

ORDINANCE NO. 67

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
IMPLEMENTING SB 1087 LOW INCOME HOUSING PRIORITY
REQUIREMENTS**

R E C I T A L S

A. Pursuant to Water Code Section 350, *et seq.*, and 71640 *et seq.*, the Lake Arrowhead Community Services District (“District”), declared that a water shortage emergency within its service area exists and authorized the adoption of regulations and restrictions on the use of water to conserve the water supply.

B. Pursuant to the water shortage emergency, the District adopted Ordinance 65 which limited the number of Permits to Connect (“Permits”), to five (5) per month and sixty (60) per year. Ordinance 65 also established a waiting list whereby persons seeking a Permit would be placed on a waiting list if the Permit allocations for a particular month have been exhausted.

C. On October 7, 2005, the Governor signed SB 1087 into law. SB 1087 provides in part that public agencies providing water and sewer service must grant a priority for the provision of water and sewer services to proposed developments that include “housing units affordable to lower income households.”

D. SB 1087 defines developments of “housing units affordable to lower income households,” as dwelling units to be sold or rented to lower income households as defined in Section 50079.5 of the Health and Safety Code, at an affordable cost, as defined in Section 50052.5 of the Health and Safety Code, or an affordable rent, as defined in Section 50053 of the Health and Safety Code.

E. SB 1087 further provides that water and sewer providers shall adopt a written policy with specific standards for meeting the priority requirement for lower income developments.

**THE BOARD OF DIRECTORS OF THE LAKE ARROWHEAD
COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:**

1. Incorporation of Recitals and Rules and Regulations. The Recitals set forth above are incorporated herein and made an operative part of Ordinance No. 67. The District’s Rules and Regulations, as they may be amended from time to time, are hereby incorporated herein. In the event of a conflict between the provisions of this Ordinance and the provisions of the Rules and Regulations, the provisions of this Ordinance shall control. Unless specifically set forth herein, the terms set forth herein shall have the same definition and meaning as any such terms may have under the Rules and Regulations. Upon the effective date of this Ordinance, the Water Connection Policy established by Ordinance 65 shall be readopted as modified herein and deemed to be part of the Rules and Regulations.

2. As used in this Ordinance, developments of “housing units affordable to lower income households” means dwelling units to be sold or rented to lower income

households as defined in Section 50079.5 of the Health and Safety Code, at an affordable cost, as defined in Section 50052.5 of the Health and Safety Code or an affordable rent, as defined in Section 50053 of the Health and Safety Code.

3. Developments of housing units affordable to lower income households shall be given priority. Specifically, if such proposed development is placed on the District's waiting list because the Permit allocations for a particular month have been exhausted and no other housing units affordable to lower income housing have been granted a Permit for that particular month, at least one (1) of the five (5) available Permits each month shall be allocated to the development of housing units affordable to lower income households, ahead of all other persons on the District's waiting list for that month. Priorities among developments of housing units affordable to lower income households will be based upon a "first come, first served" basis.

4. CEQA Compliance This Ordinance is statutorily exempt from CEQA because it is a measure enacted pursuant to Government Code section 65589.7. Therefore, this Ordinance is exempt from the requirements of CEQA pursuant to Public Resources Code section 21080(b)(4) and State CEQA Guidelines section 15269 (c). In addition, this Ordinance is not a project within the scope of CEQA and does not require further environmental analysis. (Pub. Res. Code, § 21065, State CEQA Guidelines, §§ 15060(c) & 15378.) This Ordinance will not cause a direct or reasonably foreseeable indirect physical change in the environment. Furthermore, no indirect physical changes in the environment are anticipated as a result of this Ordinance as defined by State CEQA Guidelines, sections 15064, subdivision (d)(2) and 15382.

5. Severability. If any section, subsection, clause or phrase in this Ordinance No. 67 or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Ordinance No. 67 or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance No. 67 and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

ADOPTED by the Board of Directors of the Lake Arrowhead Community Services District at a regular meeting held on August 8, 2006, by the following votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

LAKE ARROWHEAD COMMUNITY SERVICES
DISTRICT

Mary Ann Dickinson, President of the Board of
Directors of the Lake Arrowhead Community
Services District

ATTEST:

P.M. McGonigle, Secretary of the
Lake Arrowhead Community Services
District

(SEAL)