0	1.7	3.5	4.9	6.2	7.3	8.4	7.5	5.4	3.4	1.5	0.9	51.8
Ravendale	0.6	1.1	2.3	4.1	5.6	6.7	7.9	7.3	4.7	2.8	1.2	0.5	44.9
Susanville	0.7	1.0	2.2	4.1	5.6	6.5	7.8	7.0	4.6	2.8	1.2	0.5	44.0
LOS ANGELES													
Burbank	2.1	2.8	3.7	4.7	5.1	6.0	6.6	6.7	5.4	4.0	2.6	2.0	51.7
Claremont	2.0	2.3	3.4	4.6	5.0	6.0	7.0	7.0	5.3	4.0	2.7	2.1	51.3
El Dorado	1.7	2.2	3.6	4.8	5.1	5.7	5.9	5.9	4.4	3.2	2.2	1.7	46.3
Glendale	2.0	2.2	3.3	3.8	4.7	4.8	5.7	5.6	4.3	3.3	2.2	1.8	43.7
Glendora	2.0	2.5	3.6	4.9	5.4	6.1	7.3	6.8	5.7	4.2	2.6	2.0	53.1
Gorman	1.6	2.2	3.4	4.6	5.5	7.4	7.7	7.1	5.9	3.6	2.4	1.1	52.4
Hollywood Hills	2.1	2.2	3.8	5.4	6.0	6.5	6.7	6.4	5.2	3.7	2.8	2.1	52.8
Lancaster	2.1	3.0	4.6	5.9	8.5	9.7	11.0	9.8	7.3	4.6	2.8	1.7	71.1
Long Beach	1.8	2.1	3.3	3.9	4.5	4.3	5.3	4.7	3.7	2.8	1.8	1.5	39.7
Los Angeles	2.2	2.7	3.7	4.7	5.5	5.8	6.2	5.9	5.0	3.9	2.6	1.9	50.1
LOS ANGELES													
Monrovia	2.2	2.3	3.8	4.3	5.5	5.9	6.9	6.4	5.1	3.2	2.5	2.0	50.2
Palmdale	2.0	2.6	4.6	6.2	7.3	8.9	9.8	9.0	6.5	4.7	2.7	2.1	66.2
Pasadena	2.1	2.7	3.7	4.7	5.1	6.0	7.1	6.7	5.6	4.2	2.6	2.0	52.3
Pearblossom	1.7	2.4	3.7	4.7	7.3	7.7	9.9	7.9	6.4	4.0	2.6	1.6	59.9
Pomona	1.7	2.0	3.4	4.5	5.0	5.8	6.5	6.4	4.7	3.5	2.3	1.7	47.5
Redondo Beach	2.2	2.4	3.3	3.8	4.5	4.7	5.4	4.8	4.4	2.8	2.4	2.0	42.6
San Fernando	2.0	2.7	3.5	4.6	5.5	5.9	7.3	6.7	5.3	3.9	2.6	2.0	52.0
Santa Clarita	2.8	2.8	4.1	5.6	6.0	6.8	7.6	7.8	5.8	5.2	3.7	3.2	61.5
Santa Monica	1.8	2.1	3.3	4.5	4.7	5.0	5.4	5.4	3.9	3.4	2.4	2.2	44.2
MADERA													
Chowchilla	1.0	1.4	3.2	4.7	6.6	7.8	8.5	7.3	5.3	3.4	1.4	0.7	51.4
Madera	0.9	1.4	3.2	4.8	6.6	7.8	8.5	7.3	5.3	3.4	1.4	0.7	51.5
Raymond	1.2	1.5	3.0	4.6	6.1	7.6	8.4	7.3	5.2	3.4	1.4	0.7	50.5
MARIN													
Black Point	1.1	1.7	3.0	4.2	5.2	6.2	6.6	5.8	4.3	2.8	1.3	0.9	43.0
Novato	1.3	1.5	2.4	3.5	4.4	6.0	5.9	5.4	4.4	2.8	1.4	0.7	39.8
Point San Pedro	1.1	1.7	3.0	4.2	5.2	6.2	6.6	5.8	4.3	2.8	1.3	0.9	43.0
San Rafael	1.2	1.3	2.4	3.3	4.0	4.8	4.8	4.9	4.3	2.7	1.3	0.7	35.8
MARIPOSA													
Coulterville	1.1	1.5	2.8	4.4	5.9	7.3	8.1	7.0	5.3	3.4	1.4	0.7	48.8
Mariposa	1.1	1.5	2.8	4.4	5.9	7.4	8.2	7.1	5.0	3.4	1.4	0.7	49.0
Yosemite Village	0.7	1.0	2.3	3.7	5.1	6.5	7.1	6.1	4.4	2.9	1.1	0.6	41.4
MENDOCINO													
Fort Bragg	0.9	1.3	2.2	3.0	3.7	3.5	3.7	3.7	3.0	2.3	1.2	0.7	29.0
Hopland	1.1	1.3	2.6	3.4	5.0	5.9	6.5	5.7	4.5	2.8	1.3	0.7	40.9
Point Arena	1.0	1.3	2.3	3.0	3.7	3.9	3.7	3.7	3.0	2.3	1.2	0.7	29.6
Sanel Valley	1.0	1.6	3.0	4.6	6.0	7.0	8.0	7.0	5.2	3.4	1.4	0.9	49.1
Ukiah	1.0	1.3	2.6	3.3	5.0	5.8	6.7	5.9	4.5	2.8	1.3	0.7	40.9
MERCED													
Kesterson	0.9	1.7	3.4	5.5	7.3	8.2	8.6	7.4	5.5	3.8	1.8	0.9	55.1
Los Banos	1.0	1.5	3.2	4.7	6.1	7.4	8.2	7.0	5.3	3.4	1.4	0.7	50.0
Merced	1.0	1.5	3.2	4.7	6.6	7.9	8.5	7.2	5.3	3.4	1.4	0.7	51.5

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
MODOC													
Modoc/Alturas	0.9	1.4	2.8	3.7	5.1	6.2	7.5	6.6	4.6	2.8	1.2	0.7	43.2
MONO													
Bridgeport	0.7	0.9	2.2	3.8	5.5	6.6	7.4	6.7	4.7	2.7	1.2	0.5	43.0
MONTEREY													
Arroyo Seco	1.5	2.0	3.7	5.4	6.3	7.3	7.2	6.7	5.0	3.9	2.0	1.6	52.6
Castroville	1.4	1.7	3.0	4.2	4.6	4.8	4.0	3.8	3.0	2.6	1.6	1.4	36.2
Gonzales	1.3	1.7	3.4	4.7	5.4	6.3	6.3	5.9	4.4	3.4	1.9	1.3	45.7
MONTEREY													
Greenfield	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
King City	1.7	2.0	3.4	4.4	4.4	5.6	6.1	6.7	6.5	5.2	2.2	1.3	49.6
King City-Oasis Rd.	1.4	1.9	3.6	5.3	6.5	7.3	7.4	6.8	5.1	4.0	2.0	1.5	52.7
Long Valley	1.5	1.9	3.2	4.1	5.8	6.5	7.3	6.7	5.3	3.6	2.0	1.2	49.1
Monterey	1.7	1.8	2.7	3.5	4.0	4.1	4.3	4.2	3.5	2.8	1.9	1.5	36.0
Pajaro	1.8	2.2	3.7	4.8	5.3	5.7	5.6	5.3	4.3	3.4	2.4	1.8	46.1
Salinas	1.6	1.9	2.7	3.8	4.8	4.7	5.0	4.5	4.0	2.9	1.9	1.3	39.1
Salinas North	1.2	1.5	2.9	4.1	4.6	5.2	4.5	4.3	3.2	2.8	1.5	1.2	36.9
San Ardo	1.0	1.7	3.1	4.5	5.9	7.2	8.1	7.1	5.1	3.1	1.5	1.0	49.0
San Juan	1.8	2.1	3.4	4.6	5.3	5.7	5.5	4.9	3.8	3.2	2.2	1.9	44.2
Soledad	1.7	2.0	3.4	4.4	5.5	5.4	6.5	6.2	5.2	3.7	2.2	1.5	47.7
NAPA													
Angwin	1.8	1.9	3.2	4.7	5.8	7.3	8.1	7.1	5.5	4.5	2.9	2.1	54.9
Carneros	0.8	1.5	3.1	4.6	5.5	6.6	6.9	6.2	4.7	3.5	1.4	1.0	45.8
Oakville	1.0	1.5	2.9	4.7	5.8	6.9	7.2	6.4	4.9	3.5	1.6	1.2	47.7
St Helena	1.2	1.5	2.8	3.9	5.1	6.1	7.0	6.2	4.8	3.1	1.4	0.9	44.1
Yountville	1.3	1.7	2.8	3.9	5.1	6.0	7.1	6.1	4.8	3.1	1.5	0.9	44.3
NEVADA													
Grass Valley	1.1	1.5	2.6	4.0	5.7	7.1	7.9	7.1	5.3	3.2	1.5	0.9	48.0
Nevada City	1.1	1.5	2.6	3.9	5.8	6.9	7.9	7.0	5.3	3.2	1.4	0.9	47.4
ORANGE													
Irvine	2.2	2.5	3.7	4.7	5.2	5.9	6.3	6.2	4.6	3.7	2.6	2.3	49.6
Laguna Beach	2.2	2.7	3.4	3.8	4.6	4.6	4.9	4.9	4.4	3.4	2.4	2.0	43.2
Santa Ana	2.2	2.7	3.7	4.5	4.6	5.4	6.2	6.1	4.7	3.7	2.5	2.0	48.2
PLACER													
Auburn	1.2	1.7	2.8	4.4	6.1	7.4	8.3	7.3	5.4	3.4	1.6	1.0	50.6
Blue Canyon	0.7	1.1	2.1	3.4	4.8	6.0	7.2	6.1	4.6	2.9	0.9	0.6	40.5
Colfax	1.1	1.5	2.6	4.0	5.8	7.1	7.9	7.0	5.3	3.2	1.4	0.9	47.9
Roseville	1.1	1.7	3.1	4.7	6.2	7.7	8.5	7.3	5.6	3.7	1.7	1.0	52.2
Soda Springs	0.7	0.7	1.8	3.0	4.3	5.3	6.2	5.5	4.1	2.5	0.7	0.7	35.4
Tahoe City	0.7	0.7	1.7	3.0	4.3	5.4	6.1	5.6	4.1	2.4	0.8	0.6	35.5
Truckee	0.7	0.7	1.7	3.2	4.4	5.4	6.4	5.7	4.1	2.4	0.8	0.6	36.2
PLUMAS													
Portola	0.7	0.9	1.9	3.5	4.9	5.9	7.3	5.9	4.3	2.7	0.9	0.5	39.4
Quincy	0.7	0.9	2.2	3.5	4.9	5.9	7.3	5.9	4.4	2.8	1.2	0.5	40.2
RIVERSIDE													
Beaumont	2.0	2.3	3.4	4.4	6.1	7.1	7.6	7.9	6.0	3.9	2.6	1.7	55.0
Blythe	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Cathedral City	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Coachella	2.9	4.4	6.2	8.4	10.5	11.9	12.3	10.1	8.9	6.2	3.8	2.4	88.1

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
RIVERSIDE													
Desert Center	2.9	4.1	6.4	8.5	11.0	12.1	12.2	11.1	9.0	6.4	3.9	2.6	90.0
Elsinore	2.1	2.8	3.9	4.4	5.9	7.1	7.6	7.0	5.8	3.9	2.6	1.9	55.0
Indio	3.1	3.6	6.5	8.3	10.5	11.0	10.8	9.7	8.3	5.9	3.7	2.7	83.9
La Quinta	2.4	2.8	5.2	6.5	8.3	8.7	8.5	7.9	6.5	4.5	2.7	2.2	66.2
Mecca	2.6	3.3	5.7	7.2	8.6	9.0	8.8	8.2	6.8	5.0	3.2	2.4	70.8
Oasis	2.9	3.3	5.3	6.1	8.5	8.9	8.7	7.9	6.9	4.8	2.9	2.3	68.4
Palm Deser	2.5	3.4	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.6
Palm Springs	2.0	2.9	4.9	7.2	8.3	8.5	11.6	8.3	7.2	5.9	2.7	1.7	71.1
Rancho California	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
Rancho Mirage	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Ripley	2.7	3.3	5.6	7.2	8.7	8.7	8.4	7.6	6.2	4.6	2.8	2.2	67.8
Salton Sea North	2.5	3.3	5.5	7.2	8.8	9.3	9.2	8.5	6.8	5.2	3.1	2.3	71.7
Temecula East II	2.3	2.4	4.1	4.9	6.4	7.0	7.8	7.4	5.7	4.1	2.6	2.2	56.7
Thermal	2.4	3.3	5.5	7.6	9.1	9.6	9.3	8.6	7.1	5.2	3.1	2.1	72.8
Riverside UC	2.5	2.9	4.2	5.3	5.9	6.6	7.2	6.9	5.4	4.1	2.9	2.6	56.4
Winchester	2.3	2.4	4.1	4.9	6.4	6.9	7.7	7.5	6.0	3.9	2.6	2.1	56.8
SACRAMENTO													
Fair Oaks	1.0	1.6	3.4	4.1	6.5	7.5	8.1	7.1	5.2	3.4	1.5	1.0	50.5
Sacramento	1.0	1.8	3.2	4.7	6.4	7.7	8.4	7.2	5.4	3.7	1.7	0.9	51.9
Twitchell Island	1.2	1.8	3.9	5.3	7.4	8.8	9.1	7.8	5.9	3.8	1.7	1.2	57.9
SAN BENITO													
Hollister	1.5	1.8	3.1	4.3	5.5	5.7	6.4	5.9	5.0	3.5	1.7	1.1	45.1
San Benito	1.2	1.6	3.1	4.6	5.6	6.4	6.9	6.5	4.8	3.7	1.7	1.2	47.2
San Juan Valley	1.4	1.8	3.4	4.5	6.0	6.7	7.1	6.4	5.0	3.5	1.8	1.4	49.1
SAN BERNARDINO													
Baker	2.7	3.9	6.1	8.3	10.4	11.8	12.2	11.0	8.9	6.1	3.3	2.1	86.6
Barstow NE	2.2	2.9	5.3	6.9	9.0	10.1	9.9	8.9	6.8	4.8	2.7	2.1	71.7
Big Bear Lake	1.8	2.6	4.6	6.0	7.0	7.6	8.1	7.4	5.4	4.1	2.4	1.8	58.6
Chino	2.1	2.9	3.9	4.5	5.7	6.5	7.3	7.1	5.9	4.2	2.6	2.0	54.6
Crestline	1.5	1.9	3.3	4.4	5.5	6.6	7.8	7.1	5.4	3.5	2.2	1.6	50.8
Lake Arrowhead	1.8	2.6	4.6	6.0	7.0	7.6	8.1	7.4	5.4	4.1	2.4	1.8	58.6
Lucerne Valley	2.2	2.9	5.1	6.5	9.1	11.0	11.4	9.9	7.4	5.0	3.0	1.8	75.3
Needles	3.2	4.2	6.6	8.9	11.0	12.4	12.8	11.0	8.9	6.6	4.0	2.7	92.1
Newberry Springs	2.1	2.9	5.3	8.4	9.8	10.9	11.1	9.9	7.6	5.2	3.1	2.0	78.2
San Bernardino	2.0	2.7	3.8	4.6	5.7	6.9	7.9	7.4	5.9	4.2	2.6	2.0	55.6
Twentynine Palms	2.6	3.6	5.9	7.9	10.1	11.2	11.2	10.3	8.6	5.9	3.4	2.2	82.9
Victorville	2.0	2.6	4.6	6.2	7.3	8.9	9.8	9.0	6.5	4.7	2.7	2.1	66.2
SAN DIEGO													
Chula Vista	2.2	2.7	3.4	3.8	4.9	4.7	5.5	4.9	4.5	3.4	2.4	2.0	44.2
Escondido SPV	2.4	2.6	3.9	4.7	5.9	6.5	7.1	6.7	5.3	3.9	2.8	2.3	54.2
SAN DIEGO													
Miramar	2.3	2.5	3.7	4.1	5.1	5.4	6.1	5.8	4.5	3.3	2.4	2.1	47.1
Oceanside	2.2	2.7	3.4	3.7	4.9	4.6	4.6	5.1	4.1	3.3	2.4	2.0	42.9
Otay Lake	2.3	2.7	3.9	4.6	5.6	5.9	6.2	6.1	4.8	3.7	2.6	2.2	50.4
Pine Valley	1.5	2.4	3.8	5.1	6.0	7.0	7.8	7.3	6.0	4.0	2.2	1.7	54.8
Ramona	2.1	2.1	3.4	4.6	5.2	6.3	6.7	6.8	5.3	4.1	2.8	2.1	51.6
San Diego	2.1	2.4	3.4	4.6	5.1	5.3	5.7	5.6	4.3	3.6	2.4	2.0	46.5
Santee	2.1	2.7	3.7	4.5	5.5	6.1	6.6	6.2	5.4	3.8	2.6	2.0	51.1
Torrey Pines	2.2	2.3	3.4	3.9	4.0	4.1	4.6	4.7	3.8	2.8	2.0	2.0	39.8
Warner Springs	1.6	2.7	3.7	4.7	5.7	7.6	8.3	7.7	6.3	4.0	2.5	1.3	56.0

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
SAN FRANCISCO													
San Francisco	1.5	1.3	2.4	3.0	3.7	4.6	4.9	4.8	4.1	2.8	1.3	0.7	35.1
SAN JOAQUIN													
Farmington	1.5	1.5	2.9	4.7	6.2	7.6	8.1	6.8	5.3	3.3	1.4	0.7	50.0
Lodi West	1.0	1.6	3.3	4.3	6.3	6.9	7.3	6.4	4.5	3.0	1.4	0.8	46.7
Manteca	0.9	1.7	3.4	5.0	6.5	7.5	8.0	7.1	5.2	3.3	1.6	0.9	51.2
Stockton	0.8	1.5	2.9	4.7	6.2	7.4	8.1	6.8	5.3	3.2	1.4	0.6	49.1
Tracy	1.0	1.5	2.9	4.5	6.1	7.3	7.9	6.7	5.3	3.2	1.3	0.7	48.5
SAN LUIS OBISPO													
Arroyo Grande	2.0	2.2	3.2	3.8	4.3	4.7	4.3	4.6	3.8	3.2	2.4	1.7	40.0
Atascadero	1.2	1.5	2.8	3.9	4.5	6.0	6.7	6.2	5.0	3.2	1.7	1.0	43.7
Morro Bay	2.0	2.2	3.1	3.5	4.3	4.5	4.6	4.6	3.8	3.5	2.1	1.7	39.9
Nipomo	2.2	2.5	3.8	5.1	5.7	6.2	6.4	6.1	4.9	4.1	2.9	2.3	52.1
Paso Robles	1.6	2.0	3.2	4.3	5.5	6.3	7.3	6.7	5.1	3.7	2.1	1.4	49.0
San Luis Obispo	2.0	2.2	3.2	4.1	4.9	5.3	4.6	5.5	4.4	3.5	2.4	1.7	43.8
San Miguel	1.6	2.0	3.2	4.3	5.0	6.4	7.4	6.8	5.1	3.7	2.1	1.4	49.0
San Simeon	2.0	2.0	2.9	3.5	4.2	4.4	4.6	4.3	3.5	3.1	2.0	1.7	38.1
SAN MATEO													
Hal Moon Bay	1.5	1.7	2.4	3.0	3.9	4.3	4.3	4.2	3.5	2.8	1.3	1.0	33.7
Redwood City	1.5	1.8	2.9	3.8	5.2	5.3	6.2	5.6	4.8	3.1	1.7	1.0	42.8
Woodside	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
SANTA BARBARA													
Betteravia	2.1	2.6	4.0	5.2	6.0	5.9	5.8	5.4	4.1	3.3	2.7	2.1	49.1
Carpenteria	2.0	2.4	3.2	3.9	4.8	5.2	5.5	5.7	4.5	3.4	2.4	2.0	44.9
Cuyama	2.1	2.4	3.8	5.4	6.9	7.9	8.5	7.7	5.9	4.5	2.6	2.0	59.7
Goleta	2.1	2.5	3.9	5.1	5.7	5.7	5.4	5.4	4.2	3.2	2.8	2.2	48.1
Goleta Foothills	2.3	2.6	3.7	5.4	5.3	5.6	5.5	5.7	4.5	3.9	2.8	2.3	49.6
Guadalupe	2.0	2.2	3.2	3.7	4.9	4.6	4.5	4.6	4.1	3.3	2.4	1.7	41.1
Lompoc	2.0	2.2	3.2	3.7	4.8	4.6	4.9	4.8	3.9	3.2	2.4	1.7	41.1
Los Alamos	1.8	2.0	3.2	4.1	4.9	5.3	5.7	5.5	4.4	3.7	2.4	1.6	44.6
Santa Barbara	2.0	2.5	3.2	3.8	4.6	5.1	5.5	4.5	3.4	2.4	1.8	1.8	40.6
SANTA BARBARA													
Santa Maria	1.8	2.3	3.7	5.1	5.7	5.8	5.6	5.3	4.2	3.5	2.4	1.9	47.4
Santa Ynez	1.7	2.2	3.5	5.0	5.8	6.2	6.4	6.0	4.5	3.6	2.2	1.7	48.7
Sisquoc	2.1	2.5	3.8	4.1	6.1	6.3	6.4	5.8	4.7	3.4	2.3	1.8	49.2
Solvang	2.0	2.0	3.3	4.3	5.0	5.6	6.1	5.6	4.4	3.7	2.2	1.6	45.6
SANTA CLARA													
Gilroy	1.3	1.8	3.1	4.1	5.3	5.6	6.1	5.5	4.7	3.4	1.7	1.1	43.6
Los Gatos	1.5	1.8	2.8	3.9	5.0	5.6	6.2	5.5	4.7	3.2	1.7	1.1	42.9
Morgan Hill	1.5	1.8	3.4	4.2	6.3	7.0	7.1	6.0	5.1	3.7	1.9	1.4	49.5
Palo Alto	1.5	1.8	2.8	3.8	5.2	5.3	6.2	5.6	5.0	3.2	1.7	1.0	43.0
San Jose	1.5	1.8	3.1	4.1	5.5	5.8	6.5	5.9	5.2	3.3	1.8	1.0	45.3
SANTA CRUZ													
De Laveaga	1.4	1.9	3.3	4.7	4.9	5.3	5.0	4.8	3.6	3.0	1.6	1.3	40.8
Green Valley Rd	1.2	1.8	3.2	4.5	4.6	5.4	5.2	5.0	3.7	3.1	1.6	1.3	40.6
Santa Cruz	1.5	1.8	2.6	3.5	4.3	4.4	4.8	4.4	3.8	2.8	1.7	1.2	36.6
Watsonville	1.5	1.8	2.7	3.7	4.6	4.5	4.9	4.2	4.0	2.9	1.8	1.2	37.7
Webb	1.8	2.2	3.7	4.8	5.3	5.7	5.6	5.3	4.3	3.4	2.4	1.8	46.2

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
SHASTA													
Burney	0.7	1.0	2.1	3.5	4.9	5.9	7.4	6.4	4.4	2.9	0.9	0.6	40.9
Fall River Mills	0.6	1.0	2.1	3.7	5.0	6.1	7.8	6.7	4.6	2.8	0.9	0.5	41.8
Glenburn	0.6	1.0	2.1	3.7	5.0	6.3	7.8	6.7	4.7	2.8	0.9	0.6	42.1
McArthur	0.7	1.4	2.9	4.2	5.6	6.9	8.2	7.2	5.0	3.0	1.1	0.6	46.8
Redding	1.2	1.4	2.6	4.1	5.6	7.1	8.5	7.3	5.3	3.2	1.4	0.9	48.8
SIERRA													
Downieville	0.7	1.0	2.3	3.5	5.0	6.0	7.4	6.2	4.7	2.8	0.9	0.6	41.3
Sierraville	0.7	1.1	2.2	3.2	4.5	5.9	7.3	6.4	4.3	2.6	0.9	0.5	39.6
SISKIYOU													
Happy Camp	0.5	0.9	2.0	3.0	4.3	5.2	6.1	5.3	4.1	2.4	0.9	0.5	35.1
MacDoel	1.0	1.7	3.1	4.5	5.9	7.2	8.1	7.1	5.1	3.1	1.5	1.0	49.0
Mt Shasta	0.5	0.9	2.0	3.0	4.5	5.3	6.7	5.7	4.0	2.2	0.7	0.5	36.0
Tule lake FS	0.7	1.3	2.7	4.0	5.4	6.3	7.1	6.4	4.7	2.8	1.0	0.6	42.9
Weed	0.5	0.9	2.0	2.5	4.5	5.3	6.7	5.5	3.7	2.0	0.9	0.5	34.9
Yreka	0.6	0.9	2.1	3.0	4.9	5.8	7.3	6.5	4.3	2.5	0.9	0.5	39.2
SOLANO													
Dixon	0.7	1.4	3.2	5.2	6.3	7.6	8.2	7.2	5.5	4.3	1.6	1.1	52.1
Fairfield	1.1	1.7	2.8	4.0	5.5	6.1	7.8	6.0	4.8	3.1	1.4	0.9	45.2
Hastings Tract	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Putah Creek	1.0	1.6	3.2	4.9	6.1	7.3	7.9	7.0	5.3	3.8	1.8	1.2	51.0
Rio Vista	0.9	1.7	2.8	4.4	5.9	6.7	7.9	6.5	5.1	3.2	1.3	0.7	47.0
Suisun Valley	0.6	1.3	3.0	4.7	5.8	7.0	7.7	6.8	5.3	3.8	1.4	0.9	48.3
Winters	0.9	1.7	3.3	5.0	6.4	7.5	7.9	7.0	5.2	3.5	1.6	1.0	51.0
SONOMA													
Bennett Valley	1.1	1.7	3.2	4.1	5.5	6.5	6.6	5.7	4.5	3.1	1.5	0.9	44.4
Cloverdale	1.1	1.4	2.6	3.4	5.0	5.9	6.2	5.6	4.5	2.8	1.4	0.7	40.7
Fort Ross	1.2	1.4	2.2	3.0	3.7	4.5	4.2	4.3	3.4	2.4	1.2	0.5	31.9
Healdsburg	1.2	1.5	2.4	3.5	5.0	5.9	6.1	5.6	4.5	2.8	1.4	0.7	40.8
Lincoln	1.2	1.7	2.8	4.7	6.1	7.4	8.4	7.3	5.4	3.7	1.9	1.2	51.9
Petaluma	1.2	1.5	2.8	3.7	4.6	5.6	4.6	5.7	4.5	2.9	1.4	0.9	39.6
Santa Rosa	1.2	1.7	2.8	3.7	5.0	6.0	6.1	5.9	4.5	2.9	1.5	0.7	42.0
Valley of the Moon	1.0	1.6	3.0	4.5	5.6	6.6	7.1	6.3	4.7	3.3	1.5	1.0	46.1
Windsor	0.9	1.6	3.0	4.5	5.5	6.5	6.5	5.9	4.4	3.2	1.4	1.0	44.2
Denair	1.0	1.9	3.6	4.7	7.0	7.9	8.0	6.1	5.3	3.4	1.5	1.0	51.4
La Grange	1.2	1.5	3.1	4.7	6.2	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.2
Modesto	0.9	1.4	3.2	4.7	6.4	7.7	8.1	6.8	5.0	3.4	1.4	0.7	49.7
Newman	1.0	1.5	3.2	4.6	6.2	7.4	8.1	6.7	5.0	3.4	1.4	0.7	49.3
STANISLAUS													
Oakdale	1.2	1.5	3.2	4.7	6.2	7.7	8.1	7.1	5.1	3.4	1.4	0.7	50.3
Patterson	1.3	2.1	4.2	5.4	7.9	8.6	8.2	6.6	5.8	4.0	1.9	1.3	57.3
Turlock	0.9	1.5	3.2	4.7	6.5	7.7	8.2	7.0	5.1	3.4	1.4	0.7	50.2
SUTTER													
Nicolaus	0.9	1.6	3.2	4.9	6.3	7.5	8.0	6.9	5.2	3.4	1.5	0.9	50.2
Yuba City	1.3	2.1	2.8	4.4	5.7	7.2	7.1	6.1	4.7	3.2	1.2	0.9	46.7
TEHAMA													
Corning	1.2	1.8	2.9	4.5	6.1	7.3	8.1	7.2	5.3	3.7	1.7	1.1	50.7
Gerber	1.0	1.8	3.5	5.0	6.6	7.9	8.7	7.4	5.8	4.1	1.8	1.1	54.7
Gerber Dryland	0.9	1.6	3.2	4.7	6.7	8.4	9.0	7.9	6.0	4.2	2.0	1.0	55.5
Red Bluff	1.2	1.8	2.9	4.4	5.9	7.4	8.5	7.3	5.4	3.5	1.7	1.0	51.1

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
TRINITY													
Hay Fork	0.5	1.1	2.3	3.5	4.9	5.9	7.0	6.0	4.5	2.8	0.9	0.7	40.1
Weaverville	0.6	1.1	2.2	3.3	4.9	5.9	7.3	6.0	4.4	2.7	0.9	0.7	40.0
TULARE													
Alpaugh	0.9	1.7	3.4	4.8	6.6	7.7	8.2	7.3	5.4	3.4	1.4	0.7	51.6
Badger	1.0	1.3	2.7	4.1	6.0	7.3	7.7	7.0	4.8	3.3	1.4	0.7	47.3
Delano	1.1	1.9	4.0	4.9	7.2	7.9	8.1	7.3	5.4	3.2	1.5	1.2	53.6
Dinuba	1.1	1.5	3.2	4.7	6.2	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.2
Lindcove	0.9	1.6	3.0	4.8	6.5	7.6	8.1	7.2	5.2	3.4	1.6	0.9	50.6
Porterville	1.2	1.8	3.4	4.7	6.6	7.7	8.5	7.3	5.3	3.4	1.4	0.7	52.1
Visalia	0.9	1.7	3.3	5.1	6.8	7.7	7.9	6.9	4.9	3.2	1.5	0.8	50.7
TUOLUMNE													
Groveland	1.1	1.5	2.8	4.1	5.7	7.2	7.9	6.6	5.1	3.3	1.4	0.7	47.5
Sonora	1.1	1.5	2.8	4.1	5.8	7.2	7.9	6.7	5.1	3.2	1.4	0.7	47.6
VENTURA													
Camarillo	2.2	2.5	3.7	4.3	5.0	5.2	5.9	5.4	4.2	3.0	2.5	2.1	46.1
Oxnard	2.2	2.5	3.2	3.7	4.4	4.6	5.4	4.8	4.0	3.3	2.4	2.0	42.3
Piru	2.8	2.8	4.1	5.6	6.0	6.8	7.6	7.8	5.8	5.2	3.7	3.2	61.5
Port Hueneme	2.0	2.3	3.3	4.6	4.9	4.9	4.9	5.0	3.7	3.2	2.5	2.2	43.5
Thousand Oaks	2.2	2.6	3.4	4.5	5.4	5.9	6.7	6.4	5.4	3.9	2.6	2.0	51.0
Ventura	2.2	2.6	3.2	3.8	4.6	4.7	5.5	4.9	4.1	3.4	2.5	2.0	43.5
YOLO													
Bryte	0.9	1.7	3.3	5.0	6.4	7.5	7.9	7.0	5.2	3.5	1.6	1.0	51.0
Davis	1.0	1.9	3.3	5.0	6.4	7.6	8.2	7.1	5.4	4.0	1.8	1.0	52.5
Esparto	1.0	1.7	3.4	5.5	6.9	8.1	8.5	7.5	5.8	4.2	2.0	1.2	55.8
Winters	1.7	1.7	2.9	4.4	5.8	7.1	7.9	6.7	5.3	3.3	1.6	1.0	49.4
Woodland	1.0	1.8	3.2	4.7	6.1	7.7	8.2	7.2	5.4	3.7	1.7	1.0	51.6
Zamora	1.1	1.9	3.5	5.2	6.4	7.4	7.8	7.0	5.5	4.0	1.9	1.2	52.8
YUBA													
Browns Valley	1.0	1.7	3.1	4.7	6.1	7.5	8.5	7.6	5.7	4.1	2.0	1.1	52.9
Brownsville	1.1	1.4	2.6	4.0	5.7	6.8	7.9	6.8	5.3	3.4	1.5	0.9	47.4
* The values in this table were derived from:													
1) California Irrigation Management Information System (CIMIS);													
2) Reference EvapoTranspiration Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999; and													
3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922 4) Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426													

Appendix B – Sample Water Efficient Landscape Worksheet.

WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package. Please complete all sections (A and B) of the worksheet.

SECTION A. HYDROZONE INFORMATION TABLE

Please complete the hydrozone table(s) for each hydrozone. Use as many tables as necessary to provide the square footage of landscape area per hydrozone.

Hydrozone*	Zone or Valve	Irrigation Method**	Area (Sq. Ft.)	% of Landscape Area
	Total			100%

* *Hydrozone*

HW = High Water Use Plants
MW = Moderate Water Use Plants
LW = Low Water Use Plants

****Irrigation Method**

MS = Micro-spray
S = Spray
R = Rotor
B = Bubbler
D = Drip
O = Other

SECTION B. WATER BUDGET CALCULATIONS

Section B1. Maximum Applied Water Allowance (MAWA)

The project's Maximum Applied Water Allowance shall be calculated using this equation:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- ETo = Reference Evapotranspiration from Appendix A (inches per year)
- 0.7 = ET Adjustment Factor (ETAF)
- LA = Landscaped Area includes Special Landscape Area (square feet)
- 0.62 = Conversion factor (to gallons per square foot)
- SLA = Portion of the landscape area identified as Special Landscape Area (square feet)
- 0.3 = the additional ET Adjustment Factor for Special Landscape Area (1.0 - 0.7 = 0.3)

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

Effective Precipitation (Eppt)

If considering Effective Precipitation, use 25% of annual precipitation. Use the following equation to calculate Maximum Applied Water Allowance:

$$\text{MAWA} = (\text{ETo} - \text{Eppt}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

Section B2. Estimated Total Water Use (ETWU)

The project's Estimated Total Water Use is calculated using the following formula:

$$ETWU = (ETo)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

where:

ETWU = Estimated total water use per year (gallons per year)
ETo = Reference Evapotranspiration (inches per year)
PF = Plant Factor from WUCOLS (see Definitions)
HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
SLA = Special Landscape Area (square feet)
0.62 = Conversion Factor (to gallons per square foot)
IE = Irrigation Efficiency (minimum 0.71)

Hydrozone Table for Calculating ETWU

Please complete the hydrozone table(s). Use as many tables as necessary.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)	Area (HA) (square feet)	PF x HA (square feet)
			Sum	
	SLA			

Estimated Total Water Use = _____ gallons

Show calculations.

Appendix C – Sample Certificate of Completion.

CERTIFICATE OF COMPLETION

This certificate is filled out by the project applicant upon completion of the landscape project.

PART 1. PROJECT INFORMATION SHEET

Date		
Project Name		
Name of Project Applicant	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Project Address and Location:

Street Address		Parcel, tract or lot number, if available.
City		Latitude/Longitude (optional)
State	Zip Code	

Property Owner or his/her designee:

Name	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Property Owner

"I/we certify that I/we have received copies of all the documents within the Landscape Documentation Package and the Certificate of Completion and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."

Property Owner Signature

Date

Please answer the questions below:

1. Date the Landscape Documentation Package was submitted to the local agency _____
2. Date the Landscape Documentation Package was approved by the local agency _____
3. Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to the local water purveyor _____

PART 2. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE

"I/we certify that based upon periodic site observations, the work has been substantially completed in accordance with the ordinance and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package."

Signature*	Date	
Name (print)	Telephone No.	
	Fax No.	
Title	Email Address	
License No. or Certification No.		
Company	Street Address	
City	State	Zip Code

*Signer of the landscape design plan, signer of the irrigation plan, or a licensed landscape contractor.

PART 3. IRRIGATION SCHEDULING

Attach parameters for setting the irrigation schedule on controller per ordinance Section 492.10.

PART 4. SCHEDULE OF LANDSCAPE AND IRRIGATION MAINTENANCE

Attach schedule of Landscape and Irrigation Maintenance per ordinance Section 492.11.

PART 5. LANDSCAPE IRRIGATION AUDIT REPORT

Attach Landscape Irrigation Audit Report per ordinance Section 492.12.

PART 6. SOIL MANAGEMENT REPORT

Attach soil analysis report, if not previously submitted with the Landscape Documentation Package per ordinance Section 492.5.

Attach documentation verifying implementation of recommendations from soil analysis report per ordinance Section 492.5.

Model Water Efficient Landscape Ordinance: 2015 Revision



Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15) directed DWR to update the State's Model Water Efficient Landscape Ordinance (Ordinance) through expedited regulation. The California Water Commission approved the revised Ordinance on July 15, 2015.

Which Projects are Subject to the Ordinance?

New development projects that include landscape areas of 500 sq. ft. or more are subject to the Ordinance. This applies to residential, commercial, industrial and institutional projects that require a permit, plan check or design review. The previous landscape size threshold for new development projects ranged from 2500 sq. ft. to 5000 sq. ft.

The size threshold for existing landscapes that are being rehabilitated has not changed, remaining at 2500 sq. ft. Only rehabilitated landscapes that are associated with a building or landscape permit, plan check, or design review are subject to the Ordinance.

When Does the Ordinance Go into Effect?

Local agencies (cities and counties) have until December 1, 2015 to adopt the Ordinance or adopt their own ordinance, which must be at least as effective in conserving water as the State's Ordinance. Local agencies working together to develop a regional ordinance have until February 1, 2016 to adopt, but they are still subject to the December 2015 reporting requirements (see *Reporting Requirements* below). If a local agency does not take action on a water efficient landscape ordinance by the specified dates, the State's Ordinance becomes effective by default.

What are the Significant Revisions?

More Efficient Irrigation Systems

- Dedicated landscape water meters or submeters are required for residential landscapes over 5000 sq. ft. and non-residential landscapes over 1000 sq. ft.
- Irrigation systems are required to have pressure regulators and master shut-off valves.
- All irrigation emission devices must meet the national standard stated in the Ordinance to ensure that only high efficiency sprinklers are installed.
- Flow sensors that detect and report high flow conditions due to broken pipes and/or popped sprinkler heads are required for landscape areas greater than 5000 sq. ft.
- The minimum width of areas that can be overhead irrigated was changed from 8 feet to 10 feet; areas less than 10 feet wide must be irrigated with subsurface drip or other technology that produces no over spray or runoff.

Incentives for Graywater Usage

Landscapes under 2500 sq. ft. that are irrigated entirely with graywater or captured rainwater are subject only to the irrigation system requirements of Appendix D, Prescriptive Compliance Option.

Improvements in Onsite Stormwater Capture

Friable soil is required in planted areas to maximize water retention and infiltration. Four yards of compost per 1000 sq. ft. of area must be incorporated. Other recommended measures for increasing onsite stormwater retention are listed in the Ordinance.

Limiting the Portion of Landscapes that can be Planted with High Water Use Plants

The maximum amount of water that can be applied to a landscape is reduced from 70% of the reference evapotranspiration (ET_o) to 55% for residential landscape projects, and to 45% of ET_o for non-residential projects. This water allowance reduces the landscape area that can be planted with high water use plants such as cool season turf. For residential projects, the coverage of high water use plants is reduced from 33% to 25% of the landscaped area. In non-residential landscapes, planting with high water use plants is not feasible. However, unchanged in the Ordinance is the extra water allowance made for non-residential areas when used for specific functional areas, such as recreation and edible gardens. Extra water allowance is also made for landscapes irrigated with recycled water, as was the case in the previous ordinance.

The irrigation efficiency of devices used to irrigate landscapes is one of the factors that goes into determining the maximum amount of water allowed. Rather than having one default irrigation efficiency for the entire site, the revised Ordinance allows the irrigation efficiency to be entered for each area of the landscape. The site-wide irrigation efficiency of the previous ordinance was 0.71; the revised Ordinance defines the irrigation efficiency of drip as 0.81 and that of overhead spray as 0.75.

Median strips cannot be landscaped with high water use plants, precluding the use of cool season turf. Also because of the requirement to irrigate areas less than ten feet wide with subsurface irrigation or other means that produces no runoff or overspray, the use of cool season turf in parkways is limited.

Reporting Requirements

All local agencies will report on the implementation and enforcement of their ordinances to DWR by December 31, 2015. Local agencies developing a regional ordinance will report on their adopted regional ordinance by March 1, 2016. Reporting for all agencies will be due by January 31st of each year thereafter.

Prescriptive Checklist Option for Landscapes under 2500 sq. ft.

Projects with landscape areas under 2500 sq. feet may comply with the performance requirements of the Ordinance or conform to the prescriptive measures contained in Appendix D. Many will find that the Appendix D checklist simplifies compliance.

How Much Water Will Be Saved?

DWR estimates that a typical California landscape will use 12,000 gallons less a year, or 20 percent less than allowed by the 2009 ordinance. Commercial landscapes will cut water use by 35%. Over the next three years, it is predicted that 472,000 new homes associated with 20,000 acres of landscape will be built in California. With proper implementation and enforcement by local agencies, the Ordinance will lead to substantial water savings.

How Can I Get Additional Assistance?

In Fall 2015, DWR will release a guidance document to accompany the Ordinance. Training workshops for local agency staff and landscape professionals will be held throughout the State.

Contact Information:

Julie Saare-Edmonds, DWR Senior Environmental Scientist at Julie.Saare-Edmonds@water.ca.gov or (916) 651-9676



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Sign Ordinance Amendments

SOURCE: Community Development

COMMENT: The City of Porterville maintains a sign ordinance for the purpose of establishing regulations to ensure the orderly display of signs within the city. Recent cases decided in local, state, and federal courts have prompted a review of the City's sign ordinance. The proposed amendments largely focus on adjusting local regulations to the extent required as a result of the new case law. Specifically, terms that specified the required content of signage were removed to ensure content neutrality in response to recent case law, and language was added to clarify allowable methods of displaying signage on public lands. While the Government Speech Doctrine provides authority to government entities to place signage on properties owned by said entity, the ordinance as proposed does not specifically detail that ability. If directed, staff can draft language to adjust this section (§305.06(n)) accordingly.

Additionally, on February 17, 2015, staff requested direction from Council regarding off-site/mobile signage. Council directed staff to draft language which could permit mobile signs. Included in the draft ordinance is language to permit one mobile sign permit per 25,000 population; as the population increases, the miles of roads proportionally increases, thereby supporting additional mobile signs. Given the current population, the proposed language would allow up to three mobile signs, subject to a conditional use permit valid for a two year term beginning July 1st of even years. A lottery would be held by May 1st if more than three users were interested. If a permitted mobile sign succeeded in being selected for a subsequent term, the conditional use permit would be extended for another two years. Along with establishing a permitting process, staff proposes language for materials and size restrictions, as well as exemptions for vehicles with signage directly affixed to the exterior of the vehicle or trailer.

Under the general rule that CEQA does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, no environmental review is required for the proposed ordinance amendment.

RECOMMENDATION: That the City Council:

1. Adopt the draft ordinance amending Chapter 305 of the Porterville Development Ordinance; and
2. Waive second reading and order to print.

ATTACHMENTS: 1. Draft Ordinance

2. Proposed Amendments - Markup Version

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING THE PORTERVILLE MUNICIPAL CODE AS IT RELATES TO SIGNAGE

WHEREAS: The City of Porterville has maintained an ordinance regulating the place, time, and manner of signage displayed in the city for many decades; and

WHEREAS: Recent changes to local, state, and federal case law has prompted a review of the City's Sign Ordinance, codified in Chapter 21 of the Municipal Code, Series 300, Chapter 305; and

WHEREAS: On February 17, 2015, the City Council provided direction regarding various sign-related issues, which resulted in the hereby revised language; and

WHEREAS: The proposed amendments focus on adjusting local regulations to the extent required as a result of the new case law, as well as establishing parameters through which mobile signage may be permitted; and

WHEREAS: The City Council held a public hearing to receive comments on proposed amendments; and

WHEREAS: Under the general rule that CEQA does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, no environmental review is required for the proposed ordinance amendment.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt an ordinance amending the Porterville Municipal Code as it relates to signage, as follows:

SECTION 1:

Rescind Chapter 305 of the Porterville Development Ordinance and adopt the revised ordinance as follows:

305.01 Purpose

The purpose of this chapter is to establish regulations to ensure the orderly display of signs as a city-wide information system, consistent with State and Federal law. These regulations recognize the desire and need of each individual, business, firm or corporation to identify its place of residence, business or service, and realizing that the indiscriminate erection, location, illumination, coloring, size, and lack of proper maintenance of signs and advertising structures constitutes a significant contributing factor detrimental to the well-being and continuing activity of a city's people and economy. Specifically, these regulations are intended to:

- (a) Assure that all signs and advertising structures are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality, and do not impair the view of nearby or adjacent signs;

- (b) Prohibit the installation and maintenance of signs or advertising structures that unduly distract motorists' attention from driving, and which detract from attention to traffic movement and to signs and signals promoting traffic safety;
- (c) Prevent the installation and maintenance of signs or advertising structures that individually or collectively have an injurious effect on the morale of the people and the economic well-being of the city;
- (d) Assure that size and location of signs and advertising structures do not constitute an obstacle to effective fire protection and firefighting techniques; nor constitute a direct or potential danger to vehicular or pedestrian traffic, especially in the event of structural failure during the period of inclement weather and earthquakes or in the event of impaired vision due to improper size or location; and
- (e) Otherwise protect the public health, safety, morale, and promote the public welfare.

305.02 Policies

The policies and principles stated in this Section apply to all signs within the regulatory scope of this Chapter, and to all procedures set forth in, or invoked by, this Chapter. These policies are to prevail over any other provision to the contrary, even if more specific.

- (a) **Permit Requirement.** Unless expressly exempted by a provision of this Chapter, or by other applicable law, signs within the regulatory scope of this Chapter may be displayed only pursuant to a permit issued by the City.
- (b) **Message Neutrality.** It is the City's policy to regulate signs in a constitutional manner that is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.
- (c) **Regulatory Interpretations.** All regulatory interpretations of this Chapter are to be exercised in light of the City's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, or wherever a sign does not qualify as a "structure" as defined in the Building Code, then the Zoning Administrator shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this Chapter.
- (d) **Substitution of Messages.** Subject to the property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of the message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over any other noncommercial message. This provision does not create the right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; does not allow the substitution of an off-site commercial message in place of an on-site commercial message; and does not allow one particular on-site commercial message to be substituted for another without a permit.

- (e) **Rules for Non-communicative Aspects of Signs.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
- (f) **Situs of Non-commercial Message Signs.** The onsite/offsite distinction applies only to commercial messages on signs.
- (g) **Property Owner’s Consent.** No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, “owner” means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.
- (h) **Legal Nature of Signage Rights and Duties.** As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this Chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Chapter), or the ownership of sign structures.
- (i) **Sign Programs.** Sign programs for specific developments, as well as special sign districts or special sign overlay zones, when approved by the Approving Authority, may modify the rules stated herein as to sign size, height, number, illumination, spacing, orientation or other non-communication aspects of signs, but may not override or modify any of the Basic Policies stated in this Section. All the provisions of this Section shall automatically apply to, and be deemed a part of, any sign program after the date on which this provision is initially adopted.
- (j) **Severance.** If any section, sentence, clause, phrase, word, portion or provision of this Chapter is held invalid, or unconstitutional, or unenforceable by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid portion. In adopting this Chapter, the City Council affirmatively declares that it would have approved and adopted the Chapter even without any portion which may be held invalid or unenforceable.

305.03 Applicability

The requirements and development standards in this chapter apply to signs in all zoning districts, unless otherwise specified.

305.04 Design Principles

- (a) **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building’s architecture and architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that spills over “natural” boundaries or architectural features and obliterates parts of upper floors of buildings, or is detrimental to visual order is not permitted.

- (b) **Consistency with Area Character.** A sign shall be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where a sign is located in close proximity to a residential area, the sign shall be designed and located so it has little or no impact on adjacent residential neighborhoods.
- (c) **Legibility.** The proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the anticipated distance and travel speed of the viewer. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.

FIGURE 305.04(C): LEGIBILITY OF SIGNS

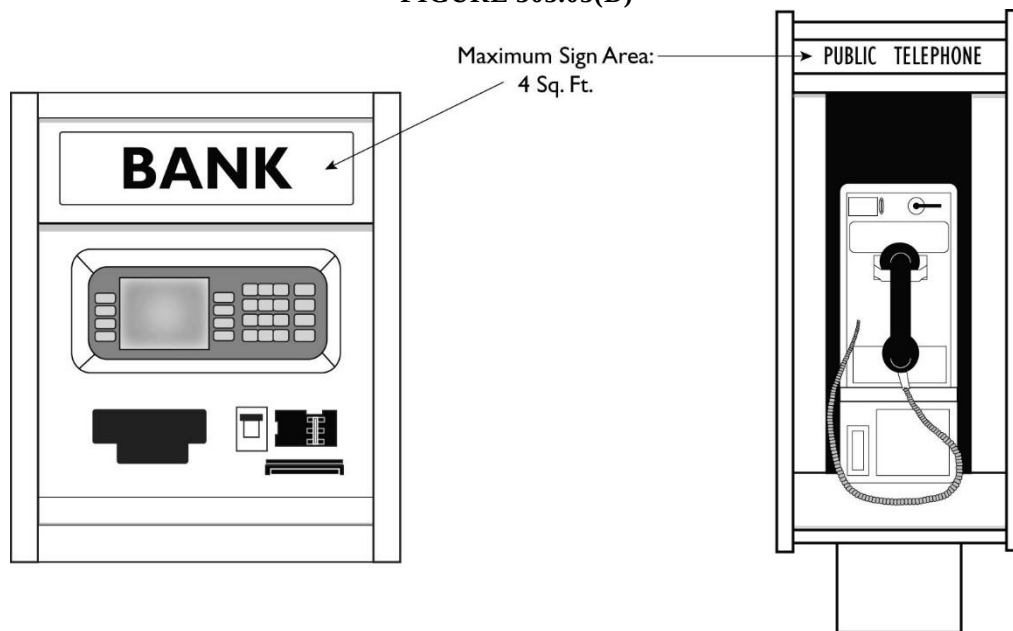
- (d) **Finish.** Signs shall have finished edges with a clean, smooth, consistent surface. Lettering on the sign is to be of complementary size, proportion and font and either carved, routed, painted or applied.
- (e) **Visibility.** A sign shall be conspicuous and readily distinguishable from its surroundings.

305.05 Exempt Signs

The following signs are exempt from the permit requirements of this chapter, and they do not count toward the total sign number or area limit for a site, provided that they conform to the specified standards and obtain building permits when required by law.

- (a) Signs for historical or memorial buildings, when constructed of bronze or other incombustible materials or cut into any masonry surface and installed by a civic organization recognized by the City Council.

- (b) A temporary attachment or covering of wood, plastic, or canvas over a permanent sign may be displayed no longer than thirty (30) days following the change of ownership, or up to ninety (90) days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.
- (c) One (1) sign, with a maximum sign area of thirty-two (32) square feet, per street frontage on real property where construction, structural alteration or repair is to take place, or is taking place. Construction signs shall be removed upon final building inspection.
- (d) Signs, not more than four (4) square feet in area, incorporated into displays, machinery or equipment by a manufacturer, distributor or vendor, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, vending machines, menu boards and umbrellas.

FIGURE 305.05(D)

- (e) **Flags.** Flags with the display of only noncommercial speech.
- (f) **Handbills.** Handbills, advertising circulars, etc., must comply with the standards and licensing contained in Chapter 3, Article II, of the Porterville Municipal Code.
- (g) A maximum of one sign per apartment house, boarding or rooming house or similar use, not exceeding six (6) square feet in area.
- (h) A maximum of two signs per building within six (6) feet of the building entrances for commercial, industrial, and office uses, not exceeding six (6) square feet per building. Government uses, in addition to the aforementioned six (6) square feet per building, may include not more than one shadowbox with not more than ten (10) square feet of display area.
- (i) Up to two onsite signs for public or private developments, not exceeding four (4) square feet in area per face, and not exceeding forty-eight (48) inches in height, provided such signs are not prohibited or further regulated by other sections of this or any other

ordinance of the City. Uses that include a drive-through service window are allowed one additional sign per this exemption.

- (j) Properties or lease spaces may display not more than one (1) onsite sign with a maximum size of six (6) square feet (excluding rider signs no larger than a total of six (6) square feet) and a maximum height of six (6) feet in the R districts, and a maximum size of thirty-two (32) square feet and a maximum height of eight (8) feet in all other districts, per street frontage of a parcel when the property is currently for sale or rent. Such signs shall be removed within five (5) days following close of escrow or finalization of sale, rental or lease.
- (k) **Reader Panels.** Permanent reader panels for public, charitable, or religious institutions provided said reader panels are located on the property to which such reader panels pertain and do not exceed twenty (20) square feet in total area per face nor more than ten (10) feet in height, and further provided said reader panels are located in such a manner as not to constitute a hazard to vehicular or pedestrian traffic. Electronic reader boards which otherwise comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every three (3) seconds shall also be allowed as exempt signs for public, charitable or religious institutions.
- (l) One sign per business provided by said business, which sponsors and contributes to the sports activities upon public premises, not to exceed thirty-six (36) square feet in area, per site shall be permitted for a period not to exceed ninety (90) days preceding the event or season. Such sign shall be removed within fifteen (15) days after the event or season.
- (m) Bus stop, shelter, and bench advertisement displays as permitted by the Transit Advertising Policy.

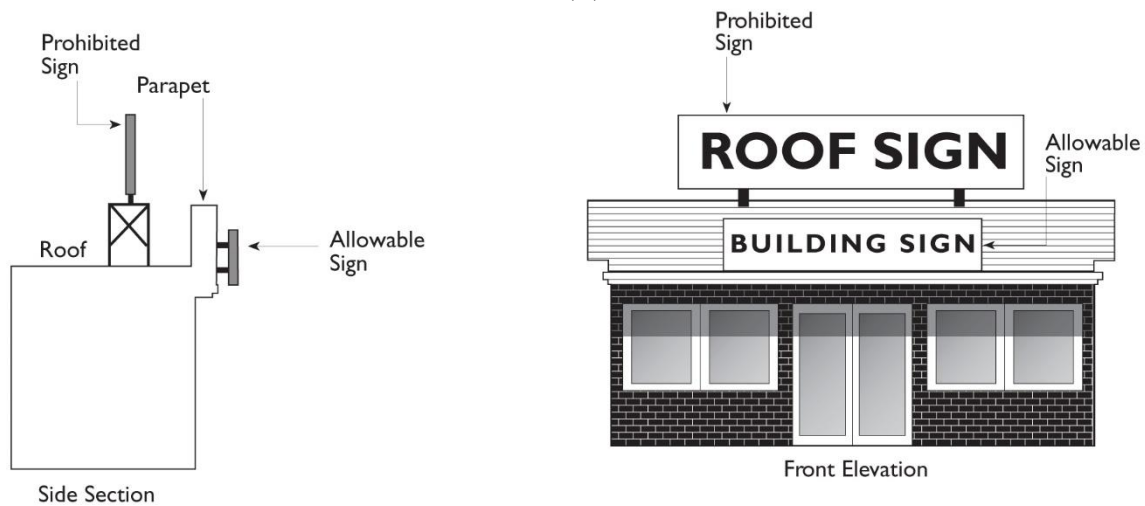
305.06 Prohibited Signs

The following types of signs and devices are specifically prohibited:

- (a) **Animated, Flashing or Moving Signs.** Signs that incorporate, flashing, moving, rotating, pulsating or intermittent lighting, with the exception of changeable copy message center display signs and barber poles, except as allowed elsewhere in this chapter. Any sign that, because of brilliant lighting, interferes with the enjoyment of surrounding residential property or interferes with traffic, vehicular or pedestrian, is prohibited.
- (b) **Balloons, Banners, Streamers and Pennants.** Signs, balloons, banners, pennants, or any other advertising display constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials, except awnings or as allowed for Automobile/Vehicle Sales and Leasing establishments, or in Section 305.11, Temporary Signs.
- (c) **Billboards.** Any sign directing attention to a business, service, or product that is not conducted, sold, produced, or offered by any use on the same lot, or which identifies by brand name a product which, although sold on the premises, does not constitute one (1) of the principal items for sale on the premises unless otherwise provided by the California

Outdoor Advertising Act (Business and Professions Code Sections 5200 – 5486, inclusive).

- (d) **Emissions.** Signs that produce noise in excess of forty (40) decibels, excluding voice units at drive-through facilities, and signs that emit odor or visible smoke, vapor or particles.
- (e) **Fence Signs.** Signs attached or painted on fences or freestanding walls that are not part of a building, except for subdivision entry signs as allowed in Section 305.08 (b).
- (f) **Obscenities.** Signs that depict, describe or relate to “specified sexual activities” or “specified anatomical areas” as defined in Chapter 700, Terms and Definitions.
- (g) **Obstructions to Exits.** Signs erected, constructed or maintained which obstruct any firefighting equipment, fire escape, required exit or door opening intended as a means of egress, unless approved by the Fire Marshal.
- (h) **Obstructions to Driver Visibility.** Signs in corner cut-offs and lines of sight in accordance with the provisions of Section 300.16, Visibility at Driveways and Intersections.
- (i) **Obstructions to Ventilation.** Signs that interfere with any opening required for ventilation.
- (j) **Portable Signs.** Signs not permanently attached to, mounted upon or affixed to a building, structure or the ground, except as otherwise provided herein.
- (k) **Posters.** Posters of a temporary character that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, except as otherwise provided in this chapter. This section excludes signs placed in windows per Section 305.10 (e).
- (l) **Roof Signs.** Signs erected or painted upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the ridge line or top of parapet, except as allowed in this chapter.

FIGURE 305.06(L): ROOF SIGNS

- (m) **Signs Creating Traffic Hazards.** Signs that simulate in color, size or design any traffic control sign, signal or device, or that make use of words, symbols or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic. No sign, light or advertising structure shall be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision at any location where, by reason of the position, shape, color or movement may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (n) **Signs on public property.** Signs affixed to or attached to public lands, including, but not limited to, public rights of way, parks, buildings, storm drainage basins, and other public facilities, or signs affixed to public amenities or public facilities or other public property on said public lands, are prohibited. When associated with rental or reservation of a public facility, signs may be temporarily attached to public property, so long as they are attached in such a manner that the removal of the sign does not cause any damage to the public property. Such signs must be removed at the end of the reservation period.

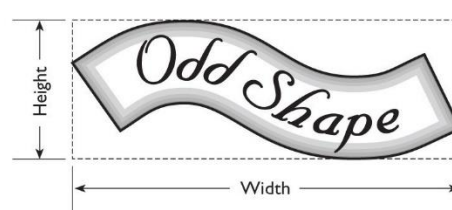
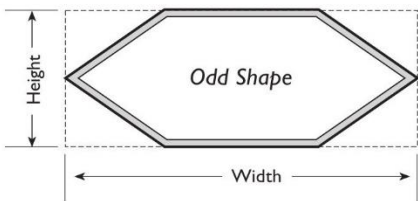
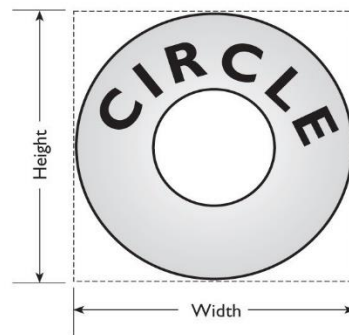
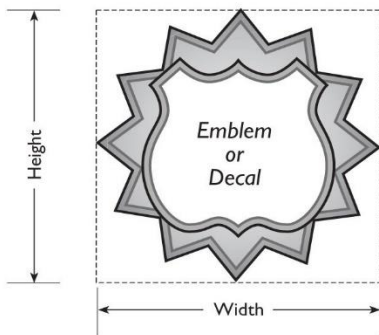
305.07 General Standards

This section establishes general physical standards and requirements. More detailed standards applicable to specific sign types (e.g., wall signs, awning signs) are in Section 305.10, Standards for Specific Sign Types. In addition to these general standards, all signs shall conform to the specifications of Municipal Code Chapter 3, Advertising and Signs.

- (a) **Maximum Allowable Sign Area.** All signs shall conform to the maximum area requirements specified in Table 305.09, unless a different limit is approved under a Master Sign Program.
- (b) **Measuring Sign Area.** Sign area includes the entire face of a framed sign, but does not include the supporting structure. Individual letters attached to a building shall be measured by the area enclosed by a continuous line outlining the perimeter of the words, emblems, and logos.

FIGURE 305.07(B): MEASURING SIGN AREA

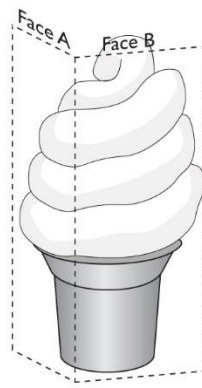
Sign Area = Height x Width



- (1) **Double-Faced Signs.** For double-faced signs, only one (1) side shall be counted as the total area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.
- (2) **Multi-faced Signs.** The sign area of signs with three (3) or more sign faces shall be calculated as the sum of two (2) sign faces. Where the faces are not equal in size, the larger sign faces shall be used as the basis for calculating sign area.
- (3) **Three-dimensional Signs.** Signs that consist of, or have attached to them, one (1) or more three-dimensional object(s) (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks) shall have a sign area of the sum of two (2) adjacent sides or sign faces.

FIGURE 305.07(B)(3): THREE-DIMENSIONAL SIGNS

Sign Area = Sum of Two Adjacent Sides



- (c) **Abandoned Signs.** Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of ninety (90) days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located. When a wall sign is removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in this chapter.
- (d) **Building Frontage.** Building frontage shall be considered the wall of a building that faces and is roughly parallel with a public street, excluding an alley. The linear dimension of that building frontage shall be used to calculate allowable signage. Buildings with walls facing more than one public street shall be allowed signage for each building frontage in accordance with Table 305.09. Buildings located on interior lots (not on a corner) and that are oriented perpendicular to a public street shall be allowed signage based on the longer of the front or side building elevation. All, or a percentage of, the allowable sign area may be transferred to the other building elevations provided the sign area on any wall shall not exceed the maximum allowable for that wall in accordance with Table 305.09. For buildings that have no public street frontage, building frontage shall be determined by the Zoning Administrator.
- (e) **Changeable Copy.** Changeable copy shall cover no more than forty (40) percent of the total sign allowance for manually changeable signs. For electronic message center signs with copy that can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, the changeable portion of the sign shall cover no more than forty (40) percent of the total sign allowance. The following uses are exempt from

this restriction: religious institutions, cinemas, government or civic uses, gas station uses, indoor theaters, schools, and colleges.

- (f) **Clearance from Utilities.** Signs and their supporting structures shall maintain clearance from, and not interfere with, electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.
- (g) **Construction and Maintenance**
 - (1) Unless exempt, signs and supporting structures shall be installed in accordance with the latest adopted Building Code.
 - (2) All signs, together with all supporting structures, shall be maintained in the following manner:
 - a. Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.
 - b. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired, and graffiti and unauthorized attachments shall be removed.
 - c. Failed, damaged, or blinking illumination shall be promptly replaced.
 - d. Sign areas shall be kept free and clear of all noxious substances, rubbish and weeds.
 - e. Discolored or faded panels on plastic faces shall be restored to their original condition and color.
- (h) **Encroachment into Public Street or Sidewalk.** Any sign projecting into a public right of way requires an encroachment agreement approved by the City Engineer.
- (i) **Illumination.** Channel letters, internally illuminated signs and neon signs are permitted. Bare bulbs visible from the public right of way are prohibited. On signs with external illumination, lights shall be provided with proper reflectors to concentrate the illumination on the area of the sign to prevent glare on the street or adjacent properties. All sign illumination shall adhere to the performance standards for lighting and glare in Chapter 306, Performance Standards.
- (j) **Materials.** Paper, cardboard, untreated plywood and other materials subject to rapid deterioration shall be limited to signs displayed for no more than (30) days

305.08 Sign Standards for Residential Districts

- (a) Religious facilities, multi-family residential projects, schools, civic uses and other nonresidential uses in R districts are allowed one (1) building-mounted sign and one (1) monument sign with a maximum cumulative sign area of thirty-two (32) square feet.
- (b) Residential subdivisions are allowed one (1) monument sign or wall sign per street frontage for entry into the subdivision. Each sign shall not exceed a maximum size of thirty-two (32) square feet.

305.09 Sign Standards for Non-Residential Districts

Signage in non-residential districts shall comply with the standards in Table 305.09 unless a different sign area allowed for a specific use is described elsewhere in this code. Buildings without clearly defined tenant space frontage shall share total sign area allowed per building as determined in Table 305.09. All properties in non-residential districts shall be allowed a minimum sign area of twenty (20) square feet.

Table 305.09: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS		
<i>Zoning Districts (Frontage)</i>	<i>Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)</i>	<i>Permitted Sign Types</i>
DR-N, D-MX	2	Awning and canopy
		Marquee
		Projecting
		Wall
		Window
D-PO	2	Awning and canopy
		Projecting
		Monument
		Window
D-PS	2	Awning and canopy
		Marquee
		Monument
		Projecting
		Wall
DR-D, DR-S	2	Awning and canopy
		Marquee
		Projecting
		Wall
		Window
D-GC	2	Awning and canopy
		Marquee
		Monument
		Projecting
		Wall
		Window

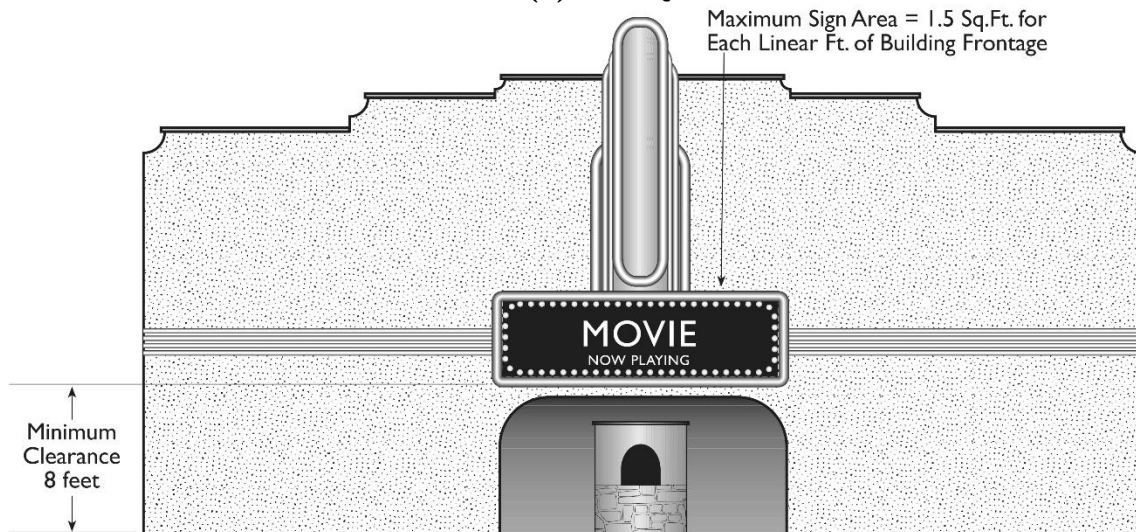
Table 305.09: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS		
<i>Zoning Districts (Frontage)</i>	<i>Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)</i>	<i>Permitted Sign Types</i>
CMX, CN, PO	1.5	Awning and canopy
		Marquee
		Monument
		Freestanding
		Projecting
		Wall
		Window
CG, CR	3	Awning and canopy
		Marquee
		Monument
		Freestanding
		Projecting
		Wall
		Window
IP, IG, IA	2	Awning and canopy
		Marquee
		Monument
		Freestanding
		Projecting
		Wall
		Window
REC, PK, PS	2	Awning and canopy
		Monument
		Freestanding
		Projecting
		Wall

305.10 Standards for Specific Types of Signs

- (a) **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures are allowed. Awning and canopy signs are subject to the specific zoning district standards and the following standards:

- (1) **Maximum Sign Area Per Awning or Canopy Sign:**
 - a. Downtown, CMX, and CN districts: twenty-four (24) square feet.
 - b. CG, CR, and Employment districts: sixty (60) square feet.
 - (2) **Sign Clearance.** Minimum of eight (8) feet.
 - (3) **Height Limit.** Twenty-five (25) feet.
 - (4) **Number of Signs.** Four (4) maximum per building façade, which includes any wall signs.
- (b) **Marquee Signs.** A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses. Removable copy may be changed on the face of permitted marquee signs without securing a permit. Marquee signs are subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs:** One (1) marquee sign per site.
 - (2) **Maximum Sign Area Per Sign:** One and one-half (1.5) square feet per linear foot of building frontage.
 - (3) **Sign Clearance.** Minimum of eight (8) feet.

FIGURE 305.09(B): MARQUEE SIGNS



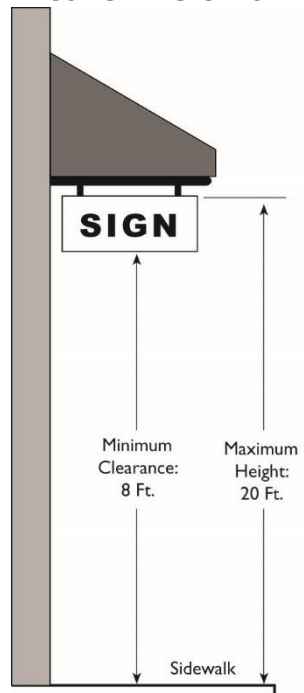
- (c) **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall are allowed, subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs:** One (1) projecting sign per building façade or tenant space frontage.
 - (2) **Maximum Sign Area Per Sign:** Sixteen (16) square feet; except the maximum sign area per sign is eight (8) square feet when the sign is located under a canopy or awning.
 - (3) **Sign Clearance.** Minimum of eight (8) feet.
 - (4) **Height.** A projecting sign shall be erected in such a manner as not to create a traffic hazard to vehicles or pedestrians. Projecting signs shall not extend higher

than twenty (20) feet above ground level or above an eave or roof, whichever is lower.

(5) **Projection**

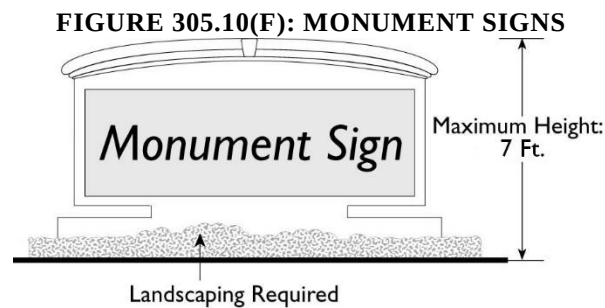
- a. A projecting sign cannot extend more than three (3) feet from the building to which it is attached.
- b. An under-canopy sign, attached to and hanging from an awning or canopy shall be located completely under the canopy or awning and shall not project beyond its edge. An under-canopy sign shall not count towards the sign area allowed.

FIGURE 305.10(C): PROJECTING OR UNDER-CANOPY SIGNS



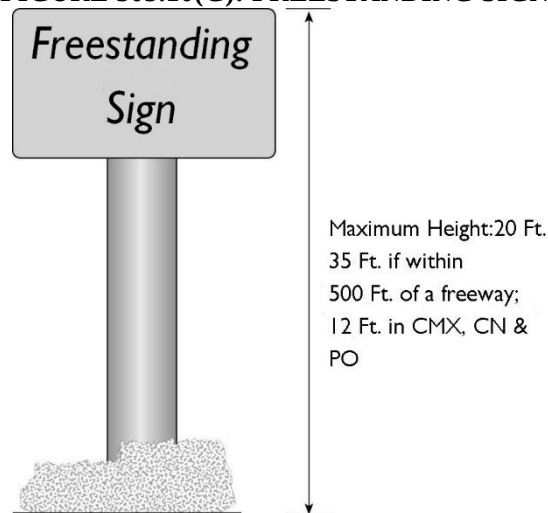
- (d) **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a parapet or mansard roof. Wall signs attached to the fascia shall be channel letters and shall be architecturally consistent with other signage in the development. No wall sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs.** Four (4) maximum per building façade or tenant space frontage, which includes any awning or canopy signs.
 - (2) **Maximum Sign Area Per Sign:** Three hundred (300) square feet.
 - (3) **Height.** Wall signs shall not be mounted or placed higher than the second story and shall not extend higher than the building wall upon which they are attached.

- (4) **Coverage.** Wall sign copy shall not occupy more than seventy-five (75) percent of the length of the wall to which the sign is attached.
 - (5) **Projection.** Wall signs cannot extend more than twelve (12) inches beyond the face of the wall to which they are attached.
 - (6) **Design.** Wall signs shall be oriented to achieve balance composition and harmony with other architectural elements of a building façade.
- (e) **Window Signs.** Window signs painted or otherwise adhered directly onto a window are exempt from the permit requirements of this chapter and do not count towards the total sign area limit for a site, but are subject to the specific zoning district standards and the following standards:
- (1) **Coverage.** Window signs shall cover no more than fifty (50) percent of the total glass window area along each building façade.
 - (2) **Height.** Window signs shall not be mounted or placed on windows higher than the second story.
- (f) **Monument Signs.** Freestanding signs erected on the ground or on a monument base designed as an architectural unit are allowed, subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs.** One (1) monument sign per frontage per site.
 - (2) **Maximum Sign Area Per Sign:**
 - a. D-PO, D-PS, D-GC, CMX, and CN districts: thirty-two (32) square feet.
 - b. CG, CR, and Employment districts: sixty (60) square feet.
 - c. PS, REC and PK districts: thirty-two (32) square feet.
 - (3) **Height.** A maximum of seven (7) feet.
 - (4) **Landscaping.** All monument signs shall require automatic irrigated landscaping at the base equivalent to the area of the sign copy.



- (g) **Freestanding Signs.** Freestanding signs are allowed subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs:** One (1) freestanding sign per site.
 - (2) **Allowable Sign Area Per Sign.** The area of any freestanding sign shall be included in the maximum allowed sign area per Table 305.09.
 - (3) **Architectural Treatment.** Freestanding signs shall be architecturally compatible in style, finish and color with the adjacent building or development. Structural supports, poles, angle bars, iron pipes, I-beams or similar structural members shall be architecturally encased with finished metal cladding, stucco, or similar material at least one foot in diameter, subject to approval by the Zoning Administrator as to proportion and architectural compatibility.
 - (4) **Landscaping.** Freestanding signs shall be placed within a landscaped planter with at least twenty-four (24) square feet of planting area. As a condition of any permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.
 - (5) **Height**
 - a. A maximum of twenty (20) feet; thirty-five (35) feet within five hundred (500) feet of a freeway right of way. Pole signs shall have a minimum clearance of fourteen (14) feet over parking lots and driveways, and eight (8) feet over interior pedestrian walkways.
 - b. A maximum of twelve (12) feet in the CMX, CN and PO zone districts.
 - (6) **Projection.** Freestanding signs shall not project beyond the property line.

FIGURE 305.10(G): FREESTANDING SIGNS



- (h) **Other Sign Types**

- (1) **Commercial Center Signs.** Commercial Center signs may be erected in the Commercial and Employment districts, subject to the following limitations:
 - a. *Allowable Areas.* The center shall consist of a commercial or industrial development with an integrated site and design plan creating a single unified development with three (3) or more uses.
 - b. *Area Not Counted.* The area of the sign shall not count towards the sign area allowed for the individual tenant space or building on the lot.
 - c. *Sign Area Allowed.* The maximum sign area may be no more than one (1) square foot for each linear foot of street frontage, but in no case shall the total sign area exceed two hundred (200) square feet. If more than one (1) entrance to the lot exists, the maximum sign area permitted will be divided among the number of entryways and signs requested.
 - d. *Sign Height.* The maximum sign height shall not exceed twenty (20) feet in the CMX, CN and PO zone districts; thirty-five (35) feet in all other Commercial and Employment zone districts.
 - e. *Sign Base.* The sign base is to be located within a planter box or planting area at least twenty-four (24) square feet in area and the design and location is to be approved by the Zoning Administrator.
- (2) **A-Frame/Sandwich Board Signs.** Temporary, portable A-frame or sandwich board signs may be erected in all nonresidential zone districts, subject to the following limitations:
 - a. *Area Not Counted.* The area of the sign shall not count towards the permissible sign area of the individual lot.
 - b. *Maximum Number of Signs.* One (1) A-frame/sandwich board sign per tenant space.
 - c. *Maximum Sign Area.* The total sign area shall not exceed a maximum of six (6) square feet per side.
 - d. *Location.* Such sign may encroach into the right of way up to two (2) feet from the property line provided there remains a five (5) foot wide walkable area when the sign is in place.
 - e. *Removal.* Such sign is to be removed during non-operational hours.
- (3) **Mobile signs.** Signs pulled on a trailer or otherwise mounted to a vehicle may be allowed subject to the following limitations:
 - a. *Permit process.* Not more than one sign per 25,000 population, or portion thereof, shall be permitted at a given time. A party wishing to present signage in a mobile or semi-mobile manner may apply for a conditional use permit. The conditional use permit will be valid for a term of two years, beginning July 1st of even years. A lottery will be held by May 1st of each even year for the respective terms. If a currently permitted mobile sign succeeds in being selected in a subsequent lottery, the conditional use permit would be extended for another two years.
 - b. *Materials.* A mobile sign permitted per this section shall be developed of materials as prescribed in Section 305.07, and shall include any additional design considerations to assure that such signs are securely and safely

affixed to the host vehicle in consideration of its use on streets and roadways.

- c. *Size.* Signs may not exceed the height of the vehicle to which they are affixed by more than eighteen (18) inches, and may not extend beyond the horizontal dimensions of the trailer on which they are mounted.
- d. *Exemptions.* Decals, paint, stickers, and similar treatments affixed directly to the exterior of the host vehicle, or to a trailer, are exempted from this ordinance, provided that:
 - 1. Lighting, changeable copy, and digital signs are not permissible exemptions.
 - 2. In order for signage on a trailer to be exempt, the trailer shall meet the standard minimum dimensions established by the U.S. Department of Transportation, Federal Highway Administration, in the Federal Size Regulations for Commercial Motor Vehicles.
- e. Signs placed or displayed on vehicles parked in a conspicuous location that do not otherwise suit the above noted exemptions shall be considered mobile signage and are subject to this section.

305.11 Temporary Signs

The following types of temporary signs are permitted, provided that they conform to the standards of this section:

- (a) **Signs Associated With Commercial Uses:** Banners, handheld signs, portable signs and other similar temporary advertising devices shall be prohibited, except for business openings, special events, promotional events and new subdivisions being developed in the city and are subject to the following:
 - (1) A temporary sign permit shall be secured prior to the installation or display of any such sign. Issuance of a temporary sign permit may be contingent upon the overall permissible area available for temporary signs within a geographic area as identified in subsection (a)(6) of this section. In addition, the application would be reviewed in light of other temporary sign permit applications submitted for the same area, which may put such signs in conflict with subsection (a)(6) of this section.
 - (2) A temporary sign permit shall be granted for any one business or building for a period of three (3) calendar months. A temporary sign permit shall authorize the business to display a banner, handheld sign, portable sign or inflatable sign for the duration of the sign permit. A maximum of two (2) such signs may be permitted with a single application.
 - (3) No more than one temporary sign permit shall be in effect simultaneously for any business.
 - (4) Each business shall be limited to a maximum of four (4) temporary sign permits in any calendar year. A temporary sign is not intended to be in lieu of a permanent sign. A temporary sign permit shall not be permitted longer than one (1) year before a permanent sign is installed.

- (5) Each business shall be limited to a maximum of one temporary sign permit during a “going out of business sale,” or the equivalent in any calendar year.
 - (6) Unless otherwise authorized by a master sign program, freestanding temporary signs for multiple tenants of any one building, shopping center, office complex, or unified development shall be separated by a minimum of one hundred (100) feet.
 - (7) All banners, regardless of their ratio allowance of signage to linear building frontage, shall not exceed forty (40) square feet in size.
 - (8) A-frame signs are not considered temporary and as such do not apply to this section.
 - (9) No temporary sign shall be mounted on or above roofs or mansards or otherwise extend above a parapet wall or ridge line of a structure.
 - (10) During the period of time beginning sixty (60) days before a general, special, primary or runoff election, and ending fifteen (15) days after such election, one (1) additional temporary sign may be permitted without a temporary use permit, subject to the following size limitations:
 - a. Size Limitations in a Residential Zone District. The following size limitations apply:
 - 1. Four (4) square feet of cumulative signage when located on private property with frontage on a local street as designated in the General Plan.
 - 2. Eight (8) square feet of cumulative signage when located on private property with frontage on an Arterial or Collector Street as designated in the General Plan.
 - b. Size Limitations in a Non-Residential Zone District. The following size limitations apply:
 - 1. Sixteen (16) square feet of cumulative signage when located on private property.
 - 2. Four (4) square feet of cumulative signage when located within the public right of way.
- (b) **Signs Associated With Residential Uses.** On residential uses, non-illuminated temporary signs with the size restrictions as specified below may be displayed at any time. However, during the period of time beginning sixty (60) days before a general, special, primary or runoff election, and ending fifteen (15) days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision.
- (1) ***Size Limitations in a Residential Zone District.*** The following size limitations apply:
 - a. Four (4) square feet of cumulative signage when located on private property with frontage on a local street as designated in the General Plan.
 - b. Eight (8) square feet of cumulative signage when located on private property with frontage on an Arterial or Collector Street as designated in the General Plan.

- (2) ***Size Limitations in a Non-Residential Zone District.*** The following size limitations apply:
 - a. Sixteen (16) square feet of cumulative signage when located on private property.
 - b. Four (4) square feet of cumulative signage when located within the public right of way.
 - (3) ***Violations.*** Violation to any of the above regulatory conditions shall be deemed a public nuisance and may be summarily abated as such; and each day that such violation continues shall be regarded as a new and separate offense.
- (c) Developers of a new subdivision being developed in the City may be permitted signs subject to the following requirements:
- (1) One (1) sign per street frontage with a maximum of three (3) temporary signs may be permitted on the subdivision site in accordance with the following:
 - a. *Maximum Sign Area.* The maximum sign area may be no more than one hundred (100) square feet (total of all signs).
 - b. *Height.* A maximum of ten (10) feet.
 - c. *Duration.* Subdivision signs shall be removed twelve (12) months from the date the permit for same is issued, or within one (1) year of the date that the last building permit was issued for a new house within the subdivision.
 - d. *Letter of Agreement.* A Letter of Agreement from the property owners giving the City right of entry to remove signs in the event the above stipulations are not complied with shall be submitted to the Zoning Administrator prior to the issuance of a sign permit. If at any time the property on which the signs are located is sold, the signs shall be removed, or a new Letter of Agreement shall be submitted from the buyer to permit the signs to remain and granting the City right to enter the property and remove the signs.
 - (2) Up to four (4) off-site signs may be permitted in any zone, provided that:
 - a. *Maximum Sign Area.* The maximum sign area per sign may be no more than thirty-two (32) square feet.
 - b. *Height.* A maximum of twelve (12) feet.
 - c. *Duration.* Said signs shall be removed twelve (12) months from the date the permit for same is issued, or within one (1) year of the date that the last building permit was issued for a new house within the subdivision.
 - d. *Consent of Landowner.* A completed application form, including a notarized affidavit signed by each property owner of each site, is required prior to issuance of a sign permit.

305.12 Permits Required; Review Process

- (a) **Authority.** Unless otherwise stated, the Zoning Administrator shall review and approve all signs as specified in this chapter.

- (b) **Applicability.** Except for certain signs exempted in compliance with Section 305.05, Exempt Signs, no sign shall be erected, re-erected, constructed or altered (excluding change of copy on a can or cabinet sign) without Zoning Administrator approval and a building permit being issued by the Building Division.
- (c) **Applications for Filing, Processing and Review**
 - (1) **Applicant.** Sign owners or their designees shall apply for Building Permits for signs that require them.
 - (2) **Filing and Filing Fee.** Application for such permits shall be made upon forms furnished by the Zoning Administrator and accompanied by the required fee and working drawings adequate to show the location, construction and design, including colors, materials, lighting, electrical elements, and advertising copy of the sign in accordance with applicable sign design guidelines and the linear footage of building frontage owned or leased by the business
 - (3) **Compliance with Standards.**
 - a. Upon acceptance of a sign application, the Zoning Administrator shall review the request for compliance with the locational and operational standards identified in this chapter and with any standards established in a Master Sign Program pursuant to Section 305.13, Master Sign Program.
 - b. The Zoning Administrator's decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.
- (d) **Appeals.** Decisions by the Zoning Administrator may be appealed subject to the provisions of Chapter 612, Appeals.

305.13 Master Sign Program

- (a) **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance. It is not the intent of this section to be used solely to request relief from the sign regulations in order to circumvent any requirements or purpose of this chapter.
- (b) **Applicability.** A Master Sign Program may be processed for any development. However, shown below are examples of when a Master Sign Program may be most appropriate:
 - (1) Nonresidential developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities (e.g., shopping centers, malls, office complexes and industrial parks); or
 - (2) Developments with multiple structures with limited frontage or no frontage on a public street; or
 - (3) Businesses conducted primarily outside of a building; or
 - (4) New multi-family residential developments of one hundred (100) or more units; or
 - (5) Other developments where the strict application of the sign code unduly restricts the allowable signage that can be located on the parcel.

- (c) **Application.** Master Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Master Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.
- (d) **Allowable Modifications.** A Master Sign Program may provide for additional sign area and other deviations from the standards of this chapter, provided that the Master Sign Program is consistent with the sections on design principles and general standards.
- (e) **Review Authority.** All Master Sign Programs are subject to review and approval of the Zoning Administrator, unless the signs are associated with a project that requires City Council review and approval; then the City Council shall review and approve it as part of the overall project approval.
- (f) **Required Findings.** In order to approve a Master Sign Program, the decision-making body shall find that all of the following are met, in addition to other applicable regulations in this section:
 - (1) The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;
 - (2) Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification;
 - (3) Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access; and
 - (4) Use of the Master Sign Program provides a more desirable functional and aesthetic appearance than would otherwise be provided by standard code requirements.
- (g) **Lessees to Be Informed of Master Sign Program.** Lessees within developments subject to the requirements of an approved Master Sign Program shall be made aware of the Master Sign Program in their lease.
- (h) **Revisions to Master Sign Programs.** Revisions to an approved Master Sign Program shall be approved by the Zoning Administrator.

305.14 Nonconforming Signs

- (a) All legal nonconforming signs are permitted to remain unless they are subject to a permit condition or development agreement providing for their removal after a fixed period of time.
- (b) Any changes to legal nonconforming signs or their structures in terms of location, orientation, size, or height other than routine maintenance and repair or change of sign copy shall require the signs to be brought into conformance with this chapter.
- (c) A legal nonconforming sign loses its legal nonconforming status when the activity, product, business, service, or other use which was being advertised has ceased or vacated

the premises for one hundred eighty (180) days, at which time it shall be considered an abandoned sign, subject to the requirements of Section 305.07(c), Abandoned Signs.

305.15 Abatement and Removal of Illegal Signs

- (a) **Authority to Abate.** The City has the authority to abate illegal and abandoned signs.
- (b) **Illegal Signs in the Public Right-of-Way.** Illegal signs posted in the public right-of-way or upon public property may be removed by the Zoning Administrator or officer without notice or hearing. Signs shall be retained by the City for a period of not less than thirty (30) days if identifiable. Thereafter, any unclaimed signs may be discarded.
- (c) **Recovery of Costs.** When the City is required to remove illegal or abandoned signs in compliance with this chapter, the reasonable cost of the removal may be assessed against the owner of the sign(s).
- (d) **Sign Removal**
 - (1) Any sign, including its supporting structure, which no longer identifies the current occupant or products currently sold, or which otherwise fails to serve its original purpose, or is not maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, and cleaning, shall be removed by the owner of the property within 30 calendar days after written notice to do so from the Building Division.
 - (2) Any sign which the Building Division establishes as unsafe or unsecure shall be corrected or removed, together with all supporting structures, by the owner of the property upon which the sign is located within thirty (30) days after written notice by the Building Division.
 - (3) Such notice shall state the location of the sign, the nature of the violation, and/or the manner in which the sign constitutes a public nuisance. The notice also shall require the removal or other abatement of the sign before the date specified in the notice. Further, the notice shall state that failure to comply may result in the removal of the sign by the City and that the cost of such removal may be imposed on the owner of the property. The notice shall also include instructions for the filing of an appeal of the determination of the Zoning Administrator that the sign is in violation of this chapter or constitutes a public nuisance. Such notice shall be served by posting on the property on which the sign is located and by registered or certified mail delivery, postage prepaid, to the owner of the property, and, if known, the owner of the sign.
 - (4) After the periods specified in paragraphs (1) and (2) above, the Building Division may cause such sign to be removed, and the cost of such removal shall become a lien against the property.
 - (5) If a hazardous condition exists, the condition shall be corrected forthwith upon notice by the Building Division.

If an appeal is received prior to the date specified in the notice, abatement proceedings shall be suspended, and any deadlines shall be suspended, pending the outcome of such appeal.

SECTION 2:

Amend Chapter 21 of the Municipal Code, Series 700, Chapter 700.02, as follows:

Add, in the defined list of sign-related terms, the following definition:

New Subdivision. An area of land that has a final subdivision map recorded on it, but that is not yet completely built out.

SECTION 3:

This ordinance shall be in full force and effect thirty days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 20th day of October, 2015.

By: _____

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk

Chapter 305 Signs

Sections:

305.01	Purpose
305.02	Policies
305.03	Applicability
305.04	Design Principles
305.05	Exempt Signs
305.06	Prohibited Signs
305.07	General Standards
305.08	Sign Standards for Residential Districts
305.09	Sign Standards for Non-Residential Districts
305.10	Standards for Specific Types of Signs
305.11	Temporary Signs
305.12	Permits Required; Review Process
305.13	Master Sign Program
305.14	Nonconforming Signs
305.15	Abatement and Removal of Illegal Signs

305.01 Purpose

The purpose of this chapter is to establish regulations to ensure the orderly display of signs as a city-wide information system, consistent with State and Federal law. These regulations recognize the desire and need of each individual, business, firm or corporation to identify its place of residence, business or service, and realizing that the indiscriminate erection, location, illumination, coloring, size, and lack of proper maintenance of signs and advertising structures, constitutes a significant contributing factor detrimental to the well-being and continuing activity of a city's people and economy. Specifically, these regulations are intended to:

- (a) Assure that all signs and advertising structures are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality, and do not impair the view of nearby or adjacent signs;
- (b) Prohibit the installation and maintenance of signs or advertising structures that unduly distract motorists' attention from driving, and which detract from attention to traffic movement and to signs and signals promoting traffic safety;
- (c) Prevent the installation and maintenance of signs or advertising structures that individually or collectively have an injurious effect on the morale of the people and the economic well-being of the City;
- (d) Assure that size and location of signs and advertising structures do not constitute an obstacle to effective fire protection and firefighting techniques; nor constitute a direct or potential danger to vehicular or pedestrian traffic, especially in the event of structural failure during the period of inclement weather and earthquakes or in the event of impaired vision due to improper size or location; and
- (e) Otherwise protect the public health, safety, morale, and promote the public welfare.

305.02 Policies

The policies and principles stated in this Section apply to all signs within the regulatory scope of this Chapter, and to all procedures set forth in, or invoked by, this Chapter. These policies are to prevail over any other provision to the contrary, even if more specific.

- (a) **Permit Requirement.** Unless expressly exempted by a provision of this Chapter, or by other applicable law, signs within the regulatory scope of this Chapter may be displayed only pursuant to a permit issued by the City.
- (b) **Message Neutrality.** It is the City's policy to regulate signs in a constitutional manner that is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.
- (c) **Regulatory Interpretations.** All regulatory interpretations of this Chapter are to be exercised in light of the City's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, or wherever a sign does not qualify as a "structure" as defined in the Building Code, then the Zoning Administrator shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this Chapter.
- (d) **Substitution of Messages.** Subject to the property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of the message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over any other noncommercial message. This provision does not create the right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; does not allow the substitution of an off-site commercial message in place of an on-site commercial message; and does not allow one particular on-site commercial message to be substituted for another without a permit.
- (e) **Rules for Non-communicative Aspects of Signs.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
- (f) **Situs of Non-commercial Message Signs.** The onsite/offsite distinction applies only to commercial messages on signs.
- (g) **Property Owner's Consent.** No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.
- (h) **Legal Nature of Signage Rights and Duties.** As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this Chapter attach to

and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Chapter), or the ownership of sign structures.

- (i) **Sign Programs.** Sign programs for specific developments, as well as special sign districts or special sign overlay zones, when approved by the Approving Authority, may modify the rules stated herein as to sign size, height, number, illumination, spacing, orientation or other non-communication aspects of signs, but may not override or modify any of the Basic Policies stated in this Section. All the provisions of this Section shall automatically apply to, and be deemed a part of, any sign program after the date on which this provision is initially adopted.
- (j) **Severance.** If any section, sentence, clause, phrase, word, portion or provision of this Chapter is held invalid, or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid portion. In adopting this Chapter, the City Council affirmatively declares that it would have approved and adopted the Chapter even without any portion which may be held invalid or unenforceable.

305.03 Applicability

The requirements and development standards in this chapter apply to signs in all zoning districts, unless otherwise specified.

305.04 Design Principles

- (a) **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture and architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that spills over "natural" boundaries or architectural features and obliterates parts of upper floors of buildings, or is detrimental to visual order is not permitted.
- (b) **Consistency with Area Character.** A sign shall be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where a sign is located in close proximity to a residential area, the sign shall be designed and located so it has little or no impact on adjacent residential neighborhoods.
- (c) **Legibility.** The proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the anticipated distance and travel speed of the viewer. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.

FIGURE 305.04(C): LEGIBILITY OF SIGNS



- (d) **Finish.** Signs shall have finished edges with a clean, smooth, consistent surface. Lettering on the sign is to be of complementary size, proportion and font and either carved, routed, painted or applied.
- (e) **Visibility.** A sign shall be conspicuous and readily distinguishable from its surroundings.

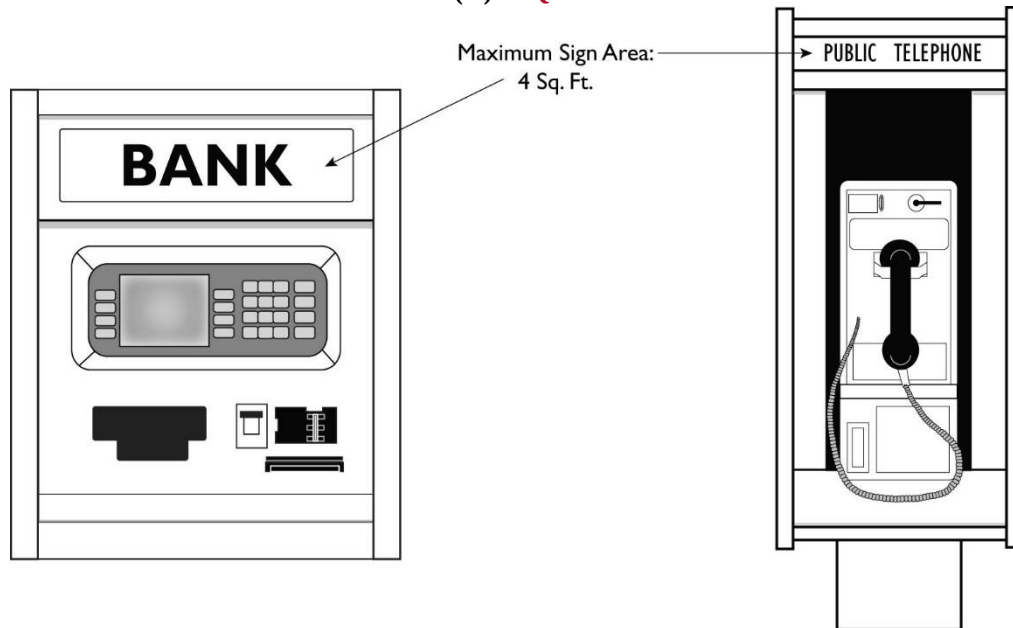
305.05 Exempt Signs

The following signs are exempt from the permit requirements of this chapter, and they do not count toward the total sign number or area limit for a site, provided that they conform to the specified standards and obtain building permits when required by law.

- (a) **Civic Signs.** Signs for historical or memorial buildings, when constructed of bronze or other incombustible materials or cut into any masonry surface and installed by a civic organization recognized by the City Council.
- (b) **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign may be displayed no longer than thirty (30) days following the change of ownership ~~or activity for which the sign is intended~~, or up to ninety (90) days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.
- (c) **Construction Signs.** One (1) sign, with a maximum sign area of thirty-two (32) square feet, per street frontage on real property where construction, structural alteration or repair is to take place, or is taking place. Construction signs shall be removed upon final building inspection.

- (d) **Equipment Signs.** Signs, not more than four (4) square feet in area, incorporated into displays, machinery or equipment by a manufacturer, distributor or vendor, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, vending machines, menu boards and umbrellas.

FIGURE 305.05(D): ~~EQUIPMENT SIGNS~~



- (e) **Flags.** Flags with the display of only noncommercial speech.
- (f) **Handbills.** Handbills, ~~Advertising~~advertising Circulars~~circulars~~, ~~Etc~~etc., must comply with the standards and licensing contained in Chapter 3, Article II, of the Porterville Municipal Code.
- (g) **Identification Signs.** A maximum of one Ssigns per on apartment houses, boarding or rooming houses or similar uses, not exceeding six (6) square feet in area.
- ~~(h) Information Signs. Displays commemorating legal holidays, hours of operation, opened or closed, etc., not exceeding four (4) square feet in area.~~
- ~~(i) Name Plates. Name plates and occupational signs denoting only the name and occupation of any occupant in a commercial building or public institutional building, and not exceeding two (2) square feet in area.~~
- ~~(j)(h) Official Government Signs, Plaques, and Legal Notices. Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person given due legal notice; historical markers erected by a governmental body; or other signs required or authorized by law. A maximum of two signs per building within six (6) feet of the building entrances for commercial, industrial, and office uses, not exceeding six (6) square feet per building. Government uses, in addition to the aforementioned six (6) square feet per building, may include not more than one shadowbox with not more than ten (10) square feet of display area.~~

~~(k)(i)~~ **Parking and Directional Signs.** ~~On~~ Up to two on-site parking and directional signs for public or private developments, ~~denoting the entrance, exit, and direction of traffic flow and~~ not exceeding four (4) square feet in area per face, ~~and not exceeding forty-eight (48) inches in height~~, provided such signs are not prohibited or further regulated by other sections of this or any other ordinance of the City. Uses that include a drive-through service window are allowed one additional sign per this exemption.

~~(l)~~ **Real Estate Offered for Sale, Rent or Lease (Off-site Directional).** Not more than one ~~(1) off-site sign with a maximum size of twenty (20) square feet and a maximum height of eight (8) feet, Permission from the property owners of the site where the sign is placed is required. Such signs shall be removed within 5 days following close of escrow or finalization of sale, rental, or lease.~~

~~(m)(j)~~ **Real Estate Offered for Sale, Rent or Lease (On-site).** ~~Not~~ Properties or lease spaces may display not more than one (1) on-site ~~real estate~~ sign with a maximum size of six (6) square feet (excluding rider signs no larger than a total of six (6) square feet) and a maximum height of six (6) feet in the R districts, and a maximum size of thirty-two (32) square feet and a maximum height of eight (8) feet in all other districts, ~~shall be allowed~~ per street frontage of a parcel when the property is currently for sale or rent. Such signs shall be removed within five (5) days following close of escrow or finalization of sale, rental or lease.

~~(n)(k)~~ **Reader Panels.** Permanent reader panels for public, charitable, or religious institutions provided said reader panels are located on the property to which such reader panels pertain and do not exceed twenty (20) square feet in total area per face nor more than ten (10) feet in height, and further provided said reader panels are located in such a manner as not to constitute a hazard to vehicular or pedestrian traffic. Electronic reader boards which otherwise comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every three (3) seconds shall also be allowed as exempt signs for public, charitable or religious institutions.

~~(o)(l)~~ **Sponsorship Signs.** One ~~(1) sponsorship~~ sign per business ~~noting a~~ provided by said business, which sponsors and contributes to the sports activities upon public premises, not to exceed thirty-six (36) square feet in area, per site shall be permitted for a period not to exceed ninety (90) days preceding the event or season. Such sign shall be removed within fifteen (15) days after the event or season.

~~(p)(m)~~ **Transit Signs.** Bus stop ~~flags and blades, passenger information,~~ shelter, and ~~bus stop~~ bench advertisement displays as permitted by the Transit Advertising Policy.

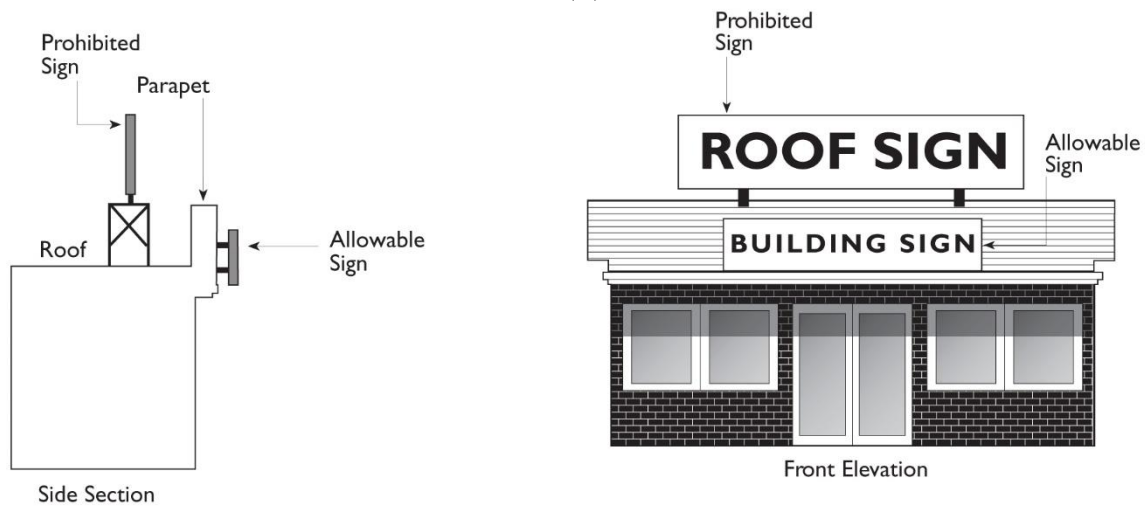
~~(q)~~ **Warning Signs.** ~~Non-commercial warning signs or no trespassing signs on private property posted no closer than one hundred (100) feet apart nor exceeding two (2) square feet in area per sign.~~

305.06 Prohibited Signs

The following types of signs and devices are specifically prohibited:

- (a) **Animated, Flashing or Moving Signs.** Signs that incorporate, flashing, moving, rotating, pulsating or intermittent lighting, with the exception of changeable copy message center display signs and barber poles, except as allowed elsewhere in this chapter. Any sign that, because of brilliant lighting, interferes with the enjoyment of surrounding residential property or interferes with traffic, vehicular or pedestrian, is prohibited.
- (b) **Balloons, Banners, Streamers and Pennants.** Signs, balloons, banners, pennants, or any other advertising display constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials, except awnings or as allowed for Automobile/Vehicle Sales and Leasing establishments, or in Section 305.11, Temporary Signs.
- (c) **Billboards.** Any sign directing attention to a business, service, or product that is not conducted, sold, produced, or offered by any use on the same lot, or which identifies by brand name a product which, although sold on the premises, does not constitute one (1) of the principal items for sale on the premises unless otherwise provided by the California Outdoor Advertising Act (Business and Professions Code Sections 5200 – 5486, inclusive).
- (d) **Emissions.** Signs that produce noise in excess of forty (40) decibels, excluding voice units at drive-through facilities, and signs that emit odor or visible smoke, vapor or particles.
- (e) **Fence Signs.** Signs attached or painted on fences or freestanding walls that are not part of a building, except for subdivision entry signs as allowed in Section 305.08 (b).
- (f) **Obscenities.** Signs that depict, describe or relate to “specified sexual activities” or “specified anatomical areas” as defined in Chapter 700, Terms and Definitions.
- (g) **Obstructions to Exits.** Signs erected, constructed or maintained which obstruct any firefighting equipment, fire escape, required exit or door opening intended as a means of egress, unless approved by the Fire Marshal.
- (h) **Obstructions to Driver Visibility.** Signs in corner cut-offs and lines of sight in accordance with the provisions of Section 300.16, Visibility at Driveways and Intersections.
- (i) **Obstructions to Ventilation.** Signs that interfere with any opening required for ventilation.
- (j) **Portable Signs.** Signs not permanently attached to, mounted upon or affixed to a building, structure or the ground, except as otherwise provided herein.
- (k) **Posters.** Posters of a temporary character that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, except as otherwise provided in this chapter. This section excludes signs placed in windows per Section 305.10 (e).
- (l) **Roof Signs.** Signs erected or painted upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the ridge line or top of parapet, except as allowed in this chapter.

FIGURE 305.06(L): ROOF SIGNS



(m) Signs Creating Traffic Hazards. Signs that simulate in color, size or design any traffic control sign, signal or device, or that make use of words, symbols or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic. No sign, light or advertising structure shall be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, at any location where, by reason of the position, shape, color or movement may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

(m)(n) Signs on public property. Signs affixed to or attached to public lands, including, but not limited to, public rights of way, parks, buildings, storm drainage basins, and other public facilities, or signs affixed to public amenities or public facilities or other public property on said public lands, are prohibited. When associated with rental or reservation of a public facility, signs may be temporarily attached to public property, so long as they are attached in such a manner that the removal of the sign does not cause any damage to the public property. Such signs must be removed at the end of the reservation period.

(n) Vehicle Displays. Signs placed or displayed on vehicles parked in a conspicuous location with the primary purpose of on-site or off-site advertising of a commercial product or service, with the exception of vehicle identification signs.

305.07 General Standards

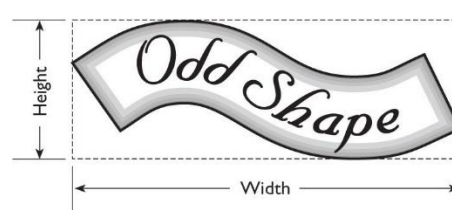
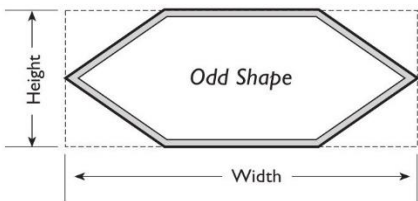
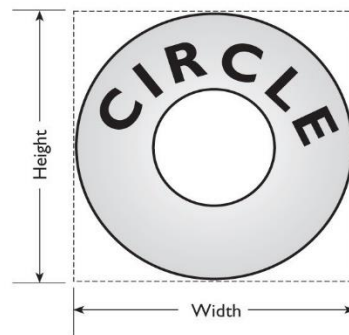
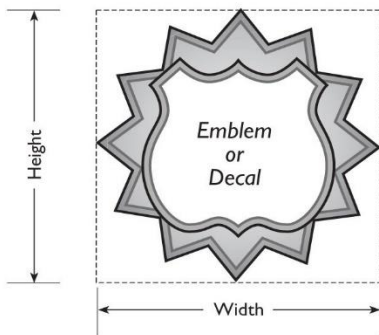
This section establishes general physical standards and requirements. More detailed standards applicable to specific sign types (e.g., wall signs, awning signs) are in Section 305.10, Standards for Specific Sign Types. In addition to these general standards, all signs shall conform to the specifications of Municipal Code Chapter 3, Advertising and Signs.

- (a) **Maximum Allowable Sign Area.** All signs shall conform to the maximum area requirements specified in Table 305.09, unless a different limit is approved under a Master Sign Program.
- (b) **Measuring Sign Area.** Sign area includes the entire face of a framed sign, but does not include the supporting structure. Individual letters attached to a building shall be

measured by the area enclosed by a continuous line outlining the perimeter of the words, emblems, and logos.

FIGURE 305.07(B): MEASURING SIGN AREA

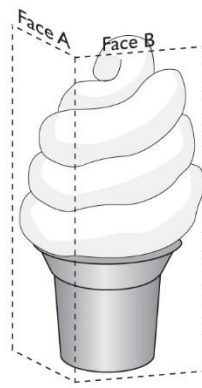
Sign Area = Height x Width



- (1) **Double-Faced Signs.** For double-faced signs, only one (1) side shall be counted as the total area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.
- (2) **Multi-faced Signs.** The sign area of signs with three (3) or more sign faces shall be calculated as the sum of two (2) sign faces. Where the faces are not equal in size, the larger sign faces shall be used as the basis for calculating sign area.
- (3) **Three-dimensional Signs.** Signs that consist of, or have attached to them, one (1) or more three-dimensional object(s) (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks); shall have a sign area of the sum of two (2) adjacent sides or sign faces.

FIGURE 305.07(B)(3): THREE-DIMENSIONAL SIGNS

Sign Area = Sum of Two Adjacent Sides



- (c) **Abandoned Signs.** Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of ninety (90) days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located. When a wall sign is removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in this chapter.
- (d) **Building Frontage.** Building frontage shall be considered the wall of a building that faces and is roughly parallel with a public street, excluding an alley. The linear dimension of that building frontage shall be used to calculate allowable signage. Buildings with walls facing more than one public street shall be allowed signage for each building frontage in accordance with Table 305.09. Buildings located on interior lots (not on a corner) and that are oriented perpendicular to a public street shall be allowed signage based on the longer of the front or side building elevation. All, or a percentage, of the allowable sign area may be transferred to the other building elevations provided the sign area on any wall shall not exceed the maximum allowable for that wall in accordance with Table 305.09. For buildings that have no public street frontage, building frontage shall be determined by the Zoning Administrator.
- (e) **Changeable Copy.** Changeable copy shall cover no more than forty (40) percent of the total sign allowance for manually changeable signs. For electronic message center signs with copy that can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, the changeable portion of the sign shall cover no more than forty (40) percent of the total sign allowance. The following uses are exempt from

this restriction: religious institutions, cinemas, government or civic ~~signs~~uses, ~~gas-price signs at~~ gas station uses, indoor theaters, schools, and colleges.

- (f) **Clearance from Utilities.** Signs and their supporting structures shall maintain clearance from, and not interfere with, electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.
- (g) **Construction and Maintenance**
 - (1) Unless exempt, signs and supporting structures shall be installed in accordance with the latest adopted Building Code.
 - (2) All signs, together with all supporting structures, shall be maintained in the following manner:
 - a. Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.
 - b. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired, and graffiti and unauthorized attachments shall be removed.
 - c. Failed, damaged, or blinking illumination shall be promptly replaced.
 - d. Sign areas shall be kept free and clear of all noxious substances, rubbish and weeds.
 - e. Discolored or faded panels on plastic faces shall be restored to their original condition and color.
- (h) **Encroachment into Public Street or Sidewalk.** Any sign projecting into a public right of way requires an encroachment agreement approved by the City Engineer.
- (i) **Illumination.** Channel letters, internally illuminated signs and neon signs are permitted. Bare bulbs visible from the public right of way are prohibited. On signs with external illumination, lights shall be provided with proper reflectors to concentrate the illumination on the area of the sign to prevent glare on the street or adjacent properties. All sign illumination shall adhere to the performance standards for lighting and glare in Chapter 306, Performance Standards.
- (j) **Materials.** Paper, cardboard, untreated plywood and other materials subject to rapid deterioration shall be limited to signs displayed for no more than (30) days

305.08 Sign Standards for Residential Districts

- (a) Religious facilities, multi-family residential projects, schools, civic uses and other nonresidential uses in R districts are allowed one (1) building-mounted sign and one (1) monument sign with a maximum cumulative sign area of thirty-two (32) square feet.
- (b) Residential subdivisions are allowed one (1) monument sign or wall sign per street frontage for entry into the subdivision. Each sign shall not exceed a maximum size of thirty-two (32) square feet.

305.09 Sign Standards for Non-Residential Districts

Signage in non-residential districts shall comply with the standards in Table 305.09 unless a different sign area allowed for a specific use is described elsewhere in this code. Buildings without clearly defined tenant space frontage shall share total sign area allowed per building as determined in Table 305.09. All properties in non-residential districts shall be allowed a minimum sign area of twenty (20) square feet.

Table 305.09: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS		
<i>Zoning Districts (Frontage)</i>	<i>Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)</i>	<i>Permitted Sign Types</i>
DR-N, D-MX	2	Awning and canopy
		Marquee
		Projecting
		Wall
		Window
D-PO	2	Awning and canopy
		Projecting
		Monument
		Window
D-PS	2	Awning and canopy
		Marquee
		Monument
		Projecting
		Wall
DR-D, DR-S	2	Window
		Awning and canopy
		Marquee
		Projecting
		Wall
D-GC	2	Window
		Awning and canopy
		Marquee
		Monument
		Projecting
		Wall
		Window

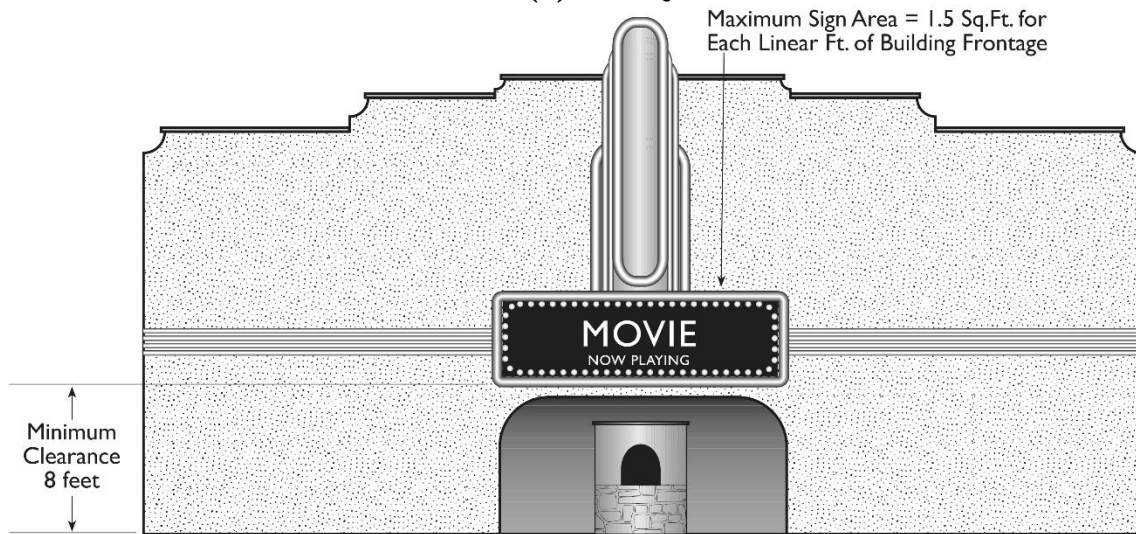
Table 305.09: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS		
<i>Zoning Districts (Frontage)</i>	<i>Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)</i>	<i>Permitted Sign Types</i>
CMX, CN, PO	1.5	Awning and canopy
		Marquee
		Monument
		Freestanding
		Projecting
		Wall
		Window
CG, CR	3	Awning and canopy
		Marquee
		Monument
		Freestanding
		Projecting
		Wall
		Window
IP, IG, IA	2	Awning and canopy
		Marquee
		Monument
		Freestanding
		Projecting
		Wall
		Window
REC, PK, PS	2	Awning and canopy
		Monument
		Freestanding
		Projecting
		Wall

305.10 Standards for Specific Types of Signs

- (a) **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures are allowed. Awning and canopy signs are subject to the specific zoning district standards and the following standards:

- (1) **Maximum Sign Area Per Awning or Canopy Sign:**
 - a. Downtown, CMX, and CN districts: twenty-four (24) square feet.
 - b. CG, CR, and Employment districts: sixty (60) square feet.
 - (2) **Sign Clearance.** Minimum of eight (8) feet.
 - (3) **Height Limit.** Twenty-five (25) feet.
 - (4) **Number of Signs.** Four (4) maximum per building façade, which includes any wall signs.
- (b) **Marquee Signs.** A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses. Removable copy may be changed on the face of permitted marquee signs without securing a permit. Marquee signs are subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs:** One (1) marquee sign per site.
 - (2) **Maximum Sign Area Per Sign:** One and one-half (1.5) square feet per linear foot of building frontage.
 - (3) **Sign Clearance.** Minimum of eight (8) feet.

FIGURE 305.09(B): MARQUEE SIGNS



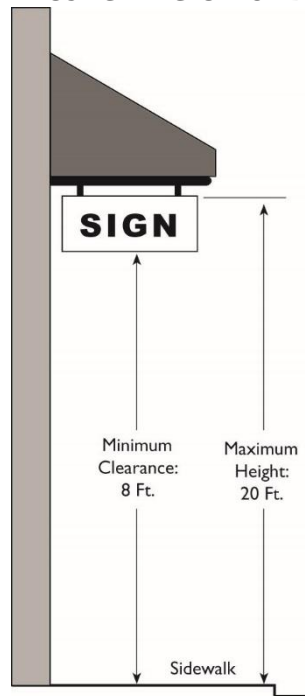
- (c) **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall are allowed, subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs:** One (1) projecting sign per building façade or tenant space frontage.
 - (2) **Maximum Sign Area Per Sign:** Sixteen (16) square feet; except the maximum sign area per sign is eight (8) square feet when the sign is located under a canopy or awning.
 - (3) **Sign Clearance.** Minimum of eight (8) feet.
 - (4) **Height.** A projecting sign shall be erected in such a manner as not to create a traffic hazard to vehicles or pedestrians. Projecting signs shall not extend higher

than twenty (20) feet above ground level or above an eave or roof, whichever is lower.

(5) **Projection**

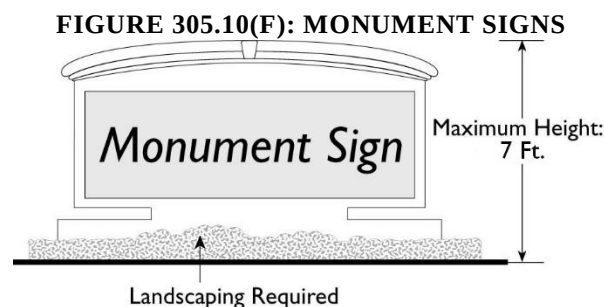
- a. A projecting sign cannot extend more than three (3) feet from the building to which it is attached.
- b. An under-canopy sign, attached to and hanging from an awning or canopy shall be located completely under the canopy or awning and shall not project beyond its edge. An under-canopy sign shall not count towards the sign area allowed.

FIGURE 305.10(C): PROJECTING OR UNDER-CANOPY SIGNS



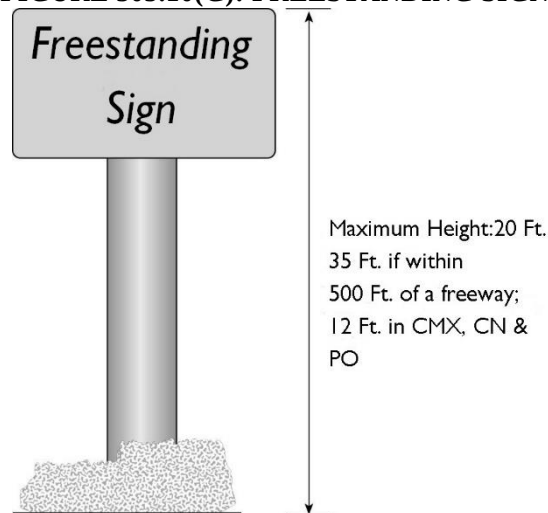
- (d) **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a parapet or mansard roof. Wall signs attached to the fascia shall be channel letters and shall be architecturally consistent with other signage in the development. No wall sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs.** Four (4) maximum per building façade or tenant space frontage, which includes any awning or canopy signs.
 - (2) **Maximum Sign Area Per Sign:** Three hundred (300) square feet.
 - (3) **Height.** Wall signs shall not be mounted or placed higher than the second story and shall not extend higher than the building wall upon which they are attached.

- (4) **Coverage.** Wall sign copy shall not occupy more than seventy-five (75) percent of the length of the wall to which the sign is attached.
 - (5) **Projection.** Wall signs cannot extend more than twelve (12) inches beyond the face of the wall to which they are attached.
 - (6) **Design.** Wall signs shall be oriented to achieve balance composition and harmony with other architectural elements of a building façade.
- (e) **Window Signs.** Window signs painted or otherwise adhered directly onto a window are exempt from the permit requirements of this chapter and do not count towards the total sign area limit for a site, but are subject to the specific zoning district standards and the following standards:
- (1) **Coverage.** Window signs shall cover no more than fifty (50) percent of the total glass window area along each building façade.
 - (2) **Height.** Window signs shall not be mounted or placed on windows higher than the second story.
- (f) **Monument Signs.** Freestanding signs erected on the ground or on a monument base designed as an architectural unit are allowed, subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs.** One (1) monument sign per frontage per site.
 - (2) **Maximum Sign Area Per Sign:**
 - a. D-PO, D-PS, D-GC, CMX, and CN districts: thirty-two (32) square feet.
 - b. CG, CR, and Employment districts: sixty (60) square feet.
 - c. PS, REC and PK districts: thirty-two (32) square feet.
 - (3) **Height.** A maximum of seven (7) feet.
 - (4) **Landscaping.** All monument signs shall require automatic irrigated landscaping at the base equivalent to the area of the sign copy.



- (g) **Freestanding Signs.** Freestanding signs are allowed subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs:** One (1) freestanding sign per site.
 - (2) **Allowable Sign Area Per Sign.** The area of any freestanding sign shall be included in the maximum allowed sign area per Table 305.09.
 - (3) **Architectural Treatment.** Freestanding signs shall be architecturally compatible in style, finish and color with the adjacent building or development. Structural supports, poles, angle bars, iron pipes, I-beams or similar structural members shall be architecturally encased with finished metal cladding, stucco, or similar material at least one foot in diameter, subject to approval by the Zoning Administrator as to proportion and architectural compatibility.
 - (4) **Landscaping.** Freestanding signs shall be placed within a landscaped planter with at least twenty-four (24) square feet of planting area. As a condition of any permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.
 - (5) **Height**
 - a. A maximum of twenty (20) feet; thirty-five (35) feet within five hundred (500) feet of a freeway right of way. Pole signs shall have a minimum clearance of fourteen (14) feet over parking lots and driveways, and eight (8) feet over interior pedestrian walkways.
 - b. A maximum of twelve (12) feet in the CMX, CN and PO zone districts.
 - (6) **Projection.** Freestanding signs shall not project beyond the property line.

FIGURE 305.10(G): FREESTANDING SIGNS



- (h) **Other Sign Types**

- (1) **Commercial Center Identification Signs.** ~~Commercial Center identification~~ signs may be erected in the Commercial and Employment districts, subject to the following limitations:
 - a. *Allowable Areas.* The center shall consist of a commercial or industrial development with an integrated site and design plan creating a single unified development with three (3) or more uses.
 - b. *Area Not Counted.* The area of the sign shall not count towards the sign area allowed for the individual tenant space or building on the lot.
 - c. *Sign Area Allowed.* The maximum sign area may be no more than one (1) square foot for each linear foot of street frontage, but in no case shall the total sign area exceed two hundred (200) square feet. If more than one (1) entrance to the lot exists, the maximum sign area permitted will be divided among the number of entryways and signs requested.
 - d. *Sign Height.* The maximum sign height shall not exceed twenty (20) feet in the CMX, CN and PO zone districts; thirty-five (35) feet in all other Commercial and Employment zone districts.
 - e. *Sign Base.* The sign base is to be located within a planter box or planting area at least twenty-four (24) square feet in area and the design and location is to be approved by the Zoning Administrator.
- (2) **A-Frame/Sandwich Board Signs.** Temporary, portable A-frame or sandwich board signs may be erected in all nonresidential zone districts, subject to the following limitations:
 - a. *Area Not Counted.* The area of the sign shall not count towards the permissible sign area of the individual lot.
 - b. *Maximum Number of Signs.* One (1) A-frame/sandwich board sign per tenant space.
 - c. *Maximum Sign Area.* The total sign area shall not exceed a maximum of six (6) square feet per side.
 - d. *Location.* Such sign may encroach into the right of way up to two (2) feet from the property line provided there remains a five (5) foot wide walkable area when the sign is in place.
 - e. *Removal.* Such sign is to be removed during non-operational hours.
- (3) **Mobile signs. Signs pulled on a trailer or otherwise mounted to a vehicle may be allowed subject to the following limitations:**
 - a. Permit process. Not more than one sign per 25,000 population, or portion thereof, shall be permitted at a given time. A party wishing to present signage in a mobile or semi-mobile manner may apply for a conditional use permit. The conditional use permit will be valid for a term of two years, beginning July 1st of even years. A lottery will be held by May 1st of each even year for the respective terms. If a currently permitted mobile sign succeeds in being selected in a subsequent lottery, the conditional use permit would be extended for another two years.
 - b. Materials. A mobile sign permitted per this section shall be developed of materials as prescribed in Section 305.07, and shall include any additional

design considerations to assure that such signs are securely and safely affixed to the host vehicle in consideration of its use on streets and roadways.

- c. Size. Signs may not exceed the height of the vehicle to which they are affixed by more than eighteen (18) inches, and may not extend beyond the horizontal dimensions of the trailer on which they are mounted.
- d. Exemptions. Decals, paint, stickers, and similar treatments affixed directly to the exterior of the host vehicle, or to a trailer, are exempted from this ordinance, provided that:
 - 1. Lighting, changeable copy, and digital signs are not permissible exemptions.
 - 2. In order for signage on a trailer to be exempt, the trailer shall meet the standard minimum dimensions established by the U.S. Department of Transportation, Federal Highway Administration, in the Federal Size Regulations for Commercial Motor Vehicles.
- e. Signs placed or displayed on vehicles parked in a conspicuous location that do not otherwise suit the above noted exemptions shall be considered mobile signage and are subject to this section.

305.11 Temporary Signs

The following types of temporary signs are permitted, provided that they conform to the standards of this section:

- (a) Signs Associated With Commercial Uses: ~~Commercial Banners, Handheld Signs, Portable Signs and Inflatable Signs:~~ Banners, handheld signs, portable signs and other similar temporary advertising devices shall be prohibited, except for business openings, special events, promotional events and new signs advertising a subdivision being developed in the City and are subject to the following:
 - (1) A temporary sign permit shall be secured prior to the installation or display of any such sign. Issuance of a temporary sign permit may be contingent upon the overall permissible area available for temporary signs within a geographic area as identified in subsection (a)(6) of this section. In addition, the application would be reviewed in light of other temporary sign permit applications submitted for the same area, which may put such signs in conflict with subsection (a)(6) of this section.
 - (2) A temporary sign permit shall be granted for any one business or building for a period of three (3) calendar months. A temporary sign permit shall authorize the business to display a banner, handheld sign, portable sign or inflatable sign for the duration of the sign permit. A maximum of two (2) such signs may be permitted with a single application.
 - (3) No more than one temporary sign permit shall be in effect simultaneously for any business.
 - (4) Each business shall be limited to a maximum of four (4) temporary sign permits in any calendar year. A temporary sign is not intended to be in lieu of a permanent

sign. A temporary sign permit shall not be permitted longer than one (1) year before a permanent sign is installed.

- (5) Each business shall be limited to a maximum of one temporary sign permit ~~for the purpose of advertising~~ during a “going out of business sale,” or the equivalent in any calendar year.
- (6) Unless otherwise authorized by a master sign program, freestanding temporary signs for multiple tenants of any one building, shopping center, office complex, or unified development shall be separated by a minimum of one hundred (100) feet.
- (7) All banners, regardless of their ratio allowance of signage to linear building frontage, shall not exceed forty (40) square feet in size.
- (8) A-frame signs are not considered temporary and as such do not apply to this section.

(9) No temporary sign shall be mounted on or above roofs or mansards or otherwise extend above a parapet wall or ridge line of a structure.

(10) During the period of time beginning sixty (60) days before a general, special, primary or runoff election, and ending fifteen (15) days after such election, one (1) additional temporary sign may be permitted without a temporary use permit, subject to the following size limitations:

a. Size Limitations in a Residential Zone District. The following size limitations apply:

1. Four (4) square feet of cumulative signage when located on private property with frontage on a local street as designated in the General Plan.

2. Eight (8) square feet of cumulative signage when located on private property with frontage on an Arterial or Collector Street as designated in the General Plan.

b. Size Limitations in a Non-Residential Zone District. The following size limitations apply:

1. Sixteen (16) square feet of cumulative signage when located on private property.

4.2. Four (4) square feet of cumulative signage when located within the public right of way.

(b) ~~Non-commercial Message Signs on~~ Associated With Residential Uses. On residential uses, non-illuminated temporary signs ~~displaying non-commercial messages~~, with the size restrictions as specified ~~in (c)~~ below may be displayed at any time. However, during the period of time beginning sixty (60) days before a general, special, primary or runoff election, and ending fifteen (15) days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision.

(1) Size Limitations in a Residential Zone District. The following size limitations apply:

a. Four (4) square feet of cumulative signage when located on private property with frontage on a local street as designated in the General Plan.

- b. Eight (8) square feet of cumulative signage when located on private property with frontage on an Arterial or Collector Street as designated in the General Plan.
- (2) **Size Limitations in a Non-Residential Zone District.** The following size limitations apply:
 - a. Sixteen (16) square feet of cumulative signage when located on private property.
 - b. Four (4) square feet of cumulative signage when located within the public right of way.
- (3) **Violations.** Violation to any of the above regulatory conditions shall be deemed a public nuisance and may be summarily abated as such; and each day that such violation continues shall be regarded as a new and separate offense.

- ~~(b) **Non-commercial Message Signs on Commercial, Business, Industrial and Manufacturing Uses.** On commercial, business, industrial, and manufacturing uses, non-illuminated temporary signs displaying non-commercial messages, with the size as specified below, may be displayed at any time. However, during the period of time beginning sixty (60) days before a general, special, primary, or run-off election, and ending fifteen (15) days after such election, the amount of display area may be doubled. Signs do not count toward the signage allowed under this provision.~~
- ~~(1) **Permission Required.** Such temporary signs may be erected or placed on private property or in the public right of way provided that the permission of the legal owner, or in the case of public right of way the owner or tenant of that property immediately adjacent to the public right of way where the sign is placed, is first obtained. Said signs shall not require a sign permit.~~
- ~~(2) **Prohibited Locations**~~
 - ~~a. Any location that would constitute a hazard to vehicular and pedestrian traffic.~~
 - ~~b. Attached to any pole or structure supporting a traffic control sign or device, street tree or fire hydrant.~~
 - ~~c. Placement within or on a roadway or on the sidewalk.~~
 - ~~d. Within the public right of way abutting any public property including parklands or within City maintained landscaped parkways within public right of way.~~
- ~~(3) **Size Limitations in a Residential Zone District.** The following size limitations apply:~~
 - ~~a. Four (4) square feet when located on private property with frontage on a local street as designated in the General Plan.~~
 - ~~b. Eight (8) square feet when located on private property with frontage on an Arterial or Collector Street as designated in the General Plan.~~
- ~~(4) **Size Limitations in a Non-Residential Zone District.** The following size limitations apply:~~

a. ~~Sixteen (16) square feet when located on private property.~~

b. ~~Four (4) square feet when located within the public right of way.~~

(5) ~~**Violations.** Violation to any of the above regulatory conditions shall be deemed a public nuisance and may be summarily abated as such; and each day that such violation continues shall be regarded as a new and separate offense.~~

(c) ~~**Subdivision Signs.** Signs advertising a~~ Developers of a new subdivision being developed in the City may be permitted signs ~~are~~ subject to the following requirements:

(1) ~~**On-Site Signs.**~~ One (1) sign per street frontage with a maximum of three (3) temporary ~~real estate subdivision~~ signs may be permitted on the subdivision site in accordance with the following:

a. *Maximum Sign Area.* The maximum sign area may be no more than one hundred (100) square feet (total of all signs).

b. *Height.* A maximum of ten (10) feet.

c. *Duration.* Subdivision signs shall be removed ~~twenty-four~~ twelve (12) months from the date the permit for same is issued, or ~~when the last lot of the subdivision has been sold for the first time~~ within one (1) year of the date that the last building permit was issued for a new house within the subdivision.

d. *Letter of Agreement.* A Letter of Agreement from the property owners giving the City right of entry to remove signs in the event the above stipulations are not complied with shall be submitted to the Zoning Administrator prior to the issuance of a sign permit. If at any time the property on which the signs are located is sold, the signs shall be removed, or a new Letter of Agreement shall be submitted from the buyer to permit the signs to remain and granting the City right to enter the property and remove the signs.

(2) ~~**Off-Site Signs.**~~ Up to four (4) off-site ~~directional real estate subdivision~~ signs ~~directing traffic to open houses and subdivisions involved in real estate sales~~ may be permitted in any zone, provided that:

a. *Maximum Sign Area.* The maximum sign area per sign may be no more than thirty-two (32) square feet.

b. *Height.* A maximum of twelve (12) feet.

c. *Duration.* Said signs shall be removed twelve (12) months from the date the permit for same is issued, or within one (1) year of the date that the last building permit was issued for a new house within the subdivision ~~signs and advertising structures shall be removed twenty-four (24) months from the date the permit for same is issued, or when the last lot of the subdivision has been sold for the first time.~~

d. *Consent of Landowner.* A completed application form, including a notarized affidavit signed by each property owner of each site, is required prior to issuance of a sign permit.

305.12 Permits Required; Review Process

- (a) **Authority.** Unless otherwise stated, the Zoning Administrator shall review and approve all signs as specified in this chapter.
- (b) **Applicability.** Except for certain signs exempted in compliance with Section 305.05, Exempt Signs, no sign shall be erected, re-erected, constructed or altered (excluding change of copy on a can or cabinet sign) without Zoning Administrator approval and a building permit ~~is~~being issued by the Building Division.
- (c) **Applications for Filing, Processing and Review**
 - (1) **Applicant.** Sign owners or their designees shall apply for Building Permits for signs that require them.
 - (2) **Filing and Filing Fee.** Application for such permits shall be made upon forms furnished by the Zoning Administrator and accompanied by the required fee and working drawings adequate to show the location, construction and design, including colors, materials, lighting, electrical elements, and advertising copy~~;~~ of the sign in accordance with applicable sign design guidelines and the linear footage of building frontage owned or leased by the business
 - (3) **Compliance with Standards.**
 - a. Upon acceptance of a sign application, the Zoning Administrator shall review the request for compliance with the locational and operational standards identified in this chapter~~;~~ and with any standards established in a Master Sign Program pursuant to Section 305.13, Master Sign Program.
 - b. The Zoning Administrator's decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.
- (d) **Appeals.** Decisions by the Zoning Administrator may be appealed subject to the provisions of Chapter 612, Appeals.

305.13 Master Sign Program

- (a) **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance. It is not the intent of this section to be used solely to request relief from the sign regulations in order to circumvent any requirements or purpose of this chapter.
- (b) **Applicability.** A Master Sign Program may be processed for any development. However, shown below are examples of when a Master Sign Program may be most appropriate:
 - (1) Nonresidential developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities (e.g., shopping centers, malls, office complexes and industrial parks); or
 - (2) Developments with multiple structures with limited frontage or no frontage on a public street; or
 - (3) Businesses conducted primarily outside of a building; or

- (4) New multi-family residential developments of one hundred (100) or more units;
or
 - (5) Other developments where the strict application of the sign code unduly restricts the allowable signage that can be located on the parcel.
- (c) **Application.** Master Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Master Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.
- (d) **Allowable Modifications.** A Master Sign Program may provide for additional sign area and other deviations from the standards of this chapter, provided that the Master Sign Program is consistent with the sections on design principles and general standards.
- (e) **Review Authority.** All Master Sign Programs are subject to review and approval of the Zoning Administrator, unless the signs are associated with a project that requires City Council review and approval; then the City Council shall review and approve it as part of the overall project approval.
- (f) **Required Findings.** In order to approve a Master Sign Program, the decision-making body shall find that all of the following are met, in addition to other applicable regulations in this section:
- (1) The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;
 - (2) Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification;
 - (3) Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access; and
 - (4) Use of the Master Sign Program provides a more desirable functional and aesthetic appearance than would otherwise be provided by standard code requirements.
- (g) **Lessees to Be Informed of Master Sign Program.** Lessees within developments subject to the requirements of an approved Master Sign Program shall be made aware of the Master Sign Program in their lease.
- (h) **Revisions to Master Sign Programs.** Revisions to an approved Master Sign Program shall be approved by the Zoning Administrator.

305.14 Nonconforming Signs

- (a) All legal nonconforming signs are permitted to remain unless they are subject to a permit condition or development agreement providing for their removal after a fixed period of time.

- (b) Any changes to legal nonconforming signs or their structures in terms of location, orientation, size, or height other than routine maintenance and repair or change of sign copy shall require the signs to be brought into conformance with this chapter.
- (c) A legal nonconforming sign loses its legal nonconforming status when the activity, product, business, service, or other use which was being advertised has ceased or vacated the premises for one hundred eighty (180) days, at which time it shall be considered an abandoned sign, subject to the requirements of Section 305.07(c), Abandoned Signs.

305.15 Abatement and Removal of Illegal Signs

- (a) **Authority to Abate.** The City has the authority to abate illegal and abandoned signs.
- (b) **Illegal Signs in the Public Right-of-Way.** Illegal signs posted in the public right-of-way or upon public property may be removed by the Zoning Administrator or officer without notice or hearing. Signs shall be retained by the City for a period of not less than thirty (30) days if identifiable. Thereafter, any unclaimed signs may be discarded.
- (c) **Recovery of Costs.** When the City is required to remove illegal or abandoned signs in compliance with this chapter, the reasonable cost of the removal may be assessed against the owner of the sign(s).
- (d) **Sign Removal**
 - (1) Any sign, including its supporting structure, which no longer identifies the current occupant or products currently sold, or which otherwise fails to serve its original purpose, or is not maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, and cleaning, shall be removed by the owner of the property within 30 calendar days after written notice to do so from the Building Division.
 - (2) Any sign which the Building Division establishes as unsafe or unsecure shall be corrected or removed, together with all supporting structures, by the owner of the property upon which the sign is located within thirty (30) days after written notice by the Building Division.
 - (3) Such notice shall state the location of the sign, the nature of the violation, and/or the manner in which the sign constitutes a public nuisance. The notice also shall require the removal or other abatement of the sign before the date specified in the notice. Further, the notice shall state that failure to comply may result in the removal of the sign by the City and that the cost of such removal may be imposed on the owner of the property. The notice shall also include instructions for the filing of an appeal of the determination of the Zoning Administrator that the sign is in violation of this chapter or constitutes a public nuisance. Such notice shall be served by posting on the property on which the sign is located and by registered or certified mail delivery, postage prepaid, to the owner of the property, and, if known, the owner of the sign.
 - (4) After the periods specified in paragraphs (1) and (2) above, the Building Division may cause such sign to be removed, and the cost of such removal shall become a lien against the property.

- (5) If a hazardous condition exists, the condition shall be corrected forthwith upon notice by the Building Division.

If an appeal is received prior to the date specified in the notice, abatement proceedings shall be suspended, and any deadlines shall be suspended, pending the outcome of such appeal.



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Appointment to City Commissions

SOURCE: Administrative Services

COMMENT: On September 15, 2015, staff had reported of vacancies on several of the City's Commissions and Committees. Staff has since advertised the vacancies and solicited applications from interested individuals and are presenting them to the Council for consideration.

At the end of October, four seats on the City's Parks and Leisure Services Commission will be expiring, three of which must be filled by City Council appointment. Pursuant to Section 19-5 of the Porterville Municipal Code, the remaining seat is appointed by Porterville Unified School District. Eligibility for appointment requires that individuals reside within the city of Porterville. The seats with expiring terms are currently filled as follows:

- * Mr. Rocco Calantone
- * Mr. Carroll Land
- * Ms. Rachel Lucero
- * Mr. Richard Rankin (appointed by PUSD)

Commissioners Calantone, Land, and Lucero have conveyed their interest in continuing to serve and have submitted their updated Request for Appointments which are attached for Council's consideration. Commissioner Rankin has also expressed an interest in continuing to serve, and will likely remain on the commission as PUSD's appointment.

In addition, four Commissioners on the Library and Literacy Commission have 3-year terms expiring at the end of the month:

- * Mr. Allan Bailey
- * Ms. Patience Christenson
- * Ms. Esther Figueroa
- * Ms. Edith LaVonne

Eligibility for appointment to this Commission also requires city residency. Commissioners Bailey, Figueroa, and LaVonne have conveyed their interest in continuing to serve on the Commission, and have submitted Requests for Re-Appointment for the Council's consideration. Ms. Christenson has verbally expressed her interest in serving another term.

Further, staff has continued to advertise the three vacancies on the Arts Commission, and one vacancy on the Transactions and Use Tax (Measure H) Oversight Committee. To date there have been no applications submitted.

On September 28, 2015, the City Council received a letter of resignation from Ms. Kathy Guinn, which created a vacancy on the Animal Control Commission. As is customary, staff will advertise this newest vacancy, as well as continue its efforts to advertise and solicit applications for all remaining vacancies.

In the event additional applications are received subsequent to the finalization of the agenda, those applications will be provided to the Council under separate cover for consideration.

RECOMMENDATION: That the City Council:

1. Consider the appointment of three individuals to four-year terms on the Parks and Leisure Services Commission;
2. Consider the appointment of four individuals to three-year terms on the Library and Literacy Commission; and
3. Direct staff to continue efforts to advertise existing vacancies on the Arts Commission, Animal Control Commission, and Transactions and Use Tax (Measure H) Oversight Committee, and bring back items for consideration.

ATTACHMENTS:

1. Request for Appointment to P&LSC - R. Calantone
2. Request for Appointment to P&LSC - C. Land
3. Request for Appointment to P&LSC - R. Lucero
4. Request for Appointment to LLC - A. Bailey
5. Request for Appointment to LLC - E. Figueroa
6. Request for Appointment to LLC - E. LaVonne
7. Letter of Resignation to ACC - K. Guinn

Appropriated/Funded: MB

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Rocco Calantone
(Please Print)

Appointment to: Parks & Leisure Comm.
(Name of Board, Commission, or Committee)

☒ Reappointment; or IF NEW, please provide :

Street Address: _____

Mailing Address: _____

Name of Business: _____

☐ Own ☐ Operate

Business Address: _____

Telephone: Home _____

Work _____

FAX _____

E-mail _____

City of Porterville resident:

☒ Yes
☐ No

Registered Voter:

☒ Yes
☐ No

Qualifications: _____

☐ Resume attached

☐ Letter of request attached

Submitted By: *David C. [Signature]* 10-13-2015
Date

Received by: *J. Zavala*

Forwarded to: City Clerk ☒ Date: 10-13-15

City Council ☐ Date: _____

City Manager ☐ Date: _____

Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: _____

RECEIVED

OCT 07 2015

CITY OF PORTERVILLE
CITY CLERK OFFICE

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Carroll Land
(Please Print)

Appointment to: Parks Leisure
(Name of Board, Commission, or Committee)

☒ Reappointment; or IF NEW, please provide :

Street Address: _____

Mailing Address: _____

Name of Business: _____

☐ Own ☐ Operate

Business Address: _____

Telephone: Home _____

Work _____

FAX _____

E-mail _____

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: I have served 1 term as
commissioner of Parks and Leisure.
I was an assistant to The Porterville
Recreation director in the early 1960's.
I worked as a playground director
for Fresno while attending Fresno
State in 1960's. I was a high school
coach for 35 years in The Porterville
Public Schools. I worked in the P.E.
department at Porterville College for 27 years
as an adjunct instructor.

☐ Resume attached

☐ Letter of request attached

Submitted By: Carol Land Oct 5, 2015
Date

Received by:

F. Zavala

Forwarded to: City Clerk



Date:

10/7/15

City Council



Date:

City Manager



Date:

Applicable Dept.



Date:

Tentative Council Mtg Date: _____

CITY OF PORTERVILLE

REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Rachel Lucero

(Please Print)

Appointment to: Parks & Leisure Services Commission

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: 285 West Willow Ave. # 8

Porterville, Ca. 93257

Mailing Address: Same as above

Name of Business: _____

☐ Own

☐ Operate

Business Address: _____

Telephone: Home (559) 361- 2919

Work _____

FAX _____

E-mail Rchllucero848@hotmail.com

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: See Resume

☒ Resume attached

☒ Letter of request attached

Submitted By: Rachel Lucero June 29, 2015
Date

Received by: _____

Forwarded to: City Clerk ☐ Date: _____

City Council ☐ Date: _____

City Manager ☐ Date: _____

Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: _____

June 29, 2015

City of Porterville
291 North Main St.
Porterville, Ca. 93257

Re: Request for Appointment – Parks and Leisure Services Commission

Dear Porterville City Council,

I write to request appointment to the City of Porterville Parks and Leisure Services Commission.

Please find enclosed with this letter 1) My resume and 2) My request for appointment form.

As reflected in the documents enclosed I have experience in working with the public, leading by example, goal planning, coordinating activities, and providing accurate and complete information.

I believe that I am both capable and worthy of being able to accomplish the tasks associated with this commission board. I would love the opportunity to learn more, as well as be involved in, the operations of the Parks & Leisure Services Commission. Please feel free to contact me at (559) 361- 2919 with any questions you may have. I look forward to hearing from you soon! Thank you for your time.

Sincerely,

Rachel Lucero

285 W. Willow Ave #8
Porterville, CA. 93257
(559) 361- 2919
Rchlucero848@hotmail.com

References: Available upon request.

KRASE, BAILEY, REED-KRASE, LLP

Attorneys at Law
132 EAST MORTON AVENUE
PORTERVILLE, CALIFORNIA 93257

RECEIVED

SEP 30 2015

**CITY OF PORTERVILLE
CITY CLERK OFFICE**

ROBERT KRASE
ALLAN M. BAILEY
ALEXANDER REED-KRASE

TELEPHONE: (559) 784-2353
FAX: (559) 784-2463
abailey@kraselaw.com

September 30, 2015

Porterville City Council
City of Porterville
291 North Main Street
Porterville CA 93257

Re: *Request for Re-Appointment—Library and Library Commission*

Dear Porterville City Council:

I write to request re-appointment to the City of Porterville Library and Literacy Commission. Please find enclosed with this letter my request for appointment form. My resume is on file.

As reflected in those documents I have experience in community service and literacy initiatives. At the invitation of the City Council, I served on the City's Charter Review Committee. My family and I are regular patrons of the Porterville Library. I look forward to its continued improvement and vitality. I look forward to continuing to help the Commission propose cost-effective solutions to improve library patronage and literacy in the community. It is my opinion that improved literacy is vital to the future of the local economy and increased usage of the library and the development of a new, more modern library facility will help others to improve their lives and employment prospects locally as well as be a boon to the local economy.

As a local attorney and library patron, I understand the value access to good public information and library resources. I believe this tremendous public service that can be done in a cost-effective way. I hope to continue working to help the Commission achieve its goals.

I respectfully request that you consider my request for re-appointment and hope to continuing work on the Library and Literacy Commission.

Yours truly,



Allan M. Bailey
AMB/jls
Enclosure

CITY OF PORTERVILLE

REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Allan Bailey
(Please Print)

Appointment to: Library and Literacy Commission
(Name of Board, Commission, or Committee)

☒ Reappointment; or IF NEW, please provide :

Street Address: _____

Mailing Address: _____

Name of Business: _____

☐ Own ☐ Operate

Business Address: _____

Telephone: Home _____

Work _____

FAX _____

E-mail _____

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: _____

☐ Resume attached

☒ Letter of request attached

Submitted By: Mr. Baier 9/30/2015
Date

Received by: _____

Forwarded to: City Clerk ☐ Date: _____

City Council ☐ Date: _____

City Manager ☐ Date: _____

Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: _____

RECEIVED

OCT 06 2015

CITY OF PORTERVILLE
CITY CLERK OFFICE

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Fisher Figueroa
(Please Print)

Appointment to: Library & Literacy Commission
(Name of Board, Commission, or Committee)

☒ Reappointment; or IF NEW, please provide :

Street Address: _____

Mailing Address: _____

Name of Business: _____

☐ Own ☐ Operate

Business Address: _____

Telephone: Home _____

Work _____

FAX _____

E-mail _____

City of Porterville resident:

☒ Yes
☐ No

Registered Voter:

☒ Yes
☐ No

Qualifications:

I have enjoyed serving on the Commission and look forward to ^{continue} working on various projects in the near future.

★ Reappointment

☐ Resume attached

☐ Letter of request attached

Submitted By:

John Tigner

Date

10/05/15

Received by:

P. Zavala

Forwarded to: City Clerk



Date:

10/6/15

City Council



Date:

City Manager



Date:

Applicable Dept.



Date:

Tentative Council Mtg Date:

RECEIVED

SEP 30 2015

CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

CITY OF PORTERVILLE
CITY CLERK OFFICE

Please complete all blanks.

Name: Edith A. LaVonne
(Please Print)

Appointment to: Library and Literacy Commission
(Name of Board, Commission, or Committee)

☒ Reappointment; or IF NEW, please provide :

Street Address: 685 W. Morton Ave
Porterville Ca 93257

Mailing Address: Same

Name of Business: _____

☐ Own ☐ Operate

Business Address: _____

Telephone: Home 559-359-3116

Work _____

FAX _____

E-mail edithanne2011@ATT.NET

City of Porterville resident:

☒ Yes
☐ No

Registered Voter:

☒ Yes
☐ No

Qualifications: I am a passionate City Library
advocate and wish to continue to
serve on the Library and Literacy Commission.
Thank you for your time and consideration.

☐ Resume attached

☐ Letter of request attached

Submitted By: Edith LaVonne 9-29-15
Date

Received by: J. Zavala

Forwarded to: City Clerk ☒ Date: _____

City Council ☐ Date: _____

City Manager ☐ Date: _____

Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: _____

September 28, 2015

RECEIVED

SEP 28 2015

Porterville City Council

291 N Main Street
Porterville, Ca. 93257

CITY OF PORTERVILLE
CITY MANAGER

Esteemed Council Members,

I am submitting my resignation as Chair for Porterville Animal Control Commission effective October 6, 2015. I will attend one more Commission meeting, then make my formal announcement to other members.

The reasons I am resigning are;

1. Promotion at my job has caused my workload and responsibility to increase
2. Frustration at the lack of progress for Porterville Animal Control Shelter improvement
3. Lack of direction by Council; a new commission needs assistance and guidance, not roadblocks

I appreciate the opportunity to serve the community of Porterville, and am hopeful that continued dialogue and with the same goal in mind will benefit not only the citizens but also the animals.

I strongly believe that keeping in mind the welfare and safety of animals in Porterville and having an improved set of procedures and updated facility will enhance our city and services to the public.

I will still continue to be a strong advocate for animal welfare, a TNR program for community cats, adoption events, procedures that will make the public more responsible, find homes for animals and above all, humane and caring treatment for any animal in our community.

Good luck and please continue to keep up the efforts in helping the animals in our city.

Sincerely,



Kathy Guinn, Chair

Porterville Animal Control Commission



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Acceptance of the Draft Project Approval & Environmental Document (PA&ED) Stage for State Route 190 Near Term Projects

SOURCE: Public Works

COMMENT: **Background:**

The City of Porterville updated its General Plan in 2008, establishing policies and implementation strategies to guide the city's growth over the next 20-plus years. A major component of the General Plan is establishing a comprehensive circulation network throughout the city and surrounding county areas. The Circulation Element of the General Plan responds to the requirements of Government Code §65302 (b), which requires the identification of the "location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan."

The preparation of the Circulation Element in concert with the Land Use Element forms the roadmap for growth of the community. The vision for the growth of Porterville was cast into the plan through a significant public participation process and is being implemented with each development and public works project constructed in the city. State Routes 65 and 190, within the Porterville area, are regional connectors linking Porterville with the surrounding areas of the County and other communities. This study focuses on the future improvements to the State Route 190 corridor.

State Route 190 is the major east-west transportation corridor in Porterville. Extending from State Route 99 near Tipton to its westerly terminus at Quaking Aspen Camp near Ponderosa, State Route 190 provides Tulare County a regional transportation corridor. The regional connectivity of State Route 190 intersects with facilities to extend Porterville's reach for importing and exporting goods beyond the region, throughout California, and beyond.

The importance of State Route 190 to the economic future and growth of Porterville cannot be overstated. Employment opportunities associated with agricultural exports and ease of access to other elements of the state highway system generate significant annual tax revenues and create jobs for the city. Tourism, drawn to the Sequoia National Forest and the Eagle Mountain Casino on the Tule River Indian Reservation, is an additional benefit to the local economy.

State Route 190 Corridor Study

In April of 2013, California Department of Transportation (Caltrans), completed the SR 190 Corridor Study, and the City Council, in concept, approved the Study.

Item No. 16.

Caltrans reviewed the current function of SR 190 and considered different alternatives to accommodate the growth projected in the City's General Plan. The General Plan anticipated a series of improvements to SR 190, including new interchanges at Westwood Street, Hillcrest Street, and Road 284 (Reservation Road), and improvements to the interchange at Main Street. Grade separations considered in the General Plan were at Newcomb Street, Plano Street, and Indiana Street. A series of modeling efforts have resulted in projected needs for immediate improvements, interim improvements, and ultimate designs that would function through the term of the General Plan.

As a result of Caltrans' efforts, it was determined that the existing and projected traffic volumes are less than envisioned initially by the adopted Circulation Element of the General Plan. With this determination, Caltrans provided information based on a three (3) tiered approach. The tiered approach allows flexibility in implementing corridor improvements from the near future to ultimate designation. A brief description of the tiered concept follows:

1. Near Term Projects - Improvements along SR 190 that need immediate attention and planning.
2. Interim Projects - Improvements along SR 190 that will experience failures during the life of the General Plan (2030).
3. Ultimate Projects - Those projects defined by the General Plan that will effectively serve the City well beyond the current 2030 General Plan horizon.

The concept was presented at the December 12, 2012, City Council Study Session and later for approval by the Council on August 6, 2013. The necessary projects defined as **Near Term Projects** in the corridor study are as follows:

Location	Project Description
Westwood/SR 190 Intersection	Construct temporary improvements to improve access at this intersection. These improvements may entail a widened intersection controlled by a traffic signal or a roundabout.
Westbound Auxiliary Lane from Jaye Street to SR 65	Extend the existing outside lane for westbound SR 190 from Jaye Street to SR 65 northbound ramp.
Plano/SR 190 Intersection	Construct four lanes on Plano Street with dual left turn and dedicated right turn lanes on all approaches with new traffic signals.
Main/SR 190 Intersection	Signalize the Ramp Terminals at Main Street, construct dedicated left and right turn lanes for the eastbound off ramp.

In light of the passage of Amendment No. 3 to the 2006 one-half cent Transportation "Measure R" Expenditure Plan, TCAG requested that City Council accept the State Route Corridor Study and authorize TCAG to program the listed Near Term Projects in the upcoming State Transportation Improvement Program (STIP). In order to accomplish this, Caltrans had to prepare a Project Initiation Document (PID). This document is complete and was approved by City Council during the March 18, 2014, meeting.

Project Initiation Document (PID)

A PID is a streamlined process using the Project Study Report-Project Development Support (PSR-PDS) as the baseline PID. The relatively new process will expedite the funding of projects through Project Approval and Environmental Document (PA&ED). It is also a necessary step in securing State and/or Measure R Regional funds. An approved PID is a requirement for any major work on the State Highway System (SHS) regardless of how it is funded.

Caltrans performed additional traffic analyses at each “Near Term” project location, which is common when preparing a PID. As previously stated, this document is the baseline document which allows for a smooth transition into PA&ED. A few modifications have come forth as part of the PID process. Project locations remain the same, but the following improvements are now being proposed:

* **Plano/SR 190 Intersection:** Review the feasibility of a roundabout via the Intersection Control Evaluation (ICE) guidelines. Initially it was felt the traffic volumes at this intersection would make a roundabout infeasible. However, the PID is now suggesting that a Traffic Signal may not be the best solution. An Intersection Control Evaluation (ICE) will voice the pros and cons between a Traffic Signal vs. a Roundabout at this intersection and will reveal the best option.

* **Main/SR 190 Intersection:** Signalized ramp terminals are being removed from the scope of work and replaced with the improvements necessary to widen the off-ramp to accommodate a designated right-turn lane onto northbound Main Street. This is a direct result of additional review and analysis at both ramp terminals, which determined the Main Street traffic volumes do not support traffic signals as defined in the SR 190 Corridor Study.

The project costs were also reviewed again as part of the PID preparation. The following is an estimate of the “Near Term” projects as they are now defined:

Locations	Capital Estimate	Outlay	Project
Westwood/SR 190 Intersection	\$5,230,000 - \$6,400,000		
Westbound Auxiliary Lane from Jaye Street to SR 65	\$760,000 - \$925,00		
Plano/SR 190 Intersection	\$7,040,000 - \$9,200,000		
Main/SR 190 Intersection	\$715,000 - \$870,000		
Total	\$13,745,000 - \$17,395,000		

During the March 18, 2014, City Council meeting, authorization was given to Caltrans to prepare a Project Approval and Environmental Document, which is now complete in draft form. The next step in the process is to circulate the PA&ED for public feedback, which is part of a normal environmental review process and necessary before commencing with right-of-way acquisition, design, and construction.

Project Approval and Environmental Documentation (PA & ED)

The PA & ED is complete in draft form and is attached for Council's reference. Project locations and scope remain the same as initially described in the PID, except for the following improvements are now being proposed:

*** Plano/SR 190 and Westwood/SR 190 Intersections:** An Intersection Control Evaluation (ICE) was performed and the conclusion warranted multi-lane roundabouts at these two intersections. Initially it was felt the traffic volumes at the Plano/SR 190 intersection would make a roundabout infeasible and initially a single lane roundabout was anticipated at the Westwood/SR 190 intersection.

The ICE report recommends roundabouts because the analysis proves to move traffic through these intersections efficiently with the least amount of delay per vehicle, which result in the best level of service for existing traffic volumes and traffic volumes forecast for the year 2040. The roundabouts cost less to construct and maintain, as it would not require traffic signal operations and maintenance. The roundabout intersections also provide safety attributes which have been documented to be superior to signalized intersections.

In addition, Caltrans states in the PA & ED document that: *"A signalized intersection at Westwood Street and SR 190, and signalized intersection at Plano Street and SR 190 have been rejected because the Cultural Resources Unit would require additional extensive studies due to the project impact area's proximity to the Tule River where there are known archeological sites. At the Plano Street and SR 190 intersection, the Hazardous Waste Unit would require more extensive studies to determine the level of the three Cortese sites. The study would be contracted out at an approximate cost of \$100,000 and would require an additional 6 months to complete. Invasive permits would be needed to be acquired from 5 parcels. This will require time and there is always the chance that permission would not be granted. Per the Project Development Procedures Manual (PDPM), it is Caltrans policy to avoid contaminated properties, if possible, to have responsible parties accept responsibility for remediation, and to seek reimbursement from responsible parties when Caltrans must conduct a remediation as part of the project development process. One of the Cortese properties (Big D Mini Mart) has been uncooperative with Tulare County officials regarding the remediation process. This may pose a high risk to schedule and cost to the project during the acquisition process for this property.*

This alternative (traffic signals) would require more right of way takes and utility relocations than the roundabout alternative and the potential displacement of residents."

Pedestrian safety at both roundabouts are of the utmost importance, and in particular, at Plano Street/SR 190 intersection due to its proximity to Porterville College, and other educational facilities in the area. All research suggests that modern roundabouts are safer than signalized intersection for pedestrians. This safety advantage has been attributed to the slower traffic speeds entering and traveling through a roundabout, and the division of the pedestrian crossing into two stages, from the near-side wheelchair ramp out to the splitter island, and then from the splitter island to the far-side wheelchair ramp. In each stage, the pedestrian has to be concerned with on-coming traffic in only one direction to cross a "one-way"

traffic stream. Pedestrian refuges are provided in the areas with the splitter islands.

PA & ED updated cost estimate is:

Capital Outlay Support:	\$ 4,400,000
Capital Outlay Construction:	\$11,900,000
Capital Outlay Right-of-Way:	<u>\$ 1,900,000</u>
Total:	\$18,200,000

RECOMMENDATION: That the City Council:

1. Accept Caltrans' State Route 190 PA & ED in draft form;
2. Authorize the Acting Public Works Director to sign the draft State Route 190 PA & ED; and
3. Authorize circulation of the environmental document for the identified Near Term Projects.

ATTACHMENTS: 1. Draft Project Report

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver:

John Lollis, City Manager

Draft Project Report

On Route 190 in Tulare County

Between 0.3 miles west of Westwood Street

And 0.3 miles east of Plano Street

I have reviewed the right of way information contained in this report and the R/W Data Sheet attached hereto, and find the data to be complete, current and accurate:

JAMIE LUPO, *CHIEF, CENTRAL REGION RIGHT OF WAY*

APPROVAL RECOMMENDED:

MICHAEL REED, *PROJECT SPONSOR,*
CITY OF PORTERVILLE
Accepts Risks Identified in this DPR and Attached Risk
Register

APPROVAL RECOMMENDED:

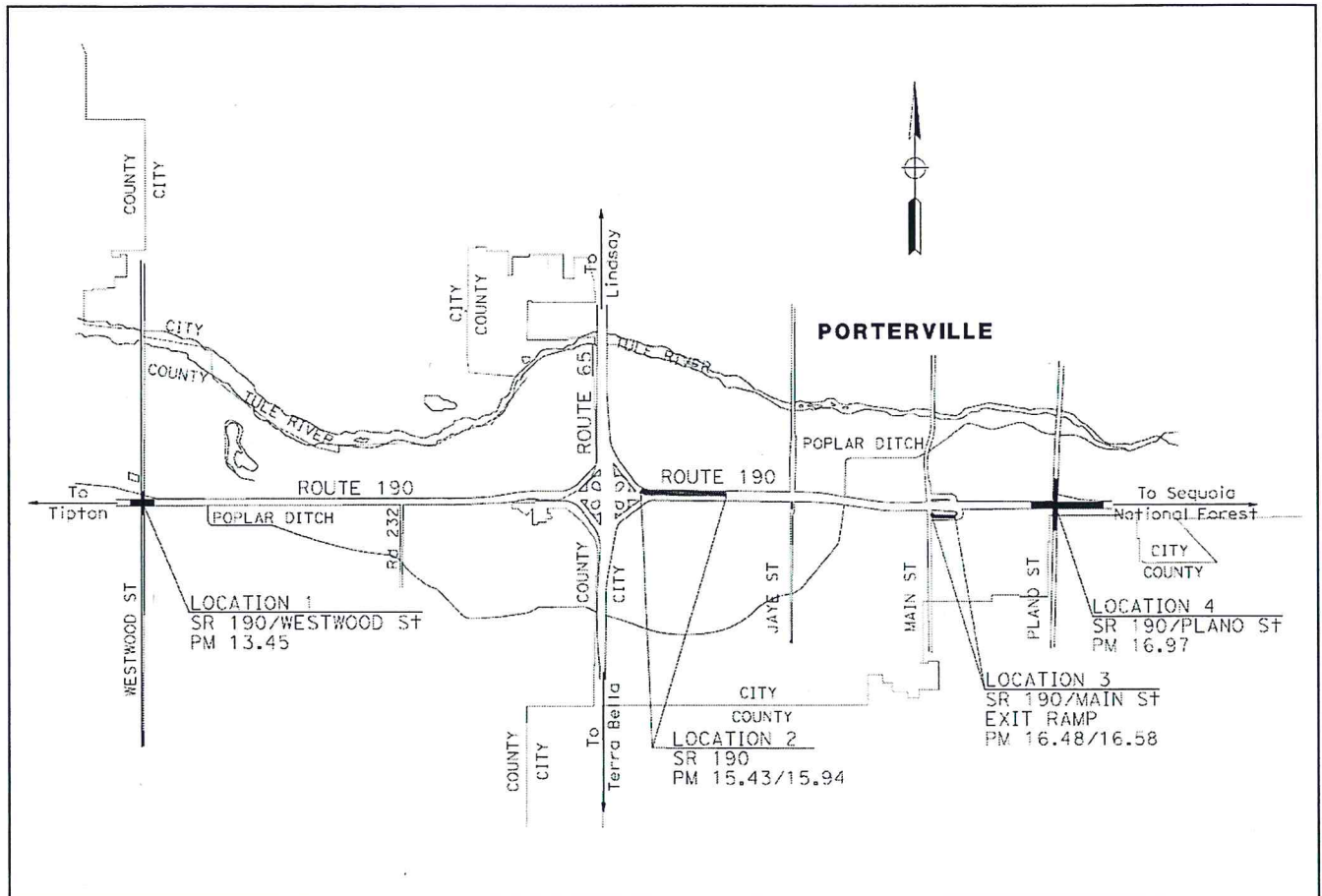
CURT HATTON, *PROJECT MANAGER*

APPROVED:

SHARRI BENDER EHLERT, *DISTRICT 6 DIRECTOR*

DATE

Vicinity Map



This project report has been prepared under the direction of the following registered civil engineer. The registered civil engineer attests to the technical information contained herein and the engineering data upon which recommendations, conclusions, and decisions are based.

REGISTERED CIVIL ENGINEER

DATE



Table of Contents

As needed, include a table of contents with the topics from the body of the report.

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1. INTRODUCTION

Project Description:

This project proposes operational improvements along the State Route (SR) 190 corridor at four locations. There are two alternatives.

Alternative 1:

- Location 1 – Westwood Street Intersection: At the SR 190/Westwood Street intersection, construct a dual-lane roundabout intersection.
- Location 2 – Westbound Additional Lane: Westbound (WB) SR 190 from Jaye Street to the northbound (NB) SR 65 on-ramp, it is proposed to extend the existing number 3 lane with the addition of 1300 feet of auxiliary lane travel way and shoulder.
- Location 3 – Main Street Eastbound Off-ramp Intersection: At SR 190 off-ramp onto Main Street, construct a right-turn lane on the eastbound (EB) off-ramp, and construct ADA compliant handicap ramps.
- Location 4 – Plano Street Intersection: At SR 190/Plano Street intersection, construct a dual-lane roundabout intersection.

Alternative 2: No Build.

Cost estimate for specific work items included in this project.

Project Limits	06-Tulare-190 Various locations between PM 13.1/17.3	
Number of Alternatives	2	
	Current Cost Estimate:	Escalated Cost Estimate:
Capital Outlay Support	\$3,895,000	\$4,400,000
Capital Outlay Construction	\$10,411,000	\$11,900,000
Capital Outlay Right-of-Way	Pending	Pending
Funding Source	Local Reimbursed	
Funding Year	2018/2019	
Type of Facility	2-lane conventional highway and 4-lane expressway.	
Environmental Determination or Document	Initial Study with Proposed Mitigated Negative Declaration	
Legal Description	On Route 190, in Tulare County, From 0.3 miles west of Westwood Road to 0.3 miles east of Plano Street.	
Project Development Category	1	

2. RECOMMENDATION

It is recommended that this Draft Project Report be approved and authorization be granted to proceed with public release of Draft Environmental Document (DED).

3. BACKGROUND

SR 190 between SR 99 and SR 65 is a 2-lane conventional highway. At-grade intersections are located at approximately 1-mile apart. SR 190 is planned for a 4-lane conventional highway between SR 99 and SR 65, and 4-lane expressway from SR 65 to the east end of the project limits.

SR 190 serves the State's heavily traveled rural and urban areas. It connects the City of Porterville and other communities to regions of the State, and serves the State's economy by connecting centers of commerce, industry, agriculture, mineral wealth, and recreation. SR 190 is designated as a State Highway Terminal Access Route providing Surface Transportation Assistance Act (STAA) truck access between SR 99 and SR 65, and east to near Springville.

An operational improvement project was triggered due to the following reasons:

Location 1 has excessive delays and queuing resulting from growth in west Porterville. This intersection is currently a 4-way stop controlled intersection. Both SR 190 and Westwood Street are 2-lane roadways where all approaches consist of a shared left/through/right lane.

Location 2 has merge movements associated with the WB lane drop west of Jaye Street and subsequent diverge movement to NB SR 65 on-ramp.

Location 3 has increasing delays at the off-ramp right-turn movement and queue backup due to a lack of gap acceptance on Main Street.

Location 4 has excessive delays and queuing. This intersection is currently controlled with a traffic signal. SR 190 is a 4-lane expressway and Plano Street is a 2-lane roadway. EB and WB approaches consist of one left-turn lane, two through, and one right-turn lane. NB approach consists of one left-turn lane and a shared right/through lane. Southbound (SB) approach consists of one left-turn lane, one through, and one right-turn lane.

4. PURPOSE AND NEED

Purpose:

The purpose of this project is to relieve isolated congestion within the corridor.

Need:

The need of this project is to improve traffic operation along the corridor at various locations on SR 190.

4A. Problem, Deficiencies, Justification

Location 1 has excessive delays and queuing resulting from growth in West Porterville. This intersection is currently controlled with four-way stops. Both SR 190 and Westwood Street are 2-lane roadways where all approaches consist of a shared left/through/right lane. Construction of a roundabout would keep the traffic moving during afternoon peak travel and help to alleviate recurrent congestion.

Location 2 has merge movements associated with the WB lane drop west of Jaye Street and subsequent diverge movement to NB SR 65 on-ramp. Construction of an Additional Lane would improve route continuity between the number three lane on WB SR 190 at Jaye Street through the NB departure point to SR 65.

Location 3 off-ramp right-turn movement has increasing delays and queue backup due to a lack of gap acceptance on Main Street. Construction of a Right-Turn lane would mitigate increasing delay and reduce queue back up due to a lack of gap acceptance on Main Street with increasing traffic volumes.

Location 4 has excessive delays and queuing. This intersection is currently controlled with a traffic signal. SR 190 is a 4-lane expressway and Plano Street is a 2-lane roadway. EB and WB approaches consist of one left-turn lane, two through, and one right-turn lane. NB approach consists of one left-turn lane and a shared right/though lane. SB approach consists of one left-turn lane, one through, and one right-turn lane. Construction of a roundabout would keep the traffic moving and mitigate excessive delay and reduce queue backup.

4B. Regional and System Planning

SR 190 is planned for a 4-lane conventional highway between SR 99 and SR 65, 6-lane expressway between SR 65 to Main Street, and remain to be a 4-lane expressway from Main Street to the east end of the project limits. SR 190 is designated as a State Highway Terminal Access Route providing Surface Transportation Assistance Act (STAA) truck access between SR 99 and SR 65, and east to near Springville.

According to the 2010 Tulare County Regional Bicycle Transportation Plan Westwood and Jaye Streets are designated as proposed Class III, Plano Street as a proposed Class II and Main Street is a Class II Bikeway (Bike Route).

4C. Traffic

Current and Forecasted Traffic

The projected delay and level of service (LOS) is based on AM/PM peak traffic volumes.

Delay and level of Service (LOS)

SR 190 at Westwood Street				
Intersection Control	Year	Peak Hour Period	LOS	Delay (sec)
Four-way Stop (No Build)	2014	AM	D	33.6
		PM	E	42.3
	2030	AM	F	488.5
		PM	F	736.4
	2040	AM	F	918.5
		PM	F	1130.0
Roundabout	2030	AM	B	12.0
		PM	B	11.6
	2040	AM	D	32.7
		PM	C	22.7

Delay and level of Service (LOS)

SR 190 at Plano Street				
Intersection Control	Year	Peak Hour Period	LOS	Delay (sec)
Four-way Stop (No Build)	2014	AM	D	40.2
		PM	D	53.8
	2030	AM	F	80.4
		PM	F	159.0
	2040	AM	F	197.2
		PM	F	310.9
Roundabout	2030	AM	B	10.6
		PM	B	13.1
	2040	AM	C	18.5
		PM	E	38.5

Source: Operational Analysis, February 27, 2015 (District 6 Traffic Operations)

Accident Data

The most recent three-year accident data report covering 07/01/08 to 06/30/11. Within the study period the actual fatal-plus-injury accident rate was lower than the statewide average, however, the actual total accident rate was higher than the statewide average.

Location 1, SR 190 at Westwood Street Intersection (PM 13.45)

A total of nine accidents at Westwood intersection with no fatalities.

SR 190 Intersection	Actual (MVM)			Average (MVM)		
	Fatal	F+I	Total	Fatal	F+I	Total
Westwood Drive PM 13.45	0.000	0.31	0.94	0.005	0.10	0.23

Location 2, Westbound SR 190 between SR 65 Connector and Jaye Street (PM 15.43 to 15.94)

There were 3 accidents at this westbound segment of the expressway with one fatality.

WB SR 190 Segment	Actual (MVM)			Average (MVM)		
	Fatal	F+I	Total	Fatal	F+I	Total
PM 15.43 to 15.94	0.160	0.32	0.48	0.009	0.35	0.84

Location 3, Eastbound SR 190 Off-ramp to Main Street (PM 16.57)

There was one PDO accident at this ramp no fatalities.

EB SR 190 Off-ramp to Main St	Actual (MVM)			Average (MVM)		
	Fatal	F+I	Total	Fatal	F+I	Total
PM 16.57	0.000	0.00	0.51	0.004	0.33	1.00

Location 4, SR 190 at Plano Street Intersection (PM 16.97)

There were 12 accidents at this intersection with no fatalities.

SR 190 and Plano St. Intersection	Actual (MVM)			Average (MVM)		
	Fatal	F+I	Total	Fatal	F+I	Total
At Plano St. PM 16.97	0.000	0.14	0.43	0.001	0.11	0.27

Source: Safety Analysis November 18, 2013 (District 6 Traffic Operations)

5. ALTERNATIVES

5A. Viable Alternatives

Alternative 1 and the No-Build Alternative have been evaluated and considered. The ICE, Step #2 document dated 07/10/15 recommends to proceed with Alternative 1- Roundabout Intersections at Westwood Street and Plano Street. This alternative satisfies the purpose of the project and is superior to the signalized intersection (Rejected Alternative). The evaluation shows that the roundabout intersections provide the least amount of delay per vehicle and best level of service for existing traffic volumes and traffic volumes forecast for the year 2040. It costs less to construct and maintain, as it would not require traffic signal operations and maintenance. The roundabout intersection also provides safety attributes which have been documented to be superior to signalized intersections. No nonstandard features are proposed:

Alternative 1:

Location 1 – Westwood Street Intersection: At the SR 190/Westwood Street intersection, construct a dual-lane roundabout which will mitigate

excessive delays and queuing that would result from growth in west Porterville and provide access mobility for bicyclists and pedestrians.

Location 2 – Westbound Additional Lane: On WB SR 190 from Jaye Street to the northbound SR 65 on-ramp, it is proposed to extend the existing number 3 lane with the addition of 1300 feet of additional lane travel way and shoulder.

Location 3 – Main Street Eastbound Off-ramp Intersection: At SR 190 off-ramp onto Main Street, construct a right-turn lane on the EB off-ramp, and construct ADA compliant handicap ramps.

Location 4 – Plano Street Intersection: At SR 190/Plano Street intersection, construct a dual-lane roundabout which will mitigate excessive delays and queuing that would result from growth in Porterville.

5B. Rejected Alternatives

5B.1 Install Traffic Signals

A signalized intersections at SR 190 and Westwood Street, and signalized intersection upgrades at SR 190 and Plano Street have been rejected because the Cultural Resources Unit would require additional extensive studies due to the project impact area's proximity to the Tulle River where there are known archeological sites. At Location 4, the Hazardous Waste Unit would require more extensive studies to determine the level of contamination of the three Cortese sites. The study would be contracted out at an approximate cost of \$100,000 and would require an additional 6 months to complete. Invasive permits would need to be acquired from 5 parcels. This will require time and there is always the chance that permission would not be granted. Per the Project Development Procedures Manual (PDPM), it is Caltrans policy to avoid contaminated properties, if possible, to have responsible parties accept responsibility for remediation, and to seek reimbursement from responsible parties when Caltrans must conduct a remediation as part of the project development process. One of the Cortese properties (Big D Mini Mart) has been uncooperative with Tulare County officials regarding the remediation process. This may pose a high risk to schedule and cost to the project during the acquisition process for this property.

This alternative would require more right of way take and utility relocations than the roundabout alternative and the potential for displacement of residents.

5B.2 No-Build

The No-Build alternative does not meet the purpose and need of the project which would not address the operational need at the various locations.

6. CONSIDERATIONS REQUIRING DISCUSSION

6A. Hazardous Waste

Aerially –deposited lead studies indicate that lead is present. Soils with greater than 5mg/l soluble lead would require special disposal. Additionally, high levels of lead have also been found in white and yellow striping paint/pavement markings. The appropriate special provisions will be provided at a later date to be included in the contractor's construction package.

6B. Value Analysis

A formal Value Analysis is not required for this project since the cost is under \$50 million. Value Analysis principles will be utilized during the development of the project.

6C. Resource Conservation

No salvageable materials are expected for this project. Rubberized Hot Mixed Asphalt will be considered unless it is determined to not be a viable material.

6D. Right-of-Way Issues

The total right of way and utility cost are estimated to be \$Pending; which includes acquiring approximately 3.25 acres and utility relocation. There are utilities poles within the project limits which would be relocated. All High Risk buried utilities will be positively identified by potholing during the design phase. At the Westwood Street intersection existing drive approaches will be upgraded and impacted irrigation facilities will be modified or relocated. Temporary Construction Easements (TCE) are anticipated at both Westwood Street and Plano Street locations.

6E. Environmental Issues

An Initial Study with proposed Negative Declaration has been prepared in accordance with Caltrans' environmental procedures, as well as state and Federal regulations. A Categorical Exclusion will be prepared for National Environmental Policy Act compliance at project approval.

6F. Air Quality Conformity

Each project alternative is fully compatible with the design concept and scope described in the current regional transportation plan. As part of the environmental review, the Interagency Consultation Partners concurred on May 21, 2015 that the project is not a "Project of Air Quality Concern" and will not result in new violations of Federal PM_{2.5} and PM₁₀ air quality standards.

6G. Title VI Considerations

This project has been developed in accordance with the Civil Rights Act of 1964, as amended and Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. This project has no adverse effects on minority and low-income populations. Sidewalks, all curb ramps and median openings within the project will comply with ADA requirements allowing the facilities accessible to persons with disabilities.

6H. Noise Abatement Decision Report

This project would comply with applicable local noise ordinances for construction

related noise activities.

7. OTHER CONSIDERATIONS AS APPROPRIATE

Cooperative Agreements

The City of Porterville authorizes the California Department of Transportation (Caltrans) through a cooperative agreement (dated 08/15/2013) to develop the PA&ED phase for this project. Additional cooperative agreements to cover future project phases will be executed. A maintenance, electrical, drainage and landscape agreement between Caltrans and the City of Porterville will be required. The agreements will be finalized in the PS&E phase when those components are known.

Transportation Management Plan for Use During Construction

Preliminary traffic impacts and mitigation for this project have been outlined in the attached Transportation Management Plan Data Sheet (TMP Data Sheet). Costs associated with the traffic impact mitigation measures listed in the TMP Data Sheet have been included in this documents estimates.

A TMP for this project is required and should be requested when the design is complete enough to determine specific traffic impacts, but yet early enough to make design changes/additions required for traffic mitigation.

Lane requirement charts and detailed TMP will be provided during the PS&E stage.

Lane closures are not allowed when the traffic volume is beyond the capacity of the remaining lanes. Nighttime work outside peak hours is anticipated for this project. The community will be informed prior to work commencing.

Stage Construction

Stage Construction Plans and detailed TMP will be provided during the PS&E stage.

8. FUNDING/PROGRAMMING

Funding

It has been determined that this project is eligible for Federal-aid funding.

An executed cooperative agreement between the Department and the City of Porterville will be required prior to the commencement of the Plans, Specifications and Estimates (PS&E) phase. All PS&E work performed by the Department will be reimbursed by the City of Porterville, using Tulare County Transportation Authority Measure R funds.

Programming

The Tulare County Transportation Authority Measure R funds will be used to fund both capital and support costs for this project. Currently, the Authority has authorized \$15,800,000 for the total project cost.

Capital Outlay Project Estimate

Escalated Construction Capital: \$11,900,000

Escalated Right of Way Capital: Pending

Capital Outlay Support Estimate

Capital outlay support estimate for programming for PS&E and Construction phase from Tulare County Transportation Authority Measure R funds for this project is \$3,500,000 (escalated). Capital outlay support estimate for programming for right of way from Tulare County Transportation Authority Measure R funds for this project is \$900,000 (escalated).

9. SCHEDULE

Project Milestones		Milestone Date (Month/Day/Year)
PROGRAM PROJECT	M015	07/01/2014
BEGIN ENVIRONMENTAL	M020	08/01/2014
CIRCULATE DED EXTERNALLY	M120	09/01/2015
PA & ED	M200	03/01/2016
BEGIN DESIGN	M210	03/02/2016
REGULAR R/W	M225	12/01/2016
PS&E TO DOE	M377	04/01/2018
RIGHT OF WAY CERTIFICATION	M410	08/01/2018
READY TO LIST	M460	08/01/2018
AWARD	M495	11/15/2018
APPROVE CONTRACT	M500	12/15/2018
CONTRACT ACCEPTANCE	M600	12/15/2019
END PROJECT	M800	08/15/2022

10. RISKS

See Attachment I

11. FHWA COORDINATION

This project is considered to be an Assigned Project in accordance with the current FHWA and Department of Transportation (Caltrans) Joint Stewardship and Oversight Agreement.

12. PROJECT REVIEWS

Headquarters SHOPP Program Advisor	<u>Marco Sanchez</u>	Date	<u>08/13/2015</u>
District Maintenance	<u>Bill Moses</u>	Date	<u>08/13/2015</u>
Headquarters Design Reviewer	<u>Michael Janzen</u>	Date	<u>08/21/2015</u>
Headquarters Project Delivery Coordinator	<u>Paul Gennaro</u>	Date	<u>08/13/2015</u>
Project Manager	<u>Curt Hatton</u>	Date	<u>08/20/2015</u>
FHWA		Date	<u>N/A</u>
District Safety Review		Date	<u>08/04/2015</u>
Constructability Review		Date	<u>08/13/2015</u>
Other		Date	

13. PROJECT PERSONNEL

<i>Name, Title</i>	<i>Phone #</i>
Curt Hatton, Project Manager	559-243-3445
Abdul Baker, Senior Transportation Engineer – Design	559-243-8073
Michael Dennison, Project Engineer	559-243-3853
Michelle Ray, Senior Environmental Planner	559-445-5286
Albert Lee, Senior Transportation Engineer – Traffic Operations	559-448-4111
Jon Russel, Senior Transportation Surveyor	559-445-6572
David Sherman, Senior Right of Way Agent	559-445-6225

14. ATTACHMENTS (NUMBER OF PAGES)

- A. Project Location Map (1)
- B. Typical Cross Section (5)
- C. Preliminary Layout (10)
- D. Environmental Document (11)
- E. DPR Cost Estimate (28)
- F. Right of Way Data Sheet (Pending)
- G. Storm Water Data Report-Title Sheet (Pending)
- H. Transportation Management Plan (4)
- I. Project Risk Register (1)

cc:

HQ Division of Design – Design Report Routing
 HQ Division of Engineering Services (5)
 HQ Environmental – Bob Pavlik
 Project Manager – Curt Hatton
 Design Manager – Abdul Baker (2)
 Resident Engineer – (Held by Design)

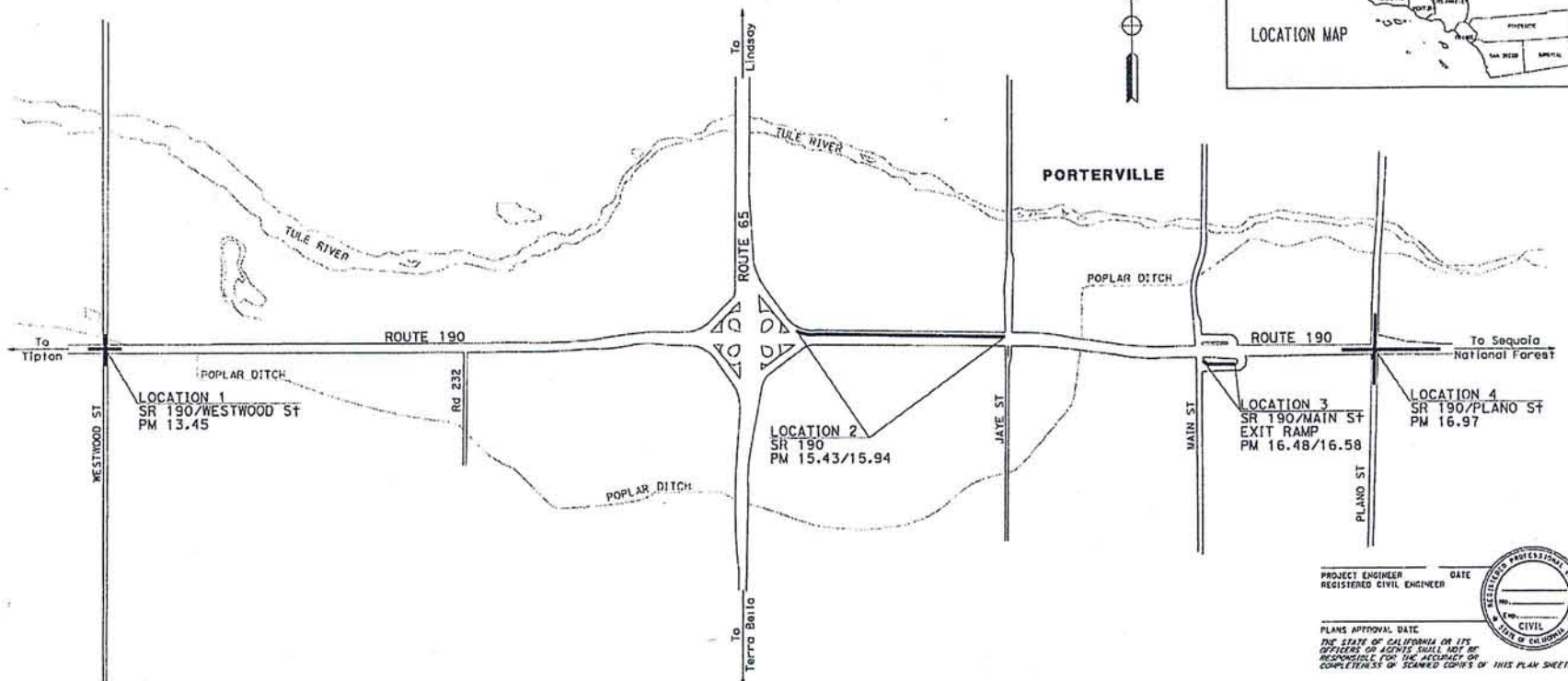
District Maintenance – John Liu
District Traffic Management – Joel Aguilar
Region Material Lab – Ted Mooradian
Region Environmental – Susan Schilder
Region Right of Way – Nick Dumas
District Planning – Steve Curti
Program/Project Management – Andrea Nason
District Survey – Hanna Kassis (electronic copy only)
HQ DES/OPPM – Peggy Lim
District Records – Victoria Pozuelo (electronic copy only)

INDEX OF PLANS

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY

ON ROUTE 190 IN TULARE COUNTY
FROM 0.3 MILE WEST OF WESTWOOD ROAD
TO 0.3 MILE EAST OF PLANO STREET

TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2010



THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES)
OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

PROJECT ENGINEER
REGISTERED CIVIL ENGINEER

DATE

PLANS APPROVAL DATE

THE STATE OF CALIFORNIA OR ITS
OFFICERS OR AGENTS SHALL NOT BE
RESPONSIBLE FOR THE ACCURACY OR
COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

CONTRACT No. **06-00431**
PROJECT ID **0614000004**

BORDER LAST REVISED 4/30/2012 CALTRANS WEB SITE IS: [HTTP://WWW.DOT.CA.GOV/](http://www.dot.ca.gov/)

RELATIVE HORIZONTAL SCALE
1" = 100 FEET

USERNAME: 43 4132055
DGN FILE: 43 0614000004.dgn

UNIT 1476

PROJECT NUMBER & PHASE 0614000004

ATTACHMENT A

NOTES:

1. FOR COMPLETE RIGHT OF WAY AND ACCURATE DATA, SEE RIGHT OF WAY RECORD MAPS AT DISTRICT OFFICE.

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
06	Tul	190	R13.1/17.3		

REGISTERED CIVIL ENGINEER

DATE

PLANS APPROVAL DATE

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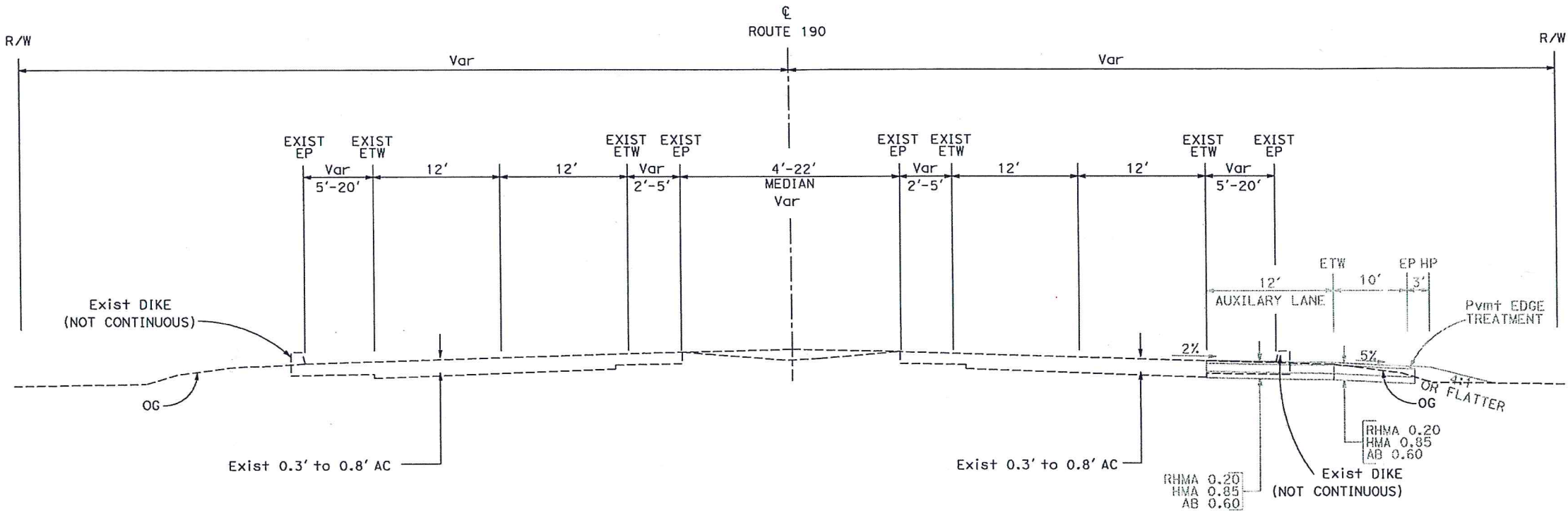
REGISTERED PROFESSIONAL ENGINEER

No.

Exp.

CIVIL

STATE OF CALIFORNIA



ROUTE 190: JAYE STREET TO SR 65
PM 15.45 To 15.68

DESIGN DESIGNATION

2020 ADT	33,500
2040 ADT	57,000
DHV	4,550
D	50%
% TRUCKS	13%
TI	12.5

TYPICAL CROSS SECTIONS
NO SCALE
X-2

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
06	Tul	190	R13.1/17.3		

REGISTERED CIVIL ENGINEER	DATE
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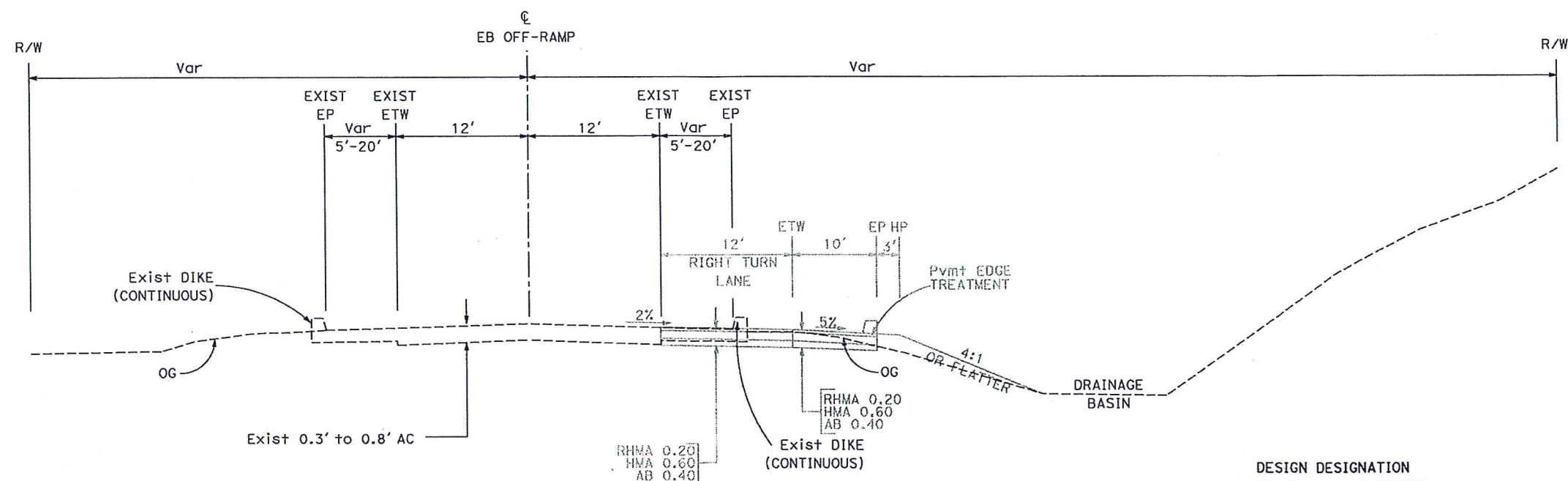
PLANS APPROVAL DATE

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NOTES:

1. FOR COMPLETE RIGHT OF WAY AND ACCURATE DATA, SEE RIGHT OF WAY RECORD MAPS AT DISTRICT OFFICE.



EB ROUTE 190 MAIN STREET OFF-RAMP

PM 16.52

DESIGN DESIGNATION

2020 ADT	3,150
2040 ADT	6,400
DHV	600
D	100%
% TRUCKS	8%
TI	9.5

TYPICAL CROSS SECTIONS

NO SCALE

X-3

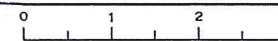
BORDER LAST REVISED 7/2/2010

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DGN FILE => 0614000004ca003.dgn

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RELATIVE BORDER SCALE
IS IN INCHES



UNIT 1476

PROJECT NUMBER & PHASE

061 4000004

LAST REVISION	DATE PLOTTED => 25-AUG-2015
00-00-00	TIME PLOTTED => 09:26

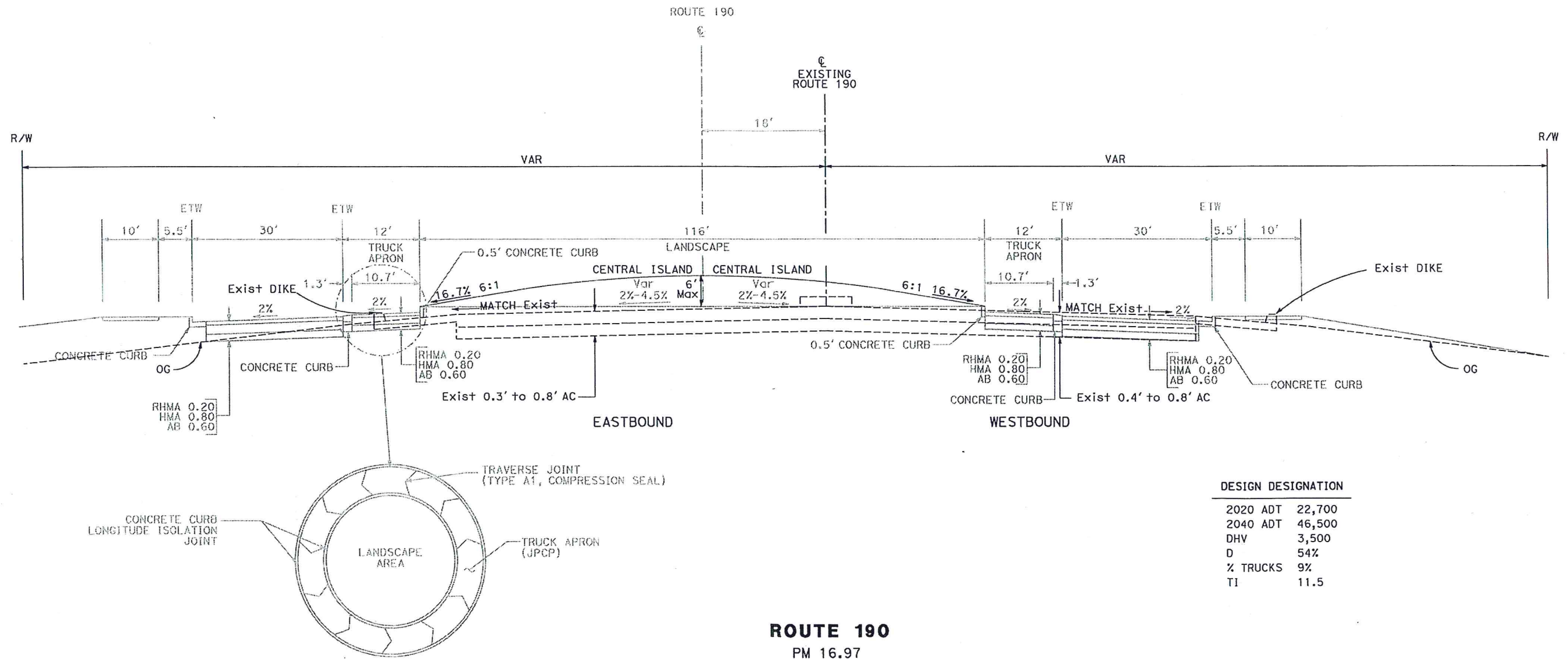
NOTES:

1. FOR COMPLETE RIGHT OF WAY AND ACCURATE DATA, SEE RIGHT OF WAY RECORD MAPS AT DISTRICT OFFICE.

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
06	TUL	190	R13.1/17.3		

REGISTERED CIVIL ENGINEER	DATE
PLANS APPROVAL DATE	

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DESIGN DESIGNATION

2020 ADT	22,700
2040 ADT	46,500
DHV	3,500
D	54%
% TRUCKS	9%
TI	11.5

ROUTE 190
PM 16.97

TYPICAL CROSS SECTIONS

NO SCALE

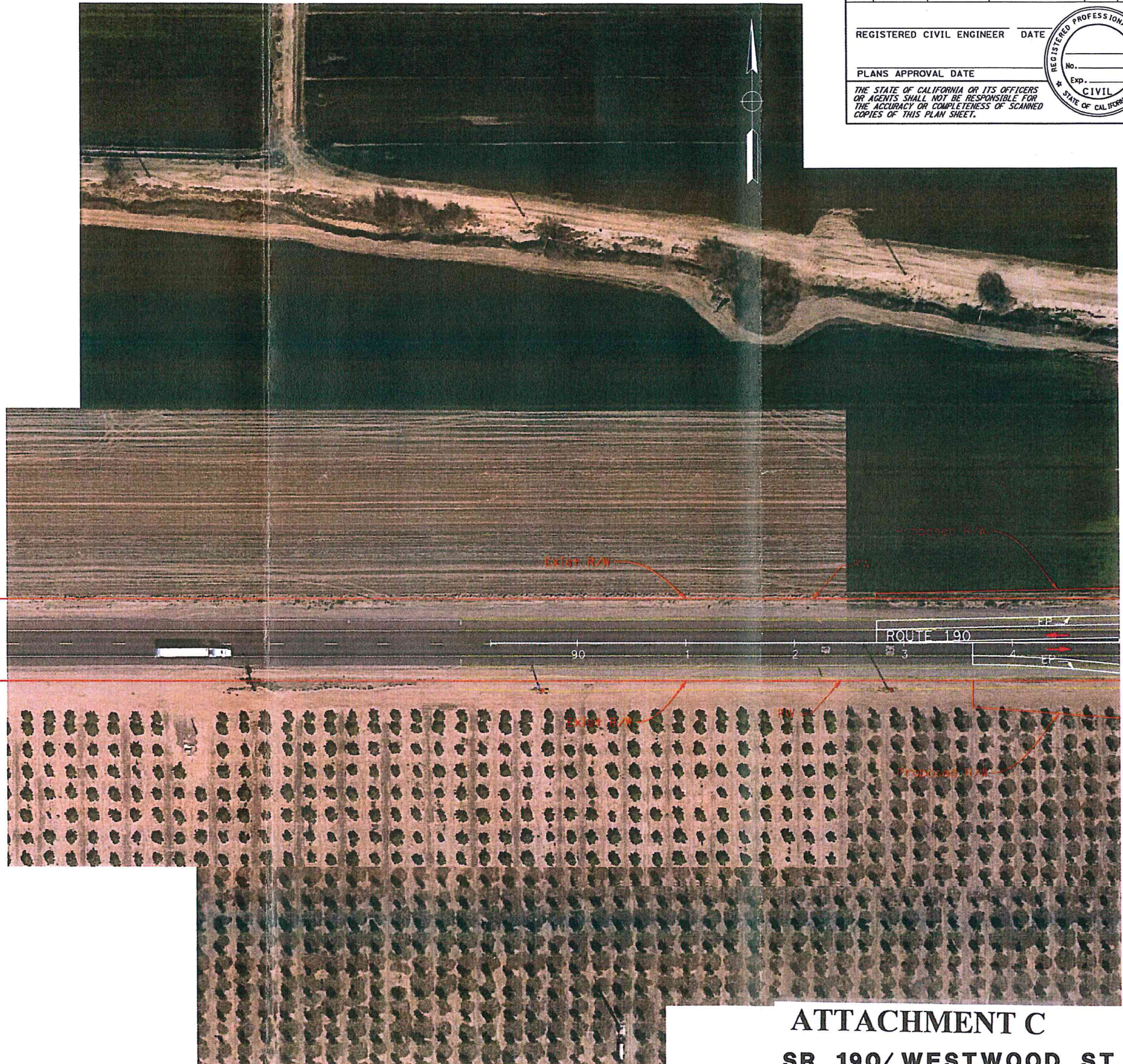
X-4

 STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR		CALCULATED- DESIGNED BY	REVISOR BY		
	ABDUL BAKER					
	CHECKED BY					

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
06	Tul	190	VAR		

REGISTERED CIVIL ENGINEER	DATE
PLANS APPROVAL DATE	

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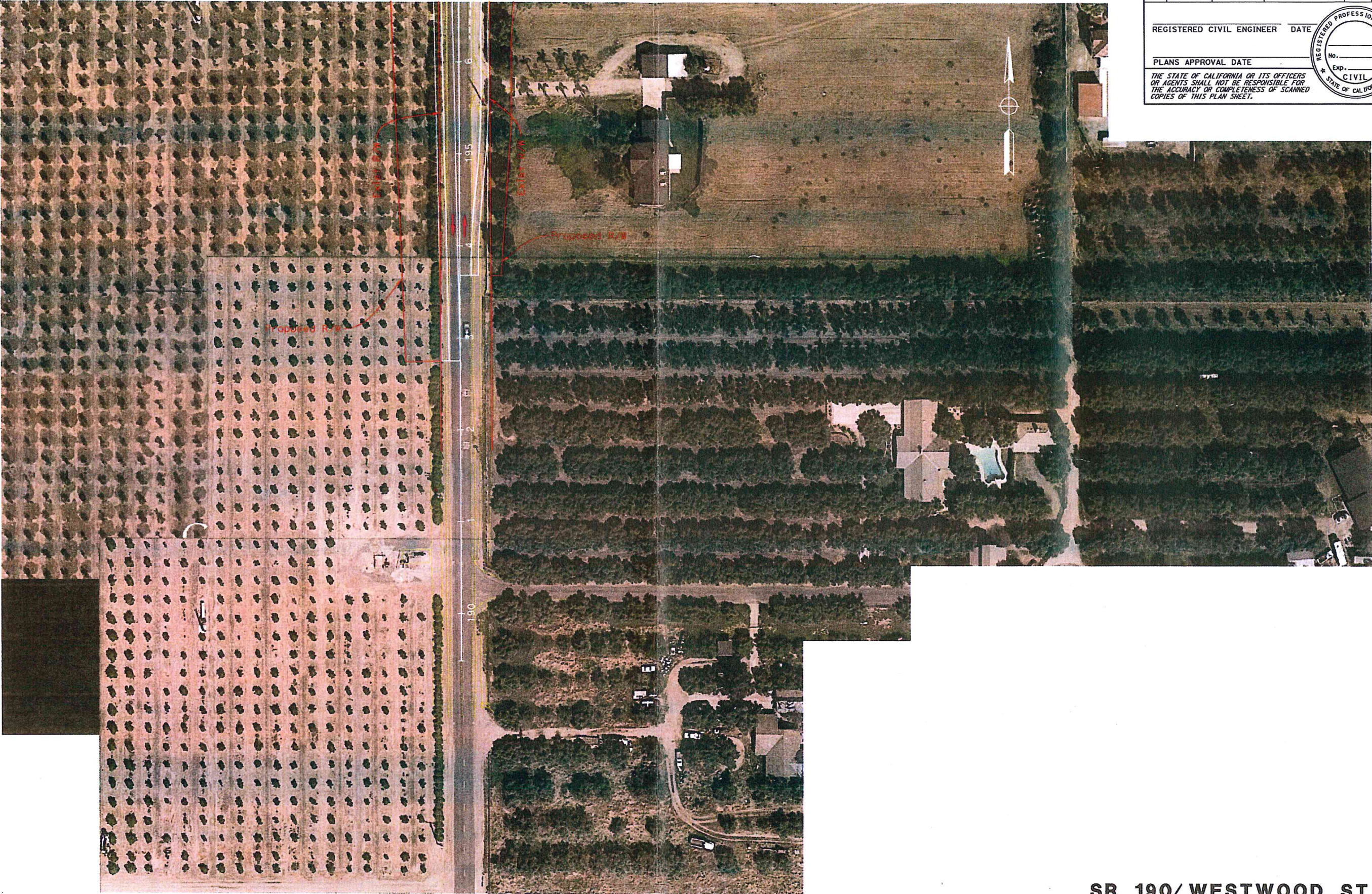


ATTACHMENT C

SR 190/ WESTWOOD ST

L-1

SCALE: 1"=50'

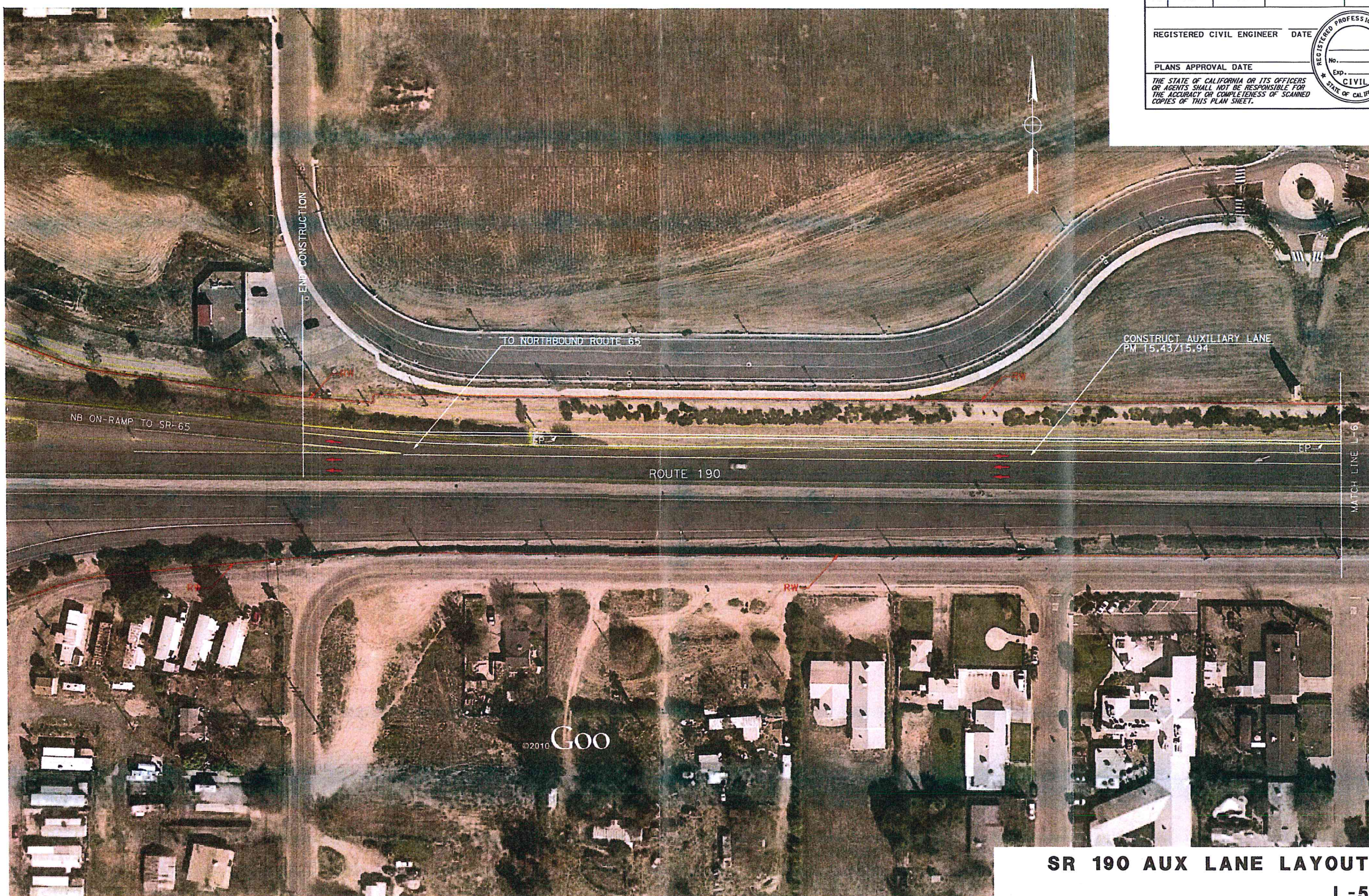


SR 190/ WESTWOOD ST

L-4

SCALE: 1"=50'

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR		CALCULATED-DESIGNED BY	REVISOR BY	
	ABDOL BAKER				
Caltrans	CHECKED BY		DATE	REVISOR BY	



DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
06	Tul	190	VAR		

REGISTERED CIVIL ENGINEER DATE _____

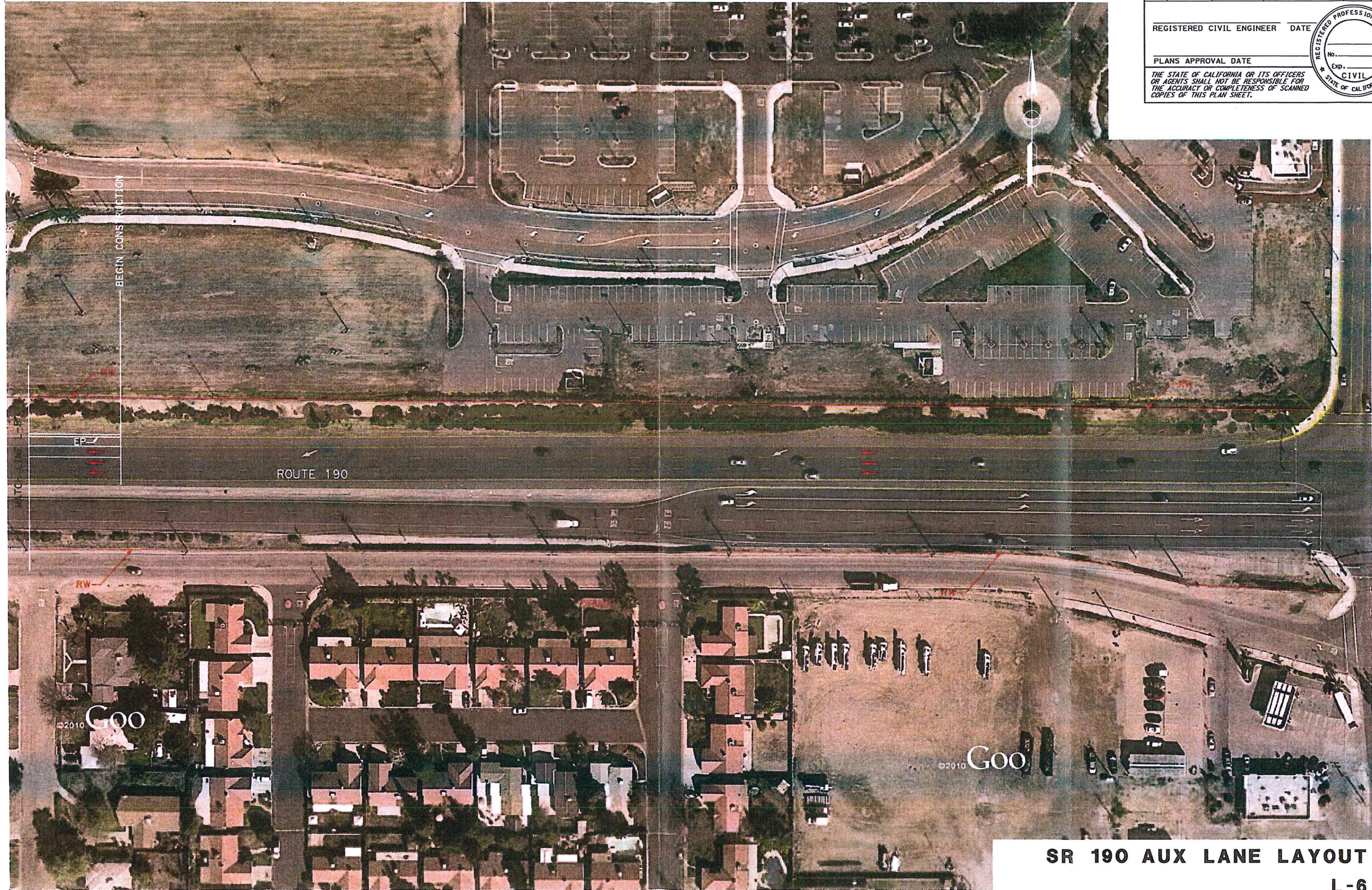
PLANS APPROVAL DATE _____

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REGISTERED PROFESSIONAL ENGINEER
 No. _____
 Exp. _____
 CIVIL
 STATE OF CALIFORNIA

SR 190 AUX LANE LAYOUT
L-5

LAST REVISION DATE PLOTTED => 27-JUL-2015
 07-01-15 TIME PLOTTED => 07:24



SR 190 AUX LANE LAYOUT
L-6

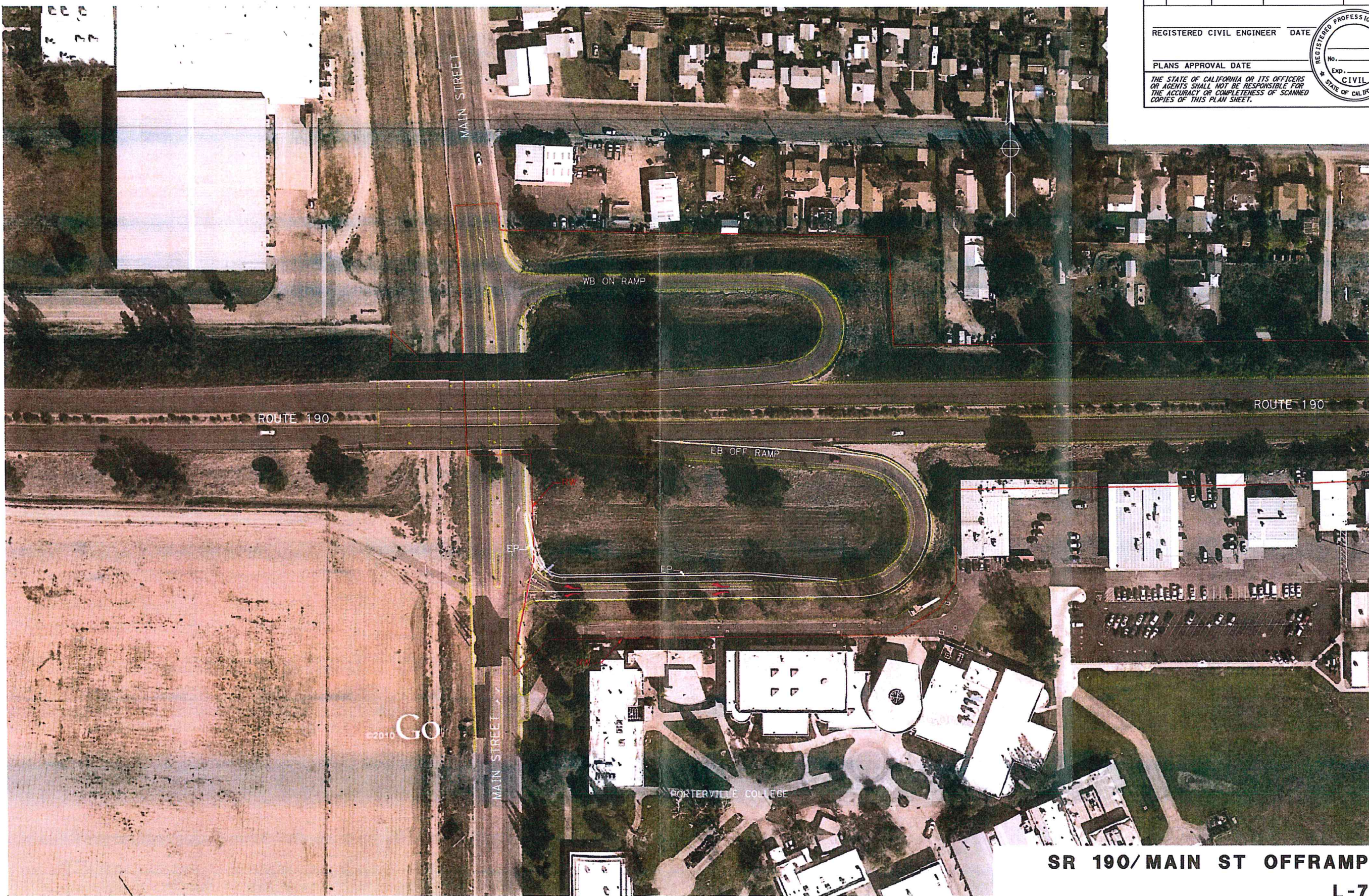
DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
06	TUL	190	VAR		

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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Exp. _____
CIVIL
STATE OF CALIFORNIA



SR 190/MAIN ST OFFRAMP
L-7

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
06	TUL	190	VAR		

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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No.
Exp.
CIVIL
STATE OF CALIFORNIA



Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
06	TUL	190	VAR		

REGISTERED CIVIL ENGINEER

DATE

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER

No.

Exp.

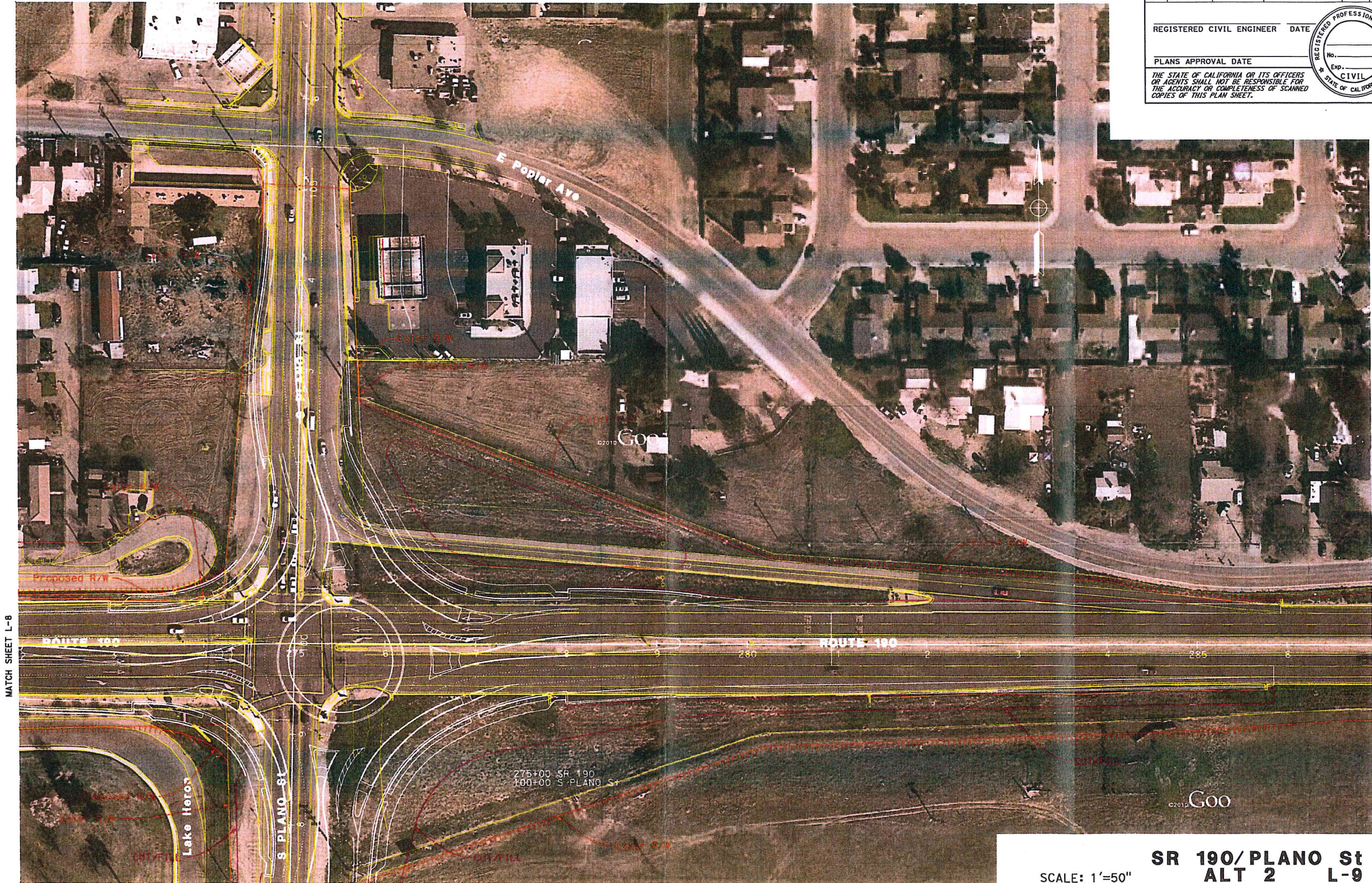
CIVIL

STATE OF CALIFORNIA

SCALE: 1"=50'

SR 190/ PLANO St
ALT 2 L-8

MATCH SHEET L-9



DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
06	Tul	190	VAR		

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER
No. _____
Exp. _____
CIVIL
STATE OF CALIFORNIA

SCALE: 1' = 50"

SR 190/PLANO St
ALT 2 L-9



SR 190/PLANO St
L-10
SCALE: 1"=50'

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
06	Tul	190	VAR		

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER
No. Exp. CIVIL
STATE OF CALIFORNIA

Porterville Intersection Improvement

On State Route 190 from 0.3 mile west of Westwood Road to 0.3 miles east of
Plano Street in Tulare County, California

06-TUL-190-13.1/17.3

0614000004

Initial Study with Proposed Mitigated Negative Declaration



Prepared by the
State of California Department of Transportation

September 2015



ATTACHMENT D

General Information About This Document

Please read this Initial Study. Additional copies of this document are available for review at the Caltrans district office at 1352 West Olive Avenue, Fresno, CA 93728 and the Porterville Public Library at 41 West Thurman Avenue, Porterville, CA 93257.

The document can also be accessed electronically at the following website:

<http://www.dot.ca.gov/dist6/environmental/envdocs/d6/>.

We welcome your comments. If you have any concerns about the project, please send your written comments to Caltrans by the deadline. Submit comments via U.S. mail to Caltrans at the following address:

Michelle Ray, Senior Environmental Planner
Sierra Pacific Environmental Analysis Branch
California Department of Transportation
855 M Street, Suite 200
Fresno, CA, 93721

Comments may also be submitted by email to: michelle.ray@dot.ca.gov. Submit comments by the deadline: October 12, 2015.

After comments are received from the public and reviewing agencies, Caltrans may 1) give environmental approval to the proposed project, 2) do additional environmental studies, or 3) abandon the project. If the project is given environmental approval and funding is appropriated, Caltrans could design and build all or part of the project.

For individuals with sensory disabilities, this document is available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: Michelle Ray, Sierra Pacific Environmental Analysis, 855 M Street, Suite 200 Fresno, CA 93721; (559) 445-5286 (Voice), or use the California Relay Service 1 (800) 735-2929 (TTY), 1 (800) 735-2929 (Voice), or 711.

Operational Improvements on State Route 190 from 0.3 mile west of South Westwood Street to 0.3 mile east of
South Plano Street in Tulare County, California

**INITIAL STUDY
with Proposed Negative Declaration**

Submitted Pursuant to: (State) Division 13, California Public Resources Code

THE STATE OF CALIFORNIA
Department of Transportation

Date of Approval

Michelle Ray
Senior Environmental Planner
California Department of Transportation

- If you have any concerns about the project, please send your written comments to Caltrans by the deadline. Submit comments via U.S. mail to Caltrans at the following address:

Michelle Ray, Senior Environmental Planner
Sierra Pacific Environmental Analysis Branch
California Department of Transportation
855 M Street, Suite 200
Fresno, CA, 93721

- Submit comments via email to: michelle.ray@dot.ca.gov.
- Submit comments by the deadline: October 12, 2015.



Proposed Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) proposes the following improvements along State Route 190 in west Porterville:

- Construction of a roundabout at South Westwood Street at State Route 190.
- Extension of the existing number 3 lane along westbound State Route 190 from Jaye Street to the northbound State Route 65 on-ramp by adding approximately 1,300 feet of travel way and shoulder.
- Construction of a right turn lane on the State Route 190 eastbound off-ramp onto Main Street, and upgrading ramps for American with Disabilities Act compliance.
- Construction a roundabout at South Plano Street at State Route 190.

Determination

This proposed Negative Declaration is included to give notice to interested agencies and the public that it is Caltrans' intent to adopt a Negative Declaration for this project. This does not mean that Caltrans' decision on the project is final. This Negative Declaration is subject to change based on comments received by interested agencies and the public.

Caltrans has prepared an Initial Study for this project and, pending public review, expects to determine from this study that the proposed project would not have a significant effect on the environment for the following reasons.

The proposed project would have no effect on: land use and planning, population and housing, forest resources, recreation, public services, utilities and service systems, transportation/traffic, geology and soils, greenhouse gas emissions, cultural resources, air quality, water quality/hydrology, visual resources, mineral resources, paleontology, hazardous waste or materials, wetlands or invasive species.

In addition, the proposed project would have no significant effect on: agriculture resources, aesthetics, and the San Joaquin kit fox with the implementation of avoidance and minimization measures.

Michelle Ray
Senior Environmental Planner
California Department of Transportation

Date



Project Description and Background

Project Title

Porterville Intersection Improvement Project

Project Location

On State Route 90, in Tulare County, from 0.3 mile west of South Westwood Street to 0.3 mile east of South Plano Street. See Figures 1-1 and 1-2 for the project's vicinity and location maps.

Description of Project

Purpose and Need

The proposed project would address local development impacts in west Porterville with operational and intersection improvements along State Route 190. The purpose of the proposed project is to provide channelization, eliminate merge movements and allow pedestrian movements at the following locations along State Route 190 described below.

Location 1: State Route 190 and South Westwood Street

State Route 190 is a 2-lane conventional highway with an at-grade intersection at this location. The existing intersection is a 4-way stop controlled intersection. The level of service at the intersection is currently at "E" for the PM peak hour and will deteriorate to "F" without the project as shown in Table 1.1. This causes traffic congestion due to slower speeds, and long traffic backups at the intersection which is considered to be unacceptable for most drivers. As an early indication of this, right-turn movement occurs outside of the designated lane, on the right shoulder.

Table 1.1 Delay and Level of Service at State Route 190 at South Westwood Street

Intersection Type	Year	Peak Hour Period	Level of Service	Delay in seconds
Four-way stop (No-build)	2014	AM	D	33.6
		PM	E	42.3
	2030	AM	F	488.5
		PM	F	736.4
	2040	AM	F	918.5
		PM	F	1130.0
Roundabout	2030	AM	B	12.0
		PM	B	11.6
	2040	AM	D	32.7
		PM	C	22.7

Source: Operational Analysis (February 27, 2015), District 6 Traffic Operations

A single-lane roundabout is proposed at this location that would improve intersection operations at State Route 190 and Westwood Street. Additional right-of-way and relocation of utility poles and irrigation facilities would be required at this location.

Location 2: State Route 190 from Jaye Street to State Route 65

The District 6 Traffic Operations travel demand model indicates large peak hour traffic volumes due to commuter traffic traveling between the northern section of Porterville and east Porterville via the State Route 65 freeway to freeway interchange. Currently the outer lane (number 3 lane) on State Route 190 drops out and merges into two lanes west of Jaye Street which leads to conflicts with traffic diverging right onto the northbound State Route 65 on-ramp.

To improve route continuity and eliminate merge movements associated with the westbound lane drop west of Jaye Street and subsequent diverge movements to the northbound State Route 65 on-ramp, the number 3 westbound lane of State Route 190 would be extended approximately 1,300 feet from Jaye Street to the northbound State Route 65 on-ramp. Work will consist of re-grading the ditch side slope, adjusting existing drainage inlets located in the drainage system running parallel on the north side of State Route 190, and installation of appropriate Intelligent Transportation System on SR 190 at State Route 190 and State Route 65.

Location 3: Eastbound and Westbound State Route 190 Main Street Off-ramp

Direct and indirect traffic delays impact Porterville College and the downtown community due to left-turn and right-turn movements onto Main Street. Currently this eastbound off-ramp exit is a shared left and right turn lane. Motorists experience difficulty negotiating turn movements onto Main Street as traffic volumes increase. District 6 Traffic Operations has determined that the traffic volumes are not sufficient to warrant signalization.

To minimize queuing and delay on the approach, a dedicated right-turn lane is proposed to be constructed to separate the two turning movements. Curb ramps and sidewalk will be provided where needed to meet Americans with Disabilities Act requirements within the interchange.

Location 4: State Route 190 and South Plano Street Intersection

State Route 190 is a divided 4-lane expressway with a signalized at-grade intersection at this location. South Plano Street is a 2-lane roadway. Traffic generators include the Walmart Distribution Center and Porterville College that are within close proximity to the intersection. Over time, the State Route 190 and South Plano Street intersection level of service will degrade to "F" by 2030 without improvements as shown in Table 1.2. An early onset of operational failure is occurring currently on the northbound approach where queue blocking and excessive delay occur in the morning for a short period. Without improvement, intersection delays and queuing will worsen as multiple approach movements fail.

Table 1.2 Delay and Level of Service at State Route 190 at Plano Street

Intersection Type	Year	Peak Hour Period	Level of Service	Delay in seconds
Four-way signalized stop (No-build)	2014	AM	D	40.2
		PM	D	53.8
	2030	AM	F	80.4
		PM	F	159.0
	2040	AM	F	197.2
		PM	F	310.9
Roundabout	2030	AM	B	10.6
		PM	B	13.1
	2040	AM	C	18.5
		PM	E	38.5

Source: Operational Analysis (February 27, 2015), District 6 Traffic Operations

A dual-lane roundabout is proposed at this location to improve operations in the intersection and on the approaches, and to provide for pedestrian movements. This will alleviate excessive delay and reduce queue back up that is occurring on some movements currently and in the future as development continues in the area.

Approximately 3.25 acres of additional right-of-way and temporary construction easements as well as relocation of utility poles and/or irrigation facilities would be required at Location 1 and Location 4. Buried utilities would be identified by potholing during the Plans, Specifications, and Estimate phase. Preliminary project plans are shown in Appendix B.

Surrounding Lands Uses and Setting

The west end of the project at State Route 190 and South Westwood Street is more rural in character. Land use surrounding the highway include rural residential parcels and an industrial park (Walmart Distribution Center). The landscape becomes more urban between State Route 65 and South Plano Street with land uses that include retail, commercial, residential, and education. The Porterville College campus is directly south and adjacent to State Route 190 between Main Street and South Plano Street.



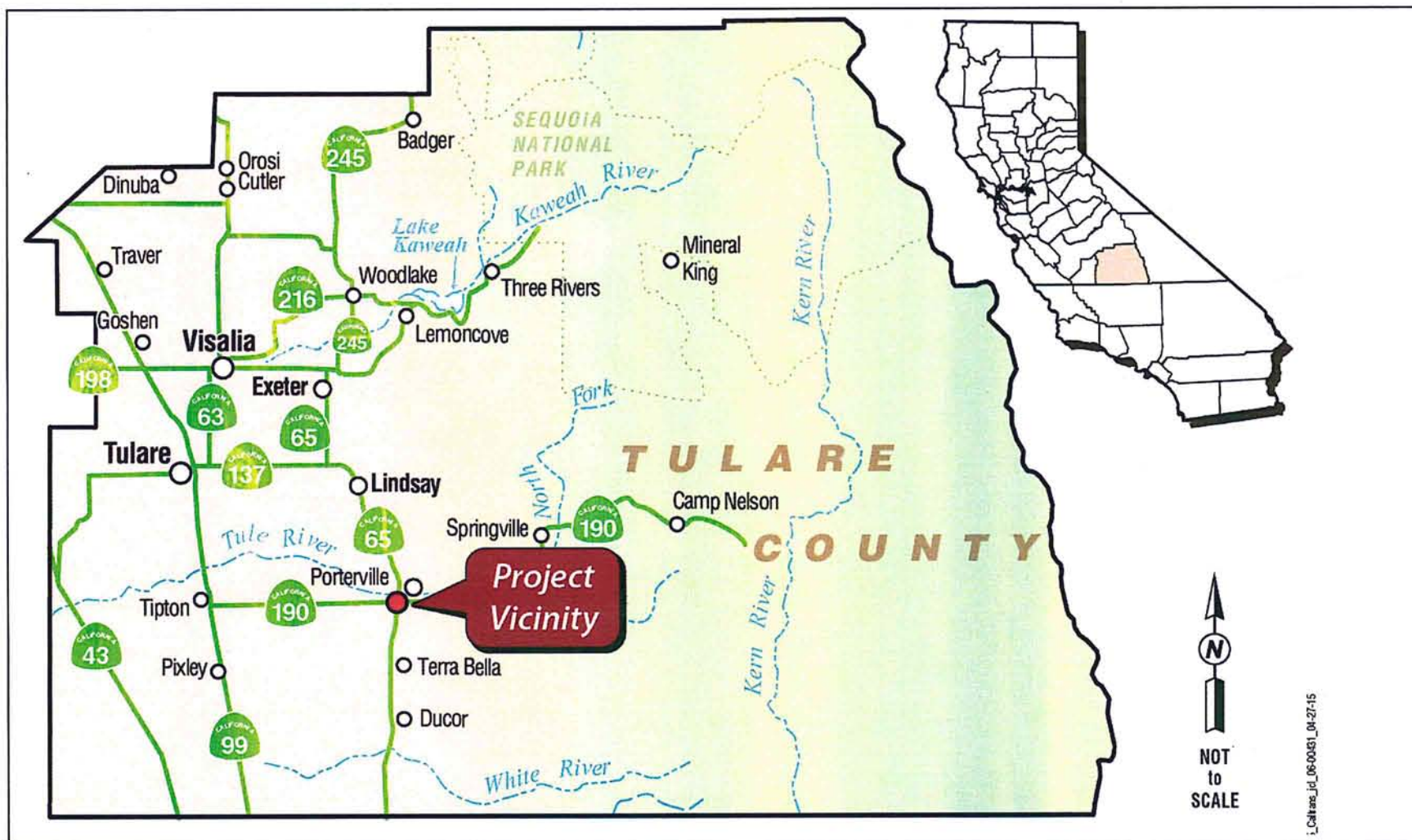


Figure 1-1 Project Vicinity Map



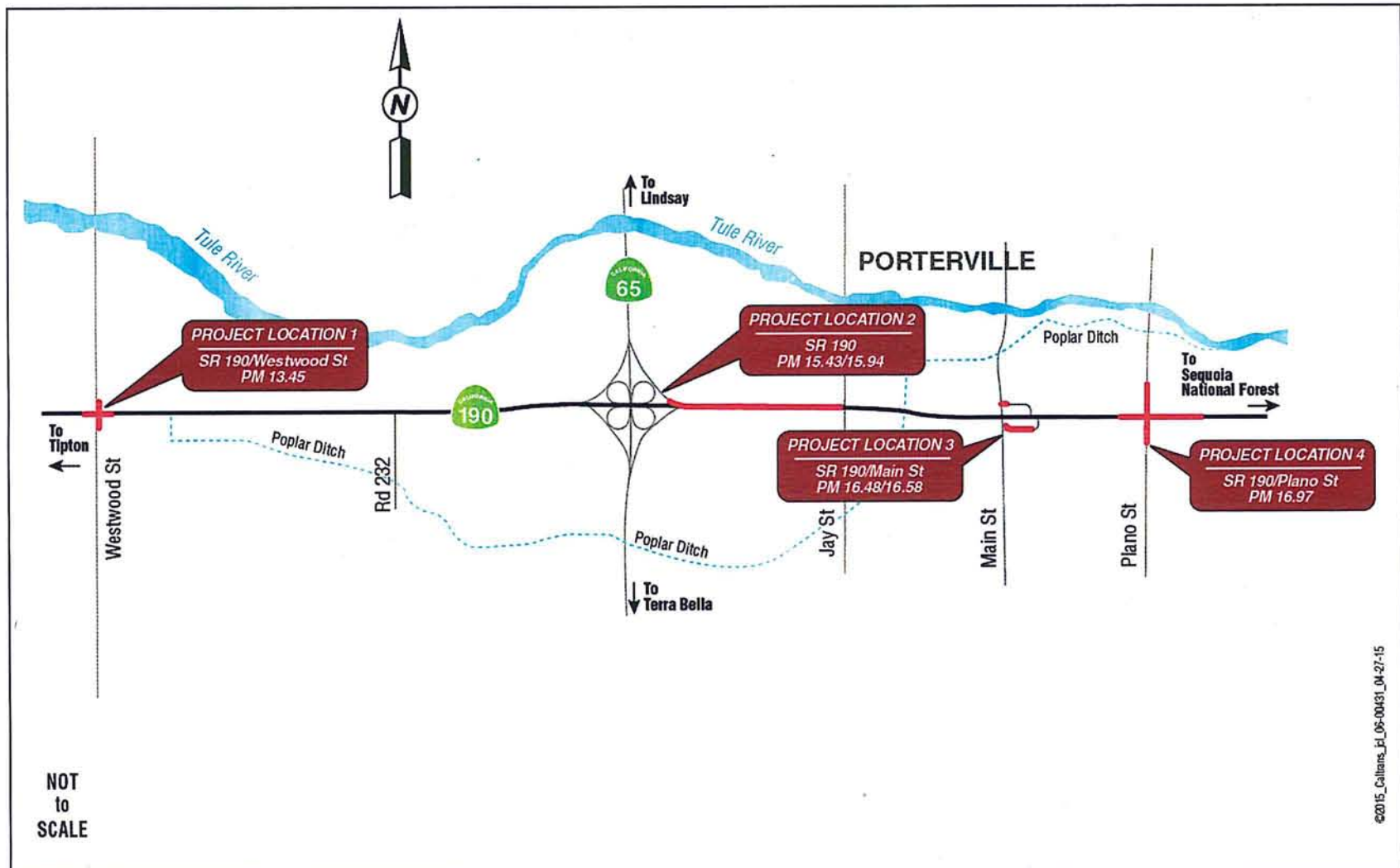


Figure 1-2 Project Location Map



Other Public Agencies Whose Approval is Required

Agency	Permit/Approval	Status
U.S. Fish and Wildlife Service	Endangered Species Act, Section 7—Consultation	A Biological Assessment evaluating the project's potential effects to San Joaquin kit fox will be submitted to the U.S. Fish and Wildlife Service to initiate informal consultation. A Letter of Concurrence is anticipated.
State Water Resources Control Board	National Pollutant Discharge Elimination System general storm water construction permit—Notice of Intent/Notice of Termination	Submission would occur during Ready-to-List and Post Construction phases.



CEQA Environmental Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicated no impacts. A NO IMPACT answer in the last column reflects this determination. Where a clarifying discussion is needed, the discussion either follows the applicable section in the checklist or is placed within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA—not NEPA—impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project, Forest Legacy Assessment Project, and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☒	☐
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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

IV. BIOLOGICAL RESOURCES: Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

VI. GEOLOGY AND SOILS: Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

VII. GREENHOUSE GAS EMISSIONS: Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans' determination that in the absence of further regulatory or scientific information related to greenhouse gas emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

☐	☐	☐	☒
☐	☐	☐	☒
☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

X. LAND USE AND PLANNING: Would the project:

a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

XI. MINERAL RESOURCES: Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

XII. NOISE: Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

XIII. POPULATION AND HOUSING: Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

XIV. PUBLIC SERVICES:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

XV. RECREATION:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

XVI. TRANSPORTATION/TRAFFIC: Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

☐	☐	☒	☐
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b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

☐	☐	☐	☒
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐	☐	☐	☒
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Additional Explanations for Questions in the Impacts Checklist

I. Aesthetics (checklist questions b and c)

Affected Environment

The following discussion is based on the Visual Impact Assessment dated August 13, 2015.

Two landscape units exist within the project limits—Valley Rural/Agricultural and Urban. Valley Rural/Agricultural can be viewed while traveling from west to east along State Route 190 to approximately just west of State Route 65. The corridor is in a rural setting with scattered residential housing, farmland, orchards, and open space. In the rural areas the facility is a two lane conventional highway. Overhead utility lines are visible on both sides of the highway. While traveling in an easterly direction, the foothills of the Sierra are visible, and are considered a scenic resource.

State Route 190 transitions from a two lane conventional highway to a four lane expressway into the Urban landscape. Continuing east on State Route 190 near State Route 65, the land use is characterized by concrete perimeter walls on the south side of the route behind which residential subdivisions are located. Land uses also include large scale retail shopping centers, various other retail and commercial businesses, fast food establishments, restaurants, and a school. Well maintained highway planting exists at various locations in the urban segments.

The landform is generally flat, except for an overcrossing which provides a higher elevation at the State Route 190/State Route 65 interchange, and at the State Route 190/Main Street intersection. Highway planting consists of center median oleanders, and numerous mature eucalyptus trees. The highway planting includes numerous tall trees, shrubs, and groundcover which are visual amenities along the corridor. The California Streets and Highways Code (Section 263 - Scenic Highway System) lists State Route 190 as Eligible Scenic from post mile 15.2 (at SR 65) in Porterville to the Tulare County line (post mile 87.6).

Within the project limits State Route 190 is open to bicycle and pedestrian travel. Shoulder widths range from zero to 12 feet. The Tulare County Association of Government's Countywide Bicycle Transportation Plan lists this route, from its beginning at Route 99 to Balch Park Road east of Springville (post mile R32.68), as a "Proposed Class II or Class III Bikeway."

Environmental Consequences

The intersection improvements are not expected to alter the Eligible Scenic status of this segment of the highway. The proposed project at four locations will be compatible with the existing visual character of the rural and urban land uses within the corridor. Primary visual resource changes associated with the proposed project include the roundabouts proposed at Locations 1 and 4.

District 6 Landscape Architecture has determined that there will be no adverse visual impacts on the existing visual character, visual quality, or affected viewer groups as a

result of the proposed project. Intersection improvements are common occurrences in urban and rural areas, within proximity to the project corridor, and therefore are not unexpected elements. Roundabouts are becoming more prevalent in roadway design, and the visual impacts to viewers are expected to be moderate, but not adverse. The orchard trees at Location 1 are not considered a scenic resource and their removal would not be expected to cause adverse visual impacts. In fact, it will open up views of additional orchard trees.

If intersection improvements are not implemented at any of the four proposed locations there would be no visual impacts.

Avoidance, Minimization and/or Mitigation Measures

The proposed roundabouts at Locations 1 and 4 will receive textural treatments and/or landscaping to minimize impacts and provide visual consistency to the corridor. The Caltrans Highway Design Manual Chapter 100 allows for "a reasonable additional expenditure to aesthetically enhance transportation projects." Caltrans policy on Context Sensitive Solutions (DP-22) also provides guidance on working with local communities to provide highway projects that are sensitive to the needs of the community. Landscaping, aesthetic treatments, and erosion control will be provided by Landscape Architecture staff during the Plans, Specifications and Estimates phase of the project.

The eastern portion of the project limits at State Route 65 near Porterville, to the end of the route in Tulare County at post mile 87.6 is Eligible Scenic. The intersection improvements are not expected to alter the Eligible Scenic status of this segment of the highway. However, care must be taken to preserve any existing visual amenities of the route, and ensure that the proposed improvements at four locations do not interrupt the visual unity of the route.

Caltrans policy states consideration should be given to protecting and preserving existing vegetation (e.g., trees, specimen plants, diminishing native species or historical plantings) to the maximum extent feasible during the planning, design, and construction of transportation projects. The highway planting that will be removed or damaged as a result of the project at any of the four locations will require replacement.

The Highway Design Manual, Chapter 1000 Bikeway Planning and Design states that the needs of non-motorized transportation are an essential part of all highway projects. The intersection improvements and roundabouts should include current maneuvering and access standards for bicyclists and pedestrians.

II. Agriculture Resources (checklist question a)

Affected Environment

The U.S. Department of Agriculture Farmland Conversion Impact Rating form AD-1006 was completed for the project in July 2015 (see Appendix B) for two locations where farmland would be affected. Caltrans proposes to acquire minor right-of-way

from agricultural parcels at Location 1—South Westwood Street and State Route 190 and at Location 4—South Plano Street and State Route 190.

Farmland surrounds the western end of the project area at Location 1. The crops observed were citrus and olive trees, alfalfa, and strawberries during a field review in June 2015. Slivers from three agricultural parcels would be required to build the roundabout at South Westwood Street and State Route 190.

The Vandalia Water District owns the property at the southeast corner of State Route 190 and South Plano Street on the eastern portion of the project at location 4. The parcel was observed to be fallow during a field review in June 2015. The land is categorized as agricultural, but is shown on the City of Porterville 2030 General Plan Land use map as low density residential. Adjacent land uses at this location include education (Porterville College campus), medium to high density residential, industrial, general commercial, and service commercial.

A total of four agricultural parcels would be affected by the proposed project. Farmland facilities including water wells and irrigation ditches may potentially be affected.

Soils at location 1 consist of Nord fine sandy loam (20.8%), Exeter loam (70.6%), and Tujunga loamy sand (8.7%). Nord fine sandy loam is considered prime; Exeter loam and Tujunga loamy sand are considered to be of statewide importance. Soil at location 4 consists of 100% San Emigdio loam that is considered prime.

Environmental Consequences

The Farmland Conversion Impact Rating determines the relative value of farmland to be converted by using a formula that weighs farmland classification, soil characteristics, irrigation, acreage, creation of non-farmable land, availability of farm services, and other factors. For project sites where the site assessment points equal or exceed 160 in part VI of the form, Caltrans must consider alternative actions that could reduce adverse impacts such as alternative sites, minimization, or mitigation measures.

The site assessment rating for the project is 54 points and the total points impact rating is 88 (see Appendix B). Approximately 3.09 acres of permanent new right-of-way would be converted from designated agricultural land with approximately 2.13 acres being classified as unique farmland and .96 acre as farmland of local importance. Approximately .18 acre would be required for temporary construction easements at three of the four affected parcels. Two of the parcels requiring minor right-of-way acquisition for construction of the proposed project are under Williamson Act contract (see Table 1.1). None of the contracts would have to be canceled as a result of the project due to the size of the parcels.

Table 1.1 Agricultural Land Affected by the Proposed Project

Assessor Parcel Number	Williamson Act Contract	Proposed Acquisition (Acres)	Total Acres Before Acquisition
240-130-038	Yes	.31	74.9
259-040-040	Yes	.75	26.06
302-080-080	No	1.82	77.18
270-030-006	No	.21	6.02

Avoidance, Minimization, and/or Mitigation Measures

No mitigation for farmland is necessary other than payment for the property and facilities being affected. Property owners would be compensated for any relocation of facilities, including irrigation wells and ditches, during the right-of-way acquisition process. Temporary easements are only for construction purposes, therefore; would not be converted and will be returned to their original agricultural uses after completion of construction.

IV. Biological Resources (checklist questions a and c)

Threatened and Endangered Species

Affected Environment

The following discussion is based on the Natural Environment Study dated August 1, 2015 and the Biological Assessment dated August 1, 2015. Federal, State of California, and California Native Plant Society species lists are located in Appendix C. Caltrans Federal Endangered Species Act determinations are listed in Appendix D.

The biological study area was defined as the project impact area—the area to be directly affected—for each location and adjacent areas that may be indirectly affected by the proposed project. The biological study area encompassed the 3.5 miles of median where the proposed improvements would occur, and the surrounding areas directly adjacent to the associated travel lanes.

The project is located along State Route 190 in the central portion of southwestern Tulare County. The project proposes improvements at four locations along State Route 190 (see Figure 1-1, Location Map). Location 1, located at the west end of the project area is predominately surrounded by agricultural fields. Locations 2, 3, and 4 are east of location 1 and are predominately surrounded by suburban and/or residential landscapes.

The project locations are comprised of paved areas, bare ground, weedy species, and/or landscape variety shrubs and trees growing along the Caltrans right-of-way. Ruderal habitat is commonly associated with unpaved highway shoulders, highway medians, and weedy areas around and between agricultural fields and other structures. The ruderal habitat in the study area is characterized by non-native weedy species,

primarily grasses and Russian thistle (*Salsola tragus*). The surrounding suburban and residential areas within the project footprint area are regularly maintained by mowing. There are no wetlands or waters located in the biological study area.

A review of species lists from the California Natural Diversity Database, U.S. Fish and Wildlife Service, and the California Native Plant Society for the Tulare U.S. Geological Survey 7.5-minute quadrangle indicated that there is a potential for special status animal and plant species to occur within or near the project area including the San Joaquin kit fox (*Vulpes macrotis mutica*), a federally endangered and state threatened species.

Caltrans will initiate formal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973 for the San Joaquin kit fox. The following is a discussion about the breeding season, habitat requirements, and recorded occurrences of the San Joaquin kit fox.

San Joaquin Kit Fox (Vulpes macrotis mutica)

The San Joaquin kit fox is federally listed as endangered and state listed as threatened. It is the smallest canid species in North America that averages 31 inches long and about 12 inches tall at the shoulder. Kit foxes have a small, slim body, relatively long ears set close together, narrow nose, and a long bushy tail tapering slightly toward the black-tipped tail. They typically carry their tail low and straight. Coat color varies from buff, tan, grizzled or yellow-grey.

The San Joaquin kit fox is found in the southern half of the state in annual grassland or grassy open stages of vegetation dominated by scattered shrubs and brush. It is primarily carnivorous, feeding on desert cottontails, rodents, insects, reptiles, birds, bird eggs and vegetation. San Joaquin kit foxes dig their own dens in open level areas with loose-textured soils supporting scattered, shrubby vegetation. They are active all year, mostly nocturnal but occasionally can be seen during the daytime in cool weather. Litters averaging 4 pups are born from February to April.

The vast majority of San Joaquin kit fox habitat has been converted to urban and agricultural development, especially within the San Joaquin Valley. Remaining habitat parcels are isolated and scattered. Predators of the San Joaquin kit fox are primarily large raptors, bobcats, coyotes, and feral or domestic dogs. Rodent control measures such as poisoning and trapping can reduce kit fox prey availability or result in secondary poisoning. In some areas, such as Bakersfield, San Joaquin kit foxes have adapted to urban environments, and they can use human-made structures, including culverts, as burrows. In urban areas, kit foxes run a higher risk of mortality from vehicle collision and encounters with dogs.

The closest California Natural Diversity Database record of the San Joaquin kit fox is 3.1 miles southwest of the project area, next to the California aqueduct. The record dates from 1950. The Endangered Species Recovery Program classifies the habitat as “sub-optimal” for the San Joaquin kit fox, primarily due to the density of invasive vegetation such as Russian thistle (*Salsola tragus*). No designated critical habitat is

present within the biological study area. The closest critical habitat for San Joaquin kit fox is located approximately 3.1 miles to the west of the project area.

Environmental Consequences

Based on observations made during the 2015 site visit, it was determined that the project area provides sub-optimal habitat for the San Joaquin kit fox. The habitat to be impacted consists of ruderal vegetation and agriculture which provide a limited area that could be used by the San Joaquin kit fox. These areas are maintained and regularly disturbed which would deter the San Joaquin fox from using the area. This was determined based on heavy highway traffic in this area, lack of foraging habitat, and lack of burrows.

Currently, the median does not have any barrier that would impede San Joaquin kit fox (or other mammal) passage. Temporary k-rail will be used during construction of this proposed project.

The total area to be impacted by the proposed project is estimated to be 10.937 acres. This is a small amount of ruderal and agricultural land and there is abundant adjacent habitat that may be used by the San Joaquin kit fox. Construction activities may affect, but would not likely adversely affect the San Joaquin kit fox due to the limited nature of the proposed project and the sub-optimal habitat for the San Joaquin kit fox within the existing project limits.

Avoidance, Minimization, and/or Mitigation Measures

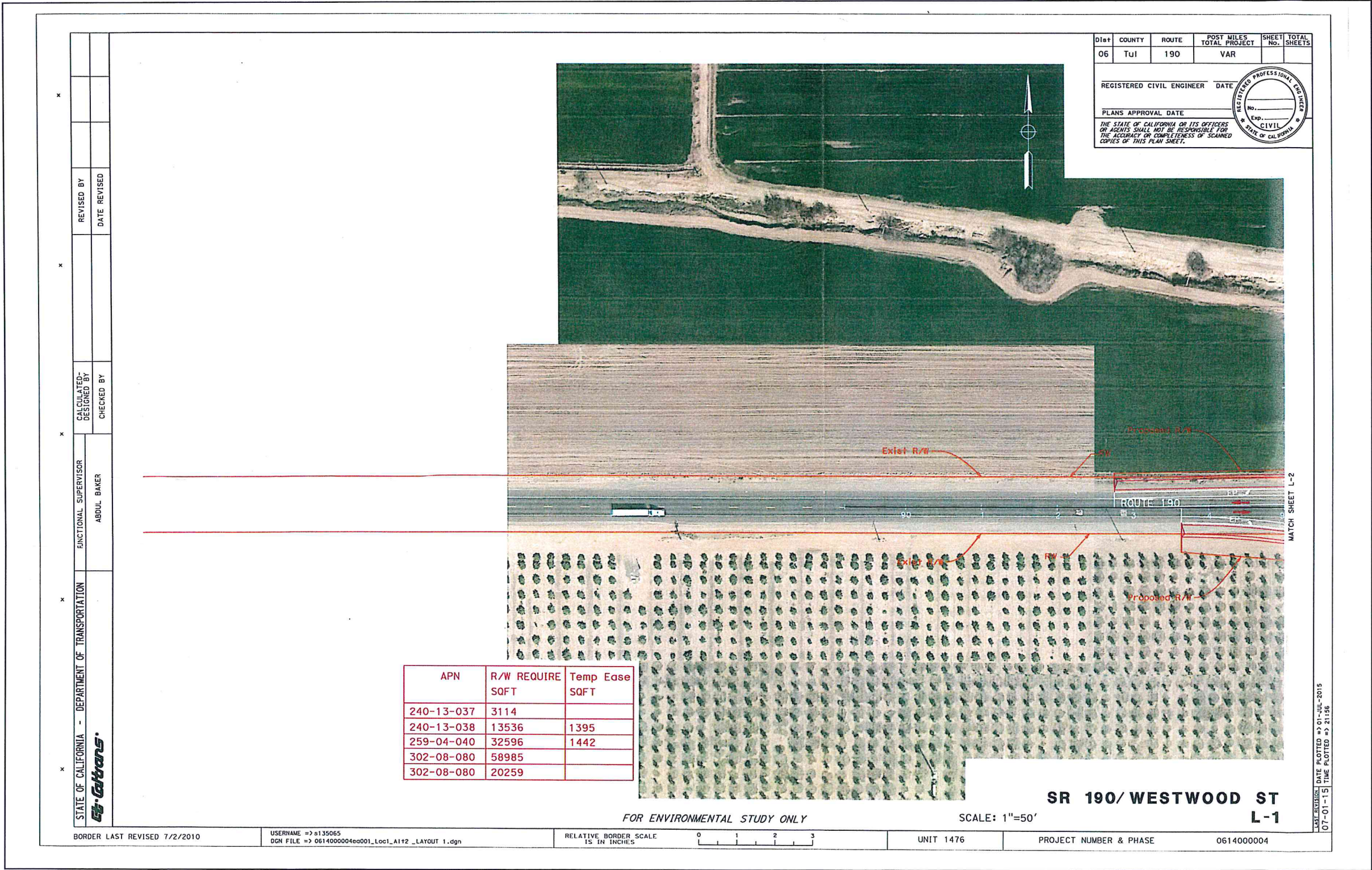
No compensatory mitigation is being proposed. The following measures shall be implemented to avoid and/or minimize impacts to the San Joaquin kit fox:

- The contractor would follow Caltrans Best Management Practices during construction.
- Equipment parking, project access, equipment maintenance, and other project-related activities would occur within the existing Caltrans right-of-way.
- Designated staging areas within previously disturbed areas would be pre-approved by a Caltrans Regional Biologist.
- Standard special provisions for the San Joaquin kit fox will be included in the construction contract to minimize impacts.
- A qualified biologist would conduct preconstruction surveys and ensure that all avoidance measures are being maintained.
- If during construction the qualified biologist determines that there is a potential for take of a San Joaquin kit fox, all work would cease immediately until Caltrans initiates consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife.
- Environmental compliance training would be required for all construction personnel.

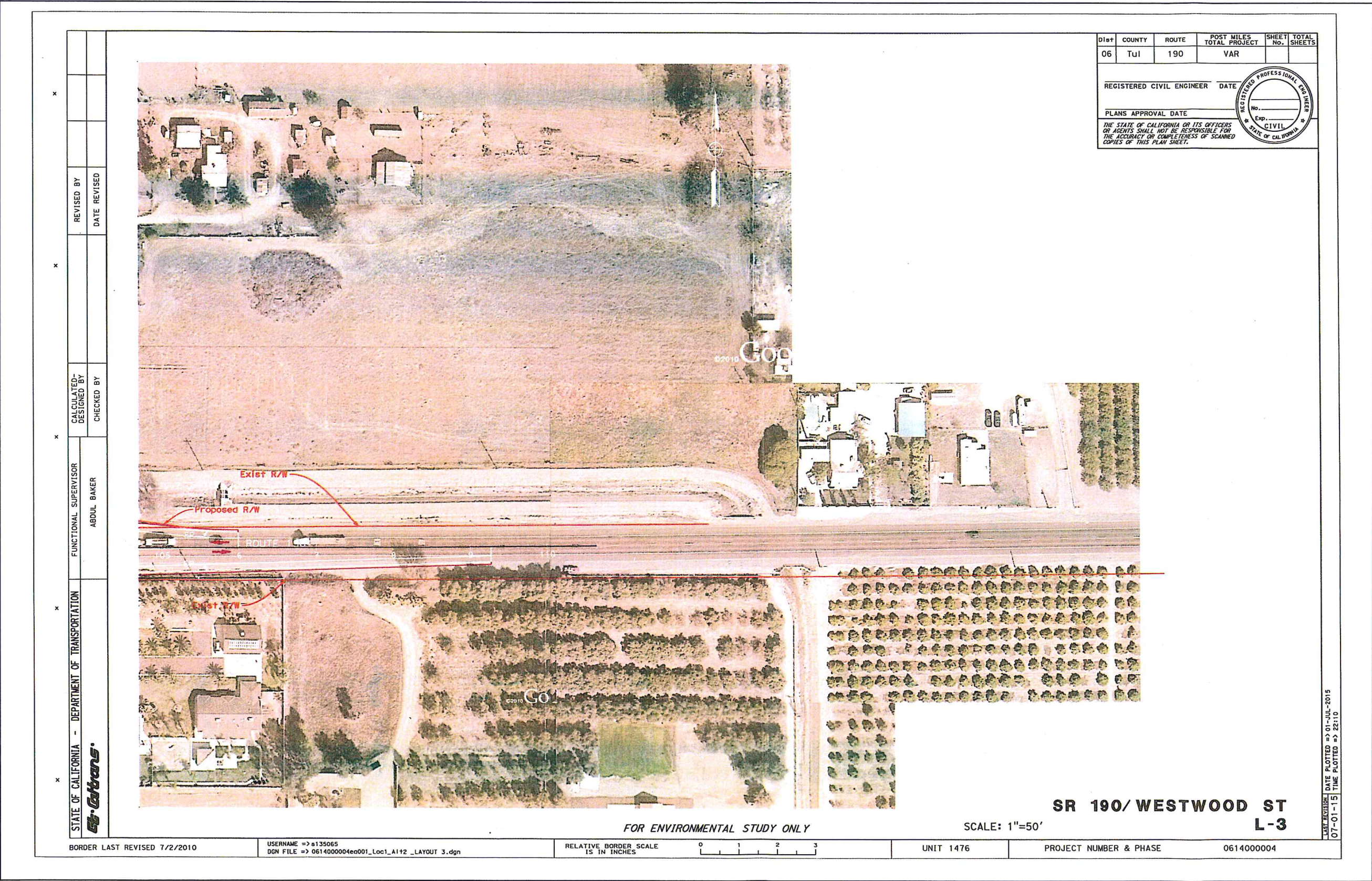
- All construction-related access must be kept within the project limits and to existing highways and associated paved/graded shoulders, or other designated areas clearly marked on the ground.
- Project-related traffic will observe a 20-mile-per-hour speed limit except on roads or highways open for public use.
- If a kit fox den is discovered, all construction activity within a 150-foot radius of the den will be halted and the Resident Engineer will be contacted immediately. Work will not continue until the Resident Engineer provides written authorization.
- All food-related trash will be disposed of in closed garbage containers provided by the contractor, and the containers will be emptied daily.
- Pets and firearms are prohibited on the work site.
- At the end of each work day, the contractor will take measures to prevent the entrapment of kit foxes in all excavated, steep-walled holes or trenches more than or equal to 2 feet deep. Such measures will include covering excavations with plywood or providing dirt or plank escape ramps from the trenches.
- The contractor will inspect all pipes and culverts with a diameter greater than or equal to 4 inches before burying, capping, or other use. If a kit fox is discovered during this inspection, the pipe or culvert will not be disturbed (other than to move to a safe location if necessary) until after the fox has escaped.

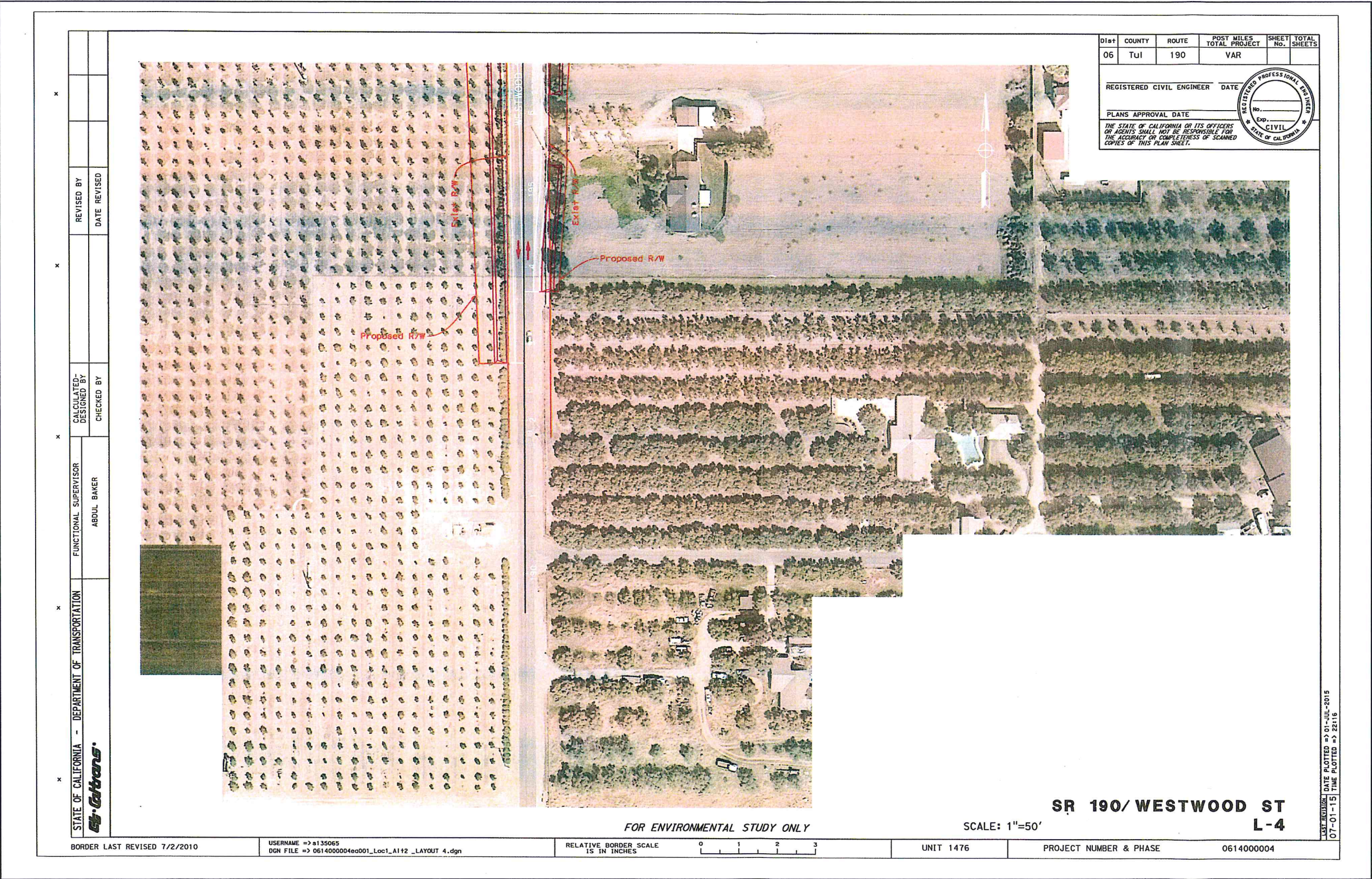


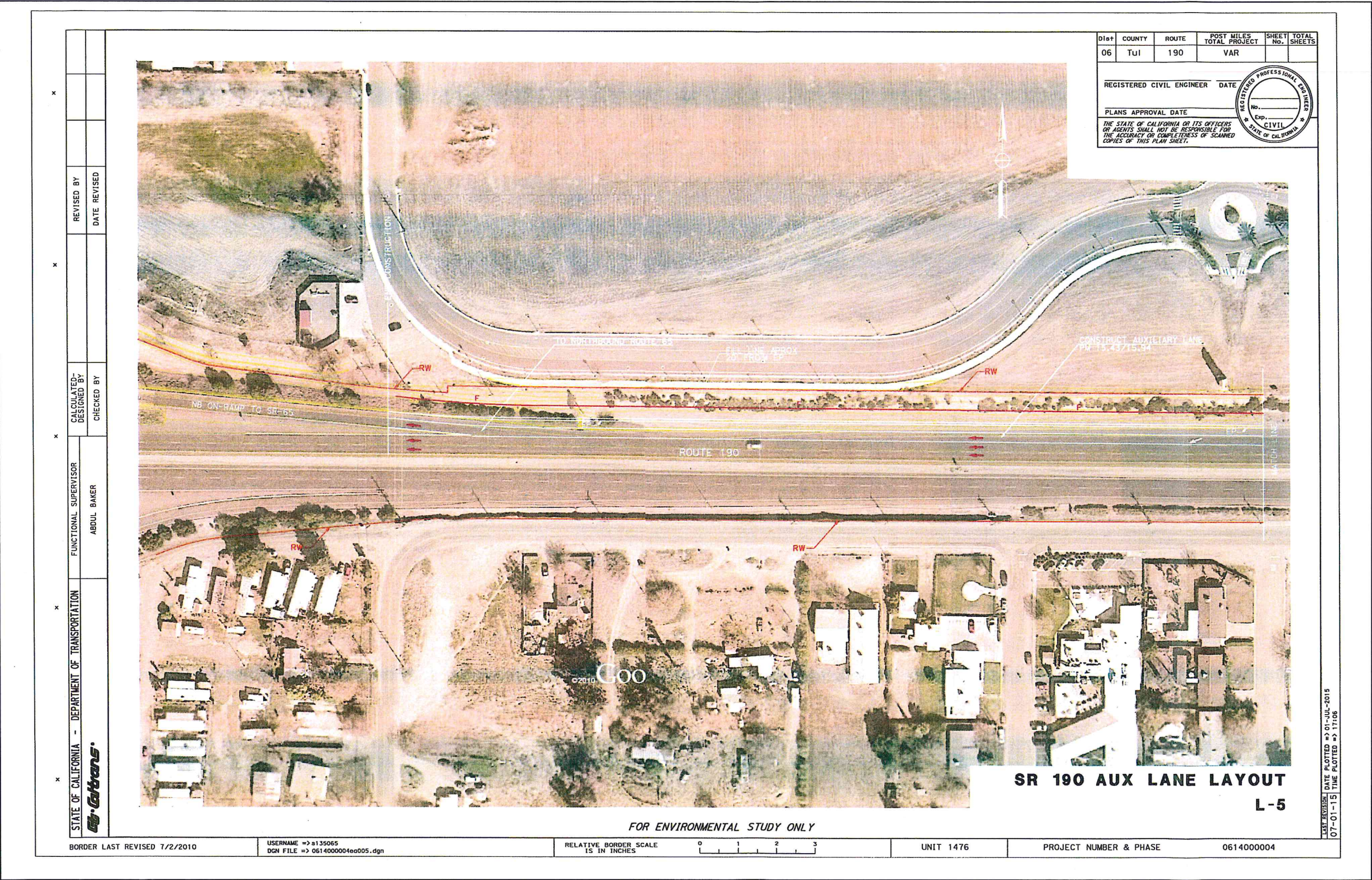
Appendix A Preliminary Design Plans

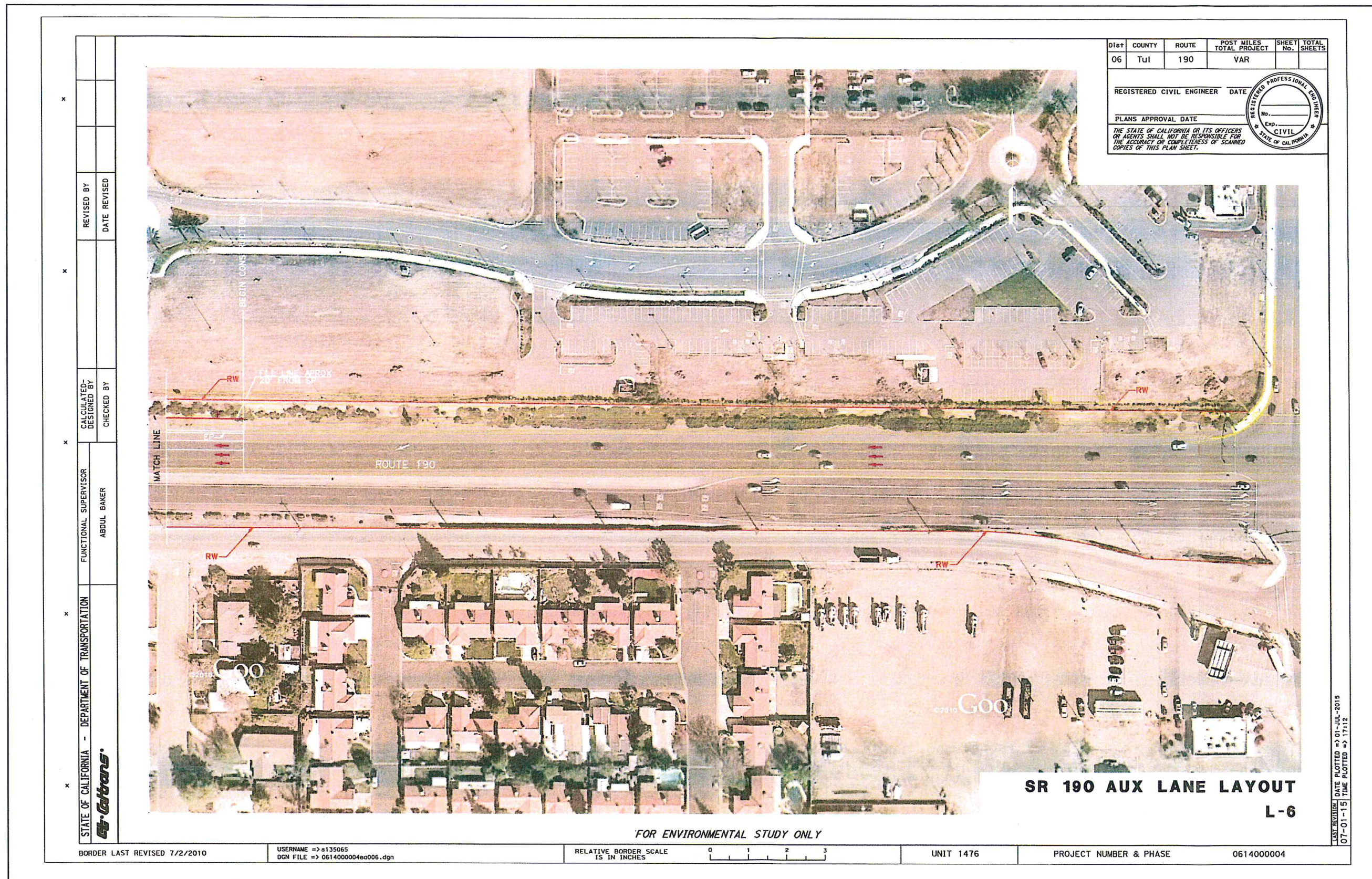


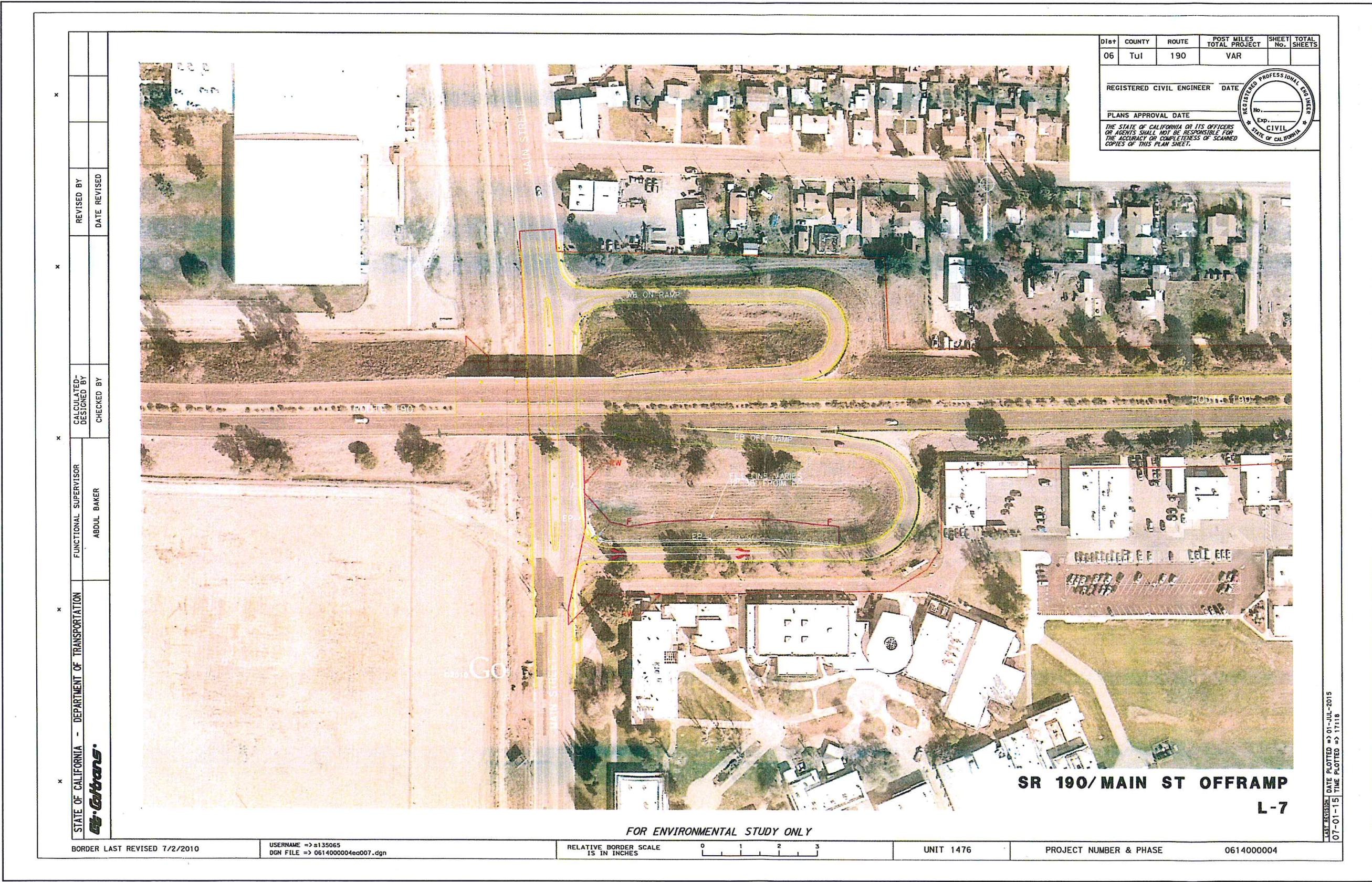


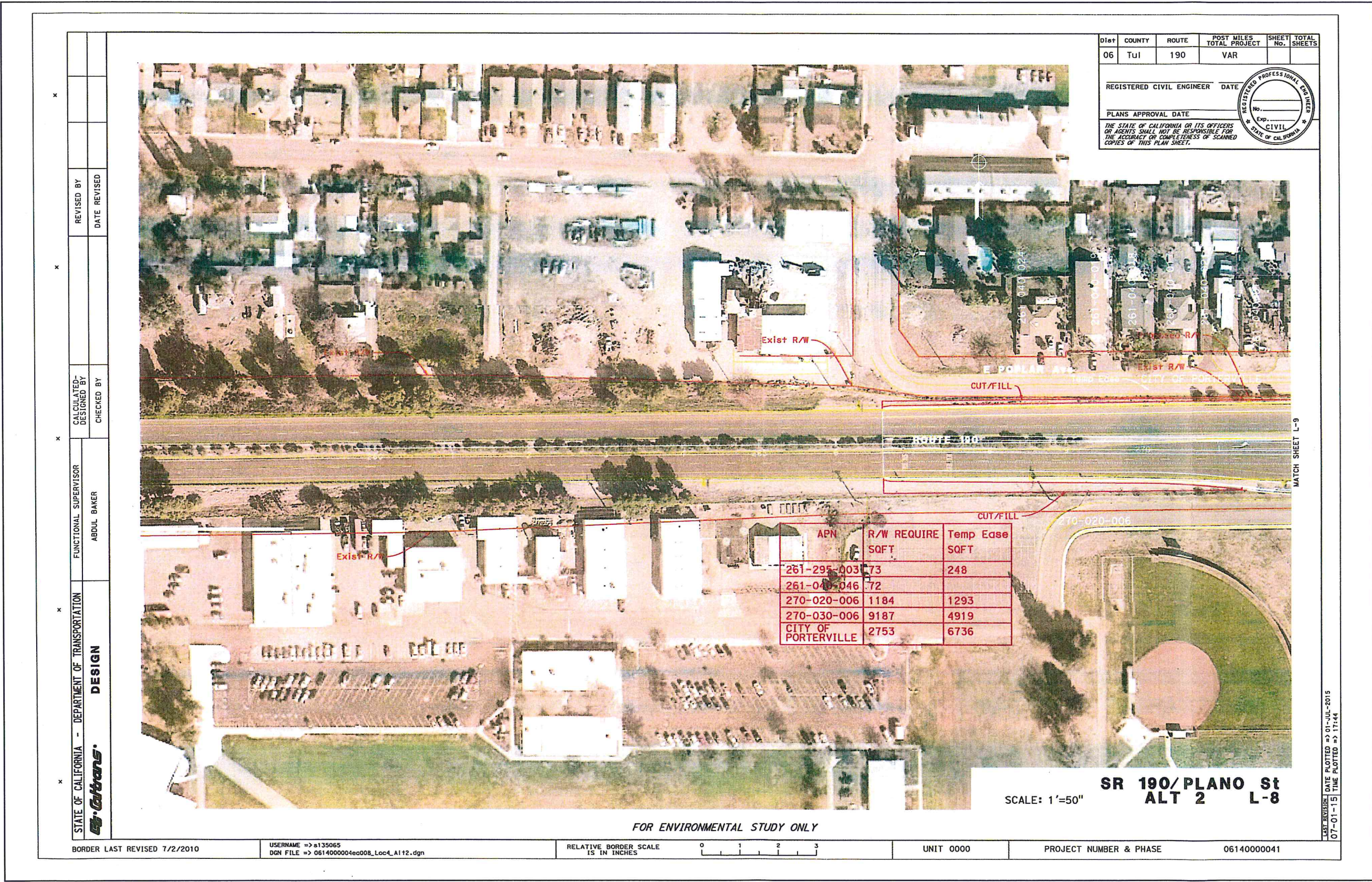


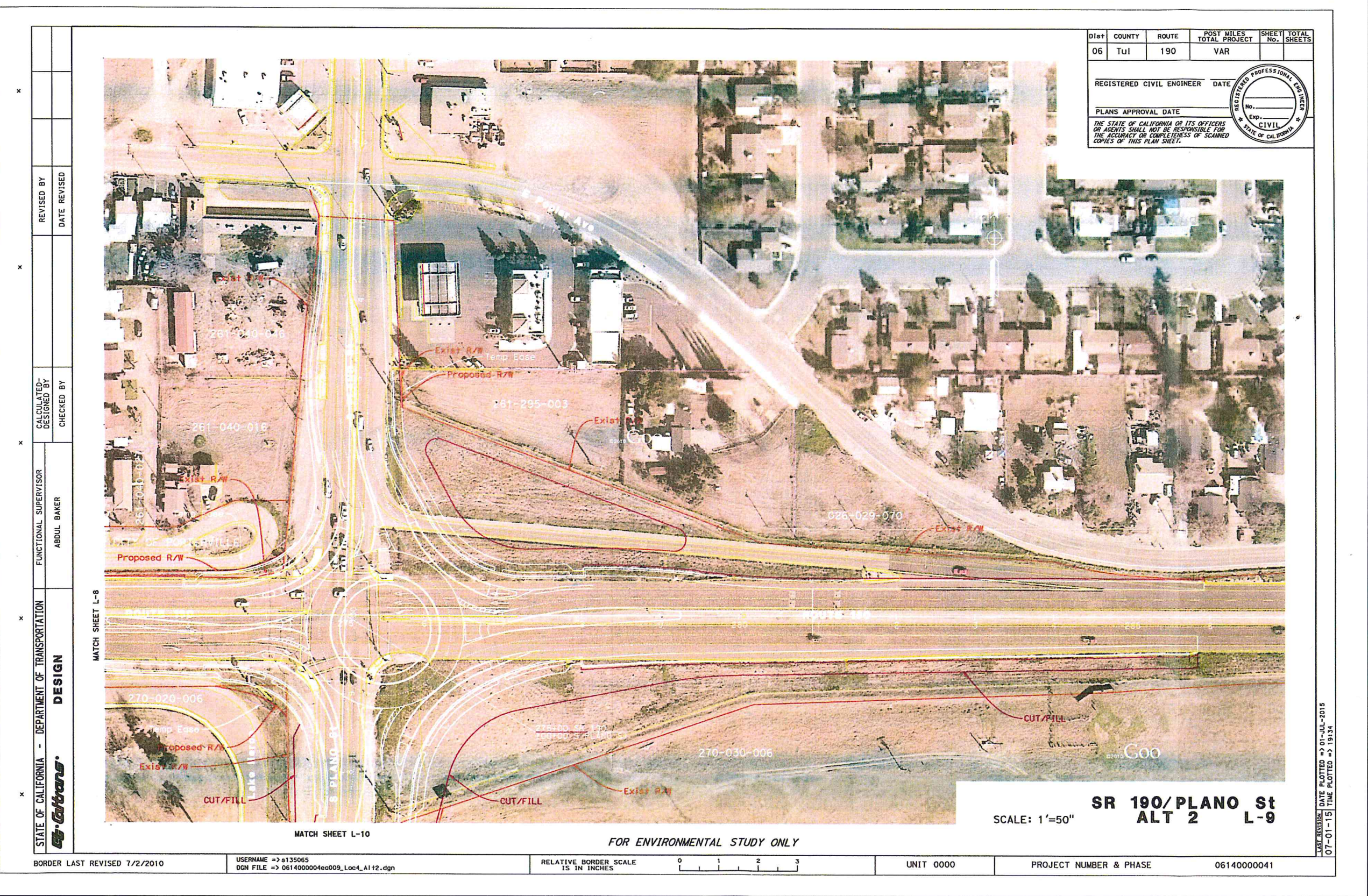












DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
06	Tul	190	VAR		

REGISTERED CIVIL ENGINEER

DATE

PLANS APPROVAL DATE

THE STATE OF CALIFORNIA OR ITS OFFICERS
OR AGENTS SHALL NOT BE RESPONSIBLE FOR
THE ACCURACY OR COMPLETENESS OF SCANNED
COPIES OF THIS PLAN SHEET.

REGISTERED PROFESSIONAL ENGINEER

No.

EXP.

CIVIL

STATE OF CALIFORNIA



Appendix B Farmland Conversion Impact Rating

U.S. Department of Agriculture					
FARMLAND CONVERSION IMPACT RATING					
PART I (To be completed by Federal Agency)			Date Of Land Evaluation Request 7/14/15		
Name of Project Porterville Intersection Improvement			Federal Agency Involved CA Dept. of Transportation		
Proposed Land Use Transportation			County and State Tulare, CA		
PART II (To be completed by NRCS)			Date Request Received By NRCS 7/16/2015		Person Completing Form: Bradley Pannett
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)			YES ☒	NO ☐	
			Acres Irrigated	Average Farm Size	
			550,342	223	
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: 638,789% 20.7	Amount of Farmland As Defined in FPPA Acres: 867,965% 28.1			
Name of Land Evaluation System Used California Storie System	Name of State or Local Site Assessment System None	Date Land Evaluation Returned by NRCS 7/16/2015			
PART III (To be completed by Federal Agency)			Alternative Site Rating		
			Site A	Site B	Site C
A. Total Acres To Be Converted Directly			3.09		
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site			3.09		
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland			0.2		
B. Total Acres Statewide Important or Local Important Farmland			2.9		
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted			0.00036		
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value			N/A		
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)			34		
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)			Maximum Points	Site A	Site B
1. Area In Non-urban Use			(15)	2	
2. Perimeter In Non-urban Use			(10)	9	
3. Percent Of Site Being Farmed			(20)	2	
4. Protection Provided By State and Local Government			(20)	20	
5. Distance From Urban Built-up Area			(15)	1	
6. Distance To Urban Support Services			(15)	0	
7. Size Of Present Farm Unit Compared To Average			(10)	0	
8. Creation Of Non-farmable Farmland			(10)	0	
9. Availability Of Farm Support Services			(5)	2	
10. On-Farm Investments			(20)	17	
11. Effects Of Conversion On Farm Support Services			(10)	1	
12. Compatibility With Existing Agricultural Use			(10)	0	
TOTAL SITE ASSESSMENT POINTS			160	54	0
				0	0
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)			100	34	0
Total Site Assessment (From Part VI above or local site assessment)			160	54	0
TOTAL POINTS (Total of above 2 lines)			260	88	0
Site Selected:			Was A Local Site Assessment Used?		
Date Of Selection			YES ☐ NO ☐		
Reason For Selection:					
Name of Federal agency representative completing this form:					
Date:					

(See Instructions on reverse side)

Form AD-1006 (03-02)



Appendix C Species Lists



United States Department of Interior
Fish and Wildlife Service

Project name: 06-0Q431

Official Species List

Provided by:

Sacramento Fish and Wildlife Office
FEDERAL BUILDING
2800 COTTAGE WAY, ROOM W-2605
SACRAMENTO, CA 95825
(916) 414-6600

Consultation Code: 08ESMF00-2015-SLI-1036

Event Code: 08ESMF00-2015-E-03060

Project Type: TRANSPORTATION

Project Name: 06-0Q431

Project Description: The project proposes to provide channelization (an engineering concept which employs the use of secondary roads to separate certain flows of traffic from the main traffic lanes), eliminate merge movements and allow for pedestrian movement at specific intersections.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.

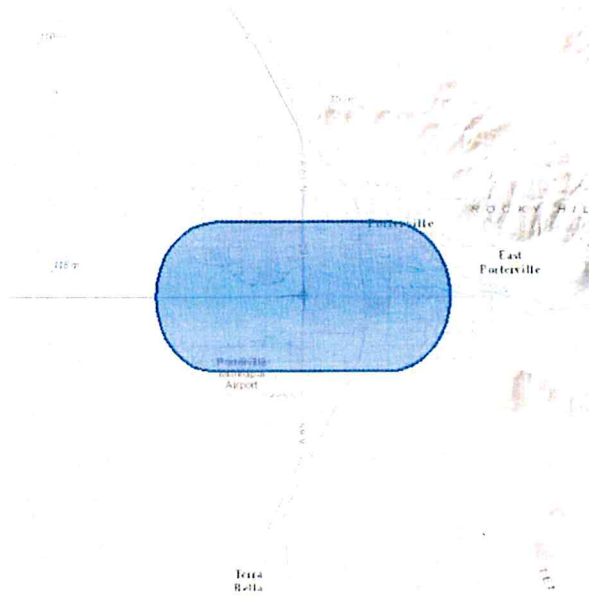
<http://ecos.fws.gov/ipac>, 08/11/2015 02:59 PM



United States Department of Interior
Fish and Wildlife Service

Project name: 06-0Q431

Project Location Map:



Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Tulare, CA

<http://ecos.fws.gov/ipac>, 08/11/2015 02:59 PM



United States Department of Interior
Fish and Wildlife Service

Project name: 06-0Q431

Endangered Species Act Species List

There are a total of 12 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
California red-legged frog (<i>Rana draytonii</i>) Population: Entire	Threatened	Final designated	
Birds			
California condor (<i>Gymnogyps californianus</i>) Population: Entire, except where listed as an experimental population	Endangered	Final designated	
Southwestern Willow flycatcher (<i>Empidonax traillii extimus</i>) Population: Entire	Endangered	Final designated	
Crustaceans			
Vernal Pool fairy shrimp (<i>Branchinecta lynchi</i>) Population: Entire	Threatened	Final designated	
Fishes			
Delta smelt (<i>Hypomesus transpacificus</i>)	Threatened	Final designated	

<http://ecos.fws.gov/ipac>, 08/11/2015 02:59 PM

Appendix C Species Lists

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Appendix C Species Lists

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Summary Table Report
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: Quad is (Tulare (3611923))

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Andrena macswaini</i> An andrenid bee	G2 S2	None None		270 270	7 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Buteo swainsoni</i> Swainson's hawk	G5 S3	None Threatened	BLM_S-Sensitive IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	270 275	2394 S:4	0	2	1	0	0	1	1	3	4	0	0
<i>Caulanthus californicus</i> California jewelflower	G1 S1	Endangered Endangered	Rare Plant Rank - 1B.1	285 285	63 S:1	0	0	0	0	1	0	1	0	0	0	1
<i>Pseudobahia peirsonii</i> San Joaquin adobe sunburst	G1 S1	Threatened Endangered	Rare Plant Rank - 1B.1 SB_RSABG-Rancho Santa Ana Botanic Garden		47 S:1	0	0	0	0	1	0	1	0	0	0	1
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	G4T2 S2	Endangered Threatened		275 300	965 S:4	0	0	0	0	0	4	4	0	4	0	0

California Native Plant Society List						
Scientific Name	Common Name	Family	Lifeform	Rare Plant Rank	State Rank	Global Rank
<u><i>Atriplex cordulata</i> var. <i>cordulata</i></u>	heartscale	Chenopodiaceae	annual herb	1B.2	S2	G3T2
<u><i>Atriplex cordulata</i> var. <i>erecticaulis</i></u>	Earlimart orache	Chenopodiaceae	annual herb	1B.2	S1	G3T1
<u><i>Atriplex depressa</i></u>	brittlescale	Chenopodiaceae	annual herb	1B.2	S2	G2
<u><i>Atriplex minuscula</i></u>	lesser saltscale	Chenopodiaceae	annual herb	1B.1	S2	G2
<u><i>Atriplex subtilis</i></u>	subtle orache	Chenopodiaceae	annual herb	1B.2	S1	G1
<u><i>Caulanthus californicus</i></u>	California jewel-flower	Brassicaceae	annual herb	1B.1	S1	G1
<u><i>Delphinium hansenii</i> ssp. <i>ewanianum</i></u>	Ewan's larkspur	Ranunculaceae	perennial herb	4.2	S3	G4T3
<u><i>Delphinium inopinum</i></u>	unexpected larkspur	Ranunculaceae	perennial herb	4.3	S3	G3
<u><i>Delphinium recurvatum</i></u>	recurved larkspur	Ranunculaceae	perennial herb	1B.2	S3	G3
<u><i>Eriogonum twisselmannii</i></u>	Twisselmann's buckwheat	Polygonaceae	perennial herb	1B.2	S3	G3
<u><i>Erynqium spinosepalum</i></u>	spiny-sepaled button-celery	Apiaceae	annual / perennial herb	1B.2	S2	G2
<u><i>Hordeum intercedens</i></u>	vernal barley	Poaceae	annual herb	3.2	S3S4	G3G4
<u><i>Imperata brevifolia</i></u>	California satintail	Poaceae	perennial rhizomatous herb	2B.1	S3	G3
<u><i>Oreonana purpurascens</i></u>	purple mountain-parsley	Apiaceae	perennial herb	1B.2	S2	G2
<u><i>Pseudobahia peirsonii</i></u>	San Joaquin adobe sunburst	Asteraceae	annual herb	1B.1	S1	G1

CNPS, Rare Plant Program. 2015. Inventory of Rare and Endangered Plants (online edition, v8-02). California Native Plant Society, Sacramento, CA. Website <http://www.rareplants.cnps.org> [accessed 28 July 2015].



Appendix D Federal Endangered Species Act Determination

The following species list was obtained from the U.S. Fish and Wildlife Service on August 11, 2015, and summarizes the Federal Endangered Species Act effect determination for each species.

Species	Status ¹	Acreage of Habitat Impacts Permanent/ Temporary	Species Impacts Expected After Avoidance, Minimization and/or Mitigation Measures ²	FESA Determination
Blunt-nosed leopard lizard	FE, SE	0/0	No, no habitat on site.	No effect.
California red-legged frog	FT	0/0	No, no habitat on site	No effect.
Delta smelt	FT	0/0	No, no habitat on site, not upstream of suitable habitat	No effect.
Giant garter snake	FT	0/0	No, no habitat on site	No effect.
San Joaquin adobe sunburst	FT, SE, 1B.1	0/0	No, no habitat on site	No effect.
San Joaquin kit fox	FE, ST	0/0	Possible. Species not observed but may use site to cross.	May affect, not likely to adversely affect.
Springville clarkia	FT, SE, 1B.2	0/0	No, no habitat on site	No effect.
Tipton kangaroo rat	FE, SE	0/0	No, no habitat on site	No effect.
Valley elderberry longhorn beetle	FT	0/0	No, no habitat on site	No effect.
Vernal pool fairy shrimp	FT	0/0	No, no habitat on site	No effect.

(1) FE = Federal Endangered; FT = Federal Threatened; SE = State Endangered; ST = State Threatened; FP = Fully Protected; 1B.1 = Rare, threatened, or endangered in California and elsewhere/seriously endangered in California; 1B.2 = Rare, threatened, or endangered in California and elsewhere/fairly endangered in California

(2) AMMs = Avoidance and Minimization Measures



Appendix E List of Technical Studies Bound Separately

- Climate Change, August 2015
- Historic Property Survey Report, July 31, 2015
- Initial Site Assessment, June 11, 2015
- Location Hydraulic Report, November 14, 2014
- Natural Environment Study, August 2015
- Visual Impact Assessment, August 13, 2015

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: SR190/Westwood St. PM 13.45
 EA: 06-0Q431
 Program Code: 400.100

PROJECT DESCRIPTION:

Limits: State Route 190/Westwood Street intersection.

Proposed Improvement:
 (Scope of Work)

Construct a multi-lane roundabout intersection

Alternative: LOCATION 1 - WESTWOOD STREET INTERSECTION

SUMMARY OF PROJECT COST ESTIMATE

TOTAL ROADWAY ITEMS	Total of Sections 1-10	\$ 3,805,000
TOTAL STRUCTURES ITEMS		\$ 0
	SUBTOTAL CONSTRUCTION COSTS	\$ 3,805,000
TOTAL RIGHT OF WAY ITEMS (Not Escalated)		\$ 534,000
	TOTAL PROJECT CAPITAL OUTLAY COSTS	\$ 4,339,000

Reviewed by

District Program Manager:

 (Signature) (Date)

Approved by Project Manager:

 (Signature) (Date)

Phone Number:

Form revised 12/01/09

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190

PM: SR190/Westwood St. PM 13.45

EA: 06-0Q431

Program Code: 400.100

I. ROADWAY ITEMS

<u>Section 1 - Earthwork</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Roadway Excavation	10,630	CY	\$25	\$265,750	
Imported Borrow	0	CY	\$0	\$0	
Clearing & Grubbing	1	LS	\$25,000	\$25,000	
Develop Water Supply			\$0	\$0	
Top Soil Reapplication			\$0.00	\$0	
Stepped Slopes and Slope			\$0	\$0	
Rounding (Contour Grading)			\$0	\$0	
Shoulder Backing	210	Ton	\$70	\$14,700	
			\$0	\$0	
Subtotal Earthwork:					\$305,450
<u>Section 2 - Pavement Structural Section*</u>					
Jointed Plain Concrete Pavement	1,280	CY	\$270	\$345,600	
Rubberized Hot Mix Asphalt	1,910	Ton	\$118	\$225,380	
Hot Mix Asphalt	7,580	Ton	\$82	\$621,560	
Lean Concrete Base	530	CY	\$184	\$97,520	
CL 2 AB	5,680	CY	\$36	\$204,480	
Treated Permeable Base	0	CY	\$0	\$0	
Aggregate Subbase	1,050	CY	\$41	\$43,050	
Pavement Reinforcing Fabric	0	SQFT	\$0	\$0	
Edge Drains	0	LF	\$0	\$0	
Place HMA Dike (Type E)	0	LF	\$3	\$0	
Minor Concrete (Misc Const)	276	CY	\$500	\$138,091	
Place HMA (Misc Area)	200	SQFT	\$16	\$3,200	
Subtotal Pavement Structural Section:					\$1,104,701
<u>Section 3 - Drainage</u>					
Large Drainage Facilities	0	LS	\$0	\$0	
Storm Drain Facilities	1	LS	\$61,280	\$61,280	
Pumping Plants	0	LS	\$0	\$0	
Project Drainage	0	LS	\$0	\$0	
				\$0	
Subtotal Drainage:					\$61,280

* Reference sketch showing typical pavement structural section elements of the roadway. Include (if available) T.I., R-Value and date when tests were performed.

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190

PM: SR190/Westwood St. PM 13.45

EA: 06-0Q431

Program Code: 400.100

<u>Section 4 - Specialty Items</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Reconstruct Chain Link Fence	196	LF	\$50	\$9,800	
Reconstruct Fence	1,820	LF	\$10	\$18,200	
Reconstruct Fence (Type BW)	330	LF	\$13	\$4,290	
Equipment/Animal Passes	0	EA	\$0	\$0	
Water Pollution Control	1	LS	\$69,075	\$69,075	
Hazardous Waste Investigation and/or Mitigation Work	0	LS	\$0	\$0	
Environmental Compliance	0	LS	\$0	\$0	
Resident Engineer Space	1	LS	\$27,000	\$27,000	
Fence (Type BW, Metal Post)	169	LF	\$16	\$2,699	
Remove Conc	0	CY	\$190	\$0	
Bridge Widening	1	EA	\$210,000	\$210,000	
				\$0	
			Subtotal Specialty Items:		\$341,064
<u>Section 5 - Traffic Items</u>					
Electrical Items	1	LS	\$165,000	\$165,000	
Traffic Delineation Items	1	LS	\$2,518	\$2,518	
Overhead Sign Structures	0	LS	\$0	\$0	
Roadside Signs	1	LS	\$4,610	\$4,610	
Traffic Control Systems	1	LS	\$50,000	\$50,000	
Transportation Management Plan	1	LS	\$103,050	\$103,050	
Construction Area Sign	1	LS	\$4,000	\$4,000	
Temporary Detection System	0	LS	\$0	\$0	
Traffic Handling & Detour	1	LS	\$19,246	\$19,246	
				\$0	
			Subtotal Traffic Items:		\$348,424

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: SR190/Westwood St. PM 13.45
 EA: 06-0Q431
 Program Code: 400.100

II. ROADSIDE ITEMS

<u>Section 6 Planting and Irrigation</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Highway Planting	0	LS	\$0	\$0	
Replacement Planting	1	LS	\$250,000	\$250,000	
Irrigation Modification	0	LS	\$0	\$0	
Relocate Existing Irrigation	0	LS	\$0	\$0	
Facilities	0	LS	\$0	\$0	
Irrigation Crossovers	0	LS	\$0	\$0	
				\$0	
Subtotal Planting and Irrigation Section:					\$250,000

<u>Section 7: Roadside Management and Safety Section</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Vegetation Control Treatments	0	LS	\$0	\$0	
Gore Area Pavement	0	LS	\$0	\$0	
Pavement beyond the gore area	0	LS	\$0	\$0	
Miscellaneous Paving	0	LS	\$0	\$0	
Erosion Control	2	LS	\$30,000	\$55,328	
Slope Protection	0	LS	\$0	\$0	
Side Slopes/Embankment Slopes	0	LS	\$0	\$0	
Maintenance Vehicle Pull outs Off-freeway Access (gates, stairways, etc.) Roadside Facilities (Vista Points, Transit, Park & Ride, etc)	0	LS	\$0	\$0	
Relocating roadside facilities/features	0	LS	\$0	\$0	
Relocating gate	3	EA	\$1,300	\$3,900	
Subtotal Roadside Management and Safety Section:					\$59,228

TOTAL SECTIONS 1 thru 7 \$2,470,146

NOTE: Extra lines are provided for items not listed; use additional lines as appropriate.

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: SR190/Westwood St. PM 13.45
 EA: 06-0Q431
 Program Code: 400.100

III. ROADWAY ADDITIONS

Section 8 - Minor Items

				<u>Item Cost</u>	<u>Section Cost</u>
(Subtotal Sections 1 thru 7)	<u>\$2,470,146</u>	x	<u>0.10</u> (5 to 10%)	=	<u>\$247,015</u>

TOTAL Minor Items: \$247,015

Section 9 - Roadway Mobilization

(Subtotal Sections 1 thru 8)	<u>\$2,717,161</u>	x	<u>0.10</u> (10%)	=	<u>\$271,716</u>
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TOTAL Roadway Mobilization: \$271,716

Section 10 - Supplemental Work & Contingencies

Supplemental Work

(Subtotal Sections 1 thru 8)	<u>\$2,717,161</u>	x	<u>0.10</u> (5 to 10%)	=	<u>\$271,716</u>
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Contingencies

(Subtotal Sections 1 thru 8)	<u>\$2,717,161</u>	x	<u>0.20</u> (**20%)	=	<u>\$543,432</u>
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Supplemental Work & Contingencies: \$815,148

TOTAL ROADWAY ADDITIONS Sections 8 thru 10: \$1,333,879

TOTAL ROADWAY ITEMS: \$3,804,025

(Subtotal Sections 1 thru 10)

Estimate Prepared by: _____ Phone: _____ 0/0/00
 (Print or Type Name) (Date)

Estimate Checked by: _____ Phone: _____ 0/0/00
 (Print or Type Name) (Date)

**Use appropriate percentage per PDPM, Part 3 Chapter 20.
<http://www.dot.ca.gov/hq/opnd/pdpm/pdpm.n.htm> - pdpm

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190

PM: SR190/Westwood St. PM 13.45

EA: 06-0Q431

Program Code: 400.100

II. STRUCTURE ITEMS

	STRUCTURE			
	No. 1	No. 2	No. 3	
Bridge Name	_____	_____	_____	
Structure Type	_____	_____	_____	
Width (out to out) - (ft)	_____	_____	_____	
Span Length - (ft)	0	0	0	
Total Area - ft ²	0	0	0	
Footing Type (pile/spread)	0	0	0	
Cost per ft ²	0	0	0	
(incl. 10 % mobilization and 20 % contingency)				
Total Cost for Structure	\$0	\$0	\$0	
SUBTOTAL STRUCTURES ITEMS				\$0
(Sum of Total Cost for Structures)				
Railroad Related Costs (Not incl. in R/W Est)	_____	_____	_____	\$0
	_____	_____	_____	\$0
SUBTOTAL RAILROAD ITEMS				\$0
TOTAL STRUCTURES ITEMS				\$0
(Sum of Structures items plus Railroad Items)				

COMMENTS:

Estimate Prepared by: _____	Phone: _____	0/0/00
(Print or Type Name)		(Date)

(If appropriate, attach additional pages as backup)

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: SR190/Westwood St. PM 13.45
 EA: 06-0Q431
 Program Code: 400.100

III. RIGHT OF WAY ITEMS

No. of years for Escalation =

1

	Current Values	Rate (%)	Escalation Factor		Escalated Values
A. Acquisition, including excess lands, damages to remainder(s) and Goodwill	\$250,000	25.0	1.25	-	\$312,500
B. Utility Relocation (State Share)	\$200,000	25.0	1.25	-	\$250,000
C. Relocation Assistance		25.0	1.25	-	\$0
D. Clearance/Demolition	\$84,000	25.0	1.25	-	\$105,000
E. Title and Escrow Fees	\$0	25.0	1.25	-	\$0
TOTAL RIGHT OF WAY** ITEMS=	\$534,000				\$667,500
					(Escalated Value)

Anticipated Date of Right of Way Certification: 0/0/00

(Date to which Values are Escalated)

F. Construction Contract Work

Brief Description of Work

Right of Way Branch Cost Estimate for Work*

\$0

* This dollar amount is to be included in the Roadway and/or Structures Items of Work, as appropriate. Do not include in Right of Way Items

COMMENTS:

Estimate Prepared by:

(Print or Type Name)

Phone:

0/0/00

(Date)

(If appropriate, attach additional pages and backup including Right of Way Data Sheet and Environmental Mitigation and Compliance Cost Estimate Sheet).

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: 13.1/17.3
 EA: 06-0Q431
 Program Code: 400.100

PROJECT DESCRIPTION:

Limits: On SR 190 between State Route 65/Jay St Additional Lane

Proposed Improvement:
 (Scope of Work)

Extend the existing number 3 lane on westbound SR 190 from Jaye Street to the northbound SR65 on-ramp by adding travel way and shoulder.

Alternative: LOCATION 2 - WESTBOUND ADDITIONAL LANE

SUMMARY OF PROJECT COST ESTIMATE

TOTAL ROADWAY ITEMS	Total of Sections 1-10	\$ 1,076,000
TOTAL STRUCTURES ITEMS		\$ 0
	SUBTOTAL CONSTRUCTION COSTS	\$ 1,076,000
TOTAL RIGHT OF WAY ITEMS (Not Escalated)		\$ 0
	TOTAL PROJECT CAPITAL OUTLAY COSTS	\$ 1,076,000

Reviewed by

District Program Manager:

 (Signature)

 (Date)

Approved by Project Manager:

 (Signature)

 (Date)

Phone Number:

Form revised 12/01/09

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: 13.1/17.3
 EA: 06-0Q431
 Program Code: 400.100

I. ROADWAY ITEMS

<u>Section 1 - Earthwork</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Roadway Excavation	1,511	CY	\$76	\$114,867	
Imported Borrow	0	CY	\$0	\$0	
Clearing & Grubbing	1	LS	\$10,000	\$10,000	
Remove AC Surfacing	0	SQFT	\$0	\$0	
Time Related Overhead	0	DAY	\$0	\$0	
Rounding (Contour Grading)	0		\$0	\$0	
Shoulder Backing	128	TON	\$105	\$13,481	
			\$0	\$0	
			Subtotal Earthwork:		\$138,348
<u>Section 2 - Pavement Structural Section*</u>					
Jointed Plain Concrete Pavement	0	CY	\$0	\$0	
Rubberized Hot Mix Asphalt	371	TON	\$230	\$85,421	
Hot Mix Asphalt	1,609	Ton	\$105	\$168,978	
Lean Concrete Base	0	CY	\$0	\$0	
Class 2 Aggregate Base	550	CY	\$56	\$30,812	
Aggregate Subbase	0	CY	\$0	\$0	
Minor Concrete	0	CY	\$0	\$0	
Place HMA Dike (Type E)	1,141	FT	\$5	\$5,136	
Place HMA (Misc Area)	5	SQYD	\$215	\$1,075	
			Subtotal Pavement Structural Section:		\$291,421
<u>Section 3 - Drainage</u>					
Large Drainage Facilities	0	LS	\$0	\$0	
Storm Drain Facilities	1	LS	\$0	\$0	
Pumping Plants	0	LS	\$0	\$0	
Project Drainage	0	LS	\$0	\$0	
				\$0	
			Subtotal Drainage:		\$0

* Reference sketch showing typical pavement structural section elements of the roadway. Include (if available) T.I., R-Value and date when tests were performed.

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: 13.1/17.3
 EA: 06-0Q431
 Program Code: 400.100

<u>Section 4 - Specialty Items</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Remove Fence	0	LF	\$0	\$0	
Chain Link Fence (Type CL-6)	0	LF	\$0	\$0	
Fence (Type BW, Metal Post)	0	LF	\$0	\$0	
Metal Beam Guardrail (Steel Post)	1	LS	\$5,800	\$5,800	
Water Pollution Control	1	LS	\$33,925	\$33,925	
Hazardous Waste Investigation and/or Mitigation Work	0	LS	\$0	\$0	
Environmental Compliance	0	LS	\$0	\$0	
Resident Engineer Office	1	LS	\$15,000	\$15,000	
Remove Conc	0	CY	\$0	\$0	
	0	LF	\$0	\$0	
Subtotal Specialty Items:					\$54,725
<u>Section 5 - Traffic Items</u>					
Electrical Items	1	LS	\$50,000	\$50,000	
Traffic Delineation Items	1	LS	\$2,518	\$2,518	
Overhead Sign Structure	0	LS	\$0	\$0	
Roadside Sign	1	LS	\$4,610	\$4,610	
Traffic Control Systems	1	LS	\$20,000	\$20,000	
Transportation Management Plan	1	LS	\$35,700	\$35,700	
Construction Area Signs	1	LS	\$4,000	\$4,000	
Temporary Detection System		LS	\$0	\$0	
Traffic Handling & Detour	1	LS	\$19,246	\$19,246	
				\$0	
Subtotal Traffic Items:					\$136,074

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: 13.1/17.3
 EA: 06-0Q431
 Program Code: 400.100

II. ROADSIDE ITEMS

<u>Section 6 Planting and Irrigation</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Highway Planting		LS	\$0	\$0	
Replacement Planting	1	LS	\$62,500	\$62,500	
Irrigation Modification		LS	\$0	\$0	
Relocate Existing Irrigation		LS	\$0	\$0	
Facilities		LS	\$0	\$0	
Irrigation Crossovers		LS	\$0	\$0	
				\$0	
Subtotal Planting and Irrigation Section:					\$62,500

<u>Section 7: Roadside Management and Safety Section</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Vegetation Control Treatments		LS	\$0	\$0	
Gore Area Pavement		LS	\$0	\$0	
Pavement beyond the gore area		LS	\$0	\$0	
Miscellaneous Paving		LS	\$0	\$0	
Erosion Control	0.5	AC	\$30,000	\$15,000	
Temporary BMS		LS	\$0	\$0	
Side Slopes/Embankment Slopes		LS	\$0	\$0	
Maintenance Vehicle Pull outs					
Off-freeway Access (gates, stairways, etc.)					
Roadside Facilities (Vista Points, Transit, Park & Ride, etc)	0	LS	\$0	\$0	
Relocating roadside facilities/features	0	LS	\$0	\$0	
				\$0	
Subtotal Roadside Management and Safety Section:					\$15,000

TOTAL SECTIONS 1 thru 7 \$698,068

NOTE: Extra lines are provided for items not listed; use additional lines as appropriate.

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: 13.1/17.3
 EA: 06-0Q431
 Program Code: 400.100

III. ROADWAY ADDITIONS

Section 8 - Minor Items

				<u>Item Cost</u>	<u>Section Cost</u>
(Subtotal Sections 1 thru 7)	<u>\$698,068</u>	x	<u>0.10</u> (5 to 10%)	=	<u>\$69,807</u>

TOTAL Minor Items: \$69,807

Section 9 - Roadway Mobilization

(Subtotal Sections 1 thru 8)	<u>\$767,875</u>	x	<u>0.10</u> (10%)	=	<u>\$76,788</u>
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TOTAL Roadway Mobilization: \$76,788

Section 10 - Supplemental Work & Contingencies

Supplemental Work

(Subtotal Sections 1 thru 8)	<u>\$767,875</u>	x	<u>0.10</u> (5 to 10%)	=	<u>\$76,788</u>
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Contingencies

(Subtotal Sections 1 thru 8)	<u>\$767,875</u>	x	<u>0.20</u> (**20%)	=	<u>\$153,575</u>
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Supplemental Work & Contingencies: \$230,363

TOTAL ROADWAY ADDITIONS Sections 8 thru 10: \$376,957

TOTAL ROADWAY ITEMS: \$1,075,025

(Subtotal Sections 1 thru 10)

Estimate Prepared by: _____
 (Print or Type Name)

Phone: _____ 0/0/00
 (Date)

Estimate Checked by: _____
 (Print or Type Name)

Phone: _____ 0/0/00
 (Date)

**Use appropriate percentage per PDPM, Part 3 Chapter 20.

<http://www.dot.ca.gov/hq/oprd/pdpm/pdpmn.htm> -pdpm

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: 13.1/17.3
 EA: 06-0Q431
 Program Code: 400.100

II. STRUCTURE ITEMS

	STRUCTURE			
	No. 1	No. 2	No. 3	
Bridge Name	_____	_____	_____	
Structure Type	_____	_____	_____	
Width (out to out) - (ft)	_____	_____	_____	
Span Length - (ft)	0	0	0	
Total Area - ft ²	0	0	0	
Footing Type (pile/spread)	0	0	0	
Cost per ft ²	0	0	0	
(incl. 10 % mobilization and 20 % contingency)				
Total Cost for Structure	\$0	\$0	\$0	
SUBTOTAL STRUCTURES ITEMS				\$0
(Sum of Total Cost for Structures)				
Railroad Related Costs (Not incl. in R/W Est)	_____	_____	_____	\$0
	_____	_____	_____	\$0
SUBTOTAL RAILROAD ITEMS				\$0
TOTAL STRUCTURES ITEMS				\$0
(Sum of Structures items plus Railroad Items)				

COMMENTS:

Estimate Prepared by: _____ Phone: _____ 0/0/00
 (Print or Type Name) (Date)

(If appropriate, attach additional pages as backup)

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
PM: 13.1/17.3
EA: 06-0Q431
Program Code: 400.100

III. RIGHT OF WAY ITEMS

No. of years for Escalation = 1

	Current Values	Rate (%)	Escalation Factor		Escalated Values
A. Acquisition, including excess lands, damages to remainder(s) and Goodwill	\$0	25.0	1.25	-	\$0
B. Utility Relocation (State Share)	\$0	25.0	1.25	-	\$0
C. Relocation Assistance	\$0	25.0	1.25	-	\$0
D. Clearance/Demolition	\$0	25.0	1.25	-	\$0
E. Title and Escrow Fees	\$0	25.0	1.25	-	\$0
TOTAL RIGHT OF WAY** ITEMS=	\$0				\$0
					(Escalated Value)

Anticipated Date of Right of Way Certification: 0/0/00

(Date to which Values are Escalated)

F. Construction Contract Work

Brief Description of Work

Right of Way Branch Cost Estimate for Work* \$0

* This dollar amount is to be included in the Roadway and/or Structures Items of Work, as appropriate. Do not include in Right of Way Items

COMMENTS:

Estimate Prepared by: _____
(Print or Type Name)

Phone: _____

0/0/00
(Date)

(If appropriate, attach additional pages and backup including Right of Way Data Sheet and Environmental Mitigation and Compliance Cost Estimate Sheet).

PSR-PDS COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
PM: 13.1/17.3
EA: 06-0Q431
Program Code: 400.100

PROJECT DESCRIPTION:

Limits: State Route 190/Main St EB Off-Ramp.

Proposed Improvement:
(Scope of Work)

Construct a right-turn lane on the eastbound SR 190 off-ramp onto Main Street, and insure that the handicap ramps are ADA compliant.

Alternative: LOCATION 3 - Main Street Intersection

SUMMARY OF PROJECT COST ESTIMATE

TOTAL ROADWAY ITEMS	Total of Sections 1-10	\$ 1,312,000
TOTAL STRUCTURES ITEMS		\$ 0
SUBTOTAL CONSTRUCTION COSTS		\$ 1,312,000
TOTAL RIGHT OF WAY ITEMS (Not Escalated)		\$ 0
TOTAL PROJECT CAPITAL OUTLAY COSTS		\$ 1,312,000

Reviewed by
District Program Manager:

(Signature)

(Date)

Approved by Project Manager:

(Signature)

(Date)

Phone Number:

Form revised 12/01/09

PSR-PDS COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: 13.1/17.3
 EA: 06-0Q431
 Program Code: 400.100

I. ROADWAY ITEMS

<u>Section 1 - Earthwork</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Roadway Excavation	2,850	CY	\$37	\$105,433	
Imported Borrow	0	CY	\$0	\$0	
Clearing & Grubbing	1	LS	\$10,000	\$10,000	
Top Soil Reapplication			\$0	\$0	
Stepped Slopes and Slope			\$0	\$0	
Rounding (Contour Grading)			\$0	\$0	
Shoulder Backing	12	TON	\$253	\$2,965	
			\$0	\$0	
			Subtotal Earthwork:		\$118,398
<u>Section 2 - Pavement Structural Section*</u>					
Jointed Plain Concrete Pavement			\$0	\$0	
Hot Mix Asphalt Concrete	2,897	TON	\$99	\$286,822	
RHMA (Gap Graded)	962	TON	\$140	\$134,640	
Class 2 Aggregate Base	950	CY	\$40	\$37,994	
Overlay Existing Pavement			\$0	\$0	
Place HMA Dike (Type E)	425	LF	\$12	\$5,104	
Minor Concrete (Misc Const)	9	CY	\$1,040	\$9,792	
			Subtotal Pavement Structural Section:		\$474,352
<u>Section 3 - Drainage</u>					
Large Drainage Facilities	0	LS	\$0	\$0	
Storm Drain Facilities	0	LS	\$0	\$0	
Pumping Plants	0	LS	\$0	\$0	
Project Drainage	0	LS	\$0	\$0	
				\$0	
			Subtotal Drainage:		\$0

* Reference sketch showing typical pavement structural section elements of the roadway. Include (if available) T.I., R-Value and date when tests were performed.

PSR-PDS COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: 13.1/17.3
 EA: 06-0Q431
 Program Code: 400.100

<u>Section 4 - Specialty Items</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Remove Fence	0	FT	\$0	\$0	
Chain Link Fence (Type CL-6)	0	FT	\$0	\$0	
Fence (Type BW, Metal Post)	0	LF	\$0	\$0	
Water Pollution Control	1	LS	\$33,925	\$33,925	
Place HMA (Misc Area)	5	SQYD	\$223	\$1,115	
Hazardous Waste Investigation and/or Mitigation Work	0	LS	\$0	\$0	
Environmental Compliance	0	LS	\$0	\$0	
Resident Engineer Office	1	LS	\$20,000	\$20,000	
Remove Conc	0	CY	\$0	\$0	
				\$0	
				Subtotal Specialty Items:	\$55,040
<u>Section 5 - Traffic Items</u>					
Electronic Items	1	LS	\$40,000	\$40,000	
Traffic Delineation Items	1	LS	\$2,518	\$2,518	
Overhead Sign Structure	0	LS	\$0	\$0	
Roadside Sign	1	LS	\$4,610	\$4,610	
Traffic Control Systems	1	LS	\$20,000	\$20,000	
Transportation Management Plan	1	LS	\$35,700	\$35,700	
Construction Area Signs	1	LS	\$4,000	\$4,000	
Temporary Detection System	0	LS	\$0	\$0	
Traffic Handling & Detour	1	LS	\$19,246	\$19,246	
				\$0	
				Subtotal Traffic Items:	\$126,074

PSR-PDS COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
PM: 13.1/17.3
EA: 06-0Q431
Program Code: 400.100

II. ROADSIDE ITEMS

<u>Section 6 Planting and Irrigation</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Highway Planting	0	LS	\$0	\$0	
Replacement Planting	1	LS	\$62,500	\$62,500	
Irrigation Modification	0	LS	\$0	\$0	
Relocate Existing Irrigation	0	LS	\$0	\$0	
Facilities	0	LS	\$0	\$0	
Irrigation Crossovers	0	LS	\$0	\$0	
				\$0	
Subtotal Planting and Irrigation Section:					\$62,500

<u>Section 7: Roadside Management and Safety Section</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Vegetation Control Treatments	0	LS	\$0	\$0	
Gore Area Pavement	0	LS	\$0	\$0	
Pavement beyond the gore area	0	LS	\$0	\$0	
Miscellaneous Paving	0	LS	\$0	\$0	
Erosion Control	0.5	AC	\$30,000	\$15,000	
Temporary BMS		LS	\$0	\$0	
Side Slopes/Embankment Slopes	0	LS	\$0	\$0	
Maintenance Vehicle Pull outs					
Off-freeway Access (gates, stairways, etc.)					
Roadside Facilities (Vista Points, Transit, Park & Ride, etc)	0	LS	\$0	\$0	
Relocating roadside facilities/features	0	LS	\$0	\$0	
				\$0	
Subtotal Roadside Management and Safety Section:					\$15,000

TOTAL SECTIONS 1 thru 7 \$851,364

NOTE: Extra lines are provided for items not listed; use additional lines as appropriate.

PSR-PDS COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
PM: 13.1/17.3
EA: 06-0Q431
Program Code: 400.100

III. ROADWAY ADDITIONS

Section 8 - Minor Items

				<u>Item Cost</u>	<u>Section Cost</u>
(Subtotal Sections 1 thru 7)	<u>\$851,364</u>	x	<u>0.10</u> (5 to 10%)	= <u>\$85,136</u>	

TOTAL Minor Items: \$85,136

Section 9 - Roadway Mobilization

(Subtotal Sections 1 thru 8)	<u>\$936,500</u>	x	<u>0.10</u> (10%)	= <u>\$93,650</u>
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TOTAL Roadway Mobilization: \$93,650

Section 10 - Supplemental Work & Contingencies

Supplemental Work

(Subtotal Sections 1 thru 8)	<u>\$936,500</u>	x	<u>0.10</u> (5 to 10%)	= <u>\$93,650</u>
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Contingencies

(Subtotal Sections 1 thru 8)	<u>\$936,500</u>	x	<u>0.20</u> (**20%)	= <u>\$187,300</u>
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Supplemental Work & Contingencies: \$280,950

TOTAL ROADWAY ADDITIONS Sections 8 thru 10: \$459,736

TOTAL ROADWAY ITEMS: \$1,311,100

(Subtotal Sections 1 thru 10)

Estimate Prepared by: _____
(Print or Type Name)

Phone: _____ 0/0/00
(Date)

Estimate Checked by: _____
(Print or Type Name)

Phone: _____ 0/0/00
(Date)

**Use appropriate percentage per PDPM, Part 3 Chapter 20.
<http://www.dot.ca.gov/hq/oppd/pdpm/pdpm.n.htm> - pdpm

PSR-PDS COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: 13.1/17.3
 EA: 06-0Q431
 Program Code: 400.100

II. STRUCTURE ITEMS

	STRUCTURE			
	No. 1	No. 2	No. 3	
Bridge Name	_____	_____	_____	
Structure Type	_____	_____	_____	
Width (out to out) - (ft)	_____	_____	_____	
Span Length - (ft)	0	0	0	
Total Area - ft ²	0	0	0	
Footing Type (pile/spread)	0	0	0	
Cost per ft ²	0	0	0	
(incl. 10 % mobilization and 20 % contingency)				
Total Cost for Structure	\$0	\$0	\$0	
SUBTOTAL STRUCTURES ITEMS				\$0
(Sum of Total Cost for Structures)				
Railroad Related Costs (Not incl. in R/W Est)	_____	_____	_____	\$0
	_____	_____	_____	\$0
SUBTOTAL RAILROAD ITEMS				\$0
TOTAL STRUCTURES ITEMS				\$0
(Sum of Structures items plus Railroad Items)				

COMMENTS:

Estimate Prepared by: _____ (Print or Type Name) Phone: _____ 0/0/00
 (Date)

(If appropriate, attach additional pages as backup)

PSR-PDS COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
PM: 13.1/17.3
EA: 06-0Q431
Program Code: 400.100

III. RIGHT OF WAY ITEMS

No. of years for Escalation = 1

	Current Values	Rate (%)	Escalation Factor		Escalated Values
A. Acquisition, including excess lands, damages to remainder(s) and Goodwill	\$0	25.0	1.25	-	\$0
B. Utility Relocation (State Share)	\$0	25.0	1.25	-	\$0
C. Relocation Assistance	\$0	25.0	1.25	-	\$0
D. Clearance/Demolition	\$0	25.0	1.25	-	\$0
E. Title and Escrow Fees	\$0	25.0	1.25	-	\$0
TOTAL RIGHT OF WAY** ITEMS=	\$0				\$0
					(Escalated Value)

Anticipated Date of Right of Way Certification: 0/0/00

(Date to which Values are Escalated)

F. Construction Contract Work

Brief Description of Work

Right of Way Branch Cost Estimate for Work* \$0

* This dollar amount is to be included in the Roadway and/or Structures Items of Work, as appropriate. Do not include in Right of Way Items

COMMENTS:

Estimate Prepared by: _____
(Print or Type Name)

Phone: _____

0/0/00
(Date)

(If appropriate, attach additional pages and backup including Right of Way Data Sheet and Environmental Mitigation and Compliance Cost Estimate Sheet).

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: SR190 PlanoSt. PM 16.97
 EA: 06-0Q431
 Program Code: 400.100

PROJECT DESCRIPTION:

Limits: State Route 190/Plano Street intersection.

Proposed Improvement:
 (Scope of Work)

Construct a multi-lane roundabout intersection

Alternative: LOCATION 4 - PLANO STREET INTERSECTION

SUMMARY OF PROJECT COST ESTIMATE

TOTAL ROADWAY ITEMS	Total of Sections 1-10	\$ 4,218,000
TOTAL STRUCTURES ITEMS		\$ 0
	SUBTOTAL CONSTRUCTION COSTS	\$ 4,218,000
TOTAL RIGHT OF WAY ITEMS (Not Escalated)		\$ 534,000
	TOTAL PROJECT CAPITAL OUTLAY COSTS	\$ 4,752,000

Reviewed by

District Program Manager:

(Signature)

(Date)

Approved by Project Manager:

(Signature)

(Date)

Phone Number:

Form revised 12/01/09

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190

PM: SR190 PlanoSt. PM 16.97

EA: 06-0Q431

Program Code: 400.100

I. ROADWAY ITEMS

<u>Section 1 - Earthwork</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Roadway Excavation	10,890	CY	\$27	\$294,030	
Imported Borrow	1,630	CY	\$42	\$68,460	
Clearing & Grubbing	1	LS	\$5,000	\$5,000	
Develop Water Supply			\$0	\$0	
Top Soil Reapplication			\$0.00	\$0	
Stepped Slopes and Slope			\$0	\$0	
Rounding (Contour Grading)			\$0	\$0	
Shoulder Backing	90	Ton	\$134	\$12,060	
			\$0	\$0	
Subtotal Earthwork:					\$379,550
<u>Section 2 - Pavement Structural Section*</u>					
Jointed Plain Concrete Pavement	2,380	CY	\$270	\$642,600	
Rubberized Hot Mix Asphalt	3,050	Ton	\$118	\$359,900	
Hot Mix Asphalt	6,570	Ton	\$82	\$538,740	
Lean Concrete Base	980	CY	\$184	\$180,320	
Aggregate Base	4,630	CY	\$36	\$166,680	
Treated Permeable Base	0	CY	\$0	\$0	
Aggregate Subbase	1,960	CY	\$41	\$80,360	
Pavement Reinforcing Fabric	0	SF	\$0	\$0	
Edge Drains	0	FT	\$0	\$0	
Place HMA Dike (Type E)	1,843	FT	\$3	\$6,082	
Minor Concrete (Misc Const)	741	CY	\$500	\$370,500	
				\$0	
Subtotal Pavement Structural Section:					\$1,342,682
<u>Section 3 - Drainage</u>					
Large Drainage Facilities	0	LS	\$0	\$0	
Storm Drain Facilities	1	LS	\$186,917	\$186,917	
Pumping Plants	0	LS	\$0	\$0	
Project Drainage	0	LS	\$0	\$0	
				\$0	
Subtotal Drainage:					\$186,917

* Reference sketch showing typical pavement structural section elements of the roadway. Include (if available) T.I., R-Value and date when tests were performed.

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190

PM: SR190 PlanoSt. PM 16.97

EA: 06-0Q431

Program Code: 400.100

<u>Section 4 - Specialty Items</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Retaining Walls	0	SF	\$0	\$0	
Noise Barriers	0	EA	\$0	\$0	
Barriers and Guardrails	0	LF	\$0	\$0	
Equipment/Animal Passes	0	EA	\$0	\$0	
Water Pollution Control	1	LS	\$57,675	\$57,675	
Hazardous Waste Investigation and/or Mitigation Work	0	LS	\$0	\$0	
Environmental Compliance	0	LS	\$0	\$0	
Resident Engineer Space	1	LS	\$27,000	\$27,000	
Remove Fence	2,434	FT	\$2	\$4,868	
Chain Link Fence (Type CL-6)	1,814	FT	\$15	\$27,203	
Fence (Type BW, Metal Post)	169	LF	\$16	\$2,699	
Remove Conc	170	CY	\$190	\$32,300	
Remove MBGR	64	LF	\$9	\$576	
				\$0	
				Subtotal Specialty Items:	\$152,322
<u>Section 5 - Traffic Items</u>					
Electrical Items	1	LS	\$175,000	\$175,000	
Traffic Delineation Items	1	LS	\$2,518	\$2,518	
Overhead Sign Structures	0	LS	\$0	\$0	
Roadside Signs	1	LS	\$4,610	\$4,610	
Traffic Control Systems	1	LS	\$50,000	\$50,000	
Transportation Management Plan	1	LS	\$136,550	\$136,550	
Construction Area Sign	1	LS	\$4,000	\$4,000	
Temporary Detection System	0	LS	\$0	\$0	
Traffic Handling & Detour	1	LS	\$19,246	\$19,246	
				\$0	
				Subtotal Traffic Items:	\$391,924

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: SR190 PlanoSt. PM 16.97
 EA: 06-0Q431
 Program Code: 400.100

II. ROADSIDE ITEMS

<u>Section 6 Planting and Irrigation</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Highway Planting	0	LS	\$0	\$0	
Replacement Planting	1	LS	\$250,000	\$250,000	
Irrigation Modification	0	LS	\$0	\$0	
Relocate Existing Irrigation	0	LS	\$0	\$0	
Facilities	0	LS	\$0	\$0	
Irrigation Crossovers	0	LS	\$0	\$0	
				\$0	
Subtotal Planting and Irrigation Section:					\$250,000

<u>Section 7: Roadside Management and Safety Section</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Section Cost</u>
Vegetation Control Treatments	1	LS	\$20,000	\$20,000	
Gore Area Pavement	0	LS	\$0	\$0	
Pavement beyond the gore area	0	LS	\$0	\$0	
Miscellaneous Paving	0	LS	\$0	\$0	
Erosion Control	1	LS	\$15,000	\$15,000	
Slope Protection	0	LS	\$0	\$0	
Side Slopes/Embankment Slopes	0	LS	\$0	\$0	
Maintenance Vehicle Pull outs Off-freeway Access (gates, stairways, etc.)					
Roadside Facilities (Vista Points, Transit, Park & Ride, etc)	0	LS	\$0	\$0	
Relocating roadside facilities/features	0	LS	\$0	\$0	
				\$0	
Subtotal Roadside Management and Safety Section:					\$35,000

TOTAL SECTIONS 1 thru 7 \$2,738,394

NOTE: Extra lines are provided for items not listed; use additional lines as appropriate.

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: SR190 PlanoSt. PM 16.97
 EA: 06-0Q431
 Program Code: 400.100

III. ROADWAY ADDITIONS

Section 8 - Minor Items

				<u>Item Cost</u>	<u>Section Cost</u>
(Subtotal Sections 1 thru 7)	<u>\$2,738,394</u>	x	<u>0.10</u> (5 to 10%)	= <u>\$273,839</u>	

TOTAL Minor Items: \$273,839

Section 9 - Roadway Mobilization

(Subtotal Sections 1 thru 8)	<u>\$3,012,234</u>	x	<u>0.10</u> (10%)	= <u>\$301,223</u>
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TOTAL Roadway Mobilization: \$301,223

Section 10 - Supplemental Work & Contingencies

Supplemental Work

(Subtotal Sections 1 thru 8)	<u>\$3,012,234</u>	x	<u>0.10</u> (5 to 10%)	= <u>\$301,223</u>
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Contingencies

(Subtotal Sections 1 thru 8)	<u>\$3,012,234</u>	x	<u>0.20</u> (**20%)	= <u>\$602,447</u>
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Supplemental Work & Contingencies: \$903,670

TOTAL ROADWAY ADDITIONS Sections 8 thru 10: \$1,478,733

TOTAL ROADWAY ITEMS: \$4,217,127

(Subtotal Sections 1 thru 10)

Estimate Prepared by: _____	Phone: _____	<u>0/0/00</u>
(Print or Type Name)		(Date)

Estimate Checked by: _____	Phone: _____	<u>0/0/00</u>
(Print or Type Name)		(Date)

**Use appropriate percentage per PDPM, Part 3 Chapter 20.
http://www.dot.ca.gov/hq/oppd/pdpm/pdpm_n.htm - pdpm

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190
 PM: SR190 PlanoSt. PM 16.97
 EA: 06-0Q431
 Program Code: 400.100

II. STRUCTURE ITEMS

	STRUCTURE			
	No. 1	No. 2	No. 3	
Bridge Name	_____	_____	_____	
Structure Type	_____	_____	_____	
Width (out to out) - (ft)	_____	_____	_____	
Span Length - (ft)	0	0	0	
Total Area - ft ²	0	0	0	
Footing Type (pile/spread)	0	0	0	
Cost per ft ²	0	0	0	
(incl. 10 % mobilization and 20 % contingency)				
Total Cost for Structure	\$0	\$0	\$0	
SUBTOTAL STRUCTURES ITEMS				\$0
(Sum of Total Cost for Structures)				
Railroad Related Costs (Not incl. in R/W Est)	_____	_____	_____	\$0
	_____	_____	_____	\$0
SUBTOTAL RAILROAD ITEMS				\$0
TOTAL STRUCTURES ITEMS				\$0
(Sum of Structures items plus Railroad Items)				

COMMENTS:

Estimate Prepared by: _____ Phone: _____ 0/0/00
 (Print or Type Name) (Date)

(If appropriate, attach additional pages as backup)

DPR COST ESTIMATE



Dist-Co-Rte: 00-Tul-190

PM: SR190 PlanoSt. PM 16.97

EA: 06-0Q431

Program Code: 400.100

III. RIGHT OF WAY ITEMS

No. of years for Escalation = 1

	Current Values	Rate (%)	Escalation Factor		Escalated Values
A. Acquisition, including excess lands, damages to remainder(s) and Goodwill	\$250,000	25.0	1.25	-	\$312,500
B. Utility Relocation (State Share)	\$200,000	25.0	1.25	-	\$250,000
C. Relocation Assistance		25.0	1.25	-	\$0
D. Clearance/Demolition	\$84,000	25.0	1.25	-	\$105,000
E. Title and Escrow Fees	\$0	25.0	1.25	-	\$0
TOTAL RIGHT OF WAY** ITEMS=	\$534,000				\$667,500 (Escalated Value)

Anticipated Date of Right of Way Certification: 0/0/00

(Date to which Values are Escalated)

F. Construction Contract Work

Brief Description of Work

Right of Way Branch Cost Estimate for Work* \$0

* This dollar amount is to be included in the Roadway and/or Structures Items of Work, as appropriate. Do not include in Right of Way Items

COMMENTS:

Estimate Prepared by: _____
(Print or Type Name)

Phone: _____ 0/0/00
(Date)

(If appropriate, attach additional pages and backup including Right of Way Data Sheet and Environmental Mitigation and Compliance Cost Estimate Sheet).

ATTACHMENT F
Right of Way Data Sheet
(Pending)

ATTACHMENT G
Storm Water Data Report-Title Sheet
(Pending)

Department of Transportation
District 6

TRANSPORTATION MANAGEMENT PLAN DATA SHEET

06-TUL 190-PM 13.1/17.3

PORTERVILLE INTERSECTION IMPROVEMENT

PROJECT/EA NO: 0614000004-0/0Q431

August 5, 2015

Prepared For: ABDUL BAKER, Design Senior
Office of Design I, Branch A

Prepared By: FLORENCIA ALLENGER

Concurred By:

Approved By:


JOEL AGUILAR, P.E.
District 6 – Traffic Management Chief


FLORENCIA ALLENGER
District 6 – TMP Manager

This Transportation Management Plan (TMP) data sheet is prepared in response to a request from Office of Design I, Branch A dated July 24, 2015.

Attached is the TMP Data Sheet for the above referenced project. Per Deputy Directive 60-R2, TMP must be considered at the early stage of all projects and activities performed on the State Highway System. The following items shall be included in the project initiation document (PID) and/or Project Report(PR):

- 1) The TMP Data Sheet shall be attached.
- 2) Any costs associated with the traffic impact mitigation measures listed in the TMP Data Sheet shall be included.
- 3) The following statements shall be included:

“Preliminary traffic impacts and mitigation for this project have been outlined in the attached Transportation Management Plan Data Sheet (TMP Data Sheet). Costs associated with the traffic impact mitigation measures listed in the TMP Data Sheet have been included in this documents estimate.”

ATTACHMENT H

TMP Data Sheet *Project/EA No. 0614000004/0Q431*
Design Senior: Abdul Baker
Date: August 5, 2015

Cty/Rte/PM: TUL 190-PM 13.1/17.3
Office of Design I, Branch A
Page 2 of 2

"A TMP for this project is required and should be requested when the design is complete enough to determine specific traffic impacts, but yet early enough to make design changes/additions required for traffic mitigation."

"Lane requirement charts and detailed TMP will be provided during PS&E stage."

"Lane closures are not allowed when the traffic volume is beyond the capacity of the remaining lanes. Nighttime work outside peak hours is anticipated for this project."

If you have any questions, please feel free to contact Joel Aguilar at 559-779-6525 or Florencia Allenger at 559-488-4348.

Attachments:

- TMP Data Sheet

DISTRICT 6 - TRANSPORTATION MANAGEMENT PLAN

DATA SHEET

(TMP Elements and Costs)

<i>CO/RT</i>	TUL	190	PM	13.1/17.3	<i>PROJ. NO.</i>	0614000004
					<i>EA. NO.</i>	0Q431
<i>PROJECT NAME</i>	Porterville Intersection Improvement					
<i>PROJECT LIMIT</i>	On Route 190, in Tulare County, from 0.3 miles west of Westwood Road to 0.3 miles east of Plano Street					
<i>PROJECT DESCRIPTION</i>	Construct a multi-lane roundabout, extend lane by adding 1300' of travel way and shoulder, eastbound off-ramp right-turn lane and handicap ramps					

A) *The project includes the following:*
(Check all that applicable type of facility closures.)

- | | |
|--|---|
| ☒ Highway or Freeway Lanes | ☒ Freeway Off-ramps |
| ☒ Highway or Freeway Shoulders | ☒ Freeway On-ramps |
| ☐ Freeway Connectors | ☐ Local Streets |
| ☐ Full/Complete Freeway/Highway Closure | |

B) *Are there any construction strategies that can restore existing number of lanes?*
☒ No ☐ Yes *(Check all applicable strategies.)*

- | | | |
|---|------------------------------|--|
| ☐ Temporary Roadway Widening | ☐ Yes | ☐ No (If yes, notify Project Manager) |
| Structure Involvement? | | |
| ☐ Lane Restriping (Temporary narrow lane widths) | | |
| ☐ Roadway Realignment (Detour around work area) | | |
| ☐ Median and/or Right Shoulder Utilization | | |
| ☐ Use of HOV lane as Temporary Mixed Flow Lane | | |
| ☐ Staging Alternatives (Explain Below) | | |

C) *Calculated Delay*
(To be performed if construction strategies in Item B do not mitigate congestion resulting from Item A or on all projects along Interstate 5 and Route 99)

- | | |
|--|-----------------|
| 1. Estimated Maximum Individual delay | _____ minutes |
| 2. Existing or Acceptable Individual Vehicle Delay | _____ minutes |
| 3. Estimated Individual Vehicle Delay Requiring Mitigation | _____ minutes |
| 4. Estimate Delay Cost (Most Applicable) | |
| ☐ Extended Weekend Closure | |
| ☐ Weekly (7 days) | |
| 5. Estimated Duration of Project Related Delays | _____ # of Days |
| 6. Cost of Construction Related delays | _____ |

TMP Estimates based on X-Number of Working Days
 requiring Lane/Shoulder/Ramp/Freeway/Highway Closures: 140 Working Days

Total Working Days to Construct the Project: 140 Working Days

TMP DATASHEET

PAGE 2 OF 2

Date: August 5, 2015

Design Senior: Abdul Baker

Branch: A

Office of Design: I

Cnty/Rte: TUL 190

PM: 13.1/17.3 190

Project/EA No: 0614000G04 00431

D) Preliminary TMP Elements and cost: (Identify all elements and estimated costs that will be used to mitigate congestion resulting from the proposed construction activities.)

1. Public Information (BEES #066063) ☒ Brochures & Mailers \$1,000 ☒ Press Release/Media Alerts \$9,000 ☐ Paid Advertisements ☐ Public Information Center/Kiosks ☐ Telephone Hotline ☒ Planned Lane Closure Website \$0 ☐ Project Website ☐ Public Meetings ☒ Freight Travel Information \$0 2. Motorist Information Strategies ☒ Traffic Radio Announcements \$0 ☐ Fixed CMS ☒ Portable CMS (BEES #128650) \$40,000 ☐ Temporary Motorist Information Signs ☐ Ground Mounted Signs (Detour) ☐ Dynamic Speed Message Sign ☐ Highway Advisory Radio ☒ CT Hwy Infom. Network (CHIN) \$0 3. Incident Management ☒ Transportation Management Center \$0 ☐ Traffic Management Team (TMT) ☐ Intelligent Transportation Systems ☐ Traff. Surveillance (Loop & CCTV) ☐ Helicopter Surveillance ☐ Tow/Freeway ☒ COZEEP (BEES #066062) \$232,000 4. Construction Strategies (In Addition to Elements Identified on Item B) ☒ Lane Requirement Chart \$0 ☒ Construction Staging \$0 ☒ Traffic Handling Plans \$0 ☐ Full Facility Closures ☐ Local Road Closures ☐ Lane Modifications ☒ One-Way Reversing Operation \$0	4. Construction Strategies (In Addition to Elements Identified on Item B) ☐ Two-way Traffic On One Side ☐ Reversible Lanes ☐ Ramp/Connector Closure ☒ Night Work \$0 ☐ Extended Weekend Work ☐ Ped/Bicycle Access Improvements ☐ Maintain Business Access ☐ C + T Bidding ☐ Innovative Construction Techniques ☒ Coordination w/ Adj. Construction Site \$0 ☐ Speed Limit Reduction ☐ Traffic Screens 5. Demand Management ☐ HOV Lane/Ramps ☐ Variable Work Hours ☐ Telecommuting ☐ Truck/Heavy Vehicle Restrictions ☐ Rideshare Promotions ☐ Ramp Metering ☐ Transit Incentives ☐ Shuttle Services ☐ Ridesharing/Carpooling Incentives ☐ Park & Ride Promotion 6. Alternative Route Strategies ☐ Off-site Detours/Use of Alt. Rtes ☐ Signal Timing/Coord. Improvements ☐ Temporary Traffic Signals ☐ Signal Retiming ☐ Street/Intersection Improvements ☐ Turn Restrictions ☐ Parking Restrictions 7. Other Considerations ☐ Application of New Technologies ☐ Other
---	---

TOTAL ESTIMATED COST OF TMP \$311,000

PROJECT NOTES:

1. Current dollar values used. Inflation was not factored into the estimate.
2. There are no noise restrictions / moratoriums for night work.
3. Traffic Control/Maintain Traffic costs was not provided. Please consult with the OE or construction office for this estimate.
4. Portable CMS specified for this project by this estimate is designed for congestion relief as outlined by DD-60.
Portable CMS required for other purposes should be included under other specifications.
5. COZEEP specified for this project by this estimate is designated for congestion relief as outlined by DD-60.
COZEEP required for other purposes should be included under other specifications.
6. The TMP is a living document that is subject to change if material changes take place in the final version of the project phase or if changes are required during construction to respond to excessive levels of congestion.

*The estimated cost will depend on the Design Engineer's and Office of Traffic Design's Estimate.

PREPARED BY: Florencia Allenger	OFFICE OF TRAFFIC OPERATIONS	DATE: August 5, 2015
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Risk Input Sheet

DIST- EA 06-0Q431				Project Name: SR 190 Operational Improvement						Project Manager: Curt Hatton								Date Register Created: January 16, 2014				Date Register Last Updated: July 24, 2015		
				CO - RTE - PM Tul-190-R15.1/16.9						Telephone: (559) 243-3445														
Item	Risk ID	Status of Risk	Opportunity or Threat	RBS Risk Category	Date Risk Identified	Risk Description	Root Cause(s)	Objective	Probability (P)	UNL	Impact (I)	Risk Score		Risk Owner	Risk Owner Phone	Risk Owner Mobile Phone	Risk Owner Email Address	Risk Trigger(s)	Strategy	Response Actions	Adjusted Cost/Time Impact Value	Primary WBS	Status Date & Review Comments	Next Review Date
AUTO	AUTO	DROP DOWN	DROP DOWN	DROP DOWN	POP UP on DBL CLICK	MANUAL ENTRY	MANUAL ENTRY	DROP DOWN	DROP DOWN		DROP DOWN	AUTO	AUTO	MANUAL ENTRY	MANUAL ENTRY	MANUAL ENTRY	MANUAL ENTRY	MANUAL ENTRY	DROP DOWN	MANUAL ENTRY	OPTIONAL	PULL DOWN SELECTION	MANUAL ENTRY	POP UP on DBL CLICK
1	06-0Q431-01	Active	Threat	ENV	01/16/14	Cost and schedule for environmental compliance could be adversely impacted	Previously unknown cultural resources are encountered during PA&ED	TIME	3=Med (20-39%)	Nonlinear	8 =High	24	High	Michelle Ray	(559) 445-5286		Michelle.Ray@dot.ca.gov	Unknown cultural resources encountered	AVOID	A course of action will be determined at that time		2.160 PREPARE AND APPROVE PROJECT REPORT AND FINAL ENVIRONMENTAL DOCUMENT		
2	06-0Q431-02	Retired	Threat	ENV	01/16/14	Additional studies, permits, and time for Poplar Ditch impacts	Poplar ditch is impacted	TIME	3=Med (20-39%)	Nonlinear	4 =Med	12	Med	Michelle Ray	(559) 243-8037		Michelle.Ray@dot.ca.gov	Impacts to ditch found in preliminary design	AVOID	Poplar Ditch is being impacted with little impacts to schedule		2.165 PERFORM ENVIRONMENTAL STUDIES AND PREPARE DRAFT ENVIRONMENTAL DOCUMENT		
3	06-0Q431-03	Retired	Opportunity	ENV	01/16/14	Reduced environmental schedule	Work at Plano street eliminated	TIME	3=Med (20-39%)	Nonlinear	8 =High	24	High	Michelle Ray	(559) 243-8038		Michelle.Ray@dot.ca.gov	Property at location is on the Cortese list which would impact the type of ED	ACCEPT	Preliminary design for a roundabout at this location will not impact Cortese property		2.165 PERFORM ENVIRONMENTAL STUDIES AND PREPARE DRAFT ENVIRONMENTAL DOCUMENT		
4	06-0Q431-04	Retired	Threat	ORG	01/16/14	PA&ED may require additional studies	PSR (PDS) format is a streamlined format and design alternatives not extensively studied at PSR phase	SCOPE	3=Med (20-39%)	Nonlinear	4 =Med	12	Med	Curt Hatton	(559) 243-3445		Curt.Hatton@dot.ca.gov	Due to lack of detail study during the PID phase	ACCEPT	Additional studies have not been found		0.100 PROJECT MANAGEMENT		
5	06-0Q431-05	Active	Threat	DESIGN	07/24/15	Late or incomplete Survey File from Design	Lack of information added to the files	TIME	3=Med (20-39%)	Nonlinear	4 =Med	12	Med	Abdul Baker	(559) 243-8038		Abdul.Baker@dot.ca.gov	Comments from Surveys that files are incomplete	ACCEPT	Adjust Schedule		5.270 CONSTRUCTION ENGINEERING AND GENERAL CONTRACT ADMINISTRATION		
6	06-0Q431-06	Active	Threat	DESIGN	07/24/15	Unit prices may fluctuate higher/lower than assumed due to volatility in oil and aggregate prices	Bids are Higher/Lower than estimated costs	COST	3=Med (20-39%)	Nonlinear	4 =Med	12	Med	Abdul Baker	(559) 243-8038		Abdul.Baker@dot.ca.gov	Future bid openings	ACCEPT	Increase unit prices in preliminary estimate		2.65 AWARDED AND APPROVED CONSTRUCTION CONTRACT		
7																								
8																								
9																								
10																								
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CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Consideration of Housing-Related Parks Program Projects

SOURCE: Parks and Leisure Services

COMMENT: Approximately \$54,600 remains in the Housing-Related Parks (HRP) Program balance from the 2012 funding cycle which included completed playground shade structures at Zalud Park, Murry Park and Veterans Park. One request to the State for a change of scope, which was granted, took place in April 2014, which was to install a playground shade structure at Veterans Park.

Funds for the remaining balance were initially authorized for renovation of the Henry Street property north of Murry Park. Since the Henry property is still at the planning stages, the money will not be spent on that project by the deadline of 6/30/16. All funds must be requested from the Department of Housing and Community Development no later than April 30, 2016. Staff is also seeking City Council approval for the final shade structure in the original scope of work to be installed at the Sports Complex.

On October 1, 2015, the Parks and Leisure Services Commission received a list of potential projects to rank that could be completed with the \$54,600. The projects are listed below. Should the Council wish to select a project at Veterans Park, another formal request to the State would need to be submitted and subsequently approved.

Murry Park

Disc Golf- \$5,000

Picnic pavilion- \$20,000

Equipment for upper playground- \$40,000

Sports Complex

Two sand volleyball courts- \$35,000

Dog park- \$60,000

Veterans Park

Fitness equipment \$54,000

The top choice of the Commission was the fitness equipment at Veterans Park, if the State allowed the change of scope. The second choice was the sand volleyball courts at the Sports Complex. The picnic pavilion at Murry Park was the Commission's third selection.

The City was recently notified of a \$322,000 award from the latest round of HRP grant funding. The funding was approved for a project at Veterans Park, which consists of a cement trail and solar trail lighting between the two parking lots within the park. Given this significant new grant, as well as the previous change of scope request under the current grant for Veterans Park, the Council may wish to consider the installation of two sand volleyball courts at the Sports Complex and a new picnic pavilion at Murry Park, or other potential new park amenities as determined by Council.

RECOMMENDATION: That the City Council provide direction to staff regarding Housing-Related Parks Program projects.

ATTACHMENTS:

1. Sand Volleyball Courts
2. Park Pavilion
3. Disc Golf
4. Fitness Equipment
5. Dog Park

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager













CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Consideration of a Request to Sponsor the Tulare County District Attorney 2015 Justice Run

SOURCE: Administrative Services

COMMENT: The 2015 Justice Run is an annual event put on by the Tulare County Office of the District Attorney that consists of a 5K run or a 1-mile walk. The event, which is taking place in Porterville this year, is at 8:30 a.m. on October 24, 2015, at Granite Hills High School.

District Attorney Tim Ward would like the City to consider sponsoring the event, which honors Domestic Violence Awareness Month and will benefit Family Services of Tulare County and the Central California Family Crisis Center. Attached is an event flyer and sponsorship form that breaks down various sponsorship levels. The Community Promotion Budget or Special Purposes Fund would be appropriate funding sources should the Council approve the request for sponsorship.

RECOMMENDATION: That the City Council consider the request to sponsor the 2015 Justice Run event.

ATTACHMENTS: 1. Sponsorship Brochure

Appropriated/Funded: MB

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Patrice Hildreth, Administrative Services Dir



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE
TIM WARD, DISTRICT ATTORNEY

2015 JUSTICE RUN

DOMESTIC VIOLENCE
NO EXCUSE FOR ABUSE

5K RUN | 1 MILE WALK OCTOBER 24, 2015
GRANITE HILLS HIGH SCHOOL, PORTERVILLE



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE
TIM WARD, DISTRICT ATTORNEY

2015 JUSTICE RUN

DOMESTIC VIOLENCE

NO EXCUSE FOR ABUSE

5K RUN | 1 MILE WALK OCTOBER 24, 2015
GRANITE HILLS HIGH SCHOOL, PORTERVILLE

SPONSORSHIP OPPORTUNITY



[www.da-tulareco.org/
justicerun.htm](http://www.da-tulareco.org/justicerun.htm)
or call
559.636.5471



District Attorney **Tim Ward**, invites you to join us in the Tulare County District Attorney Justice Run, **October 24, 2015**, at Granite Hills High School in Porterville. This run honors Domestic Violence Awareness Month and will benefit Family Services of Tulare County and the Central California Family Crisis Center. These two agencies service the needs of domestic violence victims and their children who have been victimized by crime. *There is no excuse for abuse!*

The Justice Run consists of a 5K run or a 1-mile walk.

**Office of the District Attorney
County of Tulare
Victim-Witness
Assistance Division
(559) 636-5471**



JUSTICE RUN SPONSORSHIP LEVELS

Title Sponsor - \$5,000

(Only one of this type of sponsorship available.)

- Prominent and extra large placement of logo on shirt
- Company Name or Logo banner displayed at event
- 10 complimentary race entries and shirts
- Company/name signs displayed at race
- Race bag insert (500-1000 pieces)
- PA announcements at the race

Platinum - \$1,000

- 10 complimentary race entries & shirts
- Logo printed on race shirt
- Company/name signs displayed at race
- Race bag insert (500-1000 pieces)
- PA announcements at the race

Gold - \$500

- 5 complimentary race entries & shirts
- Logo printed on race shirt
- Race bag insert (500-1000 pieces)
- PA announcements at the race

Silver - \$250

- 1 complimentary race entry & shirt
- Name printed on race shirt (not logo)
- Race bag insert (500-1000 pieces)

Bronze - \$100

- Race bag insert (500-1000 pieces)

***In-Kind or Service Donations please contact
Jennifer Lightfoot or Shanna Meier
at (559) 636-5471***

SPONSOR REGISTRATION

OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TULARE

2015 JUSTICE RUN

OCTOBER 24, 2015 • 8:30 AM • GRANITE HILLS H.S. PORTERVILLE

Yes! I would like to be a sponsor

☐ **Title Sponsor - \$5,000**
(Only one of this type of sponsorship available.)

☐ **Platinum - \$1,000**

☐ **Gold - \$500**

☐ **Silver - \$250**

☐ **Bronze - \$100**

☐ **In-Kind or Service** (Please specify) _____

Contact Name _____

Company _____

Address _____

Telephone Number _____

E-Mail Address _____

Please make checks payable to
Central California Family Crisis Center

Return completed sponsor registration form
and payment on or before **October 16, 2015** to:
Office of the District Attorney, County of Tulare
221 South Mooney Blvd. Room 264
Visalia, CA 93291

To reflect your company/agency name and logo on t-shirts send a JPEG/
PDF (black only) to jlight@co.tulare.ca.us
A receipt will be mailed to you.

Please detach and return this form



CITY COUNCIL AGENDA – OCTOBER 20, 2015

SUBJECT: Status and Review of Declaration of Local Drought Emergency

SOURCE: City Manager's Office

COMMENT: As previously reported to the City Council, Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions, in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.) to also achieve a 25% reduction in potable water usage. Also of significance, the Board is directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

At the City Council's last meeting on October 6th, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency, due to local residences within the city having been identified as having wells that are now dry as a result of the drought. Approximately twenty-five (25) residences within the city have been determined to currently have dry wells, most of which are concentrated in the vicinity of E. Vandalia Avenue between Main and Plano Streets, and it is anticipated that more could likely occur through the coming months. City staff has submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry. As previously reported, City staff has resubmitted the E. Vandalia water connection project to the State for grant-funding consideration, and another survey of this area has been undertaken to determine if there are additional residences in the area with dry wells. Given staff's perception that the State is not inclined to provide funding for this water connection project, staff conducted an outreach meeting with the affected area residents on Thursday, September 10th to begin discussions regarding the formation of a water utility district, and another meeting with the residents is being planned.

As was also reported at the Council's October 6th meeting, staff continues to work with the State Department of Public Health's Division of Drinking Water on diminishing water quality issues being experienced by the Akin Water System and its customers. Through part of a broader grant-funded consolidation project

currently under design, the State is advocating for a more immediate emergency connection to the City's water system, for which the State will reimburse the City its costs for extending the necessary water main. The Akin Water System must also agree to pay the master meter costs for water used by its customers, which will be apportioned to the customers as determined by the system.

City staff has been in continued coordination with both State and County representatives on the funding and development of the new well, with the Draft Agreement between the City and the County having been approved by the Council at its July 7th meeting. On Wednesday, September 9th, City staff received the Draft Agreement from the County with comments (staff has addressed the comments), and the revised Draft Agreement is provided for the Council's consideration.

RECOMMENDATION: That the City Council:

1. Receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration;
2. Review the emergency connection of the Akin Water System to the City's water system; and
3. Consider the Draft Agreement between the City and County of Tulare for a new well to provide water in support of East Porterville

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. Governor's Executive Order
3. Revised City/County New Well Draft Agreement

Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

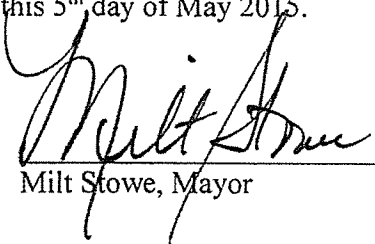
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

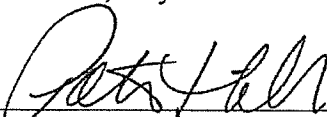
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5th day of May 2015.


Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.

26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
Great Seal of the State of California to
be affixed this 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, _____ 2015, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

- A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony area; and
- B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and
- C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing a short-term emergency water supply for COUNTY's Household Tank Program and providing long-term capacity to enable permanent water connections to single-family residential properties that comply with CITY'S Annexation and Extension of Municipal Services procedures. These procedures are defined by two Resolutions, 74-2014 and 75-2014, which are attached hereto as Exhibit 'B'. A review of properties in the East Porterville/Doyle Colony area show approximately 115 single-family residences meet these parameters; and
- D. WHEREAS, COUNTY AND CITY have defined three potential well sites, two of which are CITY owned, and one of which is COUNTY owned. Location of the potential municipal well sites are attached hereto as Exhibit 'C'. The COUNTY-owned parcel is the preferred site as the site is more conducive to providing the required capacity and water quality. Further, should this site become the agreed-upon location, the COUNTY shall convey the land to CITY at a cost of \$1; and
- E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony area, and has experience and qualifications necessary to provide such services; and

- F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony area is the most feasible means to address the area's water needs; and
- G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and
- H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services procedures, attached hereto and made a part thereof as Exhibit 'B'; and

ACCORDINGLY, IT IS AGREED:

1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – WELL CONSTRUCTION:**
Refer to attached Exhibit 'D'.
3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:
 - A. CITY shall sell to COUNTY, upon COUNTY's request, water from the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall charge COUNTY the water rate effective as of the date the agreement is fully executed for all water sold to COUNTY. CITY shall provide a maximum of 3,000,000 gallons per month to the COUNTY for the household tank program from the CITY's water system upon integration of the new well into the system.
 - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new residential service connections and agreements in East Porterville/Doyle Colony area. CITY agrees to provide source water for up to one hundred fifteen (115) new residential connections in the East Porterville/Doyle Colony area that are in compliance with the CITY'S Annexation and Extension of Municipal Services procedures. CITY ~~agrees to~~shall authorize permanent connection of prequalified properties upon termination and cessation of the COUNTY's household

Comment [DA1]: City indicates that there is no desire to currently annex the area, but the water connection requires an Irrevocable Agreement to Annex per Exhibit B Reso 75-2014 is this negotiable? What about the passage of SB 88?

City response: The City requires the irrevocable agreement to annex as a condition for all extraterritorial water connections. The requirement is consistent with SB 88 which seeks to consolidate water systems. While there may not be plans for immediate annexation, requiring consent makes sense for future planning purposes. This also balances the interests of the parties, in that the residents do not necessarily desire immediate annexation.

Comment [DA2]: This conflicts with Item E

City response: The City does not see a conflict; however for clarification the City can modify the first sentence of Section E (please refer to the section with the proposed modification).

tank program. A list and map of the qualifying properties are attached hereto as Exhibit 'E'. Upon connection to CITY services, the listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation and associated monthly fees. CITY shall have sole discretion to determine the number of connections, if any, above the above referenced 115 minimum number of residential properties provided for herein.

- C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in the same fashion as CITY's other wells order to maintain it in proper working order and to the highest standard, for the duration of the well's useful life.

- D. The if the well provided under this agreement is situated on COUNTY property, COUNTY shall grant the relevant portion to the CITY by Grant Deed at a cost of \$1. A 50-foot control zone around the well site is a requirement of the California Department of Public Health, therefore establishing the minimum parcel size to be conveyed to the CITY. The conveyance shall occur at the time of connection to the City Water System, or at another time as required by the State of California or applicable funding agency(ies). Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall remain COUNTY jurisdiction by execution of easements.

- E. With the exception of the sale of water pursuant to Section A, CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing of this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's unrestricted use within its water system. No part of this paragraph shall be construed to limit or restriction any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.

- F. All recipients of water, whether permanent or temporary sources, are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules.

Comment [DA3]: Need clarification on the cost of this- as well as what is improvement to "City's side" and "private residence side" Typically- lateral from water main to meter box is on the City's side and the service connection from the meter box to the house is on the private side.

City response: No change is needed to the agreement. The property owner is responsible from the main line to the residence.

Comment [DA4]: The well site has been finalized, should we revise this section to reflect that?

City response: Agreed. Please see the proposed changes.

Comment [DA5]: When would this occur? Once the well is online? Once it's connected to the City's system? The funding agencies will most likely add specific language regarding the transfer to their agreements that will need to be incorporated here.

City response: Agreed. Please see the proposed revision.

Comment [DA6]: Would City be interested in entire parcel and existing facilities?

City response: The City would like to acquire the entire parcel but not the existing facilities, and instead have the County reserve an easement for the existing facilities on it, specifically the storm drain pipe and pumping

Comment [DA7]: Conflicts with A, above. Need clarification from the City regarding compensation for power, operation, maintenance while using for emergency tank filling.

City response: See response to DA2 and revised language added to Section E.

Comment [DA8]: Does this limit the City from getting grants in the future if the well were to need major repairs 20 years from now?

City response: The City is not concerned with issues related to future grants. The well will be treated like any other City well, programmed for

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare
Administrative Building
2800 W. Burrell Avenue
Visalia, CA93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager
291N. Main St.
Porterville, CA93257

(Fax No.: (559) ~~745-4043~~791-7999 / Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.

7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.

9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.

10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.

12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.

13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.

14. Insurance

15. Permit The City shall revise its public system water permit to include the new well, and shall provide the State and County with an updated copy.

16. Dispute Resolution If a dispute arises out of or relating to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.

17. Indemnification CITY shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including COUNTY property, arising from, or in connection with, the performance by CITY or its agents, officers and employees under this Agreement. This

Comment [DA9]: Confirm need for insurance with respective Risk managers.

City response: The City has added its insurance requirements in this section.

Comment [DA10]: The agreement does not address the City's need to revise their public water system permit to include this new well. Should be added with a clause that City will provide County with updated copy.

City response: Agreed.

Comment [DA11]: Was not initially included. This is the County's boilerplate language, we can change it to something that has been adopted in other agreements between the City and County.

City response: Agreed and the language is acceptable.

Comment [DA12]: Again boilerplate language that can be revised.

City response: Agreed but the clause should be mutual indemnification and has been revised accordingly.

indemnification specifically includes any claims that may be made against COUNTY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against COUNTY alleging civil rights violations by CITY under Government Code sections 12920 et seq. (California Fair Employment and Housing Act), and any fines or penalties imposed on COUNTY for CITY's failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

COUNTY shall hold harmless, defend and indemnify CITY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including CITY property, arising from, or in connection with, the performance by COUNTY or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against CITY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against CITY alleging civil rights violations by COUNTY under Government Code sections 12920 et seq. (California Fair Employment and Housing Act), and any fines or penalties imposed on CITY for COUNTY's failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY _____
Steve Worthley, Chairman,
Board of Supervisors

ATTEST: Jean M. Rousseau,
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By _____
Deputy Clerk

Approved as to Form
County Counsel

By _____
Deputy

CITY OF PORTERVILLE

BY _____
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

BY _____
John Lollis, City Manager

Approved as to Form

BY _____
City Attorney

EXHIBIT 'A'

EXHIBIT 'B'

EXHIBIT 'C'

EXHIBIT 'D'

EXHIBIT 'E'