



**COUNTY OF SAN DIEGO**  
**DEPARTMENT OF PLANNING AND LAND USE: Zoning**  
**PROJECT FACILITY AVAILABILITY FORM, Water**

*Please type or use pen*

Owner's Name: PASSERELLE Phone: 619-696-7355 ORG \_\_\_\_\_ ACCT \_\_\_\_\_ ACT \_\_\_\_\_ TASK \_\_\_\_\_ DATE 10/13/10 AMT \$ 30

Owner's Mailing Address: 402 WEST BROADWAY, STE 1320 Street \_\_\_\_\_

City: SAN DIEGO State: CA Zip: 92009

**W**

**DISTRICT CASHIER'S USE ONLY**

**SECTION 1. PROJECT DESCRIPTION TO BE COMPLETED BY APPLICANT**

A.  Major Subdivision (TM)  Specific Plan or Specific Plan Amendment  
 Minor Subdivision (TPM)  Certificate of Compliance: \_\_\_\_\_  
 Boundary Adjustment  
 Rezone (Reclassification) from EDA to SPA zone. Assessor's Parcel Number(s) (Add extra if necessary)  
 Major Use Permit (MUP), purpose: \_\_\_\_\_  
 Time Extension... Case No. \_\_\_\_\_  
 Expired Map... Case No. \_\_\_\_\_  
 Other \_\_\_\_\_

108-421-03	108-120-57
108-421-04	108-121-17
108-120-58	108-121-13
108-120-56	125-061-03
108-120-59	125-061-02

B.  Residential Total number of dwelling units 751  
 Commercial Gross floor area 61,200 SF  
 Industrial Gross floor area \_\_\_\_\_  
 Other Office Gross floor area 117,000

C.  Total Project acreage 46.1 Total number of lots 0

D. Is the project proposing the use of groundwater? Yes  No   
Is the project proposing the use of reclaimed water?  Yes  No

Thomas Bros. Page \_\_\_\_\_ Grid \_\_\_\_\_  
Project address: NORTH of SR-76/ST-15 Street \_\_\_\_\_  
FALLBROOK Community Planning Area/Subregion Zip 92028

Owner/Applicant agrees to pay all necessary construction costs, dedicate all district required easements to extend service to the project and COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.

Applicant's Signature: \_\_\_\_\_ Date: 10-12-10  
Address: Sue ASAR Phone: 619 987-7780

**(On completion of above, present to the district that provides water protection to complete Section 2 below.)**

**SECTION 2: FACILITY AVAILABILITY TO BE COMPLETED BY DISTRICT**

District Name: RAINBOW MUNICIPAL WATER DIST Service area FALLBROOK

A.  Project is in the district.  
 Project is not in the district but is within its Sphere of Influence boundary, owner must apply for annexation.  
 Project is not in the district and is not within its Sphere of Influence boundary.  
 The project is not located entirely within the district and a potential boundary issue exists with the \_\_\_\_\_ District.

B.  Facilities to serve the project  ARE  ARE NOT reasonably expected to be available within the next 5 years based on the capital facility plans of the district. Explain in space below or on attached \_\_\_\_\_ (Number of sheets)  
 Project will not be served for the following reason(s): \_\_\_\_\_

C.  District conditions are attached. Number of sheets attached: 14  
 District has specific water reclamation conditions which are attached. Number of sheets attached: \_\_\_\_\_  
 District will submit conditions at a later date.

D.  How far will the pipeline(s) have to be extended to serve the project? \_\_\_\_\_

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized signature: [Signature] Print name BRIAN C. LEE  
Print title DISTRICT ENGINEER Phone 760 728-1178 Date OCTOBER 13, 2010

**NOTE: THIS DOCUMENT IS NOT A COMMITMENT OF SERVICE OR FACILITIES BY THE DISTRICT**  
On completion of Section 2 by the district, applicant is to submit this form with application to:  
Zoning Counter, Department of Planning and Land Use, 5201 Ruffin Road, San Diego, CA 92123



## CONDITIONS

October 13, 2010

TM 5338

Project Processing Control Center  
County of San Diego DPLU  
5201 Ruffin Road, Suite B  
San Diego, CA 92123

RE: Assessor's Parcel Number 108-421-03, 04, 108-120-56 thru 108-120-59, 108-121-13, 17,  
125-061-02, 03 DPLU 399W

DPLU 399W

To Whom It May Concern:

Rainbow Municipal Water District (RMWD) conditions regarding the parcels referenced above are as follows:


- 1) All work to conform to the most current edition of RMWD Standards and Specifications.
- 2) Each parcel must be served by its own meter and installed within 45 days of the purchase date.

RMWD is currently in a Level 2 Drought Condition, declared at the April 2009 Board Meeting. The developer shall comply with all Level 2 Conditions. RMWD will not sign the Project Facility Commitment Form (DPLU 400W) until the following conditions are met:

- 1) Drought Response Level 2 Conditions are met by:
  - a. RMWD Board of Directors decrease the Drought Response Level 2 to a Drought Response Level 1 condition or lower; or
  - b. The Developer provides substantial evidence of an enforceable binding commitment that water demands for the project will be offset prior to the provision of new water meters to the satisfaction of RMWD. Please refer to the attached Ordinance 08-01 for details.

If you have any questions please contact me at (760) 728-1178.

Sincerely,

  
Brian C. Lee  
District Engineer

**ORDINANCE NO. 08-01**

**AN ORDINANCE OF RAINBOW MUNICIPAL WATER  
DISTRICT ADOPTING A DROUGHT RESPONSE  
CONSERVATION PROGRAM**

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow the Rainbow Municipal Water District to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the Rainbow Municipal Water District. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Drought Management Plan; and

WHEREAS, the Water Authority's Drought Management Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains drought response levels that correspond with the Drought Management Plan stages; and

WHEREAS, the Rainbow Municipal Water District, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The Rainbow Municipal Water District has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The Rainbow Municipal Water District Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by the Rainbow Municipal Water District; and

WHEREAS the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable Rainbow Municipal Water District to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public.

NOW, THEREFORE, the Board of Directors of Rainbow Municipal Water District does ordain as follows:

**SECTION 1.0            DECLARATION OF NECESSITY AND INTENT**

(a) This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the Rainbow Municipal Water District (RMWD) in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

(b) This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

(c) Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by RMWD. During drought response condition Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals.

(d) During a Drought Response Level 2 condition or higher, the water conservation measures and water use restrictions established by this ordinance are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies specified in this ordinance and as provided in RMWD Administrative or Municipal Code.

## **SECTION 2.0            DEFINITIONS**

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs.

2. "Water Authority" means the San Diego County Water Authority.

3. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this ordinance and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

4. "Metropolitan" means the Metropolitan Water District of Southern California.

5. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the RMWD.

### **SECTION 3.0 APPLICATION**

(a) The provisions of this ordinance apply to any person in the use of any water provided by the RMWD.

(b) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

(c) Nothing in this ordinance is intended to affect or limit the ability of the RMWD to declare and respond to an emergency, including an emergency that affects the ability of the RMWD to supply water.

(d) Notwithstanding any other section of this ordinance, the restrictions imposed upon the use of water herein do not apply to use of water from private wells or to recycled water.

(e) Nothing in this ordinance shall apply to use of water that is subject to a special supply program, such as the Metropolitan Interim Agricultural Water Program ("IAWP") or the Water Authority Special Agricultural Rate programs, except as may be specified in those programs. For instance, the water reductions contained in this ordinance shall not be in addition to any mandatory reductions which may apply to a participant in the IAWP, unless expressly stated in the IAWP. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the RMWD is subject to this ordinance in the use of the other water.

### **SECTION 4.0 DROUGHT RESPONSE LEVEL 1 – DROUGHT WATCH CONDITION**

(a) A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The General Manager shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this ordinance.

(b) During a Level 1 Drought Watch condition, RMWD will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices. [The same water conservation practices become mandatory if RMWD declares a Level 2 Drought Alert condition]:

1. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
2. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
3. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.
4. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
5. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket or watering can. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.
6. Use re-circulated water to operate ornamental fountains.
7. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.
8. Serve and refill water in restaurants and other food service establishments only upon request.
9. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
10. Repair all water leaks within five (5) days of notification by the RMWD unless other arrangements are made with the General Manager.
11. Use recycled or non-potable water for construction purposes when available.

(c) During a Drought Response Level 2 condition or higher, all persons shall be required to implement the conservation practices established in a Drought Response Level 1 condition.

**SECTION 5.0 DROUGHT RESPONSE LEVEL 2 – DROUGHT ALERT CONDITION**

(a) A Drought Response Level 2 condition is also referred to as a “Drought Alert” condition. A Level 2 condition applies when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer<sup>1</sup> demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands. The RMWD Board of Directors shall declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this ordinance.

(b) All persons using RMWD water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

1. Limit residential and commercial landscape irrigation to no more than three (3) assigned days per week on a schedule established by the General Manager and posted by the RMWD. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the RMWD. This section shall not apply to commercial growers or nurseries.
2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.
3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.
4. Repair all leaks within seventy-two (72) hours of notification by the RMWD unless other arrangements are made with the General Manager.

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<sup>1</sup> Also referred to as Municipal or Industrial (M&I) water user.



(c) Upon the declaration of a Drought Response Level 2 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has already been issued for the project; or
2. In the opinion of the RMWD Board of Directors the project is necessary to protect the public's health, safety, and welfare; or
3. The applicant provides substantial evidence of an enforceable binding commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of RMWD.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less, provided that such period shall in no event commence before the effective date of this ordinance.

(d) Upon the declaration of a Drought Response Level 2 condition, RMWD will suspend consideration of annexations to its service area until such time that the Drought Response Level 2 is decreased to a Drought Response Level 1 condition or lower.

(e) The RMWD may establish a water allocation for any property served by the RMWD using a method that does not penalize persons for previous implementation of conservation methods or the installation of water saving devices. The decision to establish a water allocation and the method utilized to determine the amount of the allocation shall be at the sole discretion of RMWD.

## **SECTION 6.0 DROUGHT RESPONSE LEVEL 3 – DROUGHT CRITICAL CONDITION**

(a) A Drought Response Level 3 condition is also referred to as a “Drought Critical” condition. A Level 3 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands. The RMWD Board of Directors shall declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this ordinance.

(b) All persons using RMWD water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the RMWD. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the RMWD. This section shall not apply to commercial growers or nurseries.

2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3. Stop filling or re-filling swimming pools, spas, ornamental fountains, lakes ponds or other water features, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

4. Stop washing vehicles except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.

5. Repair all leaks within forty-eight (48) hours of notification by the RMWD unless other arrangements are made with the General Manager.

## **SECTION 7.0 DROUGHT RESPONSE LEVEL 4 – DROUGHT EMERGENCY CONDITION**

(a) A Drought Response Level 4 condition is also referred to as a “Drought Emergency” condition. A Level 4 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than 40 percent in order for the RMWD to have maximum supplies available to meet anticipated demands. The RMWD Board of Directors shall declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350.

(b) All persons using RMWD water shall comply with conservation measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the RMWD has determined that recycled water is available and may be lawfully applied to the use:

A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

C. Maintenance of existing landscaping for erosion control;

D. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

E. Maintenance of landscaping within active public facilities, including parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 6 (b) (1);

F. Watering of livestock; and

G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by the RMWD unless other arrangements are made with the General Manager.

(c) The RMWD may establish a water allocation for any property served by the RMWD using a method that does not penalize persons for previous implementation of conservation methods or the installation of water saving devices. The decision to establish a water allocation and the method utilized to determine the amount of the allocation shall be at the sole discretion of RMWD.

**SECTION 8.0 CORRELATION BETWEEN DROUGHT MANAGEMENT PLAN AND DROUGHT RESPONSE LEVELS**

(a) The correlation between the Water Authority’s DMP stages and the RMWD’s drought response levels identified in this ordinance is described herein. Under DMP Stage 1, the RMWD would implement Drought Response Level 1 actions. Under DMP Stage 2, the RMWD would implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, the RMWD would implement Drought Response Level 2, Level 3, or Level 4 actions.

(b) The drought response levels identified in this ordinance correspond with the Water Authority DMP as identified in the following table:

<b>Drought Response Levels</b>	<b>Use Restrictions</b>	<b>Conservation Target</b>	<b>DMP Stage</b>
1 - Drought Watch	Voluntary	Up to 10%	Stage 1 or 2
2 - Drought Alert	Mandatory	Up to 20%	Stage 2 or 3
3 - Drought Critical	Mandatory	>20 to 40%	Stage 3
4 - Drought Emergency	Mandatory	Above 40%	Stage 3

**SECTION 9.0 PROCEDURES FOR DETERMINATION AND NOTIFICATION OF DROUGHT RESPONSE LEVEL**

(a) The existence of a Drought Response Level 1 condition may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Clerk or Secretary of the RMWD and provided to the RMWD Board of Directors. The General Manager may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the RMWD. The RMWD may also post notice of the condition on their website.

(b) The existence of Drought Response Level 2 or Level 3 conditions may be declared by resolution of the RMWD Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the RMWD shall publish a copy of the resolution in a newspaper used for publication of official notices.

(c) The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to Drought Response Level 4 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the RMWD shall publish a copy of the resolution in a newspaper used for publication of

official notices. If the RMWD establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the RMWD customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

(d) The RMWD Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

## **SECTION 10.0      HARDSHIP VARIANCE**

(a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to RMWD water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon with agency water is used, that is disproportionate to the impacts to RMWD water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1.      Application. Application for a variance shall be a form prescribed by RMWD and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the RMWD Board of Directors.

2.      Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3.      Required Findings for Variance. An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the RMWD, all of the following:

A.      That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other RMWD customers.

B.      That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the RMWD to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager shall exercise approval authority and act upon any completed application no later than 30 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

5. Appeals to RMWD Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to the being mailed to the applicant. The appeal must be in the form of a written request for a hearing, and shall state the grounds for the appeal. At a public meeting, the RMWD Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the RMWD Board of Directors is final.

## **SECTION 11.0 VIOLATIONS AND PENALTIES**

(a) Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.

(b) Each day that a violation of this ordinance occurs is a separate offense.

(c) Administrative fines may be levied for each violation of a provision of this ordinance as follows:

1. One hundred dollars for a first violation.
2. Two hundred dollars for a second violation of any provision of this ordinance within one year from occurrence of the first violation.
3. Five hundred dollars for each additional violation of this ordinance within one year of the first violation.

(d) Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter.

(e) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding \$1,000, or by both as provided in Water Code section 377.

(f) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 7.0 and applicable during a Level 4 Drought Emergency condition may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

(g) All remedies provided for herein shall be cumulative and not exclusive.

**SECTION 12.0 EFFECTIVE DATE**

This ordinance is effective immediately upon adoption or as otherwise established by State law for RMWD.

**PASSED, APPROVED AND ADOPTED** this 24<sup>th</sup> day of June, 2008, by the following vote:

AYES: Directors Griffiths, Lucy, McManigle, Petty, and Walson  
NOES: None  
ABSTAIN: None  
ABSENT: None

\_\_\_\_\_  
Rua Petty, Board President

ATTEST:

\_\_\_\_\_  
Dawn Washburn, Board Secretary



**COUNTY OF SAN DIEGO**  
**DEPARTMENT OF PLANNING AND LAND USE: Zoning**  
**PROJECT FACILITY AVAILABILITY FORM, Sewer**

*Please type or use pen*

Owner's Name: PASSERELLE Phone: 619-696-7355      ORG \_\_\_\_\_ ACCT \_\_\_\_\_

Owner's Mailing Address: 402 WEST BROADWAY Street: SJB 1320      ACT \_\_\_\_\_

City: San Diego State: CA Zip: 92009      TASK \_\_\_\_\_ DATE: 10/13/10 AMT \$ 75

**S**

*DISTRICT CASHIER'S USE ONLY*

**SECTION 1. PROJECT DESCRIPTION** **TO BE COMPLETED BY APPLICANT**

- A.  Major Subdivision (TM)       Certificate of Compliance: \_\_\_\_\_  
 Minor Subdivision (TPM)       Boundary Adjustment  
 Specific Plan or Specific Plan Amendment  
 Rezone (Reclassification) from \_\_\_\_\_ to \_\_\_\_\_ zone  
 Major Use Permit (MUP), purpose: \_\_\_\_\_  
 Time Extension... Case No. \_\_\_\_\_  
 Expired Map... Case No. \_\_\_\_\_  
 Other \_\_\_\_\_
- B.  Residential . . . . . Total number of dwelling units 751  
 Commercial . . . . . Gross floor area 61,200 SF  
 Industrial . . . . . Gross floor area \_\_\_\_\_  
 Other OFFICE Gross floor area 117,600 SF
- C. Total Project acreage 46.61 total lots 6 Smallest proposed lot 4,000
- D. Is the project proposing its own wastewater treatment plant?  Yes  No  
 Is the project proposing the use of reclaimed water?  Yes  No

**Assessor's Parcel Number(s)**  
(Add extra if necessary)

108-421-03	108-120-57
108-421-04	108-121-17
108-120-58	108-121-13
108-120-56	125-061-03
108-120-59	125-061-02

Thomas Bros. Page \_\_\_\_\_ Grid \_\_\_\_\_  
 Project address: NORTH of 76 / EAST of I-15  
FALLBROOK 92028  
 Community Planning Area/Subregion Zip

Owner/Applicant agrees to pay all necessary construction costs and dedicate all district required easements to extend service to the project.  
 OWNER/APPLICANT MUST COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.

Applicant's Signature: \_\_\_\_\_ Date: 10-12-10  
 Address: See ABOVE Phone: 619-987-7750  
 (On completion of above, present to the district that provides sewer protection to complete Section 2 below.)

**SECTION 2: FACILITY AVAILABILITY** **TO BE COMPLETED BY DISTRICT**

District name RAINBOW MUNICIPAL WATER DIST Service area FALLBROOK

- A.  Project is in the District.  
 Project is not in the District but is within its Sphere of Influence boundary, owner must apply for annexation.  
 Project is not in the District and is not within its Sphere of Influence boundary.  
 Project is not located entirely within the District and a potential boundary issue exists with the \_\_\_\_\_ District.
- B.  Facilities to serve the project  ARE  ARE NOT reasonably expected to be available within the next 5 years based on the capital facility plans of the district. Explain in space below or on attached. Number of sheets attached: \_\_\_\_\_  
 Project will not be served for the following reason(s): \_\_\_\_\_
- C.  District conditions are attached. Number of sheets attached: 1  
 District has specific water reclamation conditions which are attached. Number of sheets attached: \_\_\_\_\_  
 District will submit conditions at a later date.
- D.  How far will the pipeline(s) have to be extended to serve the project? \_\_\_\_\_

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized signature: [Signature] Print name: BRIAN C. LEE  
 DISTRICT ENGINEER      760 728-1178      OCTOBER 13, 2010  
 Print title      Phone      Date

**NOTE: THIS DOCUMENT IS NOT A COMMITMENT OF FACILITIES OR SERVICE BY THE DISTRICT.** On completion of Section 2 by the district, applicant is to submit this form with application to: Zoning Counter, Department of Planning and Land Use, 5201 Ruffin Road, San Diego, CA 92123





## CONDITIONS

October 13, 2010

TM 5338

Project Processing Control Center  
County of San Diego DPLU  
5201 Ruffin Road, Suite B  
San Diego, CA 92123

RE: Assessor's Parcel Number 108-421-03, 04, 108-120-56 thru 108-120-59, 108-121-13, 17,  
125-061-02, 03 DPLU 399S

To Whom It May Concern:

Rainbow Municipal Water District (RMWD) conditions regarding the parcels referenced above are as follows:

- 1) All work to conform to the most current edition of RMWD Standards and Specifications.
- 2) A separate sewer lateral shall be provided for each building. Sewer Connection Fees must be paid in full.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian C. Lee".

Brian C. Lee  
District Engineer



# COUNTY OF SAN DIEGO DEPARTMENT OF PLANNING AND LAND USE: Zoning PROJECT FACILITY AVAILABILITY FORM, School

Please type or use pen  
(Two forms are needed if project is to be served by separate school districts)

Owner's Name: PASSERELLI Phone: 619-696-7355  
Owner's Mailing Address: 402 WEST BROADWAY, Street: STE 1320  
City: San Diego State: CA Zip: 92009

ORG \_\_\_\_\_  
ACCT \_\_\_\_\_  
ACT \_\_\_\_\_  
TASK \_\_\_\_\_  
DATE \_\_\_\_\_  
ELEMENTARY \_\_\_\_\_  
HIGH SCHOOL \_\_\_\_\_  
UNIFIED \_\_\_\_\_

Sc

DISTRICT CASHIER'S USE ONLY  
TO BE COMPLETED BY APPLICANT

### SECTION 1. PROJECT DESCRIPTION

- A. LEGISLATIVE ACT
- Rezones changing Use Regulations or Development Regulations
  - General Plan Amendment
  - Specific Plan
  - Specific Plan Amendment
- B. DEVELOPMENT PROJECT
- Rezones changing Special Area or Neighborhood Regulations
  - Major Subdivision (TM)
  - Minor Subdivision (TPM)
  - Boundary Adjustment
  - Major Use Permit (MUP), purpose: \_\_\_\_\_
  - Time Extension... Case No. \_\_\_\_\_
  - Expired Map... Case No. \_\_\_\_\_
  - Other \_\_\_\_\_
- C.
- Residential . . . . . Total number of dwelling units 751
  - Commercial . . . . . Gross floor area 61,200 SF
  - Industrial . . . . . Gross floor area \_\_\_\_\_
  - Other OFFICE . . . . . Gross floor area 117,000 SF
- D.  Total Project acreage 416.1 Total number lots \_\_\_\_\_
- Applicant's Signature: \_\_\_\_\_ Date: 10-12-10
- Address: See ABOVE Phone: 619-987-7700

Assessor's Parcel Number(s)  
(Add extra if necessary)

108-421-03	108-120-57
108-421-04	108-121-17
108-120-58	108-121-13
108-120-56	125-061-03
108-120-59	125-061-02

Thomas Bros. Page \_\_\_\_\_ Grid \_\_\_\_\_  
Project address: NORTH of SR-76 / EAST of I-15  
Community Planning Area/Subregion: FALLBROOK Zip: 92028

(On completion of above, present to the district that provides school protection to complete Section 2 below.)

### SECTION 2: FACILITY AVAILABILITY

TO BE COMPLETED BY DISTRICT

District Name: Fallbrook Union High School If not in a unified district, which elementary or high school district must also fill out a form? BONSALL UNION

- Indicate the location and distance of proposed schools of attendance. Elementary: \_\_\_\_\_ miles
- Junior/Middle: \_\_\_\_\_ miles High school: Fallbrook miles
- This project will result in the overcrowding of the  elementary  junior/school  high school. (Check)
  - Fees will be levied or land will be dedicated in accordance with Education Code Section 17620 prior to the issuance of building permits.
  - Project is located entirely within the district and is eligible for service.
  - The project is not located entirely within the district and a potential boundary issue may exist with the \_\_\_\_\_ school district.

Authorized signature: Wilson A. Hatcher Print name: WILSON H. HATCHER, CPO  
Print title: Chief Business Officer Phone: 760-723-6332 x 6195

On completion of Section 2 by the district, applicant is to submit this form with application to:  
Zoning Counter, Department of Planning and Land Use, 5201 Ruffin Road, San Diego, CA 92123



# COUNTY OF SAN DIEGO DEPARTMENT OF PLANNING AND LAND USE: Zoning PROJECT FACILITY AVAILABILITY FORM, School

Please type or use pen  
(Two forms are needed if project is to be served by separate school districts)

OWNER'S NAME: PASSERLUR PHONE: 619-696-7355  
OWNER'S MAILING ADDRESS: 402 WEST BROADWAY, STE 1320  
CITY: San Diego STATE: CA ZIP: 92003

ORG \_\_\_\_\_  
ACCT \_\_\_\_\_  
ACT \_\_\_\_\_  
TASK \_\_\_\_\_  
DATE \_\_\_\_\_  
ELEMENTARY \_\_\_\_\_  
HIGH SCHOOL \_\_\_\_\_  
UNIFIED \_\_\_\_\_

**Sc**

DISTRICT CASHIER'S USE ONLY  
TO BE COMPLETED BY APPLICANT

### SECTION 1. PROJECT DESCRIPTION

- A. LEGISLATIVE ACT
- Rezones changing Use Regulations or Development Regulations
  - General Plan Amendment
  - Specific Plan
  - Specific Plan Amendment
- B. DEVELOPMENT PROJECT
- Rezones changing Special Area or Neighborhood Regulations
  - Major Subdivision (TM)
  - Minor Subdivision (TPM)
  - Boundary Adjustment
  - Major Use Permit (MUP), purpose: \_\_\_\_\_
  - Time Extension... Case No. \_\_\_\_\_
  - Expired Map... Case No. \_\_\_\_\_
  - Other \_\_\_\_\_
- C.
- Residential . . . . . Total number of dwelling units 751
  - Commercial . . . . . Gross floor area 64,200 SF
  - Industrial . . . . . Gross floor area \_\_\_\_\_
  - Other OFFICE . . . . . Gross floor area 117,600 SF
- D.  Total Project acreage 4.64 Total number lots 0
- Applicant's Signature: \_\_\_\_\_ Date: 10-12-10
- Address: See Above Phone: 619-987-7780

Assessor's Parcel Number(s)  
(Add extra if necessary)

108-421-03	108-120-57
108-421-04	108-121-17
108-120-58	108-121-13
108-120-56	125-061-03
108-120-59	125-061-02

Thomas Bros. Page \_\_\_\_\_ Grid \_\_\_\_\_  
Project address: NORTH 165R-76 / EAST 1-15  
Community Planning Area/Subregion: FALLBROOK Zip: 92028

(On completion of above, present to the district that provides school protection to complete Section 2 below.)

### SECTION 2: FACILITY AVAILABILITY

TO BE COMPLETED BY DISTRICT

District Name: Fallbrook Union Elementary School District  
If not in a unified district, which elementary or high school district must also fill out a form?

Indicate the location and distance of proposed schools of attendance. Elementary: Live Oak School miles 3.5  
Junior/Middle: Potter Jr. High School miles: 3.8 High school: \_\_\_\_\_ miles  
 This project will result in the overcrowding of the  elementary  junior/school  high school. (Check)  
 Fees will be levied or land will be dedicated in accordance with Education Code Section 17620 prior to the issuance of building permits.  
 Project is located entirely within the district and is eligible for service.  
 The project is not located entirely within the district and a potential boundary issue may exist with the \_\_\_\_\_ school district.

Authorized signature: \_\_\_\_\_ Raymond N. Proctor  
Assistant Superintendent of Business Services (760) 731-5445  
Print title Phone 10-12-10

On completion of Section 2 by the district, applicant is to submit this form with application to:  
Zoning Counter, Department of Planning and Land Use, 5201 Ruffin Road, San Diego, CA 92123



# COUNTY OF SAN DIEGO

## DEPARTMENT OF PLANNING AND LAND USE: Zoning

### PROJECT FACILITY AVAILABILITY FORM, Fire

*Please type or use pen*

Owner's Name: PASSERELLE Phone: 619 616-7355

Owner's Mailing Address: 402 WEST BROADWAY, STE 1320 Street

City: San Diego State: CA Zip: 92009

ORG: \_\_\_\_\_ ACCT: \_\_\_\_\_ ACT: \_\_\_\_\_ TASK: \_\_\_\_\_ DATE: \_\_\_\_\_ AMT \$: \_\_\_\_\_

**F**

*DISTRICT CASHIER'S USE ONLY*

**SECTION 1. PROJECT DESCRIPTION** **TO BE COMPLETED BY APPLICANT**

A.  Major Subdivision (TM)  Specific Plan or Specific Plan Amendment  
 Minor Subdivision (TPM)  Certificate of Compliance: \_\_\_\_\_  
 Boundary Adjustment  
 Rezone (Reclassification) from EDU to SPA zone.  
 Major Use Permit (MUP), purpose: \_\_\_\_\_  
 Time Extension... Case No. \_\_\_\_\_  
 Expired Map... Case No. \_\_\_\_\_  
 Other \_\_\_\_\_

B.  Residential . . . . . Total number of dwelling units 751  
 Commercial . . . . . Gross floor area \_\_\_\_\_  
 Industrial . . . . . Gross floor area 61,200 SF  
 Other OFFICE . . . . . Gross floor area 117,000 SF

C. Total Project acreage 46.1 total lots 0 Smallest proposed lot \_\_\_\_\_

Assessor's Parcel Number(s) (Add extra if necessary)	
108-421-03	108-120-57
108-421-04	108-121-17
108-120-58	108-121-13
108-120-56	125-061-03
108-120-59	125-061-02

Thomas Bros. Page \_\_\_\_\_ Grid \_\_\_\_\_  
 Project address: NORTH OF SR 76 / EAST OF I-15 Street  
FARM ROAD Community Planning Area/Subregion Zip 92028

**OWNER/APPLICANT AGREES TO COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.**

Applicant's Signature: \_\_\_\_\_ Date: 10-12-10  
 Address: See ABOVE Phone: 619-987-7780  
 (On completion of above, present to the district that provides fire protection to complete Section 2 and 3 below.)

**SECTION 2: FACILITY AVAILABILITY** **TO BE COMPLETED BY DISTRICT**

District name: North County Fire Protection District

Indicate the location and distance of the primary fire station that will serve the proposed project: #4 @ 4375 Pala Mesa Drive, Distance seems to be a moving target

A.  Project is in the District and eligible for service.  
 Project is not in the District but is within its Sphere of Influence boundary, owner must apply for annexation.  
 Project is not in the District and not within its Sphere of Influence boundary.  
 Project is not located entirely within the District and a potential boundary issue exists with the \_\_\_\_\_ District.

B.  Based on the capacity and capability of the District's existing and planned facilities, fire protection facilities are currently adequate or will be adequate to serve the proposed project. The expected emergency travel time to the proposed project is \_\_\_\_\_ minutes.

C.  Fire protection facilities are not expected to be adequate to serve the proposed development within the next five years.  
 District conditions are attached. Number of sheets attached: 2  
 District will submit conditions at a later date.

**SECTION 3. FUELBREAK REQUIREMENTS**

**Note: The fuelbreak requirements prescribed by the fire district for the proposed project do not authorize any clearing prior to project approval by the Department of Planning and Land Use.**

Within the proposed project 100 feet of clearing will be required around all structures.  
 The proposed project is located in a hazardous wildland fire area, and additional fuelbreak requirements may apply. Environmental mitigation requirements should be coordinated with the fire district to ensure that these requirements will not pose fire hazards.

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized signature: \_\_\_\_\_ Print name and title: So Morel / Fire Marshal Phone: 760 723-2015 Date: 10/19/10  
 On completion of Section 2 and 3 by the District, applicant is to submit this form with application to:  
 Zoning Counter, Department of Planning and Land Use, 5201 Ruffin Road, Suite B, San Diego, CA 92123 Expires 10/12

# NORTH COUNTY FIRE PROTECTION DISTRICT

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330 S. Main Avenue • Fallbrook, California 92028-2938 • (760) 723-2005 • Fax (760) 723-2072 • [www.ncfireprotectiondistrict.org](http://www.ncfireprotectiondistrict.org)

## BOARD OF DIRECTORS

RUTH HARRIS  
WAYNE HOOPER  
KENNETH E. MUNSON  
PAUL SCHADEN  
KATHLEEN THUNER

WILLIAM R. METCALF – Fire Chief/CEO  
[wmctcall@ncfire.org](mailto:wmctcall@ncfire.org)  
ROBERT H. JAMES – Counsel  
LOREN A. STEPHEN-PORTER – Board Secretary  
[lstephen@ncfire.org](mailto:lstephen@ncfire.org)

October 19, 2010

County of San Diego  
Dept. of Planning & Land Use  
5201 Ruffin Rd., Suite B  
San Diego, CA 92123-1666

RE: TM 5338 Campus Park,

Please review the following comments pertaining to fire protection for this proposed development:

**The project was proposing a 55 foot professional office building and a third story option for the Canterbury Collection. The fire district does not have an Aerial ladder that can adequately access these types of buildings. The district would require the project to mitigate for the height of the buildings by providing an appropriate apparatus. The project now states they have removed the excessive height of the buildings; however, we do not have plans showing the changes.**

### Access:

- These access roads appear to be over the allowed 800 feet for lots less than 1 acre. Phalarope Street and the section between Grey Goose Lane and Whistling Swan Way.
- Improvement of Pala Mesa Dr. from Hwy 395 to Pankey Rd has been changed and now proceeds south after crossing the I-15. This change was proposed without fire department input. The developer shall ensure fire apparatus response time within 5 minutes to all portions of this development and the accompanying development. Therefore, it is necessary to improve Stewart Canyon from Canonita to Horse Ranch Creek Road, to the standard of Horse Ranch Creek Road.
- The technical report performed by Jim Hunt regarding excessive response time mitigation is not approved. The report states that a full assignment would arrive within 15 minutes travel time and that the full assignment includes a ladder truck. Currently our district does not have a ladder truck and would be relying on mutual aid for laddering capabilities. The ladder truck response would be in excess of 20 minutes. The technical report is not accepted.
- The response time allows for a 45 mph road speed along Old 395 but this agency feels the response will certainly slow to less than 35 mph if Stewart Canyon is allowed to stay in its current configuration. Palomar College has expressed that they will be pursuing students from the Riverside area and the closest route would be to exit I-15 south at Mission, proceed down Old 395 to Canonita accessing the college via Stewart Canyon. Certain times of the day would result in extended travel times due to the amount of vehicles on Stewart Canyon trying to access Palomar College. Proper mitigation needs to include widening of Stewart Canyon to the Horse Ranch Creek standard so that vehicles have room to move over and allow the responding vehicles room to respond. There also needs to be some kind of off ramp on ramp configuration that allows vehicle to exit I-15 at Stewart Canyon to access Palomar College.
- Fire Protection: The existing Tax Rate Area for this subdivision is inadequate to support fire protection for this proposed development. This will require negotiation of tax exchange rates for the entire project, inasmuch as the existing TRA is inadequate to support services to be provided.



PROUDLY SERVING THE COMMUNITIES OF FALLBROOK, BONSALE AND RAINBOW

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