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August 19, 2009

RECEIVED  
AUG 27 2009

The Honorable Kim Dunning  
Presiding Judge of the Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

**RE: City of Aliso Viejo Response Letter to the June 15, 2009 Orange County Grand Jury report – "Paper Water"**

Dear Judge Dunning:

This letter is submitted in response to the Orange County Grand Jury's report "*Paper Water – Does Orange County Have a Reliable Future?*" dated June 15, 2009.

The City of Aliso Viejo (City) appreciates the opportunity to provide the following responses as requested by the findings and recommendations contained within the referenced report:

**Finding 1. There is inadequate coordination between local land-use planning agencies, resulting in a process that fails to fully engage the issues.**

***F.1.a: Water agencies have tended to avoid interfering or participating in growth-management decisions.***

**Response:** The City of Aliso Viejo agrees with this finding. The City receives most of its water supply from Moulton Niguel Water District and the remaining portion of the City is served by El Toro Water District. There is some coordination in growth management decisions between the City and these water agencies, although the City feels that these agencies should be more involved in the planning process and provide detailed information on the 25-year availability of potable and recycled water supplies for new and redevelopment projects.

***F.1.b: Cities and the County have tended to not critically evaluate the limitations of water agencies supply projections.***

**Response:** The City of Aliso Viejo disagrees with this finding. The City's Conservation Element (attachment A, page COS-5) and Land Use Element (attachment B, page LU-10) of the General Plan include goals and policies that were created to initiate discussions and evaluate the City's water supply projections. Within the Land Use Element, a goal was established that collaborates with local and regional water suppliers to ensure that an adequate water supply is available, that delivery and treatment capacity are

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adequate to meet the community's needs, and that land use decisions are contingent on the availability of adequate supplies.

Within the Conservation Element, a goal was established to ensure provision of sufficient water to meet community need, while emphasizing the importance of water conservation and maximizing the use of native, low-water landscape and reclaimed water. Both goals along with the policies created as a result of these goals were established as part of the City's effort to support the local water supply in the development and implementation of Urban Water Management Plans (UWMP). Pursuant to the Urban Water Management Planning Act (Water Code § 10620 et seq.), all "public water systems" (i.e., cities, counties, water agencies and other special districts that provide water for municipal purposes to more than 3,000 customers or supply more than 3,000 acre-feet of water per year) must prepare an UWMP. The City developed a Land Use Planning procedure in which all new development projects are required to submit an Environmental Impact Report, in compliance with the California Environmental Quality Act, using the information received from the local water supply agency that directly addresses the issues of water supply availability and capacity (see attachment C for example of said requirement).

**Finding 2. California's looming water supply crisis receives very little, if any, expressed concern from the public in comparison to the numerous other environmental issues presented during development project reviews.**

***F.2.a: Orange County's citizens and interested groups do not appear to grasp the seriousness of the water supply situation or the complicity and urgency of the necessary solutions.***

**Response:** The City partially disagrees with this finding as it relates to the City. There are ongoing education efforts towards water conservation. The City hosts events throughout the year in which an environmental awareness booth is utilized. Information regarding best management practices for pollution prevention, elimination of irrigation runoff and water conservation is distributed to event participants including local residents, children and business owners. Upon interaction with the event participants, it has been observed that a portion of the City's residents (adults and children) are well aware of the concerns about water supply situation and some have taken steps toward the solution. Stories of shortened showers, drought resistance plants and waterless car washing are some forms of conservation efforts from Aliso Viejo residents. The conservation knowledge expressed by residents seems to be a result of the outreach our local water agencies perform as well as City efforts. The City also utilizes an email contact list to distribute information via e-News updates and alerts to Aliso Viejo residents and other subscribers regarding water conservation and water quality issues. A newsletter is also distributed citywide that addresses these same issues. Additionally, home owner associations and property managers located within the city are kept abreast of current issues as well so that the tenants not subscribing to the e-News can be informed.

However, large scale changes in water use behavior have not yet occurred. There continues to be extensive irrigation water runoff into the municipal storm systems. People continue to wash their automobiles in residential streets, and low water landscaping is less than 25% of new applications.

Education efforts should be increased by both water agencies and cities. Educational organization should also be engaged to assist with these efforts.

***F.2.b: Several recent substantial water supply awareness efforts are underway (e.g. the O.C. Water Submit) that show promise but appear targeted to audiences that are already informed.***

**Response:** The City partially disagrees with this finding as it relates to the City. Some water supply awareness efforts are underway for targeted audiences. In addition, however, during the last six months, local water supply agencies have distributed alerts to Aliso Viejo residents as well as posted information on their websites regarding water supply issues. In addition, water conservation literature is sent with every customer's bill when appropriate. These methods of outreach are very wide reached therefore connecting with people that may not be entirely aware of the water supply situation. However, the City feels that water districts should reach out to more residents, HOAs, and businesses through public hearings and town meetings.

Finally, the City (since it was incorporated in July 2001) has coordinated with the Aliso Viejo Community Association (a property master association which encompasses most of the City) to ensure that landscaping, park maintenance and other services provided by the Association employ water conservation measures, use recycled water if available from water suppliers, and prevent water pollution from fertilizer and pesticides application and other potential pollutants.

**Recommendation 1. Each Orange County municipal planning agency, in cooperation with its respective water supply agency, should prepare for adoption by its city council, a dedicated Water Element to its General Plan in conjunction with a future update, not to exceed June 30, 2010.**

**Response:** This recommendation will not be implemented by the City because it is not warranted.

This recommendation would require municipal planning agencies to prepare and adopt a General Plan Water Element by June 30, 2010, whereas municipal water supply agencies are not required to prepare and adopt their next 5-year Urban Water Management Plans (UWMP) until December 31, 2010, thus creating a duplicative and potentially inconsistent informational reporting process surrounding urban and regional water supply issues. As indicated above, the Urban Water Management Planning Act (Water Code § 10620 et seq.) already requires all "public water systems" (i.e., cities, counties, water agencies and other special districts that provide water for municipal purposes to more than 3,000 customers or supply more than 3,000 acre-feet of water per year) to prepare an UWMP every five years according to particular standards set forth in the Act. Requiring municipal planning agencies to prepare a General Plan Water Element would impose an impractical, duplicative and potentially inconsistent process and obligation in light of the pre-existing requirements of the Urban Water Management Planning Act. These issues would be compounded by factors such as, and not limited to, availability of legal review and applicable legal standards.

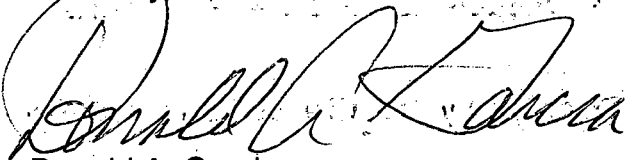
The City adopted its General Plan in April 21, 2004. This plan includes a Conservation Element and a Land Use Element which include goals and policies that were created to initiate discussions and evaluations of the City's water supply projections. Within the Land Use Element, a goal was established that collaborates with local and regional water suppliers to ensure that an adequate water supply is available, that delivery and treatment capacity are adequate to meet the community's needs, and that land use decisions are contingent on the availability of adequate supplies. Within the Conservation Element, a goal was established to ensure provision of sufficient water to meet community needs, while emphasizing the importance of water conservation and maximizing the use of native, low-water landscape and reclaimed water.

The City is also planning to adopt a Water Efficient Landscape Ordinance by January 1, 2010 as required by the Water Conservation in Landscaping Act of 2006 (AB 1881). This ordinance is being created as to require water conservation measures to be taken within the City as well as help to prevent irrigation runoff.

City staff is currently preparing a Climate Action Plan/Sustainability Element for approval by the City Council. This document, if adopted, will be incorporated into the City's General Plan within the next 24 months. With this new element and the current elements, the City's General Plan will adequately address water issues.

Should you have any questions or need additional information, please do not hesitate to contact the City Manager, Mr. Mark Pulone, at (949) 425-2513.

Sincerely,



Donald A. Garcia  
Mayor

cc: City Council  
Mark A. Pulone, City Manager  
Orange County Grand Jury  
700 Civic Center Drive West, Santa Ana, CA 92701

Attachment: A - Conservation/Open Space Element  
B - Land Use Element  
C - Example of Moulton Niguel Water District - Service Availability/Capacity Information Request