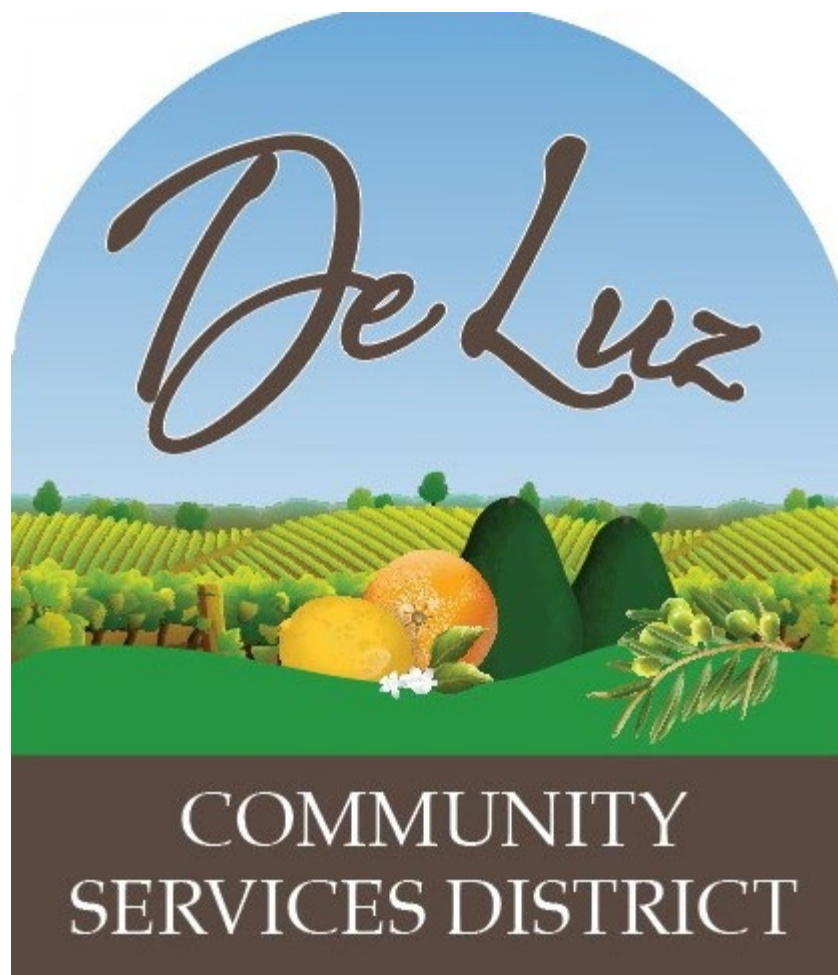


# DISTRICT CODE



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**ARTICLE 1**  
**FISCAL YEAR SERVICES TO BE PROVIDED,  
DETERMINATION OF ZONES OF BENEFIT AND CHARGES  
FOR SERVICES, AND CLASSIFICATION OF ROADS**

**SECTION 100 - WRITTEN REPORT**

**Section 100-1 Adoption.** That the annual written report of the Directors and the determination of the scope of work to be performed within the District, the areas benefited and the charges to be made to the benefited areas for the work performed during the Fiscal Year 2024-2025 is that set forth below in this Code and Exhibit "A" which is incorporated herein by reference. **(Ordinance 24-01).**

**Section 100-2 Zone of Benefit.** The zones of benefit determined as Zones I, II, III, IV, V, VI, and VII are those shown in Exhibit "A."

**Section 100-3 Listing of Parcels.** A listing of the parcels of property within each zone of benefit is set forth in Exhibit "A."

**Section 100-4 Scope of Work.** The written report of the Board of Directors concerning the scope of work and other matters concerning determination of status of street, estimates of costs of work, and the areas benefitted hereby, marked as Exhibit "A," is adopted and incorporated herein by reference.

**Section 100-5 Determination of Charges.** The formula for determining the charge for all parcels of property in the District for administrative costs and district-wide services and services performed on primary and secondary streets in Benefit Zones I through VII is set forth in Exhibit "A."

**Section 100-6 Classification of Streets.** The determination of the streets of the District and the category of each street as primary or secondary is set forth in Exhibit "A" attached hereto.

**Section 100-7 Streets Accepted for Maintenance.** The streets accepted for maintenance by the District are set forth in Exhibit "A" attached hereto.

**Section 100-8 Location of Written Report.** The written report of the Directors with Exhibit "A" incorporated herein by reference, is maintained at the office of the District located at 41606 Date Street, Suite 205, Murrieta, California 92562, and may be examined by all interested persons during regular business hours.

**Section 100-9 Inclusion on Tax Rolls.** Upon determining the exact charge for each parcel of property within the District, based upon the formulas and data provided herein, the General Manager shall provide such schedule of charges to the Auditor of the County of Riverside for inclusion in the tax rolls of the said county for collection of such charges on the tax billings of the County of Riverside during the Fiscal Year 2024-2025 on or before August 10, 2024. **(Resolution 24-07).**

**Section 100-10 Filing with County Auditor.** The Secretary of the District is directed to file with the County Auditor of the County of Riverside on or before August 10, 2023, a certified copy of this ordinance with Exhibit "A" attached. **(Ordinance 24-01).**

## ARTICLE 2

### STANDARDS FOR ACCEPTANCE OF ROADS FOR MAINTENANCE, LAND DIVISION MAP REQUIREMENTS, PLAN REVIEW FEES, DESIGNATION OF ROADS AND ROAD DESIGN SPECIFICATIONS

#### SECTION 200 - CONDITIONS FOR ACCEPTANCE

**Section 200-1 Standards for Acceptance of Roads.** That the Board of Directors of the De Luz Community Services District determines that the following standards for acceptance of roads and streets into the District road system for maintenance by the District are adopted:

**Section 200-1.1 Dedication.** A road or street accepted by the De Luz Community Services District for inclusion in the road system and maintenance of the street or road shall be one whose right-of-way has been offered for dedication upon a parcel map or final subdivision map processed through the County of Riverside and accepted by the County Riverside and recorded in the records of the County Recorder of the County of Riverside. The term "road" when used in this Code shall include the term "street." **(Ordinance 91-2)**

**Section 200-1.2 Circulation Pattern.** The designation of "arterial road" shall be added to the designation of dedicated roads of the District to describe a road which is a main circulation road carrying an increased amount of traffic to afford access throughout the District for traffic collected from the connecting roads. Such dedicated roads shall be those which improve the traffic circulation patterns of the road system within the District and will offer traffic access to or between the arterial, primary, secondary, and cul-de-sac roads. **(Ordinance 91-2)**

**Section 200-1.3 Construction.** That the standards of construction, width, alignment and drainage and other provisions of minimum levels of improvement of the offered road and provisions for submission of a map and plan of the offered road are set forth in Exhibit "2" of this Code.

**Section 200-2 Assessment District Proceeding and Prior Conditioned Approval.** The Board of Directors of the De Luz Community Services District may accept a street or road into the District street system for maintenance purposes which is to be included in an Assessment District, formed pursuant to the laws of the State of California, for opening or improvement in the course of the work of improvement for which the Assessment District is created.

**Section 200-3 Application for and Acceptance of Road.** The application for acceptance of the road into the District road system for maintenance of the roads by

the District shall be in writing, executed by the property owners of the land underlying the road and shall have attached thereto a certified copy of the recorded final subdivision map, parcel map, or easement creating the road. To be accepted for maintenance, the road must be constructed in compliance with the standards, specifications and procedures for acceptance pursuant to Article 2 and Article 6 of the District Code in effect at the time of construction. Upon certification by the District Engineer to the Board of Directors that the road has been constructed in that manner, the road shall be accepted for maintenance. **(Ordinance 91-2)**

**Section 200-4 Plan Review.** The preliminary review of the road condition, adequacy of the applications for acceptance and all other questions concerning acceptance of the road into the District's system shall be conducted by the staff of the District and the staff recommendation of approval or disapproval of the application shall be presented to the Board at the time of hearing of the application for acceptance.

**Section 200-5 Plan Approval.** The design and construction of the offered street or road and the method of connection of the offered street or road to the existing road system of the De Luz Community Services District shall be approved by the District Engineer. The connection shall be accomplished in a manner which will create no harm or damage to the existing road system of the District. Any driveway connection to the offered street or road shall conform to the requirements of Section 403 of Article 4 of this Code.

**Section 200-6 Standard Specifications.** The road shall be constructed and paved in conformity with the District standard specifications for road surfacing set forth in Exhibit "2" of this Code. **(Ordinance 91-2, 06-02.)**

**Section 200-7 Street Identification and Traffic Control Signs.** The intersection of any street or road with the streets and roads accepted by the District for maintenance shall have the traffic at such intersection controlled by an appropriate traffic control ordinance. An appropriate traffic control ordinance shall be passed to control the passage of vehicles through the intersection and the appropriate traffic control sign shall be installed. The sign shall be one approved by the General Manager of the District.

**Section 200-8 Board Review and Benefit Charge.** The Board shall review and determine applications monthly for acceptance of a new road. Upon acceptance of a road into the District's road system, the appropriate benefit zone charges shall be increased as required in the next annual budget in an amount necessary to fund the routine maintenance expenses of the road. The District shall commence to maintain the road in the fiscal year immediately following such acceptance.

**Section 200-9 Variance.** The Board of Directors upon application by the property owner may consider a variance from the requirements of this Ordinance Code upon good cause shown based upon unusual or difficult circumstances affecting construction of the roads.

## **SECTION 201 - PARCEL MAPS; SUBDIVISIONS**

**Section 201-1 Streets Created by Parcel Maps or Subdivisions.** To be accepted for maintenance, the street must comply with the standards and procedures for acceptance per Article 2, Sections 200-1 through 200-9 of the District Ordinance Code. The connection of any street or road to a District maintained road shall be approved by the District Engineer to ensure that there is no damage to the existing roadway, that adequate provision is made for drainage, and that the road connection provides adequate sight distance to allow for safe passage of traffic, commensurate with the existing and projected road and traffic conditions at the specific location. **(Ordinance 91-2, 91-7, 04-03.)**

**Section 201-2 Plan Review Fees.** The charge for street plan check review of a tract or parcel map by the District shall be the actual cost incurred by the District, based upon time records and including all administrative overhead costs. The fee may be collected through a billing arrangement established between the District and the Riverside County Department of Transportation; otherwise, the General Manager shall establish an estimate of the expected costs involved in the review process and shall collect a deposit from the subdivider. If the deposit is not adequate to cover the costs involved in the review process, an additional deposit shall be requested from the subdivider and the plan review will not continue until the deposit request has been satisfied. All outstanding fees shall be paid in full before any related construction or encroachment permits are issued. The General Manager shall, not less than annually, report to the Board of Directors the amount of fees collected and the status of the plan review process. **(Ordinance 00-02.)**

**Section 201-3 Unpaved De Luz Community Services District Maintained Roads, Adjoining Parcel Maps, and Subdivisions.** Street plans shall be prepared by a licensed professional engineer for all unpaved roads adjoining parcel maps or subdivision maps. The plans shall conform to the design requirements and specifications in Exhibit "2" of this Code. The street shall be graded in accordance with the approved plans before driveway permits will be issued by the District to any parcel created by the parcel subdivision map.

## **SECTION 202 - CUL-DE-SAC VARIANCE**

The District Engineer may recommend a variance permitting cul-de-sac roads to be paved to a lesser width than provided herein. The District Engineer shall make this determination based upon current road engineering practices considering the requirements for safety, stability of the roadway and future maintenance

considerations. He may also consider the probability that the road may be widened or extended in future development. In the event the Engineer has denied an application for variance, a written application for allowance of the variance, filed not less than ten (10) days before the next regular meeting of the Board, shall be heard by the Board of Directors at such meeting. For good cause shown by vote of a majority of the Board of Directors at such meeting, the time limitation for filing the written application may be waived and the application heard; provided, however, that a written application has been filed.

## **SECTION 203 - LAND DIVISION MAP CONDITIONS**

**Section 203-1 Imposition of Conditions on Land Division Maps.** The District Engineer shall include in comments on land division maps referred to the District by the Planning Department of the County of Riverside the applicable provisions of this Section 203 as proposed conditions for subdivision of land within the De Luz Community Services District in addition to those proposed by the Planning Department and other public agencies commenting upon the land subdivision and Ordinance 460 of the County of Riverside as it may exist at the time the land subdivision is under review or any successor ordinance governing land subdivision matters. **(Ordinance 91-2)**

**Section 203-1.1 Fee for Review of Land Division Tentative Maps.** The charge for review of a land division map referred to the District by the Planning Department of the County of Riverside shall be the actual cost incurred by the District, based upon time records and including all administrative overhead costs. The cost may be collected through a billing arrangement established between the District and the Riverside County Department of Transportation; otherwise, the General Manager shall collect a deposit based upon his best estimate of the time required to adequately review subject map. If the deposit is not adequate to cover the costs involved in the review process, an additional deposit shall be requested from the subdivider, and the plan review will not continue until the deposit request has been satisfied. All outstanding costs shall be paid in full before a recommendation for approval of the tract or parcel map is given to the Planning Department. The General Manager shall, not less than annually, report to the Board of Directors the amount of fees collected and the status of the plan review process. **(Ordinance 91-2; 00-02)**

**Section 203-2 Construction Within Dedicated Roadway.** All roads shall be built within a roadway dedicated for all public road use. The road shall be centered upon the centerline of the dedicated roadway. Any easement required to build on centerline shall be provided by the land subdivider. A variance from this requirement can be granted by the District Engineer to accommodate environmental or field construction conditions.  
**(Ordinance 91-2)**

**Section 203-3 Connection to District Maintained Road.** All subdivided lands must be connected by a publicly maintained road to a District maintained road. Roads created by the land subdivision, including any cul-de-sac road, and any road connecting the subdivided lands to a District maintained road shall be constructed and paved to District standards and specifications provided in this Ordinance Code. Any District maintained roads that exist on the frontage of subdivided lands and that are not constructed to District specifications and drainage standards shall be improved to said standards at the subdivider's expense unless a waiver of this requirement is approved by the District Board upon application by the subdivider. Upon construction to these standards and verification of such construction by the District Engineer, the roads will be accepted for maintenance by the District in accordance with the provisions for acceptance of roads in this Code. **(Ordinance 91-2, 04-03)**

**Section 203-4 Land Subdivision Plans.** Land subdivision plans deposited with the District Engineer for review which require driveway access shall show not less than one driveway for each proposed parcel with sufficient detail to verify that there will be unobstructed sight distance not less than two hundred and fifty (250') feet in both directions and that the driveway can be constructed in accordance with District standards. **(Ordinance 91-2.)**

**Section 203-5 Road Construction Engineered Plans.** Engineered plans shall be required for all roads, including connecting roads, to be constructed and paved as a result of land subdivision within the District boundaries, and on all existing roads not meeting current District standards adjoining the land to be subdivided. The plans shall extend three hundred feet (300') beyond the project boundaries in all directions and also extend three hundred feet (300') in each direction from the point of connection of a connecting road to the District maintained road. Subdivided lands having two or more frontages on District maintained roads shall only be required to provide such plans for two frontages. Engineered plans shall not be required for a road previously constructed to District standards adjoining the land to be subdivided, as verified by the District Engineer. The engineered plans shall be deposited with and approved by the District Engineer and a permit is required for construction prior to the commencement of construction of the road. **(Ordinance 91-2)**

**Section 203-5.1-1 Existing De Luz Community Services District Maintained Paved Streets Adjoining Parcels.** The civil engineer shall prepare and submit to the District an as-built plan and profile, plotted in permanent ink on polyester base film, showing the following:

The roadway right-of-way.

**Section 203-3 Connection to District Maintained Road.** All subdivided lands must be connected by a publicly maintained road to a District maintained road. Roads created by the land subdivision, including any cul-de-sac road, and any road connecting the subdivided lands to a District maintained road shall be constructed and paved to District standards and specifications provided in this Ordinance Code. Any District maintained roads that exist on the frontage of subdivided lands and that are not constructed to District specifications and drainage standards shall be improved to said standards at the subdivider's expense unless a waiver of this requirement is approved by the District Board upon application by the subdivider. Upon construction to these standards and verification of such construction by the District Engineer, the roads will be accepted for maintenance by the District in accordance with the provisions for acceptance of roads in this Code. **(Ordinance 91-2, 04-03)**

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**Section 203-5.1-1 Existing De Luz Community Services District Maintained Paved Streets Adjoining Parcels.** The civil engineer shall prepare and submit to the District an as-built plan and profile, plotted in permanent ink on polyester base film, showing the following:

The roadway right-of-way.

1. Location of existing pavement by field survey.
2. Existing culverts - size and length.
3. A hydrology map showing the drainage area to each culvert with the area. An approximate Q10 and Q100 through the culvert.
4. Above ground appurtenances.
5. Profile, plotted from field shots taken at 100' intervals.
6. All found monuments.
7. Plans must be prepared, signed, and stamped by a licensed civil engineer in California.

**(Ordinance 00-02)**

**Section 203-5.1-2 Plan Review Fees.** The charge for plan check shall be the actual cost incurred by the District, based upon time records and including all administrative overhead costs, to be established and paid in accordance with Section 201- 2 above.

**(Ordinance 00-02)**

**Section 203-5.1-3 Plan Approval Expiration.** Engineer plans prepared in conjunction with the approval of a land subdivision or other development and bearing the approval signature of the District Engineer shall expire and shall be subject to review and re-approval no longer than one (1) year following the date of the original approval, provided that a permit for construction of the improvements has not been issued prior to the expiration date. In the event that a permit has been issued, the work may proceed in accordance with the approved plans. In the event that substantial work has not begun within sixty (60) days after issuance of the permit, or after work has begun and is stopped for a period of sixty (60) days or more, then the permit and plans shall be subject to review and re-approval. Additional plan review and permit fees shall be paid to the District prior to re-approval of the plans or issuance of an amended permit.

**(Ordinance 04- 03)**

**Section 203-6 Improvement Bonds.** Improvement bonds for construction of the roads shall name the De Luz Community Services District as an obligee of the bond. A performance bond for one hundred (100%) per cent of the construction cost and a payment bond for one hundred ( 100%) per cent of the cost of labor and materials or other security acceptable to the De Luz Community Services District shall be provided. The bonds shall require construction of the roads within two years of recordation of the approved final parcel or subdivision map for the land subdivision subject to extension for good cause upon application for extension to the Board of Directors of the De Luz Community Services District.

**(Ordinance 91-2.)**

1. Location of existing pavement by field survey.
2. Existing culverts - size and length.
3. A hydrology map showing the drainage area to each culvert with the area. An approximate Q10 and Q100 through the culvert.
4. Above ground appurtenances.
5. Profile, plotted from field shots taken at 100' intervals.
6. All found monuments.
7. Plans must be prepared, signed, and stamped by a licensed civil engineer in California.

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**(Ordinance 04- 03)**

**Section 203-6 Improvement Bonds.** Improvement bonds for construction of the roads shall name the De Luz Community Services District as an obligee of the bond. A performance bond for one hundred (100%) per cent of the construction cost and a payment bond for one hundred ( 100%) per cent of the cost of labor and materials or other security acceptable to the De Luz Community Services District shall be provided. The bonds shall require construction of the roads within two years of recordation of the approved final parcel or subdivision map for the land subdivision subject to extension for good cause upon application for extension to the Board of Directors of the De Luz Community Services District.

**(Ordinance 91-2.)**

## **SECTION 204 - ROAD IMPROVEMENT COST PREPAYMENT**

**Section 204-1 Statement of Purpose.** The Board of Directors of the De Luz Community Services District determines it is in the best interest of the residents of the District that public improvements to roads maintained by the District, required of applicants for approval of a land division pursuant to Ordinance 460 of the County of Riverside, be coordinated with road improvement work planned by the District for those roads to avoid duplication of work and reduce the cost of road improvement.

**Section 204-2 Conditions for Deferral of Improvement.** The applicant for division of land by parcel map may be permitted to defer improvements to District maintained roads required by conditions for parcel map approval under the following requirements:

- a) The applicant shall present to the District Engineer the approved road plans required as a condition of approval of the land division for review. All estimates of materials required for the work shall be prepared in accordance with engineering practice by a civil engineer registered and licensed by the State of California.
- b) The District Engineer shall review the plans and determine his estimate of the cost of the work and material required for the improvements from information available from District contract work or other sources determined reliable by the Engineer, including any increases in cost reasonably expected to occur.
- c) The District Engineer shall review the estimations of cost of the applicant. Upon determination by the Engineer and the applicant that the cost estimates are acceptable to both parties, an agreement shall be drawn for the deposit of funds with the District to pay the cost of these improvements which will be constructed by the District.
- d) The agreement, executed by the applicant, shall be presented to the Board of Directors for approval.
- e) Upon approval of the Board of Directors and execution of the agreement by the authorized District officer, the applicant shall deposit the agreed estimated funds with the District within thirty (30) days. Deposit of the funds shall be made as a condition of the final approval of the parcel map for recordation. In the event the required funds are not deposited within the thirty (30) day period, the District may re-determine the estimated cost and require the applicant to execute an amended agreement approved under the

procedure set forth herein. No permit for the work of improvement on District maintained roads required by the conditions of the parcel map approval shall be issued until the cost estimated funds have been deposited with the District.

- f) In the event an agreement of the District Engineer and the applicant on the cost estimate cannot be reached, the applicant shall be permitted to present the matter to the Board of Directors for determination of the proper amount of cost estimate.
- g) The funds to be deposited by the applicant shall be held in an interest-bearing account by the District, committed for the accomplishment of work of improvement and for no other purpose, and shall include all interest accruing from the deposited funds.
- h) The District shall be permitted to modify the work shown on the approved plans of the applicant in the course of the work improvement carried out by the District provided the work of improvement shall satisfy the requirements of the parcel map conditions.
- i) The District shall commence the work of improvement provided by the agreement within four (4) calendar years of the effective date of the agreement. **(Ordinance 91-5)**

## **ARTICLE 3**

### **TRAFFIC CONTROL**

#### **SECTION 300 - REQUIREMENTS**

The Board of Directors of the De Luz Community Services District has determined that it is necessary for the public safety and the orderly and efficient use of the roads and highways in the District that the operators of vehicles entering certain intersections in the District be required to bring their vehicles to a complete halt prior to entering such intersections as provided in Vehicle Code Section 22450.

#### **SECTION 301 - STOP SIGN ERECTION AND MAINTENANCE**

The DISTRICT ENGINEER is directed to erect and maintain traffic control stop signs at the designated intersections to give notice of the requirement that operators of motor vehicles are required to bring their vehicles to a complete halt.

#### **SECTION 302 - STOP SIGN LOCATIONS**

Traffic control stop signs shall be placed at the following intersections to stop the traffic as indicated:

1. Eastbound on Via Vaquero at its intersection with Via Santa Rosa.
2. Southbound on Via Santa Rosa at its intersection with Rancho California Road.
3. Southbound and northbound on Calle Capistrano at its intersection with Rancho California Road.
4. Southbound on La Cruz Drive at its intersection with Buena Loma.
5. Eastbound on Calle Jardin at its intersection with Calle Cuero.
6. Northbound on Calle Cuero at its intersection with Via Vaquero.
7. Northbound on Via Vaquero at its intersection with De Luz Road.
8. Northbound and southbound on Carancho Road at its intersection with De Luz Road.
9. Westbound on El Prado Road at its intersection with Buena Loma.

10. Northbound on De Anza Road at its intersection with Camaron Road.
11. Northbound and southbound on Camaron Road at its intersection with De Luz Road.
12. Northbound on Camaron Road at its intersection with Carancho Road.
13. Northbound and southbound on El Calamar Road at its intersection with Carancho Road.
14. Northbound and southbound on Los Gatos Road at its intersection with Carancho Road.
15. Northbound on Vista Del Mar at its intersection with Carancho Road.
16. Northbound and southbound on Buena Vista Road at its intersection with Los Gatos Road.
17. Eastbound on Sycamore Mesa at its intersection with Rancho California Road.
18. Northbound on Via Santa Rosa at its intersection with Rancho California Road.
19. Northbound on Sycamore Mesa at its intersection with Rancho California Road.
20. Eastbound on Avenida Del Oro at its intersection with Rancho California Road.
21. North westbound on Calle Capistrano at its intersection with Rancho California Road.
22. South eastbound on Calle Capistrano at its intersection with Rancho California Road.
23. Southbound on Pradera Way at its intersection with Calle Capistrano.
24. North westbound on Via Vaquero at its intersection with De Luz Road.
25. South westbound on Terreno Drive at its intersection with De Luz Road.

26. North eastbound and South westbound on Carancho Road at its intersection with De Luz Road.
27. Northbound and southbound on Camaron Road at its intersection with De Luz Road.
28. North westbound on Camaron Road at its intersection with De Luz Road.
29. South eastbound on the east end of El Calamar Road at its intersection with Carancho Road.
30. South westbound on the west end of El Calamar Road at its intersection with Carancho Road.
31. North westbound on El Calamar Road at its intersection with Carancho Road.
32. Eastbound and westbound on Buena Vista Road at its intersection with Los Gatos Road.
33. Eastbound on the west end of Vuelta Grande at its intersection with Carancho Road.
34. South eastbound on Vuelta Chica at its intersection with Vuelta Grande.
35. Northbound and southbound on Los Gatos Road at its intersection with Carancho Road.
36. North westbound on El Prado Road at its intersection with Carancho Road.
37. Northbound and southbound on Carancho Road at its intersection with Sandia Creek Drive.
38. Northbound and southbound on El Prado Road at its intersection with Sandia Creek Drive.
39. North westbound on El Viento Seco Drive at its intersection with El Prado Road.
40. South westbound on El Prado Road at its intersection with Sandia Creek Drive.

41. North eastbound on Buenos Campos at its intersection with Sandia Creek Drive.
42. Northbound on Tierra Rica Drive at its intersection with De Anza Road.
43. Westbound on De Anza Road at its intersection with Camaron Road.
44. Eastbound on De Anza Road at its intersection with Sandia Creek Drive.
45. South eastbound on Via Mirola at its intersection with Sandia Creek Drive.
46. Northbound and southbound on Via Vaquero at its intersection with Sandia Creek Drive.
47. South eastbound on La Cruz Drive at its intersection with Sandia Creek Drive.
48. South eastbound on Skyrocket Drive at its intersection with Sandia Creek Drive.
49. North westbound on Via Barranca at its intersection with Sandia Creek Drive.
50. Northbound on Sandia Creek Drive at its intersection with Avenida Del Oro.
51. Eastbound on Calle Jardin at its intersection with Calle Cuero.
52. Northbound on Calle Cuero at its intersection with Via Vaquero.
53. Eastbound on Via Vaquero at its intersection with Via Santa Rosa.
54. North westbound on Camaron Road at its intersection with Carancho Road.
55. Eastbound on the east end of Vuelta Grande at its intersection with Carancho Road.
56. Southbound on Granado Place at its intersection with Calle Capistrano.
57. North westbound on Calle Capistrano at its intersection with De Luz Road.

58. Eastbound on Via Nortada at its intersection with De Luz Road.
59. Northbound on Calle Tuberia at its intersection with De Luz Road.
60. Southbound on Dos Rios Road at its intersection with De Luz Road.
61. South eastbound on Buena Loma Road at its intersection with De Luz Road.
62. South eastbound on Via Escalon at its intersection with El Calamar Road.
63. Southbound on Vista Del Mar at its intersection with Los Gatos Road.
64. South eastbound on Via Los Ventos at its intersection with Vista Del Mar.
65. North westbound on Buena Vista Road at its intersection with Vista Del Mar.
66. North eastbound on Rio Linda Road at its intersection with Vista Del Mar.
67. North westbound on Tortuga Road at its intersection with Carancho Road.
68. Southbound on Calle Colina at its intersection with Carancho Road.
69. Northbound on Vista Del Mar at its intersection with Carancho Road.
70. Southbound on Via Cielo at its intersection with Carancho Road.
71. North eastbound on Calle Corveta at its intersection with Calle Capistrano.
72. South eastbound on Calle Capistrano at its intersection with Avenida Del Oro.
73. Eastbound on Mirasol Way at its intersection with Carancho Road.
74. North eastbound on Via Selva at its intersection with Carancho Road.
75. Eastbound on La Vella Road at its intersection with El Prado Road.

76. Eastbound on Serreno Road at its intersection with El Prado Road.
77. Eastbound on Carrillo Road at its intersection with El Prado Road.
78. Westbound on Buenos Campos at its intersection with Tierra Rica Drive.
79. Eastbound on Monte Rancho Drive at its intersection with Camaron Road.
80. South westbound on Madero Way at its intersection with Via Vaquero.
81. Eastbound on Las Palmeras at its intersection with Via Vaquero.
82. South westbound on Sycamore Mesa at its intersection with Via Barranca.
83. Westbound on Calle Jardin at its intersection with Carancho Road.
84. Northbound on Avenida Hierba at its intersection with Calle Uva.
85. Westbound on Calle Uva at its intersection with Calle Jardin.
86. Southbound on Calle Cresta at its intersection with Avenida Tierra.
87. Southbound on Avenida Tierra at its intersection with Calle Cuero.
88. Westbound on Avenida Tierra at its intersection with Calle Jardin.
89. Eastbound on Via Escondido at its intersection with Via Vaquero.
90. Southbound on Via Pino at its intersection with Via Vaquero.
91. Southbound on Via Barranca at its intersection with Via Vaquero.
92. North eastbound on Calle Roca at its intersection with Via Vaquero.
93. Southbound on Calle La Paz at its intersection with Via Vaquero.
94. North eastbound on Via De Los Robles at its intersection with Via Vaquero.
95. South westbound on Via Verba at its intersection with Via Vaquero.

96. Westbound on Calle Pintoresca at its intersection with Via Vaquero.
97. Westbound on Camino Estribo at its intersection with Via Tornado.
98. Northbound on Via Novillo at its intersection with Camino Estribo.
99. South eastbound on Via Gorrion at its intersection with Camino Estribo.
100. Northbound on Via Gorrion at its intersection with Via Santa Rosa.
101. South eastbound on the north end of Via Horca, and southbound on the south end of Via Horca, at their intersections with Via Santa Rosa.
102. Northbound on Via Tornado at its intersection with Via Santa Rosa.
103. South westbound on Via Peregrino at its intersection with Via Santa Rosa.
104. Eastbound and westbound on Sandia Creek Drive at its intersection with El Prado Road East.
105. North westbound on Camino Potro at its intersection with Camino Estribo.
106. North eastbound on Buena Vista Road at its intersection with El Calamar Road.
107. South eastbound on Camino Gatillo at its intersection with Via Horca.
108. Southbound on Via Tornado at its intersection with Via Santa Rosa.
109. North westbound on El Chaval Place at its intersection with Calle Corveta.
110. North westbound on Calle Del Mundo at its intersection with El Prado Road.
111. Northbound on Via Torre at its intersection with Via Peregrino.
112. Northbound on Camino Gazapo at its intersection with Via Novillo.  
**(Ordinance 91-8)**
113. Northbound on Calle Cuero Road at its intersection with Calle Jardin Road. **(Ordinance 92-01)**

114. Westbound on Avenida Del Diablo at its intersection with Sandia Creek Drive.
115. Westbound on Ridgeline Court at its intersection with Via Gorrion.
116. Westbound on Calle Escadera at its intersection with Via Barranca.
117. Northbound on Calle Vista Lejos at its intersection with Sycamore Mesa Road.
118. Southbound on Via Gorrion at its intersection with Via Santa Rosa.
119. Westbound on Morning Glory Circle at its intersection with Sunset Terrace.
120. Westbound on Sunset Terrace at its intersection with Calle Vista Lejos.
121. Southbound on Sunset Terrace at its intersection with Calle Vista Lejos. **(Ordinance 93-01)**
122. Eastbound and Westbound on Sandia Creek Drive at its intersection with Via Vaquero Road. **(Ordinance 93-04.)**
123. Westbound traffic on Calle Florecida at its intersection with Calle Colina. **(Ordinance 94-04.)**
124. Eastbound and westbound traffic on Sandia Creek Drive at its intersection with Carancho Road. **(Ordinance 94-05.)**
125. Eastbound traffic on Fuerte Road Easement at its intersection with Carancho Road. **(Ordinance 98-01.)**
126. Eastbound traffic on Los Casitas Road Easement at its intersection with Via Los Ventos. **(Ordinance 98-03)**
127. Northbound and Southbound traffic on Sandia Creek Drive, at its intersection with La Cruz Drive. **(Ordinance 22-02)**

## **SECTION 303 - SPEED LIMITS**

The prima facie speed limits for various sections of roads within the De Luz Community Services District are as set forth below. The speed limits shall be applicable unless changed by ordinance, and if so changed, only when signs have been erected giving notice thereof. Signs designating the speed limit shall be erected giving notice of the speed limitation. The signs shall comply with the requirements for traffic control signs provided in the Vehicle Code of the State of California.

**303- 1** The Speed Limit for El Prado Road shall be as follows:

- (a) Thirty-five (35) miles per hour from Sandia Creek Road to Sandia Creek Road;

**303 - 2** The Speed limit for Sandia Creek Road shall be as follows:

- (a) Forty (40) miles per hour, from the San Diego County Line to La Cruz Drive;
- (b) Forty-five (45) miles per hour, from La Cruz Drive to Avenida del Oro;

**303 - 3** The Speed Limit for Sycamore Mesa Road shall be as follows:

- (a) Thirty (30) miles per hour from Rancho California Road to Cypress Street; and from Shady Creek to Via Barranca;
- (b) Thirty-Five (35) miles per hour from Cypress Street to Shady Creek Road.

**303 - 4** The Speed Limit for Via Santa Rosa shall be as follows:

- (a) Forty-Five (45) miles per hour from La Cruz to Avenida del Oro; and from Via Toronado to Calle Cuesta;
- (b) Fifty (50) miles per hour from Rancho California to Via Peregrino; and from Via Vaquero to Via Toronado;
- (c) Fifty-Five (55) miles per hour from Via Peregrino to Via Vaquero.

**303 -5** The Speed Limit for Vista Del Mar shall be as follows:

- (a) Forty (40) miles per hour from the San Diego County Line to Via Corrida.

**303 - 6** The Speed Limit for Buenos Campos shall be as follows:

- (a) Thirty (30) miles per hour from Sandia Creek Road to Tierra Rica Drive.

**303-7** The Speed Limit for De Anza shall be as follows:

- (a) Thirty-five (35) miles per hour from Sandia Creek Road to Tierra Rica Drive.
- (b) Thirty-five (35) miles per hour from Tierra Rica Drive to Camaron Road. **(Ordinance 2020-03)**

**Section 1:** Forty-five (45) miles per hour in the section of Sandia Creek Drive from its intersection with Avenida Del Oro to its intersection with the San Diego County boundary line.

**Section 2:** Forty-five (45) miles per hour in the section of Avenida Del Oro from its intersection with Rancho California Road to its intersection with Sandia Creek Drive. **(Ordinance 98-02)**

**Section 3:** Fifty (50) miles per hour in the section of Via Santa Rosa from its beginning at its intersection with Rancho California Road to its intersection with Via Vaquero.

**Section 4:** Forty-five (45) miles per hour in the section of Via Santa Rosa from its intersection with Via Vaquero to its terminus at its eastern-most intersection with Via Horca.

**Section 5:** Forty (40) miles per hour on Sycamore Mesa Road from its beginning at its intersection with Rancho California Road to its terminus at Via Barranca.

**Section 6:** Forty (40) miles per hour on Vista Del Mar from its beginning with Carancho Road to its terminus at the San Diego County boundary line. **(Ordinance 04-02)**

## **SECTION 304 - CENTER LINE STRIPING AND STOP SIGN WARNINGS**

**Section 304-1 Center Line Striping.** The centerline of primary roads maintained by the District, along with those secondary roads defined herein, shall be striped in accordance with the guidelines established by the Department of Transportation of the State of California. In addition, white edge stripes and reflective pavement markers may be installed in those locations where, in the opinion of the District Engineer, traffic safety may be significantly improved by such installation.

District Engineer may, from time to time, order additional secondary roads to be striped where warranted by traffic volumes or other conditions.

**Section 304-1.1 Secondary Roads to be Striped.** The following secondary roads are to be striped:

1. Avenida Del Oro
2. Avenida Tierra (Calle Jardin to Calle Cuero only)
3. Buena Vista Road
4. Calle Capistrano
5. Calle Cuero
6. Calle Escadera
7. Calle Jardin
8. Calle Vista Lejos
9. Camino Estribo
10. El Calamar (South of Carancho Road)
11. El Prado Road (North of Sandia Creek Drive)
12. La Cruz Drive
13. Los Gatos Road
14. Sycamore Mesa Road
15. Via Barranca
16. Via Santa Rosa
17. Via Tornado (Via Santa Rosa to Camino Estribo)
18. Via Vaquero
19. Vista Del Mar

**(Ordinance 02-03)**

**Section 304-2 Stop Sign Warnings.** Stop bars and the word "stop" shall be painted upon the paved roadway at the location of all stop signs established upon district-maintained roads. **(Ordinance 94-03)**

## ARTICLE 4

### ENCROACHMENT PERMITS

#### SECTION 400 - PERMIT INFORMATION

**Section 400-1 Authority.** This Ordinance Code regulating excavations and encroachments, the maintenance, planting and removal of trees, and the issuance, modification, and revocation of permits or such uses in the streets accepted for maintenance by the De Luz Community Services District is enacted pursuant to the authority granted by Government Code Section 61621. 5©) granting the powers, duties, and authority of a County Road Commissioner granted under Article 2 (commencing with Section 1460) of Chapter 5.5 of Division 2 of the Streets and Highways Code to issue written permits to do the acts permitted by Section 1460 of the Streets and Highways Code in and on the streets accepted for maintenance of the District in accordance with the applicable provisions of the chapter.

**Section 400-1.1 General Manager.** Subject to the control of the Board of Directors of the De Luz Community Services District there is hereby delegated to the acting General Manager of the De Luz Community Services District the administration of the use of streets accepted for maintenance by the De Luz Community Services District for excavations and encroachments, the maintenance, planting and removal of trees, and the issuance, modification, and revocation of permits for such uses.

**Section 400-1.2 Variance.** The District General Manager may grant a variance from the requirements for encroachment permits where the literal enforcement of the ordinance provisions would work an unnecessary hardship due to the physical condition of the right of way area or the contiguous property and such variance would not be contrary to the public interest. An objection to the variance or the denial of a variance shall be made in writing and heard by the Board of Directors at the next regular meeting of the Board of Directors. Written notice of the hearing shall be given to the objector and the grantee of a variance, if one has been issued.

#### **Section 400-2 Definitions.**

**Section 400-2.1 Street.** The term "street" or "road" as used herein shall mean a street within the De Luz Community Services District area accepted for maintenance by the District under the powers of the District set forth in Government Code Sections 61600(j) and 61600(k).

## **Section 400-3 Application**

**Section 400-3.1 Application Requirements.** No public or private person or entity, including a firm, corporation, public district, public agency or political subdivision, shall make any excavation in, or construct, install or maintain any improvement, structure (which term shall include any sign) or encroachment in, on, over or under, any District Street or the right-of-way thereof without first obtaining from the District General Manager a permit thereof, or maintain the same without such permit or in violation of the terms or conditions thereof.

**Section 400-3.2 Application Eligibility.** The permit shall be issued by the District General Manager or his designated employee only upon written application therefor, and payment of the required fee or fees. Such permit shall be issued only if the applicant is a public utility holding a current franchise from the County of Riverside, or a public district or public utility or public service agency having lawful authority to use the right-of-way or highway for the purpose specified, or the owner of an easement for such purpose within the highway right-of-way or if the District General Manager is satisfied that the use proposed is in the public interest and that there will be no substantial injury to the highway or impairment of its use as the result thereof, and that the use is reasonably necessary for the performance of the functions of the applicant.

**Section 400-3.3 Application Process.** An application for a permit under this Code shall be in writing in the name of the person or agency owning the encroachment and controlling the excavation and shall be signed by such person or agency or by his or its agent authorized in writing. The application shall be submitted on a form supplied by the District General Manager and shall contain or be accompanied by such information as he may require. Each permit shall be in writing, signed by the District General Manager or his representative, on a form to be furnished by him.

**Section 400-3.4 Licensed Contractor.** An encroachment permit for work to be performed in or on the streets and roads within the DE LUZ COMMUNITY SERVICES DISTRICT shall be issued with the condition that the work to be performed will be performed by a Contractor licensed by the State of California to perform the classification of work permitted under the terms of the encroachment permit. Any excavation shall be performed by a contractor holding an "A," "C-12," or "C-34" license. Any dispute concerning the license requirement shall be referred to the Board of Directors for determination.

## **Section 400-4 Issuance.**

**Section 400-4.1 Permit Issuance.** The District General Manager is authorized to issue permits under this Ordinance Code and to determine the penal amount of any

bond required to assure compliance with the conditions of a permit issued pursuant to the terms of this Ordinance Code. The District General Manager is authorized to designate an employee or employees of the District to issue permits.

**Section 400-4.2 Permit Attachments.** Permits issued by the De Luz Community Services District for encroachment to perform work in the roads of the District shall contain as an attachment to the permit the General and Special Provisions set forth in this Ordinance Code.

**Section 400-4.3 Blanket Permits.** The District General Manager may issue to any applicant a blanket permit for a series of excavations or encroachments of the same type or types. This provision shall be broadly applied to reduce administrative costs of both District and applicant.

**Section 400-4.4 Exceptions.** An excavation or encroachment may be made without first obtaining a permit for repair or replacement of a facility previously installed only when necessary for the immediate protection or preservation of life or property, and provided that such a permit be obtained on the first business day thereafter, and further provided said excavation is made in such a manner as to give full protection to the users of such street and the De Luz Community Services District.

**Section 400-4.5 Exemptions.** The following shall be exempted from payment of the permit fee for an excavation or encroachment:

1. A public utility which holds and at the time of application for the permit has held for at least five years a franchise from the County of Riverside or the State of California authorizing the use of public highways, for a public utility installation.
2. Every public district, public agency or political subdivision have lawful authority to use the right-of-way or highway for the purpose specified.
3. Street improvements under special assessment or improvement district proceedings conducted by the District or the Board of Supervisors.
4. Public utility and public service facilities installed pursuant to specific contract with the County of Riverside or the District and under the control thereof or a County Service Area thereof.

The following shall be exempted from the payment of the inspection fee for an excavation or encroachment:

1. A public utility which holds and at the time of application for the permit has held for at least five years a franchise from the County of Riverside or the State of California authorizing the use of public highways, for a public utility installation not involving excavation in a District street or right-of-way other than as usual and necessary for the installation of poles, guys, and anchors at locations entirely outside of the traveled portion of the right-of-way or established sidewalks, improved or unimproved.
2. Street improvements under special assessment or improvement district proceeding conducted by the District or the Board of Supervisors.
3. Public utility and public service facilities installed pursuant to specific contract with the District or the County of Riverside and under the control thereof or a County Service Area thereof.

**Section 400-5 Penalties.** Any person who does any act for which a permit is required by this Code, without first obtaining such permit, or who, having obtained such a permit, violates any term or condition thereof and thereby jeopardizes or injures person or property, is guilty of a misdemeanor and shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the County Jail for not more than six (6) months, or by such fine and imprisonment. Nothing herein shall be deemed to deprive any person of any civil right or remedy he may have against a violator of this Ordinance Code, nor to deprive the District of any cause of action which it may have against such violator, regardless of any prosecution or conviction under this section.

**Section 400-6 Relocation Clause.** Every such permit shall be conditional upon the right of the District to require the permittee to relocate or remove the structure or encroachment at the permittee's expense for the benefit of the District or to relocate the structure or encroachment at the permittee's expense, where in the opinion of the District such action is reasonably necessary to avoid a crossing conflict, for the benefit of any public district, public agency, or political subdivision, or of any other person or agency having a right to use the District street for the purpose proposed; but the acceptance of a permit shall not be deemed a waiver by the permittee of any contractual or statutory right against any party for reimbursement of the expense of such removal or relocation. Every such permit shall be subject to such conditions as the District General Manager determines are necessary to assure the safety of the traveling public and the restoration of the surface of the highway and the foundations thereof, and of the portions outside the traveled roadway.

**Section 400-7 Recovery of Costs by District.** The District General Manager may require such surety bond or deposit of money as may be necessary to secure performance of the conditions of the permit and the replacement or restoration of the surface and the subsurface of the highways and the right-of-way, and any survey monuments or other improvements that may have been disturbed. The District General Manager may, where convenient to roadwork he has programmed, or for other reasons of District convenience, arrange to do the work of replacement to pavement or restoration of the roadway at the expense of the permittee. If any permittee shall fail to refill any excavation or to restore the District street or right-of-way to its condition prior to the excavation, the District General Manager shall have the right to perform said work and collect in the name of the District the cost thereof.

**Section 400-8 Revocation of Permit.** Every such permit shall be revocable and uses and installations thereunder shall be subordinate to any prior right of the District to use the right-of-way for public road purposes.

## **SECTION 401 - GENERAL PROVISIONS**

**Section 401-1 Construction Requirements.** The following shall always apply:

**Section 401-1.1 Private Property.** This permit authorizes work to be accomplished within road right-of-way ONLY. Wherever construction extends within private property, it shall be the responsibility of the permittee (or his contractors) to secure permission from abutting property owners. Such authorization must be secured by the permittee prior to starting work.

**Section 401-1.2 Tracklaying Equipment.** Cleated track-laying construction equipment shall not be permitted to operate on any paved surface unless fitted with smooth-faced street pads. All mechanical outriggers shall be fitted with rubber street shoes to protect the paving during excavations. Rubber-tired equipment only shall be used in backfill operations in paved areas. If the existing pavement is scarred, spalled, or broken during the term of this contract, or if the pavement is marred, the District shall request that these portions of road be resurfaced over their entire width. Resurfacing shall consist of one coat of two (2) inches of A.C. surfacing plus an appropriate seal coat as specified above.

**Section 401-1.3 Protection of Traffic.** All excavations and work areas shall be properly lighted and barricaded as deemed necessary by the District inspectors suitable detours and detour signs shall be placed and maintained for the duration of the project.

**Section 401-1.4 Protection of Drainage Structures.** Any drainage structure including corrugated metal pipe, concrete pipe, steel culvert and concrete structures

encountered during excavation which necessitate removal shall be replaced in kind. In the event it becomes necessary to remove or cut existing drainage structures, the District shall be notified prior to commencement of this work. Drainage structures and open drains shall be kept free of debris at all times for proper drainage.

**Section 401-1.5 Right-of-Way Cleanup.** Any surplus material resulting from excavation and backfill operations shall be removed from the right-of-way. All paved surfaces shall be broomed clean of earth and other objectionable materials immediately after backfill and compaction.

**Section 401-1.6 De-Water Operations.** If de-watering operations are required and pumps are forcing water on the roads, it shall be the responsibility of the permittee (contractor) to control this water and to provide off-street barricades when necessary.

**Section 401-1.7 Street Closure.** No street shall be closed. A minimum of one lane of traffic shall be maintained at all times to provide limited access for the adjoining property owners and emergency vehicles. In the event it is felt by the permittee that he must close a street for any length of time permittee shall contact this office to obtain the necessary permission.

**Section 401-1.8 Standard Specifications.** Unless provisions or specifications for work are set forth in this Ordinance Code, work performed under a permit shall be performed in compliance with the provisions of the Standard Specifications for Public Works Construction adopted by the District.

## **SECTION 402 - SPECIAL PROVISIONS**

The following shall apply only when indicated on the permit:

**Section 402-1 Notification.** Permittee shall notify the District at (951) 696-0060 at least forty-eight (48) hours in advance of starting construction.

**Section 402-2 Bonding.** A faithful performance bond, or a joint performance bond, in an amount not less than twenty-five percent (25%) of the estimated cost of the road restoration and placement or relocation of survey monuments shall be furnished in the name of the District to cover all work involved in the restoration of the various roads and survey monuments. This bond shall be continuous until canceled by the District. This bond must be posted prior to commencement of any work on this project. The District General Manager may require such surety bond or deposit of money as may be necessary to secure performance of the conditions of the permit and the replacement or restoration of the surface and the subsurface of the highways and the right-of-way, and any survey monuments or other improvements that may have been disturbed.

### **Section 402-3 Utility Clearance.**

**Section 402-3.1 Surface Structures.** No work shall be done under this permit until all utilities are clear of the proposed work site. The permittee shall notify all concerned utility companies of the proposed work. All above grade structures (i.e. transformers, protection posts, pedestals) shall be placed a minimum of eighteen feet (18') from the centerline of a primary road or fifteen feet (15') from the centerline of a secondary road. Where existing conditions do not permit the specified offset, the District may grant a variance, but in no case shall an above ground structure be placed within four feet (4') of the edge of pavement.

**Section 402-3.2 Substructures.** Prior to making any excavation within the right-of-way authorized by permit, the permittee shall contact all concerned utility companies relative to the location of existing substructures. Damage to existing substructures resulting from operations conducted under this permit shall be the sole responsibility of the permittee. All below grade structures (i.e. vaults, water meter boxes) placed within eighteen feet (18') of the centerline of a primary road or fifteen feet (15') of the centerline of a secondary road shall be fitted with a traffic bearing lid and be set level with the surrounding grade.

### **Section 402-4 Pavement**

**Section 402-4.1 Widening.** Area between the proposed concrete gutter line and the existing road pavement shall be surfaced with three inches (3") of A.C. paving placed on three inches (3") of Class II aggregate subbase having an "R" value of not less than eighty (80).

**Section 402-4.2 Cutting.** Pavement will be mechanically cut to a straight edge prior to excavation. The method of pavement cutting shall be approved through the office of the District. (Under no circumstances shall excavating equipment be used to excavate prior to cutting of pavement.) Excavation material shall be placed in such a position as to best facilitate the general flow of traffic. Prior to final paving operations, any damage to pavement straight edge shall be corrected. Pavement shall be saw cut prior to removal. Prior to final paving operations, any damage to pavement straight edge shall be corrected.

**Section 402-4.3 Temporary Repairs.** After completion of backfill and compaction operations, a temporary patch consisting of two inches (2") of SC-800 shall be placed on a prepared subgrade. The SC-800 temporary pavement shall be placed after a maximum of three thousand (3,000) lineal feet of trench has been excavated and backfill operations completed, but in no case shall the placement of the temporary pavement exceed a five (5) day limit.

**Section 402-4.4 Permanent Repairs.** After backfill has been completed and compaction requirements have been achieved, a permanent asphalt concrete patch (I-C-AR-4000) one inch (1 ") thicker than existing asphalt, three inches (3") minimum in depth shall be placed on three inches (3") of compacted Class 11 base no later than five (5) days after completion of temporary road repairs.

**Section 402-4.4.1 Fog Seal.** A fog seal coat consisting of an application of asphaltic emulsion shall be applied over all patch areas as determined by the District Inspector.

**Section 402-4.4.2 Armor Coat.** A seal coat consisting of an application binder and screenings shall be applied on all patch areas where such seal coats existed prior to issuance of this permit. Seal or armor coats shall be applied as specified in the Standard Specifications for Public Works Construction adopted by the District. The work of pavement repair shall be accomplished by a licensed contractor engaged in the business of pavement repair.

**Section 402-4.5 Soil Sterilizer.** The area to be surfaced shall be treated with soil sterilizer. Rate of application shall comply with the manufacturer's specifications.

**Section 402-4.6 Restriping.** Where street striping is still visible on streets to be excavated, such striping shall be replaced upon completion of permanent repairs.

**Section 402-5 Parkway Grading.** Area between the property line and top of the proposed concrete curb shall be graded to a slope on one-quarter inch (1/4") to one foot (1 ').

**Section 402-6 Grade Staking and Checking.** The District shall have the right to inspect and approve grades and stakes for the proposed concrete curb and gutter construction. The District shall check grades upon receipt of plan and profile and/or grades as established by a licensed engineer.

**Section 402-7 Limit of Excavations.** Excavations shall be limited to one thousand (1,000) lineal feet of open trench before backfilling operations must begin. All excavations shall be properly barricaded with lights overnight, on weekends and holidays for the protection of the travelling public. The District inspector shall determine the suitability of excavation barricading in each case. No excavation shall remain open for a period exceeding five (5) days. No excavation shall be made unless the construction material is actually on the work site.

## **Section 402-8 Backfill.**

**Section 402-8.1 Material.** Backfill shall be free of brush, root or other organic substance detrimental to its use for purposes of producing an adequately consolidated backfill. Any material which the District deems unsuitable (spongy or saturated material) which is encountered during excavation shall not be used for backfill, but shall be supplemented or replaced by an approved sand or gravel. Backfill sand shall be approved transit-mix or equivalent. Relative compaction of ninety-five percent (95%) of the underlying soil shall be attained within the structural section of the roadway.

**Section 402-8.2 Placement.** Backfill material shall be placed so that the resulting compaction shall be not less than ninety percent (90%) or equivalent to the surrounding ground, whichever is the greater compaction. Where ponding or flooding is used for a maximum settlement, adequate dikes will be constructed to retain the water. Where jetting is used, the jets shall be of sufficient length to reach the bottom of each layer and the water supply shall be continuous.

## **Section 402-8.3 Compaction Testing**

**Section 402-8.3.1 Requirements.** The following compaction testing guidelines will be complied with unless the inspector determines that all or a portion of the tests are not required due to physical conditions of the roadway:

1. Trenching outside a paved surface: A minimum of one test for every five hundred feet (500') for shallow installations of three feet (3') or less and one additional test for every two feet (2') of additional depth is required.
2. Trenching within asphalt concrete or another paved roadway: A minimum of one test for each one hundred and fifty (150') feet of backfill for shallow installations of three feet (3') or less in depth, and one additional test for every two feet (2') of additional depth is required.
3. Additional compaction tests may be required to assure thorough compaction as determined by the inspector or soils engineer's recommendation.

The compaction test shall be made as outlined in the Standard Specifications for Public Works Construction adopted by the District.

## **SECTION 403 - DRIVEWAYS AND NON-RESIDENTIAL PROPERTY ACCESS**

### **Section 403-1 Construction.**

**Section 403-1.1 Residential Driveways.** All residential driveways shall have a paved apron. Apron shall be paved a minimum of twenty feet (20') from the edge of the existing pavement or twenty feet (20') from the edge of the traveled way, as determined by the District's Manager. Where the resident's property access is from an unpaved non-District maintained roadway, the resident shall be required to construct an apron meeting the specifications set forth herein as determined by the District, at the intersection of the non-District maintained roadway and paved District maintained road. Surfaced driveways shall be constructed so as not to alter the existing drainage pattern. Asphalt surfacing shall be a minimum of two inches (2") of asphaltic concrete on compacted soil as shown in Exhibit "3". Concrete surfacing shall have a minimum thickness of four inches (4"). The deposit of \$800.00 required by Section 403-4 of this Code shall not be released until the paving required by this section has been completed and approved by the District Manager.

**Section 403-1.2 Culverts.** When necessary, as determined by the District Inspector, a minimum eighteen-inch (18") diameter driveway culvert shall be installed as shown in Exhibit "4".

**Section 403-1.3 Curb and Berm Removal.** A portion of the existing concrete curb and/or curb and gutter twelve feet (12') minimum and thirty feet (30') maximum shall be saw cut and be removed in clean, straight lines. Depressed curb, matching concrete gutter and concrete driveway approach shall be constructed in conformance with District Standards.

**Section 403-2 Sight Clearance and Road Grading.** All driveways shall be located in a manner that will provide unobstructed, adequate sight clearance in both directions of vehicular traffic on the adjoining road or street. The sight clearance shall not be less than two hundred and fifty feet (250') in both directions and the sight clearance shall be maintained at all times. An encroachment permit shall not be issued for a driveway serving real property parcels created by parcel map procedure requiring engineered street plans unless the street or road has been graded in accordance with the plans.

### **Section 403-3 Non-Residential Property Access**

**Section 403-3.1 Construction.** A non-residential property access is defined as a road, path, lane, or other physical access to a District maintained road used to obtain vehicular access to real property not improved for a residence. A non-residential property access to a District maintained road when constructed, altered, or modified

shall be constructed so that existing drainage courses are not altered, and the access shall not drain water onto the District maintained road. A paved apron meeting the requirement of Section 403-1.1 shall be constructed at the connection point to a District maintained road. When necessary to protect the District maintained road, a culvert per Section 403-1.2 or other required drainage grading shall be installed as required by the District Inspector.

**Section 403-3.2 Residential Driveway Conversion.** An access road conversion to a residential driveway shall require a driveway permit and shall be constructed in accordance with the requirements for residential driveways.

**Section 403-3.3 Sight Clearance.** All non-residential property access installations shall be located in a manner that will provide unobstructed, adequate sight clearance in both directions of vehicular traffic on the adjoining road or street. Upon alteration or modification of an existing access which does not have the unobstructed, adequate sight clearance, the owner, at the owner's sole cost, shall install signs on both sides of the access point warning of the location of the access point. The signs shall be 4-13 the type of traffic signs approved by the Vehicle Code. The location of the signs shall be approved by the District Inspector.

**Section 403-4 Inspection Deposit.** A deposit of \$800.00 plus the amount of the permit fee and the inspection fee shall be made at the time the permit for a driveway or non-residential property access is issued. The \$800.00 deposit shall not be released until the District Inspector has inspected and approved the grading and layout for the installation prior to performance of the work and has approved the finished work for compliance with the permit requirements. In addition, the deposit shall not be released until the residential driveway work required by Section 403-1.1 of this Ordinance Code has been completed and approved by the District's Manager. The driveway apron as described in Section 403-1 shall be completed prior to County of Riverside Department of Building and Safety final inspection or certificate of occupancy, whichever occurs earlier. A permit granted for the work shall bear a legend informing all applicants of the deposit release requirements.(Ordinance 96-04, 08-02, 24-02)

## **SECTION 404 - VEGETATION**

**Section 404-1 Findings.** The Board of Directors of the De Luz Community Services District finds and determines that the planting and maintenance of trees, bushes and other vegetation in the right-of-way of streets accepted for maintenance by the District will create hazards to the public using the streets unless such planting is regulated to assure that the traveled portion of the roadway is not impeded, and the vision of operators of vehicles is not impeded, and users of the roadway are not endangered by falling trees or limbs of trees planted in the roadway.

## **Section 404-2 Trees**

**Section 404-2.1 Permit Requirements.** No person, firm, corporation, public agency or political subdivision shall plant any tree in the right-of-way of any street without first obtaining a permit from the District General Manager.

**Section 404-2.2 Clearance Requirement.** Trees shall not be planted within thirty (30') feet of the centerline of the paved portion of a primary road, or within twenty-three (23') feet of the centerline of the paved portion or the traveled portion of an unpaved secondary road. The branches of trees shall not be permitted to extend within four (4') feet of the edge of existing pavement or the traveled portion of an unpaved road unless they afford fourteen (14') feet of vertical clearance. Trees shall not be planted within the (30') feet of the intersection of the paved portion or traveled portion of unpaved intersecting roads.

**Section 404-2.3 Removal and Relocation.** Tree relocation within the dedicated road right-of-way shall be accomplished by a licensed, bonded and insured tree service, and handled safely without interference or hazard to the traveling public.

It shall be the responsibility of the permittee to maintain the tree in a vigorous growing condition at its new location.

Trees to be removed shall be removed in sections which can be handled safely without interference or hazard to highway traffic. The entire width of the tree stump shall be removed and disposed of so that no debris remains in view of the highway. The stump hole shall be backfilled and thoroughly compacted as specified in the following paragraph. Where it becomes necessary to restrict traffic, the work shall be restricted to a maximum of five hundred (500) feet at any one time. Adequate signs, flagman and/or barricades shall be provided to always protect the traveling public.

Large holes resulting from tree removal shall be backfilled and compacted to not less than ninety percent (90%) or equivalent to the surrounding ground, whichever is the greater compaction as determined by the impact or field method. Compaction tests shall comply with the Standard Specifications for Public Works Construction adopted by the District.

## **Section 404-3 Bushes**

**Section 404-3.1 Clearance Requirement.** Bushes shall not be planted within twenty-six (26') feet of the centerline of the paved portion of a primary road, or within nineteen (19') feet of the paved portion or the traveled portion of an unpaved secondary road, nor shall any portion of such bush be permitted to extend within four (4') feet of the edge of existing pavement or the traveled portion of an unpaved road.

Bushes shall not be planted within thirty (30') feet of the intersection of the paved portion or the traveled portion of unpaved intersecting roads.

#### **Section 404-4 Ground Cover.**

**Section 404-4.1 Clearance Requirement.** Ornamental ground cover with a growth pattern not exceeding twelve (12") inches in height may be planted in the right-of-way and trimmed to the edge of the paved portion or traveled portion of an unpaved road. No ground cover shall be allowed to encroach on any paved or traveled portion of an unpaved road. No permit or permit fee shall be required for such planting. It will be the responsibility of the adjoining landowner to ensure the ground cover is properly trimmed at all times.

**Section 404-5 Intersection Planting.** Trees or bushes shall not be planted within the triangular portion created by the intersection of streets measured a distance of thirty feet (30') from the intersecting edges of existing pavement or the traveled portion of unpaved roadway.

**Section 404-6 View Obstruction.** Trees, bushes, or any portion of trees or bushes which impede the ability of operators of vehicles to see other vehicles using or approaching the roadway shall not be permitted to remain in any portion of the right-of-way of the street.

**Section 404-6.1 Obstruction Removal.** Any portion of a bush or tree which extends to within four feet (4') of the edge of existing pavement, or the traveled portion of an unpaved roadway, with the exception of a tree with branches at least fourteen feet (14') above the paved surface or any portion of a bush or tree which is determined to constitute a danger by District Staff due to the potential it may fall into the pavement or roadway shall be trimmed. All trimming shall be done to provide maximum clearance at least six feet (6') from the edge of the existing pavement.

**Section 404-6.1.1 Responsibility for Removal or Pruning.** Trees, bushes, or ground cover growing or extending into the right-of-way within the accepted roads of the District, and which require pruning or removal to protect persons using the road, regardless of whether such trees, bushes, or ground cover are the result of natural growth or have been planted or maintained in the right-of-way by an adjoining owner; shall be removed or pruned by said adjoining owner. In the event of the refusal of the adjoining owner to remove or prune the trees, bushes, or ground cover after fifteen (15) days' notice by certified mail, the District may cause the offending vegetation to be pruned or removed and shall charge the adjoining owner for all expenses incurred, including reasonable administrative charges. All such costs and charges which remain unpaid may, at the option of the District, be provided to the Auditor of the County of Riverside for inclusion in the tax rolls for collection. Additionally, the District may at its option record, in the office of the County

Recorder of the County of Riverside, a lien specifying the number of charges that remain unpaid and the name and address of the person liable therefor.  
**(Ordinance 99-03.)**

## **SECTION 405 - FENCES**

**Section 405-1 Permit Requirement.** A permit to erect or relocate a fence within road right-of-way dedicated to public use within the De Luz Community Services District must be obtained from the District prior to the erection of the fence.

**Section 405-2 Relocation Clause.** The permit to erect or relocate a fence shall be subject to the condition that the fence shall be removed and if necessary relocated in the event that improvement, maintenance, repair, or relocation of the road or installation, required, repair, or relocation of a public utility pipeline or other utility facility is required to perform the services of the public agency or public utility. The removal or relocation of the fence in this situation shall be at the sole cost of the applicant.

**Section 405-3 Compliance with CC&R's.** The issuance of a permit by the District to erect or relocate a fence shall not exempt the applicant from compliance with Covenants, Conditions and Restrictions of record which control the use of property in the area subject to such provisions.

**Section 405-4 Erection of Fences.** The standard provisions of all permits for erection offences within the right-of-way of roads in the District accepted for maintenance by the District shall be the following:

**Section 405-4.1 Distance from Roadway.** A fence shall not be erected within twenty-five feet (25') of the centerline of a primary road or within twenty (20') feet of the centerline of the paved portion or traveled portion of an unpaved secondary road. The minimum distance from the centerline of the road for the erection of a fence may be increased as necessary, to provide adequate vehicular sight distance.

**Section 405-4.2 Intersections.** No fence shall be built within thirty (30') feet of the intersecting paved portion or unpaved traveled portions of intersecting roads.

**Section 405-4.3 Reconstruction Requirements.** An existing fence which is substantially renovated or reconstructed shall be subject to the provisions of this Code, and a permit for such renovation or reconstruction shall be required.

## **SECTION 406 – SIGNS**

**Section 406-1 Advertising Signs.** Except as provided in Section 406-3, no encroachment permit shall be issued for placement, erection, or display within, under

or over the public right of way of any road accepted by the District for maintenance of any advertising sign or device of any description. Any such sign or device placed or displayed contrary to the provisions of this Ordinance Code is a public nuisance, and the District Manager may immediately remove, or by notice may require the removal of such sign or device.

**Section 406-2 Legal Notice Provision.** The provisions of this section shall not prohibit the posting of any notice in the manner required by law or by the order of any court of the state.

**Section 406-3 Real Estate Advertising Signs.** One temporary sign advertising the offer for sale or lease of real estate may be erected within the right-of-way abutting the property without issuance of a permit provided the sign conforms to the following requirements:

1. The sign shall not cause a visual impairment to vehicular traffic using the road for egress from driveways.
2. No portion of the sign may encroach within four feet (4') of the paved or traveled portion of the roadway.
3. The sign shall not exceed six (6') square feet in area.
4. The sign shall be removed immediately upon the sale or lease of the advertised property.

**Section 406-4 Street Address Post.** One vertical post displaying the street address of real property may be placed in the right of way upon issuance of an encroachment permit by the District. There shall be no cost for issuance of the permit. The vertical post and address display shall conform to the following guidelines:

1. The vertical post displaying the street address shall be placed adjacent to the driveway and on the right side as you enter the driveway.
2. The address post shall not be closer than four feet (4') to the edge of the road pavement nor further than twenty feet (20').
3. On un-surfaced roads, the address post shall not be closer than sixteen feet (16') to the centerline of the traveled portion of the roadway nor more than thirty feet (30') from said centerline.
4. The address shall be displayed on a vertical post, painted white, with four-inch (4") block letters. The post shall be 4"x4"x5' long;

four feet (4') above grade and one foot (11) below grade set in concrete.

This ordinance shall apply only to address posts placed in the street right of way.  
**(Ordinance 93-06.)**

**Section 406-5 Non-Conforming Encroachment Removal.** The District Manager may remove or require any encroachment to be removed which does conform to the provisions of Section 406. Not less than five (5) days written notice of the intention to remove the encroachment shall be given to the person or entity responsible for the erection of the encroachment within the right of way. The encroachment removed shall be available at the District office for a period of thirty (30) days after the notice is given to the owner of the encroachment removal. After the thirty (30) day period, the encroachment shall be discarded. Any encroachment which is a hazard to vehicular traffic may be removed immediately without notice.  
**(Ordinance 93-06.)**

## **SECTION 407 - AGRICULTURAL BINS**

**Section 407-1 Fence Requirement.** The fence erected for a parcel containing two hundred (200) or more avocado, fruit or nut bearing trees shall be constructed to provide at least one area in which the fence is not less than ten feet (10') from the edge of pavement or the traveled portion of an unpaved road right-of-way and thirty feet (30') in length to accommodate the storage of harvest bins.

**Section 407-1.1 Variance.** The General Manager of the District is authorized to grant a variance from the provisions of this Ordinance Code when the condition of a slope adjacent to the pavement or the traveled portion of an unpaved road prevents the maintenance of the minimum distance required or the establishment of a harvest bin storage area provided line of sight visibility of the roadway ahead is not reduced significantly. This provision shall not apply to areas in which the topography has been altered by grading subsequent to the passage of this Code.

### **Section 407-2 Loading and Unloading.**

**Section 407-2.1 Requirements.** No permit shall be required for the loading or unloading of agricultural produce or produce containers. All such operations shall be where possible conducted off of the paved or traveled portion of an unpaved road.

**Section 407-2.2 Traffic Control.** If any part of the loading or unloading occurs on the paved or traveled portion of an unpaved road, appropriate visible warnings shall be required for the protection of traffic approaching from each direction; and if such operation leaves less than one traffic lane available for travel in either direction, it is recommended that a flagman be used, at the sole risk of the

operator, as described in published standards of the State Department of Transportation.

**Section 407-3 Overnight Storage.** Overnight storage of containers, agricultural products, or unlicensed vehicles on the shoulder of any street within two (2') feet from the paved portion or within four feet of the traveled portion of an unpaved road is prohibited.

#### **Section 407-4 Restrictions**

**Section 407-4.1 Bulk Manure.** Bulk manure not in containers may be temporarily stored or stockpiled within the right-of-way of a street only when intended to be used on the abutting agricultural lands as follows:

1. On any portion of the right-of-way obviously not graded, improved or used for vehicle travel, sidewalk, or drainage purposes.
2. On any unpaved graded shoulder of a paved street, not closer than two (2') feet from the paved portion or four (4') feet from the traveled portion of an unpaved road, nor in such location as will impede or impair highway drainage.
3. On the graded shoulder of a street less than two (2') feet from the paved portion or four (4') feet from the traveled portion of an unpaved road, only if there is no other location available and only if warning lights and signs to protect the traveling public are placed and maintained during any overnight storage at such place.

**Section 407-5 Penalties.** Any person who violates the provisions of Sections 407-3 or 407-4 of this Ordinance Code is guilty of a misdemeanor.

#### **SECTION 408 - NEWSRACK(S)**

**Section 408-1 Newsrack(s).** A permit shall be required for the placement, installation, or maintenance of a newsrack(s) in the right of way of any street or road within the De Luz Community Services District. The permit may be issued for installation within the locations for newsrack(s) permitted within the District. The permit fee shall be for the issuance of a miscellaneous permit as provided in Exhibit "5", subsection 8 of Article 5 of the Code. The permit fee shall not exceed the cost of inspection of the newsrack(s) to determine the conformance of the installed newsrack(s) with the provisions of this Ordinance and the cost of permit issuance.

**Section 408-1.1 Definitions.** The following definitions shall apply to the provisions of this Section 408:

1. Newsrack shall mean any self-service or coin-operated box, container, machine, storage unit or dispenser installed, used or maintained for the display, sale or distribution of publications. The newsrack may be referred to herein as a machine.
2. Cluster shall mean a group of newsrack(s) placed side by side or in proximity to one another so as to appear to be in a continuous row.
3. Distributor shall mean any person responsible for placing or maintaining a newsrack(s).
4. The paved or traveled portion of the right of way shall mean that portion of the total road right-of-way that is utilized for vehicular travel.

**Section 408-2 Physical Design.** The requirements for the newsrack(s) shall be:

1. The machine shall not be taller than four feet (4') in height measured from the ground to the highest part of the storage compartment and any supporting structure, not wider than thirty-six inches (36"), and not deeper than twenty-four inches (24"). The machine shall be painted a non-reflective color or surfaced by a non-reflective material in order to prevent a reflection which would adversely affect the vision of vehicle drivers. The machine shall be a closed, weather proof machine, anchored to the ground by a semi-permanent anchoring device capable of removal when the machine is no longer maintained at the location. The machine shall not be attached in any manner to any fire hydrant, power pole, traffic control post, tree, refuse container, or any governmental structure.

**Section 408-3 Maintenance.** All newsrack(s) shall be maintained in a neat, clean and operable condition, reasonably free of dirt and grease, chipped, faded, peeling or cracked paint, rust and corrosion, and with clear plastic or glass maintained in an unbroken condition without cracks. Paper or cardboard parts or inserts shall be free of rips, cracks or tears. Structural portions shall be kept in an unbroken and unbent condition.

**Section 408-4 Position and Advertising.** The machines shall be maintained in a straight row not more than nine inches (9") apart in a cluster not exceeding ten (10) machines. The cluster shall be established not less than eight feet (8') from the paved or traveled portion of the roadway with a sufficient distance to provide parking space for vehicles parked when the machine is being utilized by the driver or

passengers of the vehicle. No vehicle shall be parked between the paved or traveled portion of the road and the cluster of machines for a purpose other than the utilization of the machines to purchase the publications. No person may park a vehicle upon the paved or traveled portion of the roadway in order to examine the publications or utilize the machines or to place publications in the machine or perform maintenance service upon them. The name of the publication and the price may be shown on the portion of the machine facing the roadway, and a notice visible to the public shall be affixed to the machine bearing the name, address, and telephone number of the distributor. No other advertising of any kind shall be placed in any manner upon the machine. The General Manager of the District shall determine the location of clusters. No cluster shall be placed within two hundred (200) feet of any other cluster.

**Section 408-5 Abandonment of Use and Failure to Maintain.** A machine shall be deemed abandoned if it remains empty for thirty (30) consecutive days or the usual publication period of the publisher. A machine shall be determined subject to maintenance in the event it is not maintained in accordance with the provisions of this Ordinance. In the event of abandonment or failure to maintain, notice shall be given to the distributor at the address shown on the newsrack(s) for newspaper vending machine or machines and by notice affixed to the newsrack(s) for newspaper vending machine or machines stating the determination of the District of either condition. A request for a hearing to challenge removal of the newsrack(s) for newspaper vending machine or machines may be filed with the District within thirty (30) days of mailing and posting of the notice. In the event the newsrack(s) for newspaper vending machine or machines is not placed in use or maintenance is not provided or a request for hearing is not made within the thirty (30) day period, the newsrack(s) for newspaper vending machine or machines may be removed and stored by the District and notice of the removal given to the distributor. If the distributor does not pick up the newsrack(s) for newspaper vending machine or machines within ten (10) days, the newsrack(s) for newspaper vending machine or machines shall be transported to the distributor and the cost of transportation charged to the distributor.

**Section 408-6 Effective Period.** The provisions for maintenance of the machines, position and advertising shall apply to presently positioned machines. Any machine having a reflective color or surface material shall be repainted or resurfaced within thirty (30) days of the passage of this Ordinance.  
**(Ordinance No. 92-03.)**

## **SECTION 409 - UTILITIES**

**Section 409-1 Utility Installations.** It is the intent of this Section that all overhead communications conductors and all overhead electrical distribution conductors that exist on frontages to be improved by any subdivision, grading, building or land development for which an application has been submitted to the County of Riverside, as well as any new extensions of such conductors required to

extend service to such a subdivision or other development, be placed in or relocated to an underground location. In the interest of orderly development and the health and safety of the District residents, an encroachment permit shall be required for the erection or relocation of utility facilities within District rights of-way. Utility facilities shall include, but may not be limited to, wires, pipes, conduits, and appurtenant structures owned and operated by public and private utility companies or agencies for the transmission or distribution of electric power, natural gas, water, or telecommunications. Except as otherwise provided by this Article, all installations of utilities, including those providing direct service to buildings or structures, shall be installed below the surface of the ground within the District right-of-way, in accordance with all applicable codes, ordinances, safety regulations, orders, and rules of the County of Riverside and the State of California. This also applies to existing overhead lines operating at or below 33.6 kilovolts along the frontages of or within the boundaries of properties for which an application for subdivision or land development has been submitted to the County of Riverside. Installations shall be outside the paved area where practicable and shall only be constructed beneath the finished surface of the roadway where installation in the road shoulder is demonstrated to be infeasible.

**Section 409-2 Appurtenances.** Above-ground appurtenances of underground utilities shall be located clear of the graded shoulders of paved roadways, or clear of the traveled portion of unpaved roadways, in a location that will not present a hazard to the traveling public. Retaining walls or other structures that may be required to support appurtenances shall be subject to District permit requirements and shall be constructed at the sole cost and expense of the project proponent, utility company or agency. The District may require the project proponent, utility company or agency to install reflectors, guardrails, or other traffic safety devices to warn motorists of the presence of appurtenances. Underground vaults, handholes, or similar subterranean facilities may be installed in roadway surfaces or shoulders when no reasonable alternative is available; all such structures shall be constructed with covers rated to withstand not less than an H-29/S-16 loading according to the current standards of the American Association of State Highway and Transportation Officials.

**Section 409-3 Relocation and Restoration Clause.** Encroachment permits shall be subject to a condition that the utility facility and all appurtenances shall be relocated in the event that the roadway in which the utility is installed requires relocation or repairs by the District. All utility relocations required by such roadway improvement or repair work shall be performed in a timely fashion and at the sole cost and expense of the utility company or agency. The permit shall also provide that, in the event any utility facility, either above-ground or subterranean, is damaged by any cause whatsoever so as to cause a potential or actual hazard to any member of the public, the owner of the facility shall immediately take such actions as may be necessary to eliminate the hazard and shall promptly restore the appurtenance to its original condition.

**Section 409-4 Variance Provisions.** The Board of Directors, upon application by the project component, utility company or agency, may consider a variance from the provisions of this Ordinance Code upon good cause being shown that, based upon unusual or difficult circumstances, construction of a proposed utility in strict compliance with the provisions herein is impractical or unreasonable. A written application for such a variance, setting forth in detail the reasons therefor, shall be filed not less than ten (10) days prior to the next regular meeting of the Board of Directors. The requested variance shall be heard by the Board of Directors at such meeting, where the Board may, at its discretion, grant all or part of the requested variance. **(Ordinance 02-04)**

## **ARTICLE 5**

### **ENCROACHMENT PERMIT AND INSPECTION FEES**

#### **SECTION 500 - FEE INFORMATION**

**Section 500-1 Fees.** The permit fees and inspection fees required by this Code shall be paid at or after the time the application is filed, but in any event before the permit is issued. The fees for permits shall be non-refundable. The fees for permits and inspections shall be those set forth in Exhibit "5" to this Ordinance Code which is incorporated herein and made a part hereof as it now provides or as it may be modified by ordinance hereafter. **(Ordinance 00-01)**

#### **Section 500-2 Deposits**

**Section 500-2.1 Requirement.** An applicant for an encroachment permit to perform a work of improvement on streets and roads accepted for maintenance by the De Luz Community Services District shall make a deposit in cash of funds to assure the proper performance of the work authorized to be performed by the encroachment permit.

**Section 500-2.2 Deposit Amount.** The amount of the deposit shall be determined by the schedule of deposits listed in Exhibit "5," attached hereto and incorporated by reference.

**Section 500-2.3 Bond in Lieu of Deposit.** An applicant may, in lieu of a cash deposit, file a bond insuring the proper performance of the work issued by an insurer authorized to do business in the State of California in the amount of the deposit required. The bond must be approved by the District Counsel and shall be in the form of bonds currently utilized by the District in contracts for public works.

**Section 500-2.4 Deposit Waiver.** The General Manager is given authority to waive the requirement of a deposit of funds to assure proper performance of work under encroachment permits issued by the District where the work is to be performed outside the improved portion of a paved road or outside the traveled portion of an unimproved road, provided the General Manager has good cause to believe the work can be properly performed under the inspection procedures of the District and correction of defective work would not be of sufficient cost to warrant the deposits of funds presently required.

**Section 500-2.4.1 Waiver Denial Appeal.** The denial of waiver of the deposit may be appealed to the Board of Directors only at the regular or adjourned regular meeting of the Board of Directors immediately following the denial. The basis for appeal of the denial and good cause for granting of the waiver must be set forth in writing.

## **ARTICLE 6**

### **ROAD CONSTRUCTION STANDARDS**

#### **SECTION 600 - DEFINITIONS**

1. That the term road right-of-way used herein shall mean the area of the road offered for dedication, dedicated, or deeded to the public for public use.
2. That the term traveled portion of the roadway shall mean the portion of the road presently used for public travel, whether paved or unpaved.
3. That the term work of improvement shall include the opening, maintaining, or improvement in whole or in part of any road in the accepted road system of the De Luz Community Services District and the construction or improvement of bridges, culverts, curbs, gutters, drain and works incidental to such construction or improvement, as well as the connection of driveways and access roads to roads in the accepted road system of the De Luz Community Services District.

#### **SECTION 601 -WORK OF IMPROVEMENT LIMITATION**

All work of improvement on the roads presently accepted into the road system of the De Luz Community Services District shall be performed only by the De Luz Community Services District except as otherwise provided in Article 4 of this Ordinance Code.

#### **SECTION 602 - ROAD DESIGNATIONS**

**Section 602-1 Road Designations.** The road designations shall be those set forth in Paragraph 1.0, including sub-paragraphs 1.1, 1.2, and 1.3, of Exhibit "2" of this Ordinance Code, "District Standards."

#### **SECTION 603 - STANDARD SPECIFICATIONS**

**Section 603-1 District Approved Standards.** The approved standards of the De Luz Community Services District are those called out in Exhibit "9".

**Section 603-2 Standards for Public Works Construction.** The Board of Directors does adopt the latest Standard Specifications for Public Works Construction written and promulgated by the Southern California Chapter of the American Public Works Association and the Southern California District Associated General Contractors of California Joint Cooperative Committee as a part of the Ordinance Code of the De Luz Community Services District to provide standard specifications for public works construction in the District when reference is made to

the provisions of the Standard Specifications as a requirement for such work in the Ordinance and contract documents of the District. (**Ordinance 95-01.**)

**Section 603-3 Variance from District Standards.** The Board of Directors upon application by the property owner may consider a variance from the requirements of the Standard Specifications upon good cause shown based upon unusual or difficult circumstances affecting construction of the roads.

## **SECTION 604 – MONUMENTS**

**Section 604-1 Boxes Provided by District.** The De Luz Community Services District shall obtain and provide permanent monument boxes without cost to surveyors.

**Section 604-2 Installation Requirements.** Prior to excavation or beginning of construction, all survey monuments which exist on the centerline of all streets or property lines when involved shall be completely tied out so they may readily and correctly be replaced by a licensed civil engineer or surveyor at the expense of the permittee. A complete set of notes showing the ties to these monuments shall be furnished to the Riverside County surveyor prior to the removal of any monuments. This office shall be notified upon completion of replacement of all survey monuments for proper project clearance. All survey monuments shall be placed in monument boxes.

**Section 604-2.1 Setting of New Monuments.** A surveyor who installs a survey monument in a street accepted for maintenance by the District shall install the monument in a permanent monument box within the street.

**Section 604-2.2 Existing Monuments.** A surveyor who excavates a street accepted for maintenance by the District in order to locate a survey monument in that street shall then install a permanent monument box to contain the survey monument when the survey monument has been located.

**Section 604-2.3 Surface Restoration.** The surface of the street shall be restored to the condition of the surface prior to the installation of the monument box so that a smooth surface shall be presented for the passage of vehicular and pedestrian traffic, and the subsurface shall be compacted sufficiently to prevent subsidence of the excavated areas.

## ARTICLE 7

### ASSESSMENT DISTRICT 85-1

#### SECTION 700 -ASSESSMENT DISTRICT INFORMATION

Whereas, the Board of Directors of the De Luz Community Services District, California, has previously declared its intention and ordered the preparation of a "Report" relating to the initiation of proceedings to create a special assessment district pursuant to the terms and provisions of the "Municipal Improvement Act of 1913," being Division 12 of the Streets and Highways Code of the State of California, said special assessment district known and designed as:

#### ASSESSMENT DISTRICT NO. 85-1

(hereinafter referred to as the "Assessment District"); and,

Whereas, Section 10205 of the Streets and Highways Code of the State of California expressly authorizes a local agency, at any time, by Ordinance, either before or after the formation of the Assessment District, to authorize a contribution from any lawful source of revenue to pay for certain of the costs and expenses related to said Assessment District; and,

Whereas, at this time the Board is desirous to provide for a contribution in the manner and form as authorized by law.

**Section 700-1 Recitals.** That the above recitals are all true and correct.

**Section 700-2 Debt Service Contribution.** That this Board does hereby provide for an annual contribution to be made against debt service for the Assessment District, said annual contribution to be in the amount of \$17,000.00, collected from De Luz Community Services District benefit charges, and said contribution shall be applied throughout the term of the bonds.

**Section 700-3 No District Liability.** The contribution, as above referenced, shall not constitute an indebtedness or liability of the District.

## ARTICLE 8

### DISTRICT BIDS AND CONTRACTS

#### SECTION 800 – RECITALS

1. The Board of Directors has considered the matters presented by the District Manager concerning the desirability of utilizing a system to create uniformity in District contract language and finds that the standardization of specifications and provisions in District contracts would create a uniformity of contract documents and facilitate the administration of District contracts.
2. The Board of Directors further finds that such standardization of language would assist contractors in bidding by enabling the bidders to understand the provisions and specifications utilized through a uniform system consistent with the contracts of other public agencies in the State of California.
3. The Board of Directors has determined that the standardization of specifications and provisions will be to the advantage of the District in obtaining better administration of the contract by District personnel and better performance by contractors who are familiar with the requirements of the contract.

#### SECTION 801 - CONTRACT STANDARDS

**Section 801-1 Standards for Public Works Construction.** The Board of Directors does adopt the latest Standard Specifications for Public Works Construction written and promulgated by the Southern California Chapter of the American Public Works Association and the Southern California District Associated General Contractors of California Joint Cooperative Committee as a part of the Ordinance Code of the De Luz Community Services District to provide standard specifications for public works construction in the District when reference is made to the provisions of the Standard Specifications as a requirement for such work in the Ordinance Code and contract documents of the District.

**Section 801-1.1 Maintenance of Reference Publications.** The current volume and any supplements to which reference is made in the contract shall be made available at the office of the District during regular office hours for utilization by any bidder prior to the time required for opening of bids and at any time by all interested persons.

## **ARTICLE 9**

### **FRANCHISES**

#### **SECTION 900 - CR&R, INC., A CALIFORNIA CORPORATION**

**Section 900-1 Grant of Franchise.** The exclusive right to collect refuse and recyclable commodities within the De Luz Community Services District is hereby granted to CR&R, Inc., A California Corporation ("franchisee"). This exclusive right shall be exercised and governed pursuant to the terms and conditions of the Contract for Refuse Collection and Recycling Franchise dated July 1, 2013, which is attached as Exhibit "A" to Ordinance Code No. 2013-02 and can be reviewed in the District office at 41606 Date Street, Suite 205, Murrieta, California, 92562.

**Section 900-2 Fees.** In consideration of the granting of the exclusive franchise to Franchisee as herein provided, Franchisee agrees to provide the District, within thirty (30) days after the end of each quarterly billing period, a verified statement showing the gross monies collected for services within the District. The District shall have the right to inspect the Franchisee's books of account at reasonable times and hours.

**Section 900-3 Termination for Cause.** This franchise may be terminated by the Board of Directors of the District upon the failure of the Franchisee to comply with any terms of the contract. The franchise may be terminated only after a public hearing of the Board of Directors of the District. Written notice of the basis of the grounds for termination of the franchise shall be given to the Franchisee not less than twenty (20) days before such hearing.

**Section 900-4 Force Majeure.** The Franchisee shall not be in default under this agreement in the event that collection, transportation, recycling or disposal of materials provided under the franchise are interrupted or discontinued for any of the following reasons: riots, wars, sabotage, civil disturbances, insurrections, epidemics, explosions, natural disasters such as floods, earthquakes, landslides, fires, government orders and regulations, strikes, lockouts or other labor disturbances, or other events which are beyond the reasonable control of the franchisee.

**Section 900-5 Term of Franchise.** The period of the Refuse collection Franchise granted to CR&R, Inc., A California Corporation shall be from July 1, 2013, to June 30, 2018.

**Section 2.** The Ordinance shall be published one (1) time in a newspaper of general circulation within the District. **(Ordinance 02-02, 08-01, 2013-02)**

## **ARTICLE 10**

### **ENVIRONMENTAL QUALITY REGULATIONS**

#### **SECTION 1000 – PURPOSE**

The purpose of these Environmental Regulations is to implement the California Environmental Quality Act (CEQA) and CEQA Guidelines ("Guidelines") for the De Luz Community Services by applying the provisions and procedures contained in CEQA to development projects proposed within the De Luz Community Services District.

#### **SECTION 1001 - CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to Section 15022(d) of the California Administrative Code, CEQA Guidelines, the De Luz Community Services District hereby adopts the California Environmental Quality Act (Divisions 13 of the Public Resources Code of the State of California, Sec. 21000 et seq.) and the State CEQA Guidelines (Section 15000 et seq. of the California Administrative Code), as amended, by reference. Whenever, any provisions of the California Environmental Quality Act (CEQA) or the California Administrative Code (Guidelines) conflict with any provision of this Article 10, CEQA and the Guidelines shall supersede this Article 10.

**Section 1001-1 Environmental Impact Reports.** The District Manager shall determine which projects shall require the preparation of an environmental impact report based on the magnitude or complexity of a project.

**Section 1001-1.1 Content.** In accordance with the provisions of Section 15084 of the Guidelines, the District shall have responsibility for, and control over, the form, scope and contents of all documents comprising the environmental assessment of a project. All reports studies or other documents prepared by or under the direction of an applicant, intended for inclusion in the environmental documents, shall be clearly identified as "Proponent's Environmental Assessment," and shall set forth in detail the assumptions and methodologies supporting any conclusions reached or upon which any recommendations may be based.

**Section 1001-1.2 Preparation and Review.** The District, at its sole discretion, may utilize the services of a private consulting firm to prepare or review all studies, reports and other documents required or permitted by the Guidelines including those submitted by the proponent or any other party. In all cases the consultant shall enter into a contract with and shall be responsible directly to the District. All contract services shall be performed to the satisfaction of the District Manager.

**Section 1001-1.3 Cost.** All costs incurred in the preparation of the environmental documents, including the costs of services performed under Section 5 above and District staff time, shall be borne by the proponent.

## ARTICLE 11

### CONFLICT OF INTEREST CODE

#### SECTION 1100 - CONFLICT OF INTEREST CODE

**Section 1100-1 Adoption of Standard Code of the Fair Political Practices Commission (FPPC)** 1. The terms of 2 California Code of Regulations section 18730 and any future amendments thereto duly adopted by the FPPC are hereby incorporated by reference. This regulation and the appropriate appendix designating filing candidates, District officials, and District employees and establishing disclosure categories shall constitute the Conflict-of-Interest Code of the De Luz Community Services District. Copies of the code and all future amendments shall be maintained and be available upon request from the District's Secretary of the Board of Directors. **(Exhibit 11)**

**Section 1100-2 Filing of Statements of Economic Interest.** Pursuant to Section 4 of the standard code, designated filing candidates, District officials, and employees as set forth in the appendix shall file statements of economic interest with the Secretary of the Board of Directors of the De Luz Community Services District. Upon receipt of the statements of the members of the Board of Directors and the General Manager, the Secretary of the Board of Directors shall make and retain copies and forward the originals of these statements to the Clerk of the Riverside County Board of Supervisors. Statements for all other designated employees shall be retained by the Secretary of the Board of Directors for the De Luz Community Services District.  
**(Ordinance 94-07)**

## ARTICLE 12

### CLAIMS REQUIREMENTS FOR FILING CLAIMS EXEMPTED BY GOVERNMENT CODE SECTION 905

#### SECTION 1200 - CLAIMS PROCEDURE

**Section 1200-1 Purpose.** Government Code section 905 exempts certain claims from the claim requirements contained in the California Tort Claims Act. Government Code section 935(a) authorizes local public agencies to adopt claim procedures for those types of claims exempted by Government Code section 905. It is the purpose of this Ordinance to prescribe claim procedures for those types of claims exempted by Government Code section 905 as authorized by Government Code section 935.

**Section 1200-2 Claims Governed by this Ordinance.** Claims for money or damages against the De Luz Community Services District for the following types of claims shall be governed by the claim's procedures of this Ordinance:

- a. Claims under the Revenue and Taxation Code or other statutes prescribing procedures for the refund, rebate, exemption, cancellation, amendment, modification or adjustment of any tax, assessment, fee, or charge or any portion thereof, or of any penalties, costs, or charges related thereto;
- b. Claims in connection with which the filing of a notice of lien, statement of claim, or stop notice is required under any provision of law relating to mechanics', laborers' or materialmen's liens.
- c. Claims by public employees for fees, salaries, wages, mileage, or other expenses and allowances.
- d. Claims for which the workmen's compensation authorized by Division 4 (commencing with section 3201) of the Labor Code is the exclusive remedy.
- e. Applications or claims for any form of public assistance under the Welfare and Institutions Code or other provision of law relating to public assistance programs, and claims for goods, services, provisions, or other assistance rendered for or on behalf of any recipient of any form of public assistance;
- f. Applications or claims for money or benefits under any public retirement or pension system;

- g. Claims for principal or interest upon any bonds, notes, warrants, or other evidence of indebtedness;
- h. Claims which relate to a special assessment constituting a specific lien against the property assessed and which are payable from the proceeds of such an assessment, by offset of a claim for damages against it or by delivery of any warrant or bonds representing it;
- i. Claims by the state or by a state department or agency or by another local public entity;
- j. Claims arising under any provision of the Unemployment Insurance Code, including but not limited to claims for money or benefits, or for refunds or credits of employer or worker contributions, penalties or interest, or for refunds to workers of deductions from wages in excess of the amount prescribed;
- k. Claims for the recovery of penalties or forfeitures made pursuant to Article I (commencing with section 1720) of Chapter 1 of Part 7 of Division 2 of the Labor Code;
- l. Claims governed by the Pedestrian Mall Law of 1960, Part 1(commencing with section 11000) of Division 13 of the Streets and Highways Code.

**Section 1200-3 Presentation and Consideration of Claims.** No action or proceeding shall be maintained against the De Luz Community Services District for any of the claims described in Section 2 of this Ordinance until the claim has been presented within the time limitations and in the manner prescribed by Sections 910 through 915.4 of the Government Code of the State of California. Any action against the De Luz Community Services District on any claim described by this Ordinance shall be subject to the provisions of section 945.6 and section 946 of the Government Code of the State of California.

**Section 1200-4 Time for Presentation of Claims.** All claims described in this Ordinance shall be presented to the De Luz Community Services District within the time prescribed by Government Code section 911.2.

**Section 1200-5 Board Action on Claim.** The Board of Directors of the De Luz Community Services District shall act on the claim within the time prescribed by Government Code section 912.4.

**Section 1200-6 Late Claims.** An application may be made to the De Luz Community Services District for leave to present a late claim to the extent authorized by Government Code section 935(e).

**Section 1200-7 Interpretation.** This Ordinance shall be construed and interpreted at all times so as to be consistent with all requirements of Government Code section 935 as revised or amended from time to time.  
**(Ordinance 94-1)**

## ARTICLE 13

### ROADWAY MAINTENANCE AND LITTERING PREVENTION

#### SECTION 1300 - CONCRETE MIX TRUCKS AND LITTERING PREVENTION

**Section 1300-1 Concrete Mix Trucks.** Concrete mix trucks utilizing roads of the District for passage in or through the District while carrying concrete in the process of mixing are prohibited from spilling any concrete from the truck onto the roadway of roads within the District. Concrete spilled onto the roadway of District maintained roads shall be removed immediately by the person or business entity responsible for the concrete spill. In the event the spilled concrete is not removed by the person or entity responsible, the District shall charge the expense of the removal and disposal, including personnel salary and a \$50.00 administrative fee, to the person or entity responsible.

**Section 1300-2 Littering Prevention.** Combustible and non-combustible discarded material shall include but not be limited to weed trimmings, lawn trimmings, plants or flower garden waste, wood, paper, straw, packing materials, leather, rubber, clothing, bedding, paper and cardboard materials, rags, ashes, tin cans and bottles, glass, crockery, china, pottery, metal, wire, plastics, and other similar materials abandoned by the owner, trunks, stumps, or limbs of trees, household furniture, furnishings, appliances, vehicle parts and bodies, waste material resulting from building construction, alteration, or repair, rock brick, stone, concrete, plaster, soil, or sod, and animal remains.

## **ARTICLE 14**

### **ADMINISTRATIVE FEES**

#### **SECTION 1400 -ADMINISTRATIVE FEES**

**Section 1400-1 General Administrative Fees.** General administrative fees for matters not connected with permits: **\$125.00**  
The District reserves the right to charge an amount equal to actual District costs for unusual or extraordinary circumstances as determined in the reasonable discretion of the General Manager.

## ARTICLE 15

### ASSESSMENT DISTRICT PROCEEDINGS

#### SECTION 1500 - ASSESSMENT DISTRICT PROCEEDINGS

**Section 1500-1 Commencement of Assessment District Proceedings.** Prior to commencement of any assessment district proceedings by the District, the District will provide interested property owners with a written estimate of the total fees and costs associated with forming the assessment district. This written estimate will be provided to all interested property owners.

**Section 1500-2 Contracts Between the District and Interested Property Owners.** Following receipt of the estimate of the total fees and costs to form the assessment district, the District will not proceed further with any assessment district proceeding until the District has secured signed contracts with all interested property owners covering not less than 100% of the formation estimate provided by the District for the assessment district proceeding. The contract between the District and interested property owners shall provide that all interested property owners shall be required to deposit their pro rata amount of the estimated formation fees and costs, as determined by the District, in an interest bearing account to be established by the District in the name of the assessment district proceeding. The contract will further provide that in the event any property owner elects not to proceed further with the assessment district after executing the contract or protests the assessment district proceedings after executing the contract, the full amount that the property owner had deposited with the District will be used first to pay any fees or charges incurred by the District in forming assessment district proceeding and the balance, if any, will be returned to the property owner. In the event that the deposit by a particular property owner or property owners who have elected not to proceed with the assessment district or to protest the assessment district after signing the contract are inadequate to pay all fees and charges of the District in forming the assessment district, remaining property owners who have signed the contracts with the District and who have continued to support the assessment district will pay for these remaining fees and charges on an equal basis. Any remaining funds on deposit with the District after payment of all fees and charges incurred by the District in forming the assessment district will be returned to the respective property owners who paid them. Contracts signed with property owners shall clearly state that the property owner agrees that the full amount of their deposit may be utilized to pay any fees or charges associated with the assessment district in the event the property owner subsequently elects not to support the assessment district proceeding or to protest the proceeding and owners continuing to support the assessment district shall pay any remaining formation fees and costs equally. **(Ordinance 98-04; 4/22/98)**

## ARTICLE 16

### ROAD DEVELOPMENT IMPACT FEES

#### SECTION 1600 - ROAD DEVELOPMENT IMPACT FEES

**Section 1600-1. Declaration of Policy and Background.** The District Board of Directors ("Board") has the authority to adopt Road Development Impact Fees (hereinafter referred to intermittently as "DIF"), in accordance with Government Code Section 66000, et seq. The Board last updated its DIF in Fiscal Year 2001. Pursuant to the requirements of the applicable Government Code, the District's consulting engineers, Bureau Veritas ("BV"), prepared a Road Development Impact Fee Study Report ("Fee Study Report"). The Fee Study Report analyzes facilities needed by the District to serve new development and calculates a development impact fee structure that reflects the cost of facilities deemed necessary. A copy of the Fee Study Report is attached hereto as Exhibit "A" and is incorporated herein by reference. A Staff report and the BV Fee Study Report were made available for public inspection and review ten (10) days prior to a public hearing and notice was given in compliance with Government Code Section 66016. The Board held a public hearing on June 25, 2008, to consider revising its Road Development Impact Fee Schedule in accordance with Government Code Section 66018.

**Section 1600-2. Findings.** The Board finds and determines as follows:

- (a) **Purpose of the Fee.** The purpose of the road development impact fee is to provide road reconstruction, widening, and other road and drainage improvements in the District. Primary development is expected to be in the form of single-family estate residences on land parcels with a minimum size of five (5) gross acres. Existing land parcels that are larger than five (5) acres can be expected to be divided into multiple five-acre parcels through the California Subdivision Map Act process as implemented by the County of Riverside. Many of the expected residences may include second dwelling units or guest houses constructed according to approvals granted by the County of Riverside under County Ordinance. Additional development is expected in the form of new agricultural development, including but not limited to avocado and citrus groves, vineyards, nursery crops, and commercial floral plantings, all with related agricultural buildings and other structures. Based on existing growth rates, most development is expected to occur within the next twenty (20) years. The fee will pay for the road improvements necessary to promote public safety on the District roadways.
- (b) **Use of Fees.** The DIF will be used to fund the specific road projects planned for the next ten (10) year period as Exhibit "A". Copies of the report are available at the District office.

- (c) Relationship Between Use of Fee and Type of Development. The development projects will consist of estate residences, second dwelling units and guest houses (as described in Section 1(a) above. The improved roadways are essential for future projects and the expected increased traffic flow that projects will generate.
- (d) Relationship Between Need for Public Facilities and Type of Development Project on Which the Fee is Imposed. The Board finds and determines that roadway improvements are essential for public safety, as well as for acceptable traffic flow and road durability as needed for new development. Additional locally generated traffic volume will dictate the need for road widening, alignment improvement, and reconstruction.
- (e) The Road Development Impact Fee Calculations Methodology. The DIF is based on expected usage. The expected trip generation of the future residents will be the basis for the calculation. Trip generation is based on the expected land uses and is made available in the document "Trip Generation", as published by the Institute of Transportation Engineers, New York, NY. The existing land uses as recorded by the County of Riverside and as projected for future use by the District are estate residential and agricultural. The Road Development Impact Fee for residential uses needs to be calculated on a "per dwelling unit" basis to reflect more accurately the impact on the roadway. For future land uses, the Road Development Impact Fee is based on estate residential land use.
- (f) Road Development Impact Fee Amounts. The Board hereby adopts the DIF amounts as set forth in the attached reports as follows:

De Luz Community Services District		
Development Impact Fee		
Established by Benefit Zone		
<u>Zone</u>	<u>Residential</u>	<u>Additional Unit</u>
Primary	\$1,839.61	\$966.55
1	\$3,215.77	\$1,619.67
2	\$2,833.54	\$1,427.16
3	\$3,645.02	\$1,835.87
4	\$3,975.08	\$2,002.11
5	\$3,763.80	\$1,895.69
6	\$1,839.61	\$966.55
7	\$1,839.61	\$966.55

- (g) Environmental Review. In accordance with the California Environmental Quality Act Guidelines Section 15061, the Board of Directors has ordained that the DIF established by this Ordinance are exempt from CEQA for the following reasons:

1. The DIF are not a "project" as defined by Guidelines Section 1537-8;
2. The project is exempt in accordance with Guidelines Section 15273(a)(1), 15273(a)(3), and 15273(a)(4); and
3. The activity will not have any significant impact upon the environment pursuant to Guidelines Sections 15061(b)(3).

The Board of Directors of the District orders and directs that the foregoing exemptions and reasons be made a part of the Notice of Exemption and that the Notice of Exemption be filed with the County Clerk of the County of Riverside.

- (h) Cost Estimates. The cost estimates set forth in the Fee Study Report are reasonable estimates for the public facilities shown and the development fees expected to be generated by new development will not exceed the total of these estimated costs.
- (i) Growth and Population Projections. Given the historic growth rates of the District and the cyclical nature of new development, District staff shall annually examine the relationship between growth projections and the impact on the District road system. The rate of growth shall be annually considered, and the fees analyzed so the proper level of fees are in place to capture the appropriate revenues based on a reasonable relationship between the growth and the necessary road improvements.

**Section 1600-3. Segregated Accounts and Their Accounting.** The District has established separate accounts in its accounting records segregating DIF revenue and related interest accrued thereon from other revenue and funds of the District. For each separate account, the District Staff shall, within one hundred eighty (180) days after the last day of each fiscal year, make available to the public and present to the Board a written report containing all of the information required by Government Code section 66006(b)(1).

**Section 1600-4. Use of Road Development Impact Fees.** Impact fees collected pursuant to shall be used solely to construct the road improvements, and reconstruction, and widening as referenced in the report attached hereto as Exhibit A.

**Section 1600-5. Commitment of Road Impact Fees.** Fees collected pursuant to this Ordinance shall be committed by appropriation to the District's road improvement program and the facilities described in Exhibit A.

**Section 1600- 6. Development Impact Study and Inflationary Increases.**

The District will annually, not later than June 30th of each calendar year, study the need for road improvements and will review its identified list of needed road reconstruction, widening, and other road improvements, capital facilities and their cost as determined by the District from time to time. Road Development Impact Fees will be reviewed annually and adjusted to conform with changes in the construction cost index. As part of this process, the General Manager shall report to the Board, at a noticed public hearing to be scheduled at a regular Board meeting in June of each calendar year and recommend any adjustments to the Road Development Impact Fee schedule, or other action as may be necessary.

**Section 1600-7. Effective Date.** This Ordinance shall be effective immediately upon passage by the Board of Directors. The new DIF established by this Ordinance shall be effective at 12:00 a.m. on August 24, 2008, a sixty (60) day period after adoption of this Ordinance accordance with government Code Section 66017.

**Section 1600-8. Time of Payment of Road Development Impact Fees.** Road Development Impact Fees shall be paid to the District and shall become due, owing and payable at the date of final inspection or issuance of a certificate of occupancy whichever occurs earlier, by the Department of Building and Safety of the County of Riverside. Applicants may be required to enter into an agreement with the District to guarantee payment of the Road Development Impact Fees prior to the issuance of any permits for a parcel either by the District or Riverside County. The amount of the fee due and owing from a particular applicant shall be the particular Road Development Impact Fees in force and effect at the time the payment is actually made by the Applicant.

**Section 1600-9. Non-Refundable.** To assure availability for proper planning and to meet obligations incurred by the District to develop the District's road system in a timely manner, all Road Development Impact Fees collected shall be non-refundable.

**Section 1600-10. Interpretation and Severability.** Each and every section, subsection, sentence, clause, phrase, part, or portion of this Ordinance shall be construed at all times so as to be in compliance with all federal, state, and local laws, rules, and regulations governing development fees. If any section, subsection, sentence, clause, phrase, part, or portion of this Ordinance as so interpreted is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Directors of the District hereby declares that this measure, and each section, subsection, sentence, clause, phrase, part, or portion of this Ordinance would have been adopted or passed irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts, or portions of this Ordinance are declared invalid or unconstitutional. In the even a court of competent jurisdiction determines that any sentence, clause, subsection, section, phrase, or any part or portion of this Ordinance is invalid or unconstitutional, the Board of Directors of the

declared invalid or unconstitutional. In the even a court of competent jurisdiction determines that any sentence, clause, subsection, section, phrase, or any part or portion of this Ordinance is invalid or unconstitutional, the Board of Directors of the District hereby expressly requests that the court sever the invalid portion of this Ordinance and declare the balance of the Ordinance to be valid.

**Section 1600-11. Limitation on Judicial Review.** Any judicial action or proceeding to attack, review, set aside, void, or annul this Ordinance or any Road Development Impact Fee increase adopted as a result of this Ordinance shall be brought no later than one hundred twenty (120) days following the date the Ordinance is adopted by the Board of Directors of the De Luz Community Services District. Any action not filed within the 120-day period shall be forever barred.  
**(Ordinance 01-02, Ordinance 08-03)**

## **ARTICLE 17**

### **SOLID WASTE COLLECTION**

#### **SECTION 1700 - SOLID WASTE COLLECTION**

##### **Section 1700-1. Definitions.**

In this article, unless the context otherwise requires:

- A. “AB 939” means the California Integrated Waste Management Act of 1989, codified in part in Public Resources Code Section 40000 et seq., as amended, and as implemented by the regulations of CalRecycle, or its successor.
- B. “Board of Directors” means the Board of Directors of the De Luz Community Services District.
- C. “Business” means a commercial entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or non-profit entity.
- D. “C&D Debris” means construction or demolition debris.
- E. “CalRecycle” means the California Department of Resources Recycling and Recovery.
- F. “CCR” means the California Code of Regulations.
- G. “Code” means the De Luz Community Services District Code.
- H. “Collect” or “Collection” means to take physical possession, transport, and remove Solid Waste, targeted Recyclable Materials, Organic Materials, or other materials within and from the District.
- I. “Commercial” or “Commercial Business” means a business, industrial, or Commercial establishment, or construction site, and any Multi-Family Residential Dwelling with five (5) units or more.
- J. “Commercial Premises” means all Premises in the District, other than Residential Premises, where Solid Waste, including Recyclable Materials and Organic Waste, is generated or accumulated. The term “Commercial Premises” includes, but is not limited to, stores; restaurants; rooming houses; hotels; motels; office buildings; department stores; manufacturing, processing, or assembling shops or plants; hospitals; clinics; and nursing homes.

- K. “Community Composting” means any activity that composts Yard Waste, green material, agricultural material, food material, and vegetative food material alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- L. “Compliance Review” means a review of records by the District to determine compliance with this article.
- M. “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this article, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the Solid Waste stream, or which are separated at a centralized facility.
- N. “Container” or “Containers” means the containers, including bins and carts, distributed by a Franchisee for the collection of Solid Waste, including Recyclable Materials and Organic Waste.
- O. “Container Contamination” or “Contaminated Container” means a Container that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- P. “County” means the County of Riverside.
- Q. “Designee” means an entity with which the District contracts or otherwise arranges to carry out any of the District’s responsibilities under this article, as authorized in 14 CCR Section 18981.2, including but not limited to a governmental entity, a hauler, a private entity, or a combination thereof.
- R. “District” means the De Luz Community Services District.
- S. “Dwelling” means a residence, including any flat, apartment, or other facility intended to be and permitted to be used for housing one or more persons, except “Dwelling” does not include hospitals, hotels, motels, nursing homes, or convalescent centers.
- T. “Enforcement Action” means an action of the District to address non-compliance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- U. “Enforcement Officer” means the General Manager or his or her designee, who is responsible for enforcing this article.

- V. "Excluded Waste" means hazardous substances, Hazardous Waste, infectious waste, designated waste, volatile waste corrosive waste, medical waste, regulated, radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District and its Generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or chapter, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by conditions, waste that in District's or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance, or otherwise create or expose the District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, Recycling, treatment, and disposal of batteries and paint in compliance, with Sections 41500 and 41802 of the California Public Resources Code
- W. "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. "Food Scraps" excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- X. "Food-Soiled Paper" means compostable paper
- Y. "Food Waste" means Food Scraps separated from Solid Waste and offered for collection by a Franchisee, that will decompose and/or putrefy including (i) all kitchen and table food waste, and animal and vegetable waste that attends or results from the storage, preparation, cooking, or handling of food stuffs; and (ii) paper waste contaminated with food waste.
- Z. "Franchisee" means Franchisee as defined in Section 900-1 of Article 9 of this Code.
- AA. "Generator" means any Person or other entity who is responsible for the initial creation of Solid Waste.
- BB. "Hauler Route" means the designated itinerary or sequence of stops for each segment of the District's collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- CC. "Hazardous Waste" means any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer or

which generates pressure through decomposition, heat, or other means if such waste or mixture of wastes may cause substantial injury, serious illness or harm to humans, domestic livestock or wildlife. It shall also include all wastes so defined by the California Health and Safety Code including "infectious waste."

- DD. "Health officer" means the health officer of Riverside County.
- EE. "Inspection" means a site visit where the District or its Designee reviews records, Containers, and an entity's collection, handling, Recycling, or landfill disposal of Organic Waste to determine if the entity is complying with the requirements set forth in this article, or as otherwise defined in 14 CCR Section 18982(a)(35).
- FF. "Multi-Family Dwelling" or "Multi-Family Residential Dwelling" means a Residential structure with five (5) or more residences.
- GG. "Notice of Violation" or "NOV" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- HH. "Organic Materials," "Organic Waste," or "Organics" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, Yard Waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a). Organic Waste includes, but is not limited to, Food Scraps, Food-Soiled Paper, and Yard Waste.
- II. "Organic Waste Container" has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Organic Waste.
- JJ. "Person" means an individual, group of individuals, firm, association, public or private corporation, or public agency, and/or any legal entity recognized by the laws of the State.
- KK. "Premises" means every dwelling house, dwelling unit, apartment house, or multiple-dwelling building, trailer, or mobile home park, store, restaurant, rooming house, hotel, motel, hospital, office building, department store; manufacturing, processing, or assembling shop or plant; warehouse; and every other property or building where any person resides or any business or activity is carried on or conducted within the District.

which generates pressure through decomposition, heat, or other means if such waste or mixture of wastes may cause substantial injury, serious illness or harm to humans, domestic livestock or wildlife. It shall also include all wastes so defined by the California Health and Safety Code including "infectious waste."

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- GG. "Notice of Violation" or "NOV" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- HH. "Organic Materials," "Organic Waste," or "Organics" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, Yard Waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a). Organic Waste includes, but is not limited to, Food Scraps, Food-Soiled Paper, and Yard Waste.
- II. "Organic Waste Container" has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Organic Waste.
- JJ. "Person" means an individual, group of individuals, firm, association, public or private corporation, or public agency, and/or any legal entity recognized by the laws of the State.
- KK. "Premises" means every dwelling house, dwelling unit, apartment house, or multiple-dwelling building, trailer, or mobile home park, store, restaurant, rooming house, hotel, motel, hospital, office building, department store; manufacturing, processing, or assembling shop or plant; warehouse; and every other property or building where any person resides or any business or activity is carried on or conducted within the District.

- QQ. “Refuse Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Refuse or Solid Waste.
- RR. “Route Review” means a visual Inspection of Containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection method such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(675).
- SS. “SB 1383” means Senate Bill 1383 (Chapter 395, Statutes of 2016).
- TT. “SB 1383 Regulations” means the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- UU. “Self-Hauler” means a Person, who hauls Solid Waste, Recyclable Materials, or Organic Waste, that he or she has generated to an appropriate processing facility. Self-Hauler also includes a person who Back-Hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). “Back-Haul” means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- VV. “Solid Waste” means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes, with the exception that “Solid Waste” does not include Hazardous Waste of Excluded Waste.
- WW. “Solid Waste Handling Services” means the collection, transportation, storage, transfer, disposal or processing of Solid Waste for compensation.
- XX. “State” means the State of California.
- YY. “Yard Waste” means Organic Waste generator from the maintenance or alteration of landscapes including, but not limited to, yard clippings,

leaves, tree trimming, pruning, brush, and weeds. “Yard Waste” includes but is not limited to “Garden Trimming.

**Section 1700-2. Requirements for Single-Family Generators** Single Family Organic Waste Generators shall comply with the following requirements:

ZZ. Subscribe to the District’s Three-Container Collection services. The District shall have the right to review the number and size of a Generator’s Containers to evaluate adequacy of capacity provided for each type of Collection service for proper Source Separation and containment of materials; and Single-Family Generators shall adjust their service levels for their Collection services as requested by the District. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste through backyard Residential Composting, and/or using a Community Composting site.

AAA. Participate in the District’s Three-Container Collection service(s) by placing Source Separated Organic Waste, including Food Waste, in the Organic Waste Container, all Recyclable Materials in the Recyclable Materials Container, and all Refuse in the Refuse Container. Generator shall not place materials designated for the Refuse Container into the Organic Waste Container or Recyclable Materials Container; materials designated for the Recyclable Materials Container into the Organic Waste Container or Refuse Container; or materials designated for the Organic Waste Container into the Recyclable Materials Container or Refuse Container.

**Section 1700-3. Requirements for Commercial Businesses** Commercial Businesses, including Multi-Family Residential Dwellings, shall comply with the following requirements:

A. Subscribe to the District’s Three-Container Collection services and comply with requirements of those services as described below in this Section 1700-3, except Commercial Businesses that meet the Self-Hauler requirements of this article. The District shall have the right to review the number and size of a Generator’s Containers to evaluate adequacy of capacity provided for each type of Collection service for proper Source Separation and containment of materials; and Commercial Businesses shall adjust their service levels for their Collection services as requested by the District. Generators may additionally manage their Organic Waste by preventing or reducing

their Organic Waste, managing Organic Waste through backyard Residential Composting, and/or using a Community Composting site.

- B. Except Commercial Businesses that meet the Self-Hauler requirements of this article, participate in the District's three-Container Collection services by placing Source Separated Organic Waste, including Food Waste, in the Organic Waste Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Refuse in the Refuse Container. Generator shall not place: materials designated for the Organic Waste Container into the Organic Waste Container or Recyclable Materials Container; materials designated for the Recyclable Materials Container into the Organic Waste Container or Refuse Container; or materials designated for the Organic Waste Container into the Recyclable Materials Container or Refuse Container.
- C. Supply and allow access to adequate number, size, and location of Collection Containers with sufficient labels or colors (conforming with Sections 1700-3(D)(1) and 1700-3(D)(2) below) for employees, contractors, tenants, and Customers, consistent with District's Recyclable Materials Container, Organic Waste Container, and Refuse Container Collection Service or, if Self-Hauling, in accordance with this article.
- D. Excluding Multi-Family Residential Dwellings, provide Containers for the collection of Source Separated Refuse, Source Separated Organic Waste, and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal Containers are provided for Customers, for materials generated by that business. Such Containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of Container, then the business does not have to provide that particular Container in all areas where disposal Containers are provided for Customers. Pursuant to 14 CCR Section 18984.9(b), the Containers provided by the business shall have either:
  - 1. A body or lid that conforms with the Container colors provided through the Collection service provided by the District. A Commercial Business is not required to replace functional Containers, including Containers purchased prior to January 1, 2022, that do not comply with the requirements of this subsection prior to the end of the useful life of those Containers, or prior to January 1, 2036, whichever comes first.

2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that Container, or Containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the Container. Pursuant to 14 CCR Section 18984.8, the Container labeling requirements are required on new Containers as of January 1, 2022.
- E. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a Container not designated for those materials in accordance with this article.
- F. Excluding Multi-Family Residential Dwellings, periodically inspect Recyclable Materials Container, Organic Waste Container, and Refuse Container for contamination and inform employees if Containers are contaminated and of the requirements to keep contaminants out of those Containers pursuant to 14 CCR Section 18984.9(b)(3).
- G. Annually provide information to employees, contractors, tenants, and Customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Organic Materials and Source Separated Recyclable Materials.
- H. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Organic Materials and Source Separated Recyclable Materials separate from Refuse (when applicable) and the location of Containers and the rules governing their use at each property.
- I. Provide or arrange access for the District or its Designee to their properties during all Inspections conducted in accordance with this article to confirm compliance with the requirements of this article.
- J. If a Commercial Business wants to Self-Haul, it must meet the Self-Hauler requirements in this article.
- K. Nothing in this Section prohibits a Generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting pursuant to 14 CCR Section 18984.9(c).

#### **Section 1700-4. Waivers for Generators**

- A. De Minimis Waivers. The District may waive a Commercial Business' obligation (including that of a Multi-Family Residential Dwelling) to comply with some or all of the Organic Waste requirements of this article if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in Section 1700-4(A)(2) below. Commercial Businesses requesting a de minimis waiver shall:
1. Submit an application specifying the services from which they are requesting a waiver and provide documentation as noted in Section 1700-4(A)(2), below.
  2. Provide documentation that either:
    - a. The Commercial Business' total Solid Waste Collection service is two (2) cubic yards or more per week and Organic Waste subject to Collection comprises less than twenty (20) gallons per week per applicable Container of the business' total waste; or
    - b. The Commercial Business' total Solid Waste Collection service is less than two (2) cubic yards per week and Organic Waste subject to collection comprises less than ten (10) gallons per week per applicable Container of the business 'total waste.
  3. Notify the District if circumstances change such that Commercial Business' Organic Waste exceeds the threshold required for waiver, in which case the waiver will be rescinded.
  4. Provide written verification of eligibility for the de minimis waiver every five (5) years, if the District has approved de minimis waiver.
- B. Physical Space Waivers. The District may waive a Commercial Business' or property owner's obligations (including those of a Multi-Family Residential Dwelling) to comply with some or all of the Recyclable Materials and/or Organic Waste Collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the Collection Containers required to comply with Organic Waste collection requirements. A Commercial Business

or property owner may request a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of Collection services for which they are requesting a waiver.
  2. Provide documentation that the premises lacks adequate space for Recyclable Materials Containers and/or Organic Waste Containers, including documentation from the hauler, licensed architect, or licensed engineer.
  3. Provide written verification to the District that it is still eligible for a physical space waiver every five (5) years, if District has approved application for a physical space waiver.
- C. Collection Frequency Waiver. The District, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment, or industry that subscribes to the District's three-Container Collection service to arrange for the collection of their Recyclable Materials in a Recyclable Materials Container, Refuse in a Refuse Container, or both once every fourteen (14) days, rather than once per week.
- D. Review and Approval of Waivers by the District. The General Manager or Designee will be responsible for review and approval of waivers.

#### **Section 1700-5. Provisions for Self-Haulers**

- A. Subject to the requirement to obtain a permit from the District, Generators may Self-Haul Recyclable Materials and Organic Materials generated by that entity to a Solid Waste facility suitable to receive the type(s) of waste hauled.
- B. Self-Haulers shall:
- a. Source Separate all Organic Materials generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2 or shall haul Organic Waste to a solid waste facility or a chipping/ grinding operation that processes or recovers source separated organic materials.
  - b. Source Separate all Recyclable Materials generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18918984.2 or all haul Recyclable Materials to a Solid Waste facility that recovers those materials.

- c. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Materials delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the District. The records shall include the following information:
  - i. Delivery receipts and weight tickets from the entity accepting the waste.
  - ii. The amount of material in cubic yards or tons transported by the Generator to each entity.
  - iii. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Materials.
- d. Self-Haulers that are Commercial Businesses (including Multifamily Residential Dwellings) shall provide information collected pursuant to this section to the District if requested.
- e. A Residential Organic Materials Generator that Self-Hauls Organic Materials is not required to record or report information as otherwise required by this Section.
- f. Notwithstanding the foregoing, Self-Haulers shall not dispose of any Solid Waste in any manner not permitted by this article. To do so is a violation of this article and is punishable as such.
- g. Exemptions. The following activities and circumstances do not qualify as Self-Hauling under this article:
  - i. Yard Waste trimmings removed from a Premise by a gardening, landscaping, or tree-trimming contractor having a business license and as an incidental part of a total service offered by that contractor other than as a disposal service, and tree trimmings, clippings, and all similar materials generated at parks and other publicly maintained premises;

- ii. C&D removed from a Premise by a licensed contractor as an incidental part of a total service offered by that contractor other than as a disposal service;
- iii. The collection of Hazardous Material or dangerous waste as part of a Hazardous Material collection activity authorized by the Merced County Environmental Health Division, including, without limitation, liquid and dry caustics, acids, bio-hazardous, flammable, or explosive materials, insecticides, and similar substances; and
- iv. Recyclable Materials and Organic Material transported at any Premises or place of business, and which are transported personally, by the owner or occupant of such Premises (or by his or her full-time employees) to a Solid Waste or Recycling facility in a manner consistent with this article and other applicable laws.

#### **Section 1700-6. Requirements for Franchisees and Facility Operators**

##### **A. Requirements for Franchisee(s).**

- a. Franchisee(s) shall meet the following requirements and standards as a condition of approval of a permit, contract, or other authorization with the District to collect Organic Materials:
  - i. Through written notice to the District annually on or before July 1, identify the facilities to which they will transport Organic Materials, including facilities for Source Separated Recyclable Materials and Source Separated Organic Waste.
  - ii. Transport Source Separated Recyclable Materials, Source Separated Organic Waste, and/or Source Separated Refuse to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2. Obtain approval from the District to haul Organic Materials, unless it is transporting Source Separated Organic Materials to a Community Composting site or lawfully transporting C&D.
- b. The Franchisee authorized to collect Organic Materials shall comply with education, equipment, signage, Container labeling, Container color, Container Contamination monitoring, reporting, and other requirements contained within its agreement entered into with the District.

- i. Owners of facilities, operations, and activities that recover Organic Materials, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly owned treatment works shall, upon the District's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the District shall respond within sixty (60) days.
  - ii. Community Composting operators, upon the District's request, shall provide information to the District to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Materials anticipated to be handled at the Community Composting operation. Entities contacted by the District shall respond within sixty (60) days.
- B. Franchisee shall keep separate Recyclable Materials, Organic Materials, and other Refuse that have been Source Separated into Containers by Generators.
- C. Franchisee shall ensure that Source Separated Recyclable Materials are delivered to a Recycling facility and that Source Separated Organic Materials are delivered to an Organic Waste processing facility.
- D. Within five (5) days of request by the District, Franchisee shall provide progress reports providing the following information, at a minimum:
  - a. The total number of Solid Waste Customers to whom the Franchisee currently provides Recyclable Materials, Organic Materials, and other Solid Waste Collection services within the District's boundaries;
  - b. For each Solid Waste Customer, the account name, identifying number, primary contact, phone number, billing address, and service address;
  - c. Information on the type of Collection service provided, such as Recyclable Materials, Organic Materials, and other Solid Waste services;
  - d. The weekly volume and type of collection service provided, including the number, type, and size of Containers serviced and the days of service for each Container;

- e. Name and location of the Solid Waste facilities where materials are delivered for processing;
- f. List of accounts not in compliance with this article, including whether they are excluded or exempt based on the exemptions in Section 1700-4.

**Section 1700-7. Inspections and Investigations.**

- A. District Enforcement Officer and/or its Designee are authorized to conduct Inspections and investigations, at random or otherwise, to confirm compliance with and enforce the provisions of this article.
- B. District representatives and/or its designated entities, including Designees, are authorized to conduct Inspections and investigations, at random or otherwise, of any Collection Container, Collection vehicle loads, or transfer, processing, or disposal facilities for materials collected from Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, and Self-Haulers subject to applicable laws.
- C. The regulated entity shall provide or arrange for access during all inspections and shall cooperate with the District Enforcement Officer or Designee during such Inspections and investigations. Such Inspections and investigations may include such activities, records, or any other requirement described herein. Failure to provide or arrange for: (1) access to an entity's Premises; or (2) access to records for any Inspection or investigation is a violation of this article and may result in penalties described in Section 1700-8. Notwithstanding the foregoing, the District Enforcement Officer and/or its Designee are not authorized to enter into the interior of any Residence in order to conduct inspections and investigations under this article.
- D. Any records obtained by the District during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6520 et seq.
- E. District Enforcement Officer and/or its Designee are authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this article, subject to applicable laws.

- F. District shall receive written complaints from Persons regarding an entity that may be potentially non-compliant with the SB 1383 Regulations, including through the receipt of anonymous complaints. The franchisee shall relay to District in writing all written complaints they receive concerning acts or omissions of themselves or another entity that is potentially non-compliant with the SB 1383 Regulations, including anonymous complaints.

**Section 1700-8. Violations.**

- A. Violation of any provision of this article shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by an Enforcement Officer. Enforcement Actions under this article include issuance of an administrative citation and assessment of a fine.
- B. The District may seek all other remedies allowed by law, including civil action or prosecution for an alleged misdemeanor or infraction. District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations.
- C. The District may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:
- a. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters; or
  - b. Delays in obtaining discretionary permits or other government agency approvals.
- D. Penalty Amounts for Types of Violations.
- a. For a first violation, the amount of the penalty shall be \$100 per violation.
  - b. For a second violation, the amount of the penalty shall be \$200 per violation.
  - c. For a third or subsequent violation, the amount of the penalty shall be \$500 per violation.

E. Service Procedures.

- a. The administrative citation shall be mailed to the responsible person by certified mail, postage prepaid with a return receipt requested. Simultaneously, the administrative citation may be sent by first class mail.
- b. If the enforcement officer does not succeed in serving the responsible person by certified or first-class mail, the Enforcement Officer may post the administrative citation in a conspicuous location on any real property within the District in which the District has knowledge that the responsible person has a legal interest.

F. Contents of the Notice. Each administrative citation shall contain the following information:

- a. Date, approximate time and address or definite description of the location where the violation(s) was observed;
- b. The code section(s) or condition(s) violated and a description of the violation(s);
- c. A description of the action required to correct the violation(s);
- d. An order to the responsible person to correct the violation(s) by a correction date and an explanation of the consequences of failure to correct the violation(s);
- e. The amount of the fine for the violation(s);
- f. An explanation of how the fine shall be paid, the deadline by which it shall be paid, and the place to which the fine shall be paid;
- g. An order prohibiting the continuation or repeated occurrence of the code violation(s) described in the administrative citation;
- h. Identification of rights of appeal, including the time within which the administrative citation may be contested and the place to obtain a notice of appeal and request for hearing form to contest the administrative citation; and

- i. The name and signature of the enforcement officer and, if possible, the signature of the responsible person.
- G. Satisfaction of an administrative citation. Upon receipt of a administrative citation, the responsible person shall pay the fine to the District within 15 calendar days from the correction date on the administrative citation.
- H. Appeals Process
  - a. Persons receiving a citation containing a penalty for an uncorrected violation under this article may request a hearing before the Board of Directors to appeal the citation. The request a hearing shall be filed with the Board Secretary within 15 calendar days from the date of issuance of the administration citation, together with an advance deposit of the total amount of the fine, or a request for a deposit hardship waiver and the payment of any hearing fee which may be established by District resolution. Any administrative citation fine, which has been deposited, shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.
  - b. In addition to the requirements listed in subsection a. above, any appeal of the administrative citation shall include a detailed written explanation as to the grounds for appeal of the administrative citation. Any appeal shall be limited to such written grounds.
  - c. The hearing shall be set by the Secretary of the Board for a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing is filed. The person requesting the hearing shall be notified by the Secretary of the Board of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.
  - d. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final.

- e. If the hearing officer determines that the administrative citations should be upheld, then the fine amount on deposit with the District shall be retained by the District. If the hearing officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the hearing officer shall set forth in the decision a payment schedule for the fine. If the hearing officer determines that the administrative citation should be canceled or reduced and the fine was deposited with the District, then the District shall promptly refund the amount of the deposited fine or excess, as the case may be, together with interest at the average rate earned on the District's investment portfolio for the period of time that the fine amount was held by the District.
- f. The recipient of the administrative citation shall be mailed a copy of the hearing officer's written decision.
- I. Education Period for Non-Compliance. Through December 31, 2023, the District will conduct Inspections to determine compliance, and if the District determines that an entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this article and a notice that compliance is required, and that violations may be subject to administrative civil penalties starting on January 1, 2024.
- J. Civil Penalties for Non-Compliance. Beginning January 1, 2024, if the District determines that an entity is not in compliance with this article, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this article.
- K. This article shall be interpreted to be consistent with the District's regulatory authority, and shall only apply to Local Education Agencies and other entities to the extent permitted by law, including the SB 1383 Regulations.
- L. This article shall be implemented, and organic waste collection services shall be provided, once the hauler receives collection vehicles and equipment. **(ORDINANCE NO. 22-05)**

# **Development Impact Fee Update Report**

**for the**

**De Luz Community  
Services District**

**June 2008**

De Luz Community Services District  
41785 Enterprise Circle South, Suite A  
Temecula, CA 92590



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*in the benefit of business and people*

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**DEVELOPMENT IMPACT FEE CALCULATION REPORT UPDATE**

## **Introduction**

De Luz Community Services District (DLCSD) has retained *Bureau Veritas* to update Development Impact Fees (DIF) that was first calculated in year 2002. DIF provides funding for infrastructure that will support the development of future residences in the DLCSD area. The calculation includes a compilation of planned projects and recently completed roadway and drainage improvements divided by the expected future residential units that will benefit from the infrastructure improvement.

This Development Impact Fee Calculation Update provides the detailed description of the projects to be funded by the DIF, the estimated cost and the allocation methods used to provide a fair sharing of the project costs by current and future residents and agricultural business owners. See Appendix 1 for a Schedule of Road and Culvert Improvements Necessary to Accommodate Future Development.

*Bureau Veritas* reviewed the DIF supporting documents used in the calculations with the DLCSD General Manager and Engineering Committee.

## **Calculation of the Development Impact Fee**

The California State legislation sets certain legal and procedural requirements for the DIF. The legislation is known as AB1600 by the California Legislature and is codified in California Government Code Sections 66000 through 66009 and was effective on January 1, 1989.

AB1600 requires that the projects be documented before the DIF is levied and collected and that the monies collected are actually committed within five years to a project of direct benefit.

AB 1600 requires the following:

- ✓ The purpose of the fee
- ✓ The use of the fee
- ✓ The relationship between the use of the fee and the type of the development paying the fee
- ✓ The relationship between the need for the facility and the type of the development project
- ✓ The relationship between the amount of the fee and the cost of the portion of the facility attributed to the specific development project.

## **Streets and Culverts**

### **History and Current Assessment Methodology for Road Construction and Maintenance**

The De Luz Community Services District (DLCSD) is comprised of over 18,600 acres in the Santa Rosa plateau west of the City of Temecula. DLCSD was established in November 1978 by the Riverside County Board of Supervisors.

It was granted the power to perform three functions: road construction and maintenance, refuse collection and extended police protection.

The District is divided into geographic zones for establishment of benefit fees for road construction and maintenance. The maintenance of the primary roads and the general and administrative expenses are shared on a per acre basis by all of the property owners within DLCSD. The cost of maintaining and construction of the secondary roads is shared on a per acre basis by the property owners within each zone.

In addition to the benefit fees, special pavement programs were established to pay for the paving of the "as yet unpaved" and accepted roads within the zones. Special pavement programs are a simpler method of paying for small paving projects than the formation of assessment Districts.

Two assessment Districts have been formed for larger projects: Assessment District No. 85-1 is paid in full and Assessment District No. 90-1 which will mature in the year 2016. Annual payments are paid by these special assessments in addition to benefit fees.

### **Development Impact Fee (DIF)**

DLCSD maintains 83 miles of primary and secondary rural roads. DLCSD estimates that there are 623 parcels with existing residences and 1,753 future units to be constructed. The future residences are expected to increase the local traffic trips by over four times the existing local traffic. DLCSD is planning for future development and has estimated the need for road widening and improvement in order to meet the future usage demand. Due to the expected increased usage by future residents, DLCSD management has directed *Bureau Veritas* to update DIF to continue to place the financial responsibility on the future development.

Development Impact Fee (DIF) is directly tied to the capital improvement required to support the new development. The DIF will enable the District to continue to meet the basic infrastructure needs of growth and reduce the improvement burden for the existing residents and agriculture businesses. The infrastructure needs by new development must continue to be examined to determine the responsibility of new residents/businesses for recent and new construction.

### **Existing Roads**

How much, if any, of the existing infrastructure should be shared by future property developers? To determine if the present roadway cost should be shared by future local users, we need to examine the current method of allocation of the benefit fee.

**DEVELOPMENT IMPACT FEE CALCULATION REPORT UPDATE**

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All property owners are paying for the maintenance and construction of the roadway based on the number of acres owned without regard for land use by the owner. For example, the property owners of 20 acres within the same geographical zone pay the same benefit fee regardless of the property land use. The owner of an avocado grove, a residence and vacant land pay the same amount for road maintenance cost if they own the same number of acres of land. Certainly it can be argued that all property owners have equal availability to the roads and that this availability increases the value of all property owners' land regardless of the land use. Each property owner has access to Temecula, Murrieta, Interstate 15, north and south as well as directly to Fallbrook to the south. For the past several years all property owners paid based on acreage owned for all maintenance and construction of roadway. Therefore, an owner of a vacant lot has paid for existing road improvement. All property owners paid their share of the total District acreage for the road construction and maintenance cost to date. Since any construction cost of existing roadway are already shared by owners of undeveloped parcels, they need not pay DIF for the existing road cost.

**Road Improvements, Reconstruction and Widening**

The DLCSD has identified road improvements necessary in order to accommodate future increased traffic flow. In Year 2001 DLCSD was planning road improvement cost of \$6,785,050. The estimated update is \$9,525,377. This is the result of inflationary increases over the six year period, from year 2002 to year 2008 and identification of development related projects. See Table 1 below and Appendix 1 for more detail. These costs are necessary to accommodate the additional traffic flow projected in Traffic Analysis conducted by O'Rourke Engineering in December 2000 (Traffic Analysis). The Traffic Analysis revealed that because of the substantial amount of growth in the area, it may be necessary to widen roadways and/or improve the structural integrity of the roadways. The cost spent on nine projects from inception until June 30, 2007 was \$1,000,302. A table of the projects completed by zone is detailed in the Appendix 2.

**The Purpose of the Fee**

The purpose of the road development impact fee is to provide road reconstruction, widening, and other road and drainage improvement in DLCSD. Primary development is expected to be in the form of single-family estate-sized residences on land parcels with a minimum size of five (5) gross acres. Existing land parcels that are larger than five (5) acres can be expected to be divided into multiple five (5) acre parcels through the California Subdivision Map Act process as implemented by the County of Riverside. Many of the expected residences may include additional dwelling units or guest houses constructed according to approvals granted by the County of Riverside under County Ordinance No. 348 (Land Use Ordinance). Additional development is expected in the form of new agricultural development, including but not limited to avocado and citrus groves, vineyards, nursery crops and commercial floral plantings, all with related agricultural buildings and other structures. Based upon existing growth rates, most development is expected to occur within the next twenty (20) years. The fee will pay for the road improvements necessary to promote public safety on the DLCSD roadways.

**DEVELOPMENT IMPACT FEE CALCULATION REPORT UPDATE**

Table 1

<b>De Luz Community Services District DRAFT Summary of Improvements Necessary to Accommodate Future Development June-08</b>			
<b>Estimated Construction Cost</b>			
<b><u>District Zone</u></b>	<b><u>Total Cost</u></b>	<b><u>DIF Share</u></b>	<b><u>Update Increase in DIF</u></b>
Primary Zone	\$5,060,330	\$3,771,303	\$1,139,528
Zone I	\$1,040,701	\$860,859	\$115,510
Zone II	\$101,849	\$88,475	\$15,425
Zone III	\$456,663	\$351,123	\$39,977
Zone IV	\$1,733,790	\$961,226	\$83,364
Zone V	<u>\$1,132,044</u>	<u>\$862,739</u>	<u>\$274,208</u>
District Total	\$9,525,377	\$6,895,725	\$1,668,013
DIF = Development Impact Fee			

**The Use of the Fee**

The DIF will be used to fund the specific road projects planned for the next fifteen-year period and identified in Exhibit A. The roadways identified will be improved by road widening, realignment, improved surfacing, and improved drainage in order to accept the higher volume of traffic flow. It is estimated in the Traffic Analysis that locally generated daily trips will increase from 3,825 to 18,524 from year 2001 to the following 20 years.

**The Reasonable Relationship between the Fee's Use and the Type of Development Project**

The development projects will consist of residences or agricultural businesses building on existing parcels or subdividing on multi-acre parcels. The improved roadways are essential for the future projects and the expected increased traffic flow that the projects will generate. The development projects will consist of estate-sized residences, second dwelling units and guest-houses and new agricultural developments, including related agricultural business buildings, on existing or new legally-created land parcels.

**The Relationship between the Need for the Public Facility and the Type of Development Project on which the Fee is Imposed**

The Board of Directors of the DLCSD finds and determines that roadway improvements are essential for public safety, as well as acceptable traffic flow and road durability as needed for new development. Additional locally generated traffic volume will dictate need for road widening, alignment improvement and reconstruction.

**DEVELOPMENT IMPACT FEE CALCULATION REPORT UPDATE****The Development Impact Fee Calculations Methodology**

It is required that the DIF calculations for the future development be based on expected usage. Expected trip generation of the future residents will be the basis for the calculation. The trip generation is based on the expected land uses and is made available in the document "Trip Generation" as published by the Institute of Transportation Engineers, New York, NY.

**Table 2**

De Luz Community Services District Estimated Development Impact Fees 2008								
Zones	Improvement Cost	Land Use	Projected Units / Acres	Per	Trips per Unit or Acre	Trips	Cost per Projected Unit	Cost per Zone Including Primary
Primary	\$3,771,303	Residential	1,908 Unit		9.55	18,221	\$1,839.61	
		Agricultural	522 Acre		2.00	1,044	385.26	
		Additional Unit	65 Unit		4.81	313	926.55	
		Total Trips				19,578		
		Cost per Trip				\$192.63		
I	860,859	Residential	581 Unit		9.55	5,549	\$1,376.17	\$3,215.77
		Agricultural	155 Acre		2.00	310	288.20	673.46
		Additional Unit	24 Unit		4.81	115	693.13	1,619.67
		Total Trips				5,974		
		Cost per Trip				\$144.10		
II	88,475	Residential	87 Unit		9.55	831	\$993.93	\$2,833.54
		Agricultural	Acre		2.00			385.26
		Additional Unit	4 Unit		4.81	19	500.61	1,427.16
		Total Trips				850		
		Cost per Trip				\$104.08		
III	351,123	Residential	183 Unit		9.55	1,748	\$1,805.41	\$3,645.02
		Agricultural	38 Acre		2.00	76	378.10	763.36
		Additional Unit	7 Unit		4.81	34	909.32	1,835.87
		Total Trips				1,857		
		Cost per Trip				\$189.05		
IV	961,226	Residential	429 Unit		9.55	4,097	\$2,135.48	\$3,975.08
		Agricultural	72 Acre		2.00	144	447.22	832.48
		Additional Unit	12 Unit		4.81	58	1,075.56	2,002.11
		Total Trips				4,299		
		Cost per Trip				\$223.61		
V	862,739	Residential	421 Unit		9.55	4,021	\$1,924.19	\$3,763.80
		Agricultural	97 Acre		2.00	194	402.97	788.23
		Additional Unit	14 Unit		4.81	67	969.15	1,895.69
		Total Trips				4,282		
		Cost per Trip				\$201.49		
VI		Residential	86 Unit		9.55	821	\$0.00	\$1,839.61
		Agricultural	160 Acre		2.00	320		385.26
		Additional Unit	4 Unit		4.81	19		926.55
		Total Trips				1,161		
		Cost per Trip				\$0.00		
VII		Residential	121 Unit		9.55	1,156	\$0.00	\$1,839.61
		Agricultural	Acre		2.00			385.26
		Additional Unit	Unit		4.81			926.55
		Total Trips				1,156		
		Cost per Trip				\$0.00		

**DEVELOPMENT IMPACT FEE CALCULATION REPORT UPDATE**

The existing land uses as recorded by the County of Riverside and as projected for future use by the DLCSD are: estate residential, agricultural and mobile/second homes.

The DIF is calculated (see Table 2) for residential use on a "per dwelling unit" to reflect more accurately the impact on the roadway. For agriculture land use, the road development impact fee is calculated on a "per acre" basis. According to the DIF collection records as of June 30, 2007, 163 structures were built since the June 2001 DIF Calculation Report and Zone 6 was added to the calculations. As a result, the number of trips will increase from local residences and agriculture businesses from 5,076 to 19,588. A fair sharing of the road reconstruction, widening, realignment and storm water management must include the future users.

DLCSD is divided into benefit zones for calculation of fees for maintenance, construction and administrative expenses. The zones consist of a primary zone, which is a District-wide zone containing the major roadways and arterial roads used by all residents and business owners and geographical zones I through VI and VII, which includes local roads and culverts and paid by those owners within the zones. Table 2 displays the estimated DIF for the Primary Zone and Zones I through VI and VII.

The DIF cost ranges from \$1839.61 per residential for Zone VI & VII properties to \$3,975.08 for Zone IV properties. The range of cost is a function of the cost of projects needed for future development and the expected number of future residential properties.

The Development Impact Fee to be assessed to residential and additional units is displayed in the Table 3 below and made effective during fiscal year 2008-09.

**Table 3**

<b>De Luz Community Services District Estimated Development Impact Fee Established by Benefit Zone</b>		
<b>Fee By Land Use</b>		
<b><u>Zone</u></b>	<b><u>Residential</u></b>	<b><u>Additional Unit</u></b>
Primary Only	\$1,839.61	\$926.55
I	\$3,215.77	\$1,619.67
II	\$2,833.54	\$1,427.16
III	\$3,645.02	\$1,835.87
IV	\$3,975.08	\$2,002.11
V	\$3,763.80	\$1,895.69
VI	\$1,839.61	\$926.55
VII	\$1,839.61	\$926.55

**DEVELOPMENT IMPACT FEE CALCULATION REPORT UPDATE**

A comparison of the original residential development impact fees with the new fees is displayed in Table 4.

**Table 4**

De Luz Community Services District Development Impact Fee Comparison Original Fee to the New Fee			
Fee By Land Use			
Zone	Original Fee	New Fee	Comparison % Increase
Primary Only	\$1,349.96	\$1,839.61	36.3%
I	\$2,539.04	\$3,215.77	26.7%
II	\$2,170.78	\$2,833.54	30.5%
III	\$2,944.13	\$3,645.02	23.8%
IV	\$3,283.91	\$3,975.08	21.0%
V	\$2,655.02	\$3,763.80	41.8%
VI	none	\$1,839.61	na
VII	\$1,349.96	\$1,839.61	36.3%

The increase in DIF is a function of inflation and added road and drainage improvements.

**Fees Collected and Paid**

The dollars spent for DIF eligible road improvement exceeded the dollars collected through June 30, 2007. The District collected \$441,614 in fees for 148 single family dwelling and 15 guest dwellings. There was \$1,000,302 spent on DIF eligible road improvement projects through June 30, 2007. See the Appendix 2 for the collection detail.

**Table 5**

**DEVELOPMENT IMPACT FEE CALCULATION REPORT UPDATE**

De Luz Community Services District Fees Collected by Zone Through June 30, 2007	
Zone	Fee Amount
Primary	\$209,383.52
I	\$23,790.32
II	\$820.81
III	\$16,744.63
IV	\$139,301.08
V	\$51,573.77
Total	<u>\$441,614.13</u>

**Development Impact Fee Calculation**

This Development Impact Fee Calculation Report may be revised based on improved land use data, and the identification of other improvements necessary for future developments.

**Development Impact Fee Annual Inflationary Changes**

The costs used in this report are given in current dollars. To keep pace with changing construction costs, the fees calculated above should be adjusted annually for inflation. It is recommended that the Engineering New Record Construction Cost Index for the Los Angeles area be used for this purpose.

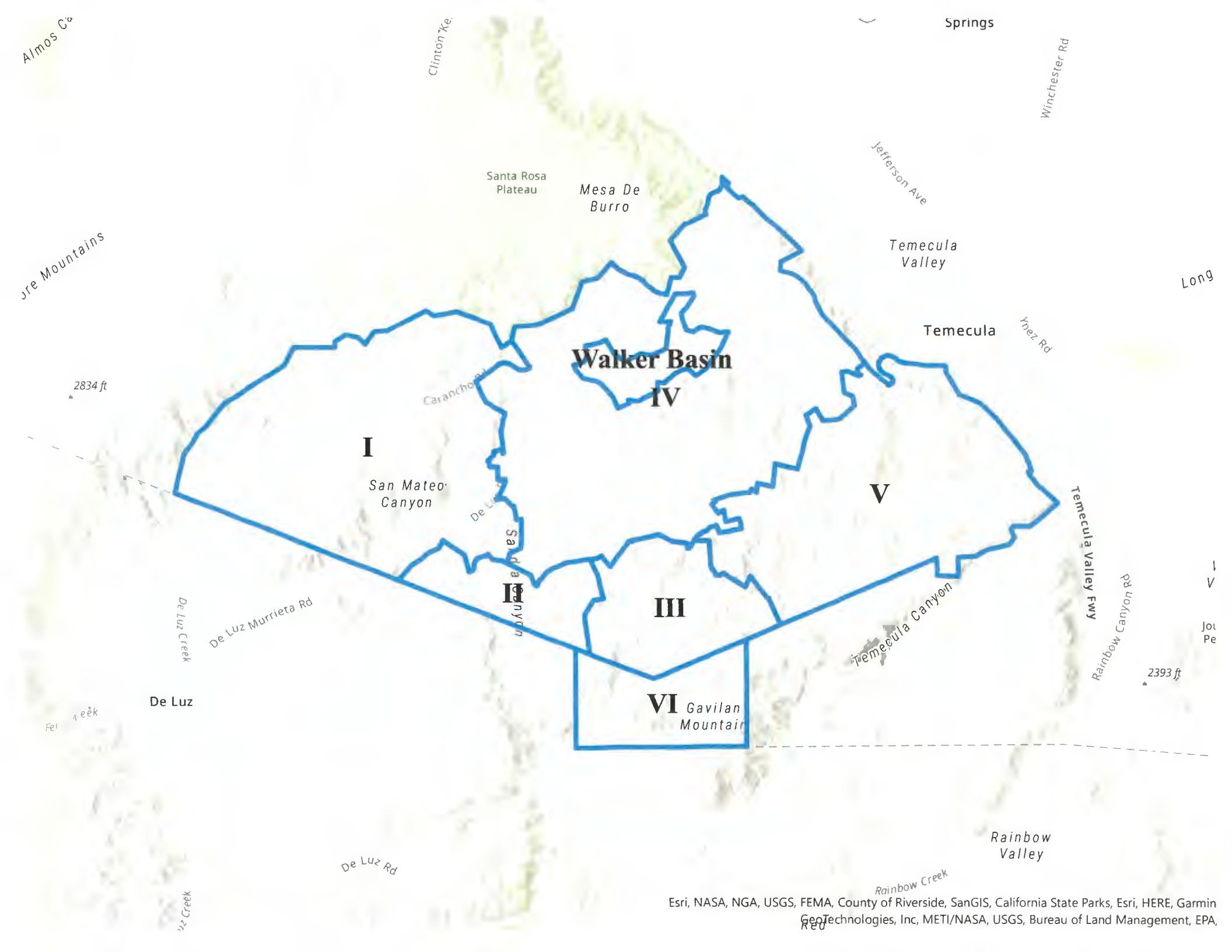
De Luz Community Services District  
Schedule of Road and Culvert Improvements Necessary to Accommodate Future Development

Appendix 1

Infrastructure	Construction Needed	Comments	% of Construction is Applicable to New Growth	Estimated Improvement Cost			Completed	Fiscal Years					
				Actual Increase or Current Estimate	Inflationary Increase at 23% Since Year 2002	DIF Share		2008	2009	2010	2011	2012	Beyond 2012
<b>Primary Zone</b>						% of Total							
Carancho Road	Deluz Rd. to El Calamar East Improvement	Done	79.36%	135,553	-	107,575	107,575						
Via Vaquero	Widen Roadway near Via Pino	To Do	73.59%		45,947	33,814							33,814
Sandia Creek Drive	El Prado North to District Boundary	To Do	73.59%	750,000		551,952			183,984		183,984		183,984
Sandia Creek Drive	Improvement: Carancho Rd to District Boundary	Done	79.36%	260,931		207,075	207,075						
Carancho Road	El Calamar East to Vista Del Mar Reconstruction	Done	79.36%	638,060		506,364	506,364						
Carancho Road	South of SCR, Widen Shoulders both sides	To Do	73.59%		45,947	33,814							33,814
Sandia Creek Drive	Improve Sight Distance at Skyrocket	To Do	73.59%		122,525	90,170							90,170
Los Gatos Road	Improvement: 5,400 lf	To Do	73.59%		727,491	535,387							535,387
Carancho Road	Improve grade at Corte Bonita (Transaxle Hill)	To Do	73.59%	275,000		202,382							202,382
Road Drainage	Box Culverts on Carancho South of Sandia Creek Rd.	To Do	73.59%		191,445	140,891							140,891
Road Drainage	Box Culverts on Carancho South of El Prado	To Do	73.59%		107,209	78,899							78,899
Sandia Creek Drive	Improve Grade/Alignment NW Avenue Del Diablo	To Do	73.59%	250,000		183,984							183,984
Via Santa Rosa (was El Prado)	Rebuild and widen pavement	To Do	73.59%		243,518	179,214							179,214
Via Vaquero	East of Calle Cuero, steep grade & cross-drainage swale	To Do	73.59%		76,578	56,357							56,357
Carancho Road	Sight distance improvement at Camaron	To Do	73.59%		38,289	28,178							28,178
Sandia Creek Drive	Improve Alignment at Camino (wasCalle) Tiempo	To Do	73.59%		91,894	55,195							55,195
Road Drainage	Pipe Culverts	To Do	73.59%		334,943	246,497							246,497
Sandia Creek Drive	Realign at intersection with Avenida Del Oro	To Do	73.59%	150,000		110,390					110,390		
Sandia Creek Drive	Passing Land extension (2,100 ft)	To Do	73.59%	175,000		128,789				128,789			
Carancho Road	Widen Pavement from Tortuga to District Boundary	To Do	73.59%	400,000		294,374							294,374
				3,034,544	2,025,786	3,771,303	821,014	-	183,984	128,789	294,374	-	2,343,142
<b>Zone I</b>													
Buena Vista Road	West of El Calamar, Shoulder Reconstruction	Done	84.08%		91,894	63,063							63,063
Los Gatos Road	Improvement 7,360 lf	To Do	84.08%		673,886	566,631		188,877	188,877	188,877			
El Calamar	North of Buena Vista, Improve curve	To Do	84.08%		84,236	70,829							70,829
Other Zone 1 Roads	Improvements	To Do	84.08%		24,505	20,605							20,605
	Pipe Culverts	To Do	84.08%		166,180	139,731							139,731
				-	1,040,701	860,859	-	188,877	188,877	188,877	-	-	294,228
<b>Zone II</b>													
El Viento Seco & El Prado	Improvement	To Do	86.87%		76,578	66,522							66,522
	Pipe Culverts	To Do	86.87%		25,271	21,952							21,952
				-	101,849	88,475	-	-	-	-	-	-	88,475
<b>Zone III</b>													
Avenida Tierra	Repair Potential Landslide	To Do	76.89%		76,578	58,880							58,880
Rcho Fallbrk & Fuerte Rds.	Improvement	To Do	76.89%		205,229	157,798							157,798
Avenida Hierba	Improvement; 66 lf	To Do	76.89%		61,262	47,104							47,104
Calle Cresta	Shoulder repairs and Widening	Done	76.89%		52,262	40,183							40,183
	Pipe Culverts	To Do	76.89%		61,332	47,158							47,158
				-	456,663	351,123	-	-	-	-	-	-	351,123
<b>Zone IV</b>													
Terreno Drive	Improvement	Done 6/2003	53.40%	389,168		207,825							207,825
Road Drainage	Box Culverts on El Prado North of Sandia Creek Rd.	To Do	53.40%		327,754	175,028							175,028
Via Vaquero	North of SCR: Widen Shoulders both sides	Done	67.67%	247,700		167,619	167,619						
Avenida Del Oro	Drainage and Shoulders	To Do	53.40%		528,388	282,172							282,172
	Pipe Culverts	To Do	53.40%		240,780	128,582							128,582
				636,868	1,096,922	961,226	167,619	-	-	-	-	-	793,607
<b>Zone V</b>													
Via Santa Rosa	Widen from Via Tornado to End.	To Do	75.44%	225,000		169,745						169,745	
Via Horca	Widen entire length	To Do	75.44%	275,000		207,466					207,466		
	Via Barranca Landslide Repair	FEMA Paid	0.00%			-							
	Ridgeline Court Cross Gutter Improvement	Done 2007	75.44%	1,500		1,132							1,132
Sycamore Mesa Rd.	Widening of Shoulders, Grade Improvement (Primary Rd)	Done By Dev. Except \$8,702	0.00%			8,702	8,702						
	Improvement of Rancho California Road Intersection	To Do	75.44%	125,000		94,303			94,303				
	Curve Improvement South of Rancho California Road	To Do	75.44%		38,289	28,886							28,886
	Via Barranca Grade Improvement South of Sycamore Mesa	To Do	75.44%		91,894	69,326							69,326
	Via Barranca Grade Improvement South of Calle Escaderra	To Do	75.44%		91,894	69,326							69,326
	Via Barranca Grade Improvement North of Sycamore Mesa	To Do	75.44%		61,262	46,218							46,218
	Pipe Culverts	To Do	75.44%		222,206	167,636							167,636
				626,500	505,544	862,739	8,702	-	94,303	-	207,466	169,745	382,525
	DISTRICT TOTAL			4,297,912	5,227,465	6,895,725	997,335	188,877	467,164	317,666	501,840	169,745	4,253,099
				Actual +inflation =	9,525,377								

**De Luz Community Services District  
Development Impact Fees Eligible Road Improvements  
From Inception to June 30, 2007**

Date	Description and DIF % Responsibility	PRIMARY	ZONES I, II, III	ZONE II	ZONE III	ZONE IV	ZONE V	TOTAL
10/03	Sycamore Mesa (eng) 82.88%	\$0	\$0	\$0	\$0	\$0	\$1,243	\$1,243
10/03	Via Barranca (eng) 82.88%	\$0	\$0	\$0	\$0	\$0	\$1,392	\$1,392
03/05	Carancho (eng) 79.36%	\$1,786	\$0	\$0	\$0	\$0	\$0	\$1,786
09/05	Sycamore Mesa 82.88%	\$0	\$0	\$0	\$0	\$0	\$8,702	\$8,702
11/05	Sycamore Mesa 82.88%	\$0	\$0	\$0	\$0	\$0	\$332	\$332
01/07	Sandia Creek Drive Phase III 79.36%	\$207,075						\$207,075
03/07	Carancho (RVC) 79.36%	\$107,575	\$0	\$0	\$0	\$0	\$0	\$107,575
03/07	Carancho Road (North Central Portion) 79.36%	\$504,579						\$504,579
03/07	Via Vequero Road (Sandia Creek Dr to Las Palmeras) 67.67%					\$167,619		\$167,619
Total DIF Eligible Road Improvements		\$821,014	\$0	\$0	\$0	\$167,619	\$11,670	\$1,000,302



# EXHIBITS

## **ORDINANCE 24-01**

### **AN ORDINANCE OF THE BOARD OF DIRECTORS OF DE LUZ COMMUNITY SERVICES DISTRICT ADOPTING THE WRITTEN REPORT OF THE DIRECTORS, ESTABLISHING THE ZONES OF BENEFIT FOR SERVICES PROVIDED, THE SCOPE OF SERVICES TO BE PERFORMED, AND THE CHARGES TO BE RENDERED FOR ROAD MAINTENANCE AND POLICE SERVICES PROVIDED TO PROPERTY OWNERS IN THE DISTRICT DURING THE FISCAL YEAR 2024-2025**

**WHEREAS**, on August 8, 1979, the Board of Directors of De Luz Community Services District ("District") adopted Resolution 79-15, establishing assessments on property in the District to maintain its streets; and

**WHEREAS**, the District annually establishes the benefit fee in each zone in accordance with the limits imposed by Proposition 218; and

**WHEREAS**, on July 13, 1999, the voters of the District approved a special tax to finance police services at a rate not to exceed \$16.33 per acre for Fiscal Year 2024-2025; and

**WHEREAS**, the Board of Directors of the District, in a public hearing duly noticed, has filed the Written Report of the Directors and has heard evidence upon the scope of the work to be performed in the District for the repair, improvement, and maintenance of primary and secondary streets in the District, and the benefit to each such area from the work to be performed, and the charge to be made for the work to be performed, including the administrative costs of the District, to each property within the zones of benefit; and

**WHEREAS**, the Board of Directors considered the evidence received and oral and written reports presented at the public hearing, as well as the Written Report of the Board of Directors made a part of the matters presented at the public hearing; and

**WHEREAS**, the Board of Directors, having considered the evidence, all protests and other matters presented at the public hearing and the Written Report of the Board of Directors, has determined the scope of the work to be performed, the estimated costs of such work, the zone benefitted by the work, and the parcels of property within each zone benefitted by the work is that set forth in this ordinance; and

**WHEREAS**, the Board of Directors further finds that the above findings are based upon the determination and acceptance of primary and secondary streets in the District heretofore made by the Board of Directors. The term "street" shall include any road or highway within the District.

### **THE BOARD OF DIRECTORS OF THE DE LUZ COMMUNITY SERVICES DISTRICT DOES ORDAIN AS FOLLOWS:**

**Section 1.** That the annual Written Report of the Directors and the determination of the scope of work to be performed within the District, the areas benefitted, and the charges to be made to the benefitted areas for the work performed during Fiscal Year 2024-2025 is set forth on Exhibit "A" attached herein and incorporated herein by reference.

**Section 2.** The zones of benefit determined as Zones I, II, III, IV, V, VI, and VII are those shown in Exhibit "A."

**Section 3.** A listing of the parcels of property within each zone of benefit is set forth in Exhibit "A."

**Section 4.** The Written Report of the Board of Directors concerning the scope of work and other matters concerning determination of status of street, estimates of costs of work, and the areas benefitted hereby attached as Exhibit "A" is hereby adopted and incorporated herein by reference.

**Section 5.** The formula for determining the charge for all parcels of property in the District for administrative costs and district-wide services and services performed on primary and secondary streets in Benefit Zones I through VII is set forth on Exhibit "A."

**Section 6.** The determination of the streets of the District and the category of each street as primary or secondary is set forth on Exhibit "A" attached hereto.

**Section 7.** The streets accepted for maintenance by the District are set forth in Exhibit "A" attached hereto.

**Section 8.** Exhibit "A," incorporated herein by reference, is maintained at the office of the District located at 41606 Date Street, Suite 205, Murrieta, California 92562, and may be examined by all interested persons during regular office hours.

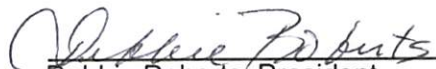
**Section 9.** Upon determining the exact charge for each parcel of property within the District based upon the formulas and data provided herein, the General Manager shall provide such schedule of charges, including the special tax for police services, to the Auditor of the County of Riverside for inclusion in the tax rolls of the said county for collection of such charges on the tax billings of the County of Riverside during Fiscal Year 2024-2025 on or before August 16, 2024.

**Section 10.** The Secretary of the District is directed to file with the Auditor of the County of Riverside on or before August 16, 2024, a certified copy of this Ordinance with Exhibit "A" attached.

**PASSED, ADOPTED, AND APPROVED** at a Regular Meeting of the Board of Directors of De Luz Community Services District held on June 19, 2024, by the following roll call vote:

AYES: Bowman, Carroll, , Rawson, Roberts  
NOES:  
ABENT: D'Alessandri  
ABSTAIN:

Attest:

  
Debbie Roberts, President  
De Luz Community Services District

  
James E. Emmons, Secretary  
De Luz Community Services District

De Luz Community Services District

2024-2025

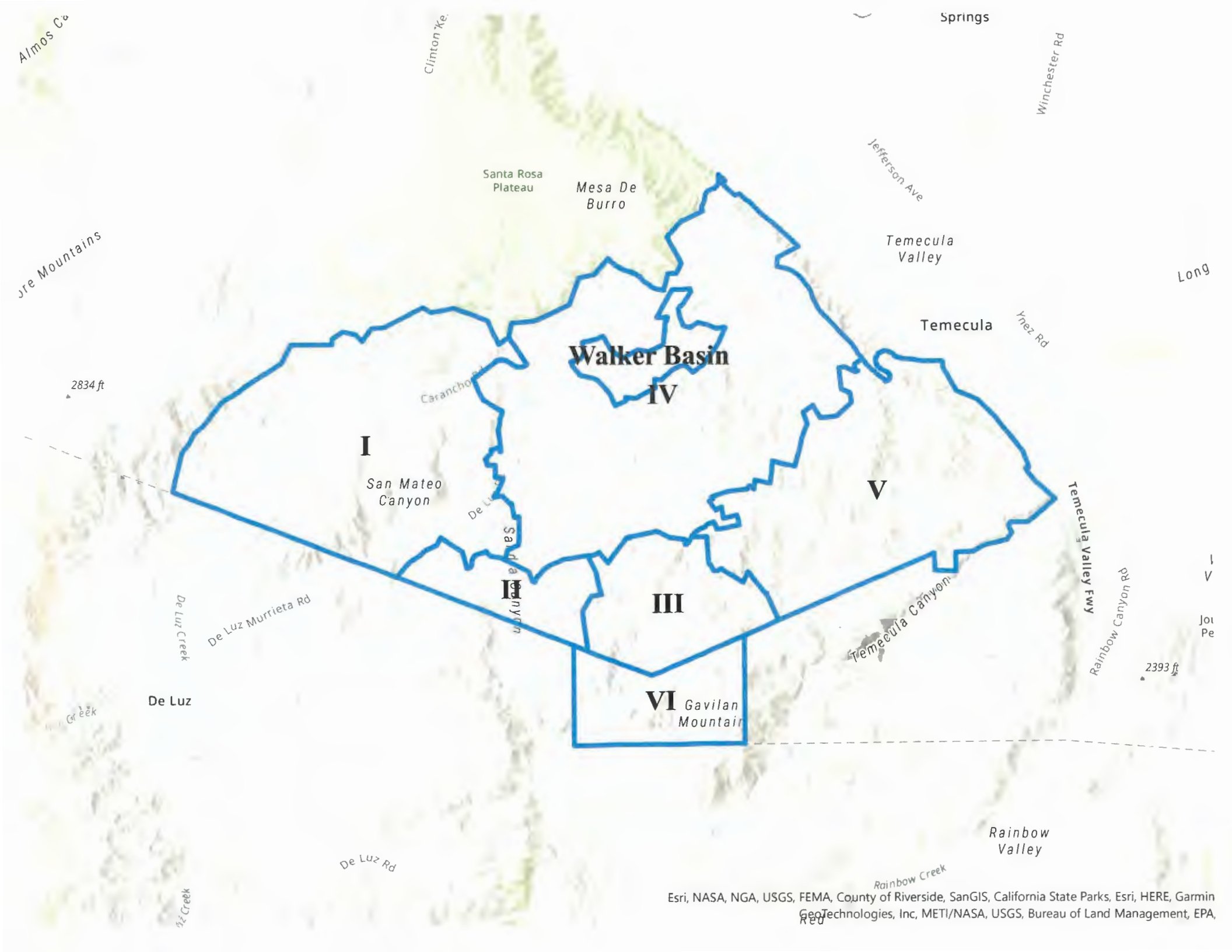
EXHIBIT "A"

BENEFIT FEE SUMMARY

ZONE	COST OF BENEFIT	ACRES	BENEFIT FEE
			PER ACRE
*PRIMARY	474,062.34	17,775.11	26.67
ZONE I	407,914.34	4,593.63	88.80
**Special Paving Zone I	7,867.92	2,356.04	1.20 - 4.00
ZONE II	85,230.25	928.94	91.75
ZONE III	131,663.78	1,565.19	84.12
ZONE IV	466,161.28	5,598.19	83.27
ZONE V	304,325.36	3,805.97	79.96
ZONE VII	64,749.77	1,283.19	50.46
Total Cost of Benefit:	1,941,975.06	17,775.11	

\* ALL PARCELS ARE CHARGED PRIMARY FEES PLUS THE APPLICABLE ZONE FEE (ROUNDED BY RAPID DATA).

\*\* MINIMUM AND MAXIMUM CHARGES ARE SHOWN. ZONE I SPECIAL PAVING CHARGES VARY AND ARE ASSESSED ON SPECIFIC PARCELS ONLY, AS DEFINED IN THE WRITTEN REPORT OF THE DIRECTORS.



## **DE LUZ COMMUNITY SERVICES DISTRICT ACCEPTED ROAD DESIGNATION LIST**

**AVENIDA DEL DIABLO** in its entirety within the District boundaries, approximately 2105'

**AVENIDA DEL ORO** from its intersection with Rancho California Road to its intersection with Sandia Creek Drive, approximately 1530'

**AVENIDA DEL ORO** from its intersection with Sandia Creek west to the Walker Basin boundary, approximately 8685'

**AVENIDA HIERBA** in its entirety within the District boundaries, approximately 686'

**AVENIDA TIERRA** in its entirety within the District boundaries, approximately 7095'

**BIG SKY WAY** from its intersection with Skyrocket Drive for approximately 407' southerly

**BUENA LOMA ROAD** in its entirety within the District boundaries, approximately

**BUENA VISTA ROAD** in its entirety within the District boundaries, approximately 8985'  
1855'

**BUENOS CAMPOS DRIVE** in its entirety within the District boundaries, approximately 4275'

**CALLE CAPISTRANO** in its entirety within the District boundaries, approximately 10,398'

**CALLE CARRIZO** in its entirety within the District boundaries, approximately 450'

**CALLE COLINA** in its entirety within the District boundaries, approximately 2500'

**CALLE CORVETA** in its entirety within the District boundaries, approximately 3430'

**CALLE CRESTA** in its entirety within the District boundaries, approximately 1950'

**CALLE CUERO** in its entirety within the District boundaries, approximately 6625'

**CALLE CUESTA** in its entirety within the District boundaries, approximately 1340'

**CALLE DEL MUNDO** in its entirety within the District boundaries, approximately 642'

**CALLE ESCADERA** in its entirety within the District boundaries, approximately 3085'

**CALLE JARDIN** in its entirety within the District boundaries, approximately 10,435'

**CALLE LA PAZ** in its entirety within the District boundaries, approximately 2935'

**CALLE MARIPOSA** in its entirety within the District boundaries, approximately 400'

**CALLE PICO** in its entirety within the District boundaries, approximately 855'

**CALLE PINTORESCA** in its entirety within the District boundaries, approximately 3038'

**CALLE ROCA** in its entirety within the District boundaries, approximately 1460'

**CALLE TUBERIA** in its entirety within the District boundaries, approximately 830'

**CALLE UVA** in its entirety within the District boundaries, approximately 3560'

**CALLE VISTA LEJOS** in its entirety within the District boundaries, approximately 3020'

**CAMARON ROAD** in its entirety within the District boundaries, approximately 15,365'

**CAMINO ESTRIBO** in its entirety within the District boundaries, approximately 9034'

**CAMINO GATILLO** in its entirety within the District boundaries, approximately 2050'

**CAMINO GAZAPO** from its intersection with Via Novillo south to the cul-de-sac, approximately 347'

**CAMINO POTRO** in its entirety within the District boundaries, approximately 499'

**CARANCHO ROAD** in its entirety within the District boundaries, approximately 50,760'

**CARRILLO ROAD** in its entirety within the District boundaries, approximately 1464'

**CORTE FLORECIDA** in its entirety within the District boundaries, approximately 700'

**CRUMLEY COURT** in its entirety within the District boundaries, approximately 635'

**DANERI LANE** in its entirety within the District boundaries, approximately 220'

**DE ANZA ROAD** from its intersection with Camaron Road to its intersection with Sandia Creek Drive, approximately 3880'

**DOS RIOS ROAD** in its entirety within the District boundaries, approximately 1550'

**EL CALAMAR ROAD** in its entirety within the District boundaries, approximately 15,793'

**EL CHAVAL PLACE** in its entirety within the District boundaries, approximately 2120'

**EL PRADO ROAD** in its entirety within the District boundaries, approximately 17,795'

**EL VIENTO SECO DRIVE** in its entirety within the District boundaries, approximately 2520'

**FUERTE ROAD** in its entirety within the District boundaries, approximately 2270'

**GRANADO PLACE** from its intersection with Calle Capistrano northerly to the cul-de-sac, approximately 2075'

**LA CRUZ DRIVE** in its entirety within the District boundaries, approximately 13,345'

**LA MANCHA ROAD** in its entirety within the District boundaries, approximately 950'

**LA VELLA ROAD** in its entirety within the District boundaries, approximately 3963'

**LAS PALMERAS** from its intersection with Via Vaquero west and south to the first cul-de-sac, approximately 2805'

**LOS CASITAS ROAD** in its entirety within the District boundaries, approximately 2208'

**LOS GATOS ROAD** from its intersection with Carancho Road north to its intersection with the District boundary, approximately 5183'

**LOS GATOS ROAD** from its intersection with Carancho Road south to its intersection with Vista Del Mar, approximately 12,125'

**MADERO WAY** from its intersection with Via Vaquero east to the first cul-de-sac, approximately 1150'

**MIRASOL WAY** from its intersection with Carancho west to the first cul-de-sac, approximately 1370'

**MONTE RANCHO DRIVE** in its entirety within the District boundaries approximately 2450'

**MORNING GLORY CIRCLE** in its entirety within the District boundaries, approximately 565'

**MOUNTAIN RUN CIRCLE** in its entirety within the District boundaries, approximately 1600'

**PRADERA WAY** in its entirety within the District boundaries, approximately 3020'

**RANCHO FALLBROOK ROAD** from its intersection with Carancho Road to its intersection with Fuerte Road, approximately 800'

**RANCHO FALLBROOK ROAD** from its intersection with Fuerte Road to the lot line separating APN #937-210-007 from APN #937-210-003, approximately 700'

**RANCHO FALLBROOK ROAD** from its intersection with the lot line separating APN 937-210-007 from APN 937-210-003 to its terminus, approximately 2300'

**RIDGELINE COURT** in its entirety within the District boundaries, approximately 600'

**RIO LINDA ROAD** from its intersection with Tortuga east to its intersection with Vista Del Mar, approximately 2591'

**SANDIA CREEK DRIVE** from its intersection with Avenida Del Oro south to its intersection with the District boundary, approximately 29,520'

**SERRENO ROAD** in its entirety within the District boundaries, approximately 1555'

**SHADY CREEK** in its entirety within the District boundaries, approximately 575'

**SKYROCKET DRIVE** in its entirety within the District boundaries, approximately 1160'

**SUNSET TERRACE** in its entirety within the District boundaries, approximately 1995'

**SYCAMORE MESA ROAD** in its entirety within the District boundaries approximately 7210'

**TERRENO DRIVE** from De Luz Road easterly to the cul-de-sac, approximately 4166'

**THYZEL COURT** in its entirety within the District boundaries approximately 480'

**TIERRA RICA DRIVE** in its entirety within the District boundaries, approximately 2720'

**TORTUGA ROAD** in its entirety within the District boundaries, approximately 3715'

**VIA BARRANCA** from its intersection with Via Vaquero north to its intersection with Sandia Creek, approximately 7428'

**VIA CIELO** in its entirety within the District boundaries, approximately 1180'

**VIA DE LOS ROBLES** in its entirety within the District boundaries, approximately 3232'

**VIA ESCALON** in its entirety within the District boundaries, approximately 2340'

**VIA ESCONDIDO** in its entirety within the District boundaries, approximately 2265'

**VIA GORRION** in its entirety within the District boundaries, approximately 3100'

**VIA HORCA** in its entirety within the District boundaries, approximately 7010'

**VIA LOS VENTOS** in its entirety within the District boundaries, approximately 4072'

**VIA MIROLA** in its entirety within the District boundaries, approximately 1825'

**VIA NORTADA** in its entirety within the District boundaries, approximately 1495'

**VIA NOVILLO** from its intersection with Camino Estribo to its intersection with Camino Gazapo, approximately 2028'

**VIA NOVILLO** from its intersection with Camino Gazapo to the District boundary, approximately 1472'

**VIA PEREGRINO** in its entirety within the District boundaries, approximately 3305'

**VIA PINO** in its entirety within the District boundaries, approximately 1775'

**VIA SANTA ROSA** from its intersection with Via Vaquero southeasterly to the District boundary, approximately 10,107'

**VIA SANTA ROSA** from its intersection with Rancho California Road to its intersection with Via

**Vaquero, approximately 5990'**

**VIA SELVA** in its entirety within the District boundaries, approximately 2220'

**VIA SERENATA** from its intersection with Via Novillo south to the cul-de-sac, approximately 305'

**VIA TORNADO** in its entirety within the District boundaries, approximately 3615'

**VIA TORRE** in its entirety within the District boundaries, approximately 541'

**VIA VAQUERO** from its intersection with Sandia Creek north to the Walker Basin southern boundary, approximately 6590'

**VIA VAQUERO** from its intersection with De Luz Road south to its intersection with Walker Basin northern boundary, approximately 1695'

**VIA VAQUERO** from its intersection with Via Santa Rosa to its intersection with Sandia Creek Drive, approximately 25,128'

**VIA YERBA** in its entirety within the District boundaries, approximately 1755'

**VISTA DEL MAR** from its intersection with Carancho Road south to its intersection with Los Gatos and Via Los Ventos, approximately 8580'

**VISTA DEL MAR** from its intersection with Los Gatos Road south to the District boundary, approximately 1065'

**VUELTA CHICA** in its entirety within the District boundaries, approximately 850'

**VUELTA GRANDE** in its entirety within the District boundaries, approximately 6112'

**WHISPER LANE** in its entirety within the District boundaries between Via Peregrino and Mountain Run circle, approximately 1500'

## **"Exhibit 2"**

### **DISTRICT STANDARDS**

#### **1.0 Minimum Roadway Section per Designation as Follows:**

##### **1.1 Primary Roads**

Newly constructed collector streets designated "Primary Roads" in the Santa Rosa Community Services District shall be paved a minimum of twenty-eight feet (28') wide with eight foot (8') graded shoulders on each side for a forty-four foot (44') wide graded roadbed. Standard shall meet roadway and shoulder width requirements of Riverside County Standard No. 136 "Collector Rural Road," approved September 1, 2005. See Exhibit "6" of this Ordinance Code entitled "Primary Roads" and dated September 16, 2006. Copy of new Exhibit 6 is attached hereto.

##### **1.2 Secondary and Cul-de-Sac Roads**

Newly constructed collector streets designated "Secondary Roads" in the Santa Rosa Community Services District shall be paved a minimum of twenty-four feet (24') wide with eight foot (8') graded shoulders on each side for a forty foot (40') wide graded roadbed. Standard shall meet roadway and shoulder width requirements of Riverside County Standard No. 138 "Residential Rural Road," approved September 1, 2005. See Exhibit "7" of this Ordinance Code entitled "Secondary and Cul-de-Sac Roads" and dated September 15, 2006. Copy of new Exhibit 7 is attached hereto.

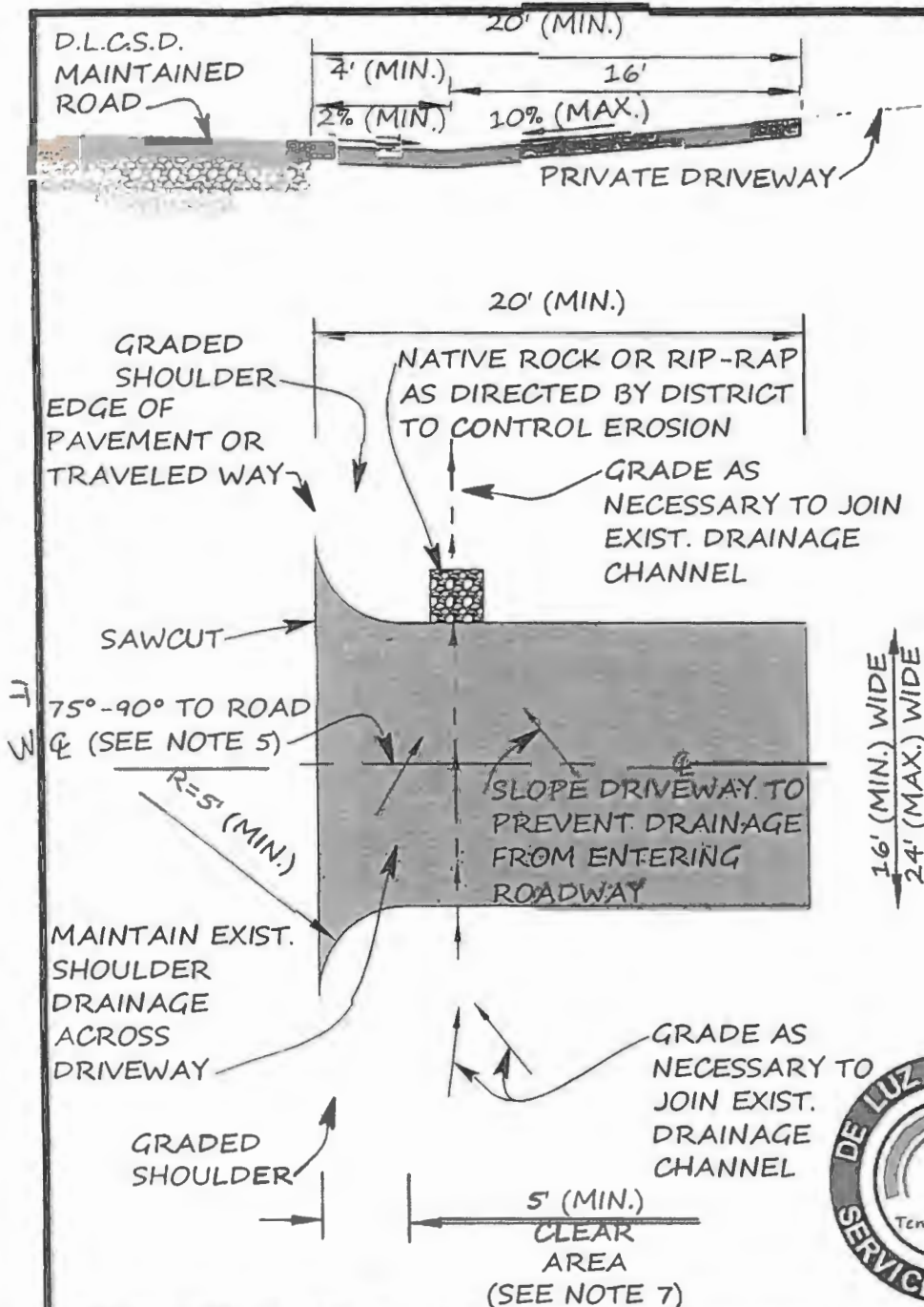
- 2.0** Newly constructed roadway shall be paved to a minimum thickness of 0.25' A.C. over 0.5' Class II Aggregate Base. Thickness of A.C. and A.B. to be determined by soils test at time of grading operation.  
**(Ordinance 06-02)**
- 3.0** Maximum grade of street shall be 15%.
- 4.0** Culverts shall be installed in natural watercourses crossing the roadway. Calculations showing design criteria shall be submitted for approval by the District Engineer. Minimum cover shall be one-half the culvert diameter plus six inches (6").
- 5.0** All fills shall be certified by the soils engineer to be compacted to 90% relative density or better.

- 6.0 Drainage outlets shall be graded into natural watercourses with adequate rip-rap if required.
- 7.0 Intersections shall be cut to existing grade and drainage structures installed if required.
- 8.0 Street identification signs shall be installed and safety signs shall be installed where required by the District Engineer.
- 9.0 Cut slopes shall be a minimum of 1-1/2:1. Fill slopes shall be a minimum of 2:1. Cut slopes shall have six inch (6") brow ditches, and fill slopes shall have six inch (6") berms at top of slopes. All slopes in excess of five feet (5') shall be seeded and strawed to prevent erosion.
- 10.0 All design and improvement shall be in accordance with accepted contemporary engineering standards.
- 11.0 Engineering plans, prepared by a professional engineer, shall be submitted. If a road is paved, as-built plans shall be submitted.
- 12.0 All design and improvements shall conform to District standards and specifications.
- 13.0 Low water crossings shall be designed to the following minimum criteria:
  - 1. All surfaces exposed to the stream flow shall be concrete.
  - 2. Cutoff walls shall be used on both the upstream and downstream sides.
  - 3. The culverts shall be designed to allow adequate flow so that:
    - a. The 100 year design flow may flow over the roadway in excess of 12 inches in depth for a period not to exceed four hours.
    - b. The 10 year design flow shall not exceed 12 inches in depth over the roadway.
    - c. In the event emergency repairs are required, the culverts shall be replaced by culverts of the largest practical size that can be accommodated within the existing road centerline profile.

**Ordinance 93-03**

**Note:** The culvert requirements set forth in paragraph 4 are not applicable to the requirements of this section.

"Exhibit 3"



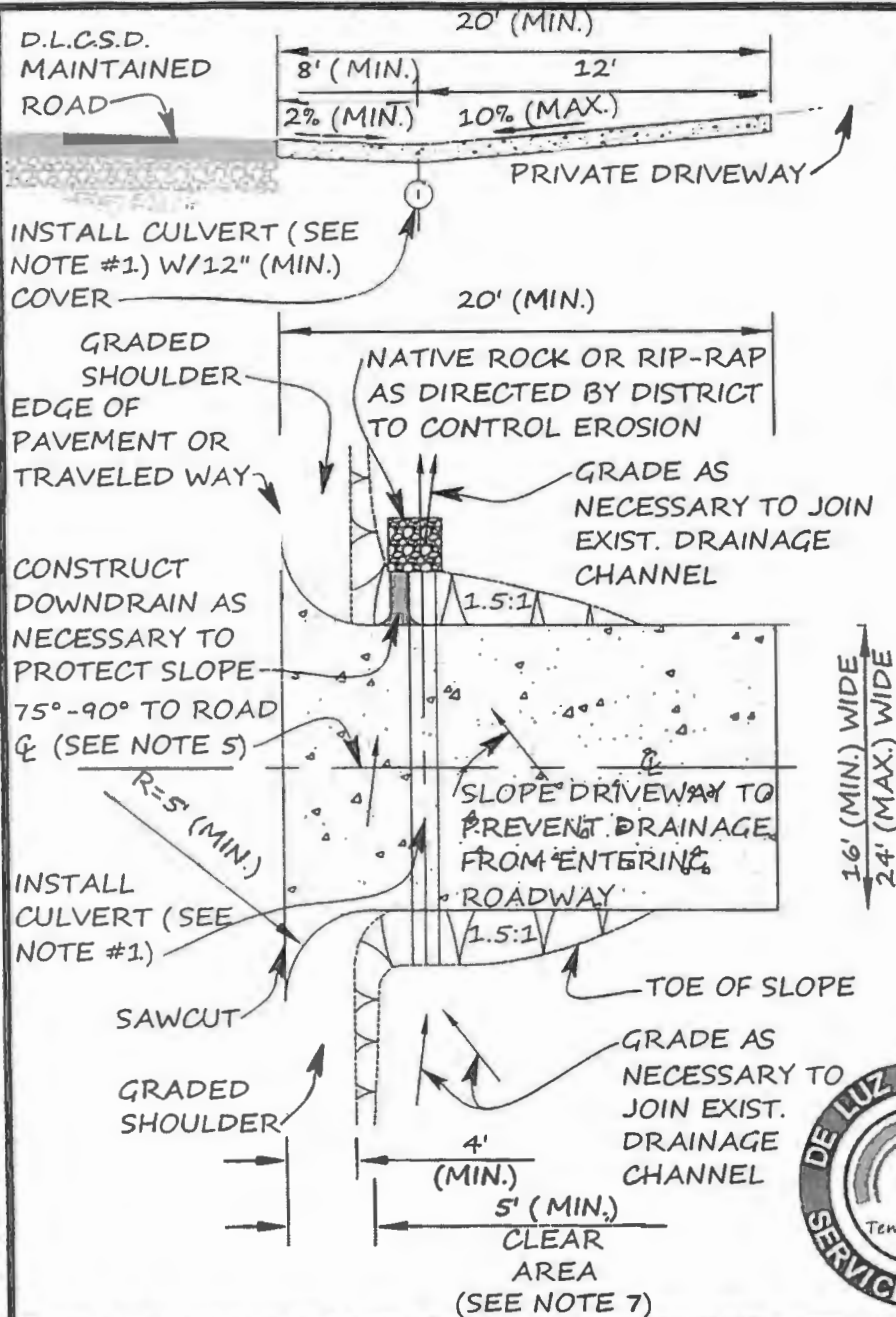
**NOTES:**

1. DRIVEWAY SURFACING SHALL BE 0.25' THICK (MIN.) A.C. OR 0.33' P.C.C. ON COMPACTED SOIL.
2. SEE D.L.C.S.D. STD. DRAWING #111 IF DRIVEWAY CULVERT IS REQUIRED. SPECIAL APPROVAL REQUIRED.
3. A.C. CURB, IF PRESENT, MUST BE SAWCUT TO PROVIDE A 3' (MIN.) TRANSITION FROM 6" CURB HEIGHT TO 1-1/2" LIP ACROSS DRIVEWAY APRON. APRON MUST BE CONSTRUCTED TO PREVENT ROADWAY DRAINAGE FROM ENTERING DRIVEWAY.
4. FOR TRANSITION FROM A.C. SWALE - SEE D.L.C.S.D. STD. DRAWING #113.
5. ANGLE FROM C OF ROADWAY TO C OF DRIVEWAY MUST NOT EXCEED 15° EITHER DIRECTION FROM PERPENDICULAR WITHOUT SPECIAL PERMISSION BY DISTRICT.
6. FIVE FOOT AREA ADJACENT TO PAVEMENT TO BE KEPT CLEAR OF ALL OBSTRUCTIONS. LANDSCAPE LIMITED TO 12" (MAX.) HEIGHT SHRUBS & GROUND COVER ONLY.



DE LUZ COMMUNITY SERVICE DISTRICT		
SCALE: N.T.S.	APPROVED BY: 	DRAWN BY: S.E.H.
DATE: 6/16/08	GENERAL MANAGER	REVISED: / /
DRIVEWAY APRON		
STANDARD DRAWING		STD. NO.: 112

**"Exhibit 4"**



NOTES:

1. MINIMUM SIZE CULVERT SHALL BE 18" DIA. OR 22"x 18" ARCH PIPE.
2. ALLOWABLE PIPE MATERIALS:
  - A. GALV. C.S.P. OR SPIRAL RIB PIPE,  $t = 0.079"$ .
  - B. CORR. HDPE PIPE W/ SMOOTH LINING.
  - C. REINF. CONC. PIPE 1000-D
  - D. PVC STORM DRAIN, SDR 35 (HYDRAULIC CALCULATIONS TO JUSTIFY PIPE SIZE MAY BE REQUIRED).
3. DRIVEWAY SURFACING SHALL BE 3" THICK (MIN.) A.C. OR 4" P.C.C. ON COMPACTED SOIL.
4. SPECIAL APPROVAL BY D.L.C.S.D. REQUIRED FOR INSTALLATION OF DRIVEWAY CULVERT. A.C. BERM, IF PRESENT, MUST BE SAW-CUT TO PROVIDE A 3' MIN. TRANSITION FROM 6" CURB HEIGHT TO 1-1/2" LIP ACROSS DRIVEWAY APRON. APRON MUST BE CONSTRUCTED TO PREVENT ROADWAY DRAINAGE FROM ENTERING DRIVEWAY.
5. ANGLE FROM  $\phi$  OF ROAD WAY TO  $\phi$  OF DRIVEWAY MUST NOT EXCEED  $15^\circ$  EITHER DIRECTION FROM PERPENDICULAR W/O SPECIAL PERMISSION BY DISTRICT.
6. FOR TRANSITION FROM A.C. SWALE, SEE D.L.C.S.D. STD. DRAWING #1.1.3.
7. DRIVEWAY CULVERT IS TO BE MAINTAINED BY PROPERTY OWNER.
8. FIVE FOOT AREA ADJACENT TO PAVEMENT TO BE KEPT CLEAR OF ALL OBSTRUCTIONS. LANDSCAPING LIMITED TO 12" (MAX.) HEIGHT SHRUBS & GROUND COVER ONLY.



DE LUZ COMMUNITY SERVICE DISTRICT

SCALE:

N.T.S.

DATE:

6/16/08

APPROVED BY:

JOHNS

W. A. R.

GENERAL

DRAWN BY:

S.E.H.

REVISÉ:

11

## DRIVEWAY APRON W/CULVERT

## STANDARD DRAWING

STD. NO.:

111

## **ENCROACHMENT PERMIT AN INSPECTION FEES**

1. For tree planting, or removal  
    Permit Fee: \$100.00  
    Inspection Fee: \$120.00
  
2. For installation of a fence, or other encroachment  
    in a District road or right-of-way  
    (with or without excavation) -  
    Permit Fee: \$100.00  
    Inspection Fee: \$120.00+  
    \$0.28/lf
  
3. For residential driveways and non-residential  
    access roads –  
    Permit Fee: \$100.00  
    Inspection Fee: \$500.00\*  
    Deposit: \$800.00  
  
    \*Inspection requires more than three (3) trips will be subject to an  
    additional charge of \$160.00 per trip.
  
4. For voluntary curbs and gutters for residential use -  
    Permit Fee: \$150.00  
    Inspection Fee: \$220.00 +  
    \$0.28/lf
  
5. For miscellaneous permit or a permit involving a  
    temporary encroachment not involving an excavation,  
    or permit involving photography or filming -  
    Permit Fee: \$500.00  
    Inspection Fee: \$160.00 plus an amount  
    equal to the actual District  
    costs incurred.
  
6. For pavement reconstruction including overlays -  
    Permit Fee: \$150.00  
    Inspection Fee: \$220.00+  
    \$0.28/lf
  
7. For bridges and drainage structures -  
    Permit Fee: \$150.00  
    Inspection Fee: 4% of estimated construction  
    costs as determined in the reasonable  
    discretion of the General Manager.

8. For utility service connections involving open cuts across or along highways -

Permit Fee:	\$150.00
Inspection Fee:	\$220.00 +
	\$0.28/lf

  - A. Trenching or cutting in right-of-way minimum deposit: \$2,000.00
  - B. Directional boring in right-of-way minimum deposit: \$500.00(Deposits may be increased in the reasonable discretion of the General Manager)
9. For blanket permits for utility service connections involving excavations, within earth portions of the right-of-way, 3' x 4' bellholes within the paved section and boring (*inspection fees for work under blanket permit per #9 above*) -

Annual Permit Fee:	\$2,000.00
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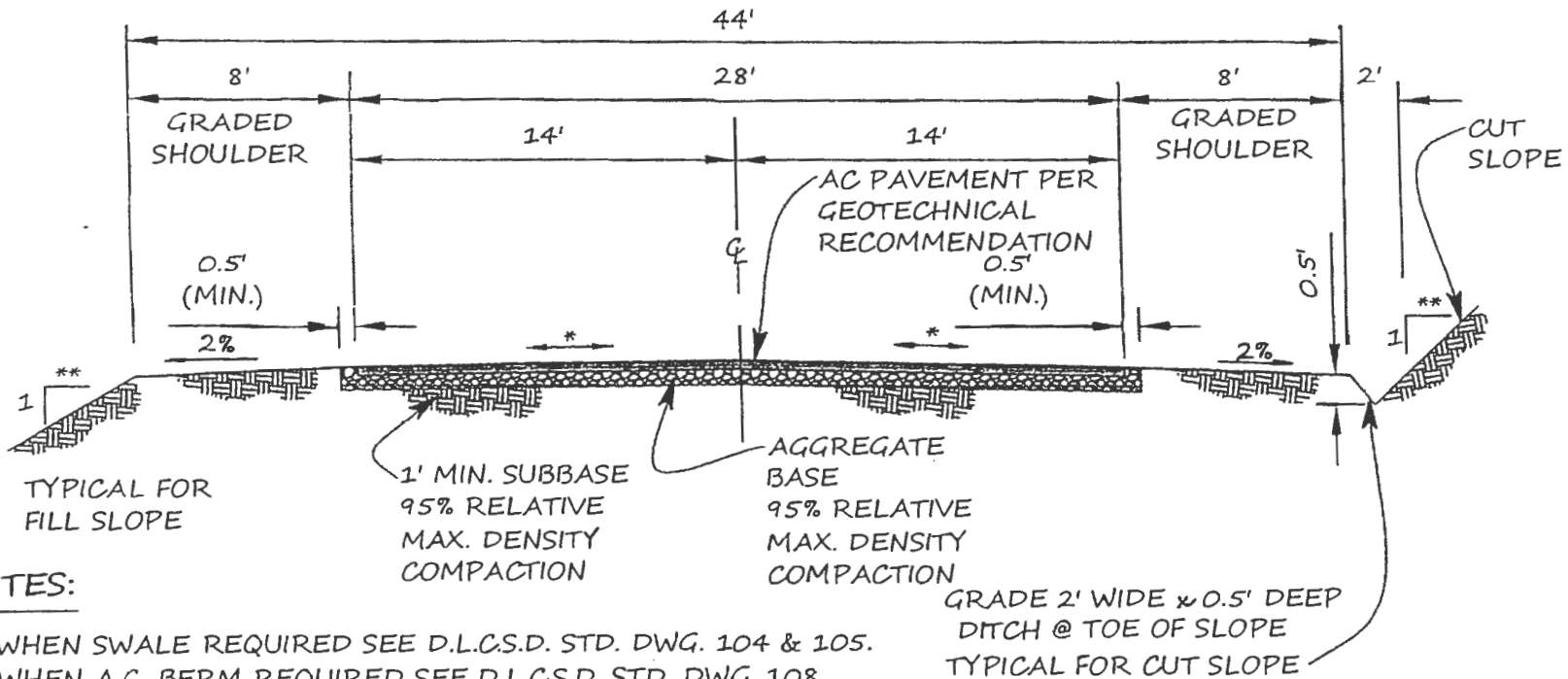
  - A. Penalty for failure to notify District for work to be done under a blanket permit - \$2,000.00+ revocation
10. For relocation or removal of an encroachment existing or under permit -

Permit Fee:	\$100.00
Inspection Fee:	\$120.00

(No fee when requested by District Manager)
11. An inspection fee equivalent to the burdened wage or salary, including any overtime, of the inspector for the time required will be charged for inspections required to be made outside the regular working hours of the District Inspector.
12. Administrative fee for work performed to correct encroachment violations - \$125.00 or 10% of the cost of the work, whichever is greater.
13. For shoulder construction, either excavation or material placement to widen shoulder -

Permit Fee:	\$150.00
Inspection Fee:	\$220.00
	\$0.28/lf
14. District reserves the right to charge an amount equal to actual District costs for unusual or extraordinary circumstances as determined in the reasonable discretion of the General Manager.

"EXHIBIT 6"




NOTES:

1. WHEN SWALE REQUIRED SEE D.L.C.S.D. STD. DWG. 104 & 105.
2. WHEN A.C. BERM REQUIRED SEE D.L.C.S.D. STD. DWG. 108.
3. AC PAVEMENT PER SECTION 302-5 STD. SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREEN BOOK), CURRENT EDITION. THICKNESS PER GEOTECHNICAL RECOMMENDATION, 0.25' MINIMUM.
4. AGGREGATE BASE PER SEC. STD. SPEC'S. EXCEPT THICKNESS PER GEOTECHNICAL RECOMMENDATION, 0.33' MINIMUM.
5. DRAINAGE OVER SLOPE PERMITTED ONLY BY SPECIAL APPROVAL. PROVIDE BERM OR SWALE AS REQUIRED.
6. SUBBASE SHALL BE SCARIFIED & COMPACTED AS DIRECTED BY INSPECTOR OR GEOTECHNICAL ENGINEER TOP 1' TO BE COMPACTED TO 95% OF RELATIVE MAX. DENSITY UNLESS OTHERWISE DIRECTED.

- \* - CROSS SLOPE AS SHOWN ON PLAN
- \*\* - MAX. CUT/FILL SLOPES 2:1 UNLESS OTHERWISE APPROVED. GEOTECHNICAL REVIEW MAY BE REQUIRED FOR STEEPER SLOPES.



DE LUZ COMMUNITY SERVICE DISTRICT

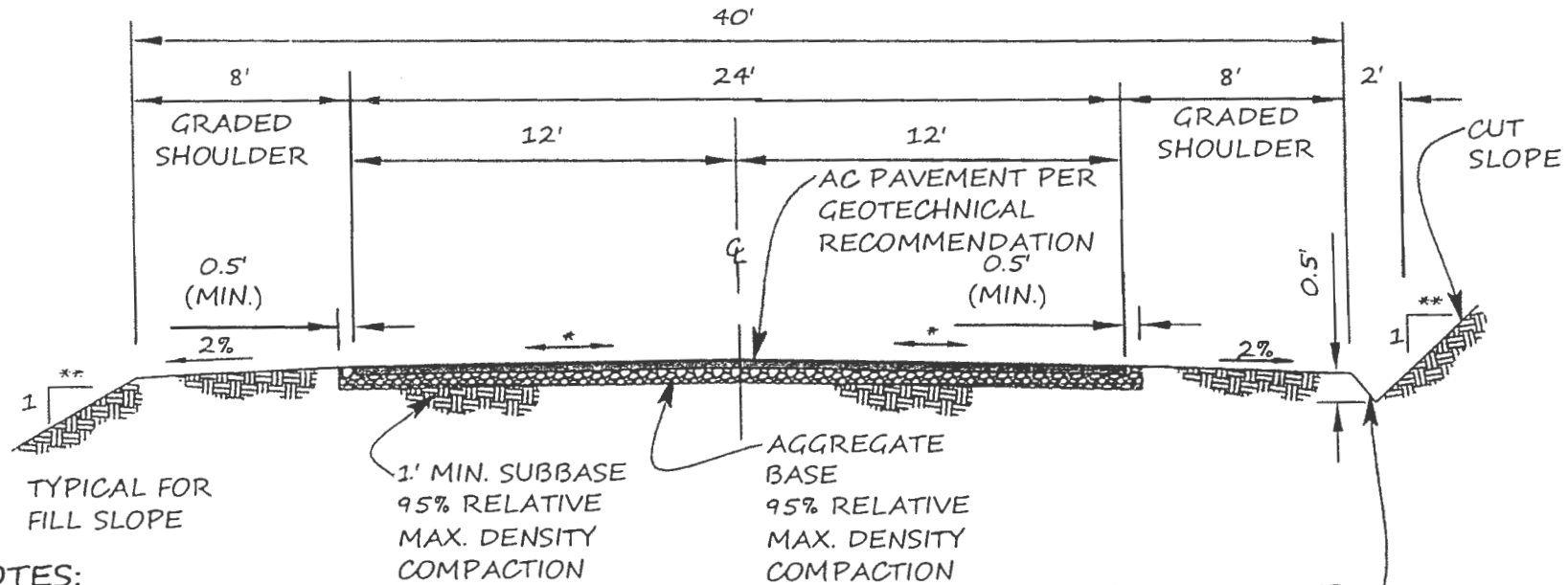
SCALE: N.T.S.	APPROVED BY: 	DRAWN BY: S.E.H.
DATE: 6/16/08	GENERAL MANAGER	REVISED: / /

PRIMARY ROADS

TYPICAL SECTION

STD. NO.:  
101

"EXHIBIT 7"




**NOTES:**

1. WHEN SWALE REQUIRED SEE D.L.C.S.D. STD. DWG. 104 & 105.
2. WHEN A.C. BERM REQUIRED SEE D.L.C.S.D. STD. DWG. 108.
3. AC PAVEMENT PER SECTION 302-5 STD. SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREEN BOOK), CURRENT EDITION. THICKNESS PER GEOTECHNICAL RECOMMENDATION, 0.25' MINIMUM.
4. AGGREGATE BASE PER SEC. STD. SPEC'S. EXCEPT THICKNESS PER GEOTECHNICAL RECOMMENDATION, 0.33' MINIMUM.
5. DRAINAGE OVER SLOPE PERMITTED ONLY BY SPECIAL APPROVAL. PROVIDE BERM OR SWALE AS REQUIRED.
6. SUBBASE SHALL BE SCARIFIED & COMPACTED AS DIRECTED BY INSPECTOR OR GEOTECHNICAL ENGINEER TOP 1' TO BE COMPACTED TO 95% OF RELATIVE MAX. DENSITY UNLESS OTHERWISE DIRECTED.

GRADE 2' WIDE x 0.5' DEEP  
DITCH @ TOE OF SLOPE  
TYPICAL FOR CUT SLOPE

- \* - CROSS SLOPE AS SHOWN ON PLAN  
 \*\* - MAX. CUT/FILL SLOPES 2:1 UNLESS OTHERWISE APPROVED. GEOTECHNICAL REVIEW MAY BE REQUIRED FOR STEEPER SLOPES.



DE LUZ COMMUNITY SERVICES DISTRICT		
SCALE: N.T.S.	APPROVED BY: 	DRAWN BY: S.E.H.
DATE: 6/16/08	GENERAL MANAGER	REVISED: 1/6/11
<b>SECONDARY ROADS &amp; CUL-DE-SAC ROADS</b>		
<b>TYPICAL SECTION</b>		STD. NO.: <b>102</b>

STANDARDS AND PROCEDURES  
Road Maintenance and Improvements

1.0 Introduction

The provisions of these Regulations and Standards shall apply to road use, maintenance, repair, connections, and construction of all roadways, both directly and indirectly, into and through all of the Santa Rosa Community Services District's road systems and to the issuance of permits and collection of fees thereof.

2.0 Definitions

The following nomenclature will apply throughout this report, except in specific instances where a notation to the contrary will prevail.

Roadway: That portion of the highway included between the outside lines of the side ditches including also the appertaining structures, and all slopes, ditches, channels, waterways and other features necessary for proper drainage and protection.

Roadside: A general term denoting the area adjoining the outer edge of the traveled way.

Roadbed: That portion of the roadway extending from shoulder line to shoulder line.

Sidewalk: An improved area including curb, constructed adjacent to the traveled way.

Dike: A structure generally constructed along the outside edge of the shoulder for the purpose of controlling rainfall run-off.

Traveled Way: The portion of the roadway for the movement of vehicles, including shoulders, auxiliary lanes and road approaches.

Shoulder: The portion of the roadway contiguous with the roadbed or pavement for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

Culvert: A closed conduit, which conveys water carried by a natural channel or waterway transversely under the roadway, or parallel to the roadway under private or public road approaches.

Rigid Pavements: Pavements which due to high bending resistance distribute loads to the foundation over a comparatively large area; e.g., portland cement concrete pavement and brick, stone block or bituminous pavement on a portland cement concrete base.

Flexible Pavements: Pavements having sufficiently low bending resistance to maintain intimate contact with the underlying structure yet having the required stability furnished by aggregate interlock, particle friction and/or surface tension to support the traffic, i.e., Macadam, crushed stone, gravel, and all bituminous types not supported on a rigid base.

Surface Course: The top layer of a pavement designed to provide a surface resistant to traffic abrasion without necessarily imparting any structural values to the pavement. Wearing course includes light bituminous resurfacing course, light bituminous Macadam (sometimes designated as armor coat), seal coat with mineral aggregate cover and coarse nonskid treatment similar to a seal coat.

Base Course: The layer of a two or more course pavement placed directly upon the subgrade or a base of planned thickness.

Resurfacing: A supplemental surface or replacement placed on an existing pavement to improve its surface conformation or increase its strength.

Tack Coat: The initial application of bituminous material to an existing surface to insure bond between the superimposed construction and the old surface.

Prime Coat: The initial application of a low viscosity liquid bituminous material to an absorbent surface, preparatory to any subsequent treatment, for the purpose of hardening or toughening the surface, and promoting adhesion between it and the superimposed construction.

Seal Coat: A bituminous coating with or without aggregate applied to the surface of a pavement for the purpose of waterproofing and preserving the surface, relivening a previous bituminous surface, altering the surface texture of the pavement or providing resistance to traffic abrasion.

Bituminous Surface Treatment: The mixing of a bituminous binder material with a specified depth of roadbed material and spreading and compacting the mixture.

Landscaping: Landscaping shall be the improvement of a section or sections of highway by the planting of at least one roadside in lawns, trees, shrubs, flowers, or other ornamental vegetation which shall require reasonable maintenance.

### 3.0 General Standards

#### 3.1 Purpose

These regulations and standards are to establish a basis to keep maintenance costs of roadways at a reasonable level by obtaining proper alignments, sections, and drainage. The standards apply to and regulate all subdivision improvements and private work within the jurisdictional boundaries of the SRCSD. The standards are intended to provide a minimum level of adequate coordinated and consistent improvements to the existing system, to include all work within rights-of-way, new roads to be maintained by the District, grading operations, site clearing, driveways, and drainage improvements, and to protect the users of the various areas of the District.

#### 3.2 Exceptions

It is recognized that it is not possible to anticipate all situations that may arise and to prescribe standards applicable to every situation. It is anticipated that the standards will be applicable to the vast majority of cases, but they are not inflexible rules to which there are no exceptions. From time to time, the Board of Directors may make exceptions where the application of the standards to a specific situation results in unusual and unreasonable hardship and it is not detrimental to the public interest that an exception be made.

In addition, it is recognized that certain projects may be subject to more stringent standards as prescribed by County ordinance or State law.

#### 3.3 Plan Approval

The developer shall cause to be prepared, in accordance with these standards, and submitted to the District Engineer for approval, plans and specifications for the proposed improvement of all streets, easements, driveways and drainage ways, including those for private use.

Also requiring approval will be all clearing, grading and grubbing projects.

The developer shall obtain the approval of the District Engineer of said plans and specifications prior to commencing any construction.

3.4 Permits

No unauthorized person shall perform any work on any District road or improvement thereof without first obtaining a District Permit. Such required permit shall be in addition to any and all permits required by Riverside County or any other jurisdictional agency.

The developer or contractor shall make application for the permit on a special form furnished by the District. Such permit applications shall be supplemented by plans, specifications, and other information required by the District. Payment of an inspection fee, the amount of which shall be determined by the District, shall be made to the District by the developer at the time such a permit application is filed with the District as one of the prerequisites for District approval of such application.

3.5 Costs of Connections

All costs of expenses incidental to all connections, alterations and improvements to or affecting District public roads shall be borne by the developer. The involved developer shall indemnify the District from all losses and damages which may result from the actions of such developer, or his agent, associated with the installation of such an alteration or improvement affecting a District public road.

3.6 Authority of District Engineer

The District Engineer will decide all questions which may arise as to the quality or acceptability of materials furnished and work performed, and all questions which may arise as to the interpretation of the plans and specifications.

3.7 Conformity with Approved Plans and Allowable Deviations

Work and materials shall conform to the lines, grades, cross sections, dimensions and material requirements including tolerances, as shown on the plans or indicated in the specifications. Although measurement, sampling and testing may be considered evidence as to such conformance, the District Engineer shall be the sole judge as to whether the work or materials deviate from the plans and specifications, and his decision as to any allowable deviations therefrom shall be final.

### 3.8 Lines and Grades

Such stakes or marks will be set by the subdivider as the District Engineer determines to be necessary to establish the lines and grades required for the completion of the work outlined in the plans and specifications.

### 3.9 Advance Notice

At least forty-eight hours advance notice shall be given the District Engineer when requesting inspection and no paving or concrete operations will be permitted except in the presence of the Engineer.

### 3.10 Removal of Rejected and Unauthorized Work

All work which has been rejected shall be remedied, or removed and replaced in an acceptable manner. Any work done beyond the lines and grades shown on the plans or established by the District Engineer, or any work done without written authority will be considered as unauthorized work. Upon order of the District Engineer, work shall be remedied, removed, or replaced at no expense to the District.

### 3.11 Final Inspection

When the work has been completed, the District Engineer will make the final inspection.

### 3.12 Specified Material

Certain materials shall be of the grades or types specified by the District Engineer and said materials will be so specified in the approved plans. Unless otherwise provided, all materials will be furnished by the contractor.

### 3.13 Scope of Work

The scope of work shall be set forth in the approved plans of the subdivider as shown on those plans, improvement standards as specified in these specifications, or as directed by the District Engineer.

### 3.14 Alterations in the Work

Minor changes in the work due to unforeseen local conditions shall not be made without prior approval of the District Engineer. Major alterations in design or standard of work will only be permitted following execution of an amended plan review and any work

performed prior to the completion of such an amended application will be performed at the owner's risk.

3.15 Existing Road Facilities

Revisions or relocations of existing District installations or improvements shall be shown on the plans. In addition, the contractor will be required to cooperate with the District forces on the work as may be necessary to maintain proper public service. The contractor shall protect any existing signs, culverts or other road facilities during his operations and will be liable for any damage to same.

3.16 Trees

Tree removal as shown on the plans or as directed by the District Engineer shall be the responsibility of the subdivider. In general, trees are recognized to be important resources and are to be protected and maintained where possible, but not at the expense of safety. Trimming of existing trees to remain in place shall be done in all cases to eliminate dead limbs, second growth and top growth. Trees to be eliminated within the rights-of-way are to be outlined on the plans.

3.17 Cost of Improvements

All construction, reconstruction or maintenance on a roadway shall be accomplished by the developer at the sole expense of the developer except as otherwise provided in Section 3.19a herein below.

3.18 Construction Improvements

The width, slope, alignment, drainage and the methods to be used in excavating, placing and backfilling the trench shall all conform to the requirements of current building codes, applicable safety regulations and the standards, rules and regulations of the District.

3.19 Maintenance and/or Repair

a) Maintenance and/or repair of roadways or appurtenant structures within the District system resulting from normal attrition or natural forces shall be accomplished by the District.

b) Maintenance and/or repair of roadways or appurtenant structures within the District system resulting from illegal, unapproved or other such improvements shall be corrected by the developer or owner of the non-District improvements. Failure to

comply will result in penalties as described in Section 3.23.

c) Maintenance and/or repair of roadways or appurtenant structures outside the District system shall not be accomplished by the District.

### 3.20 Inspections

Following issuance of a Permit, a developer shall notify the District when the improvement is ready for inspection.

### 3.21 Safety

All improvements shall be adequately guarded with barricades and/or lights so as to protect the public from hazard. Additionally, detour routes and signs shall be utilized whenever applicable.

### 3.22 Powers and Authority of District Personnel

a) Access. The District Engineer and other duly authorized District employees and/or agents, hereinafter sometimes referred to as "District Inspectors", bearing proper credentials and identification, shall be permitted to enter all properties with improvements or conditions affecting District systems for the purposes of inspecting, observing and measuring pertinent to the maintenance and/or safety of District system to insure and enforce compliance with the provisions of this Ordinance Code.

b) Hold Harmless. While performing necessary work on private properties pursuant to Subsection 3.22a above, District inspectors shall observe all safety rules applicable to the premises established by the discharger, and the discharger shall be held harmless for injury or death to District employees, and the District shall indemnify the discharger against loss or damage to its property by District inspectors and against liability claims and demands for personal injury or property damage asserted against the discharger growing out of the District's inspecting, observing, measuring, sampling, and testing operations, except for personal injury or property damage which may have been caused by negligence on the part of or failure by the discharger to maintain safe conditions.

### 3.23 Administrative Provisions

a) Cease and Desist. Any property owner or other improver found to be in violation of any provision of this Ordinance Code shall be served by the District with written notice stating the nature of the violation

and providing a reasonable time for satisfactory correction. The violator shall, within that time limit, permanently cease such violation and make any required correction or repair.

b) Refusal to Comply. In the event the violator refuses to comply, the District Engineer shall report such violation and refusal to comply to the Board of Directors at the next regular, adjourned or special meeting of the District, who shall determine whether litigation shall be commenced to enforce the correction of the improper condition or to enjoin the prescribed activity.

c) Appeal. Appeals to any ruling of the District Engineer concerning violations of the provisions of this Ordinance Code shall be presented in writing to the Board of Directors who shall hold a hearing on the matter at the next regularly scheduled regular or adjourned meeting of the Board of Directors. The Board of Directors may, at its discretion, or upon the request of the violator, call a special meeting of the Board of Directors to hold such a hearing.

d) Agenda. The agenda of any regular or adjourned meeting of the Board of Directors shall at all times contain a provision for such appeal hearings.

#### 4.0 Construction Standards

##### 4.1 Quality of Materials

In general, materials shall be new, and of a quality equal to that specified. Any material equal to that specified, in the opinion of the District Engineer, will be approved, provided a proper request for substitution is submitted containing sufficient data or information on the article or material to permit investigation and decision. Unless such a request is made, no substitutions will be permitted. Should it be proposed to include any materials in the work not covered in the specifications attached hereto, said material will, in general, be required to conform to all details of its fabrication, composition and manufacture to the applicable designation specified for the material or article in the current publications of the American Society for Testing Materials (ASTM).

##### 4.2 Specified Material

Certain materials shall be of the grades or types specified by the District Engineer and said materials will be so specified in the formal agreement with the subdivider or will be shown on the approved plans of

the work. Unless otherwise provided in the agreement, all materials will be furnished by the contractor.

4.3 Silt Removal and Disposal at Culverts

The material to be removed is that which causes inlet blockage, and is to be removed to a minimum elevation of the invert of the culvert. The width and breadth of the removal area shall be determined by the District Engineer.

4.4 Culvert Installation

Culverts will be sized and checked by the District Engineer. The design shall be in accordance with established, applicable standards. The installation will consider the excavation of the trench, any necessary dewatering and the placement (slope and angle) of the culvert in this trench.

4.5 Soil Backfill for Culverts

Backfilling of culvert trenches will be done to the roadway grade or subgrade. The backfill shall be placed in maximum lift thicknesses of one foot and mechanically compacted at a moisture content that will best affect the compaction, to the approval of the District Engineer.

4.6 Soil Fill for Roadways

Soil fills will be performed wherever surface erosion is greater than six inches. It shall consist of all fills in roadways, the filling of eroded banks, or shoulders. All deleterious materials, weeds, etc. shall be removed in the areas to be filled. Backfill material will be approved by the District Engineer as to quality and source.

The soil backfill will be mechanically compacted at a moisture content that will best affect the compaction to the approval of the District Engineer.

4.7 Rock Fill

Rock fill will be used in areas as designated by the District Engineer. Its use will be to preclude potential or further erosion of certain critical areas. The rock shall be from ten inches to two inches in size in a gradated mix, to be approved by the District Engineer.

#### 4.8 Grading

Grading is to be performed wherever surface erosion is less than six inches. The fill material shall be from sources approved by the District Engineer. A water truck shall be available to put in moisture to best achieve adequate compaction. The areas being filled shall be rolled with the equipment used for the grading of the roadways, that is, the water trucks, motorgraders, and/or dozers. Roadways shall be shaped to the approval of the District Engineer.

#### 4.9 Removal and Recompacting Subgrade

In the areas where there is a subgrade failure, the upper two feet will be removed and the exposed surface compacted. Backfill shall be placed at a moisture content that will best affect the compaction. Lift thicknesses shall be one foot loose maximum and the material shall be mechanically compacted. After the first lift has been compacted to the satisfaction of the District Engineer, the second lift may be placed in a similar manner to grade.

#### 4.10 Road Mix Surfacing

Road mix surfacing shall have a minimum thickness of three inches. This will not only be for the road mix on the traveled way, but also for the replacement of berms in repair areas and paved downdrains as required by the District Engineer. Compacting will be done by smooth-wheeled rollers in the roadways and hand equipment for the downdrains. The aggregate for the road mix will either be native material on the grade or from adjacent areas, each subject to approval of the District Engineer.

#### 4.11 Drainage Facilities

Location and installation of drainage facilities shall be in accordance with these specifications, and with approval and under the inspection of the District Engineer.

### **5.1 Trash Racks**

Trash racks, to decrease the plugging of culverts, should be installed at the inlet of all culverts 60" in diameter or larger. At the discretion of the District Engineer, trash racks may be installed on any culvert in areas where debris is a problem.

### **5.2 A.C. Swale**

When required by approved plans and specifications or at the direction of the District Engineer, an A.C. Swale shall be constructed pursuant to Santa Rosa Community Services District Standard 104 or 105 to repair edge rutting caused by runoff.

### **5.3 Culvert Sizing**

When designing or replacing culverts, the following criteria shall apply:

1. Runoff from a 10-year storm shall not top the roadway
2. Runoff from a 100-year storm shall not exceed 12" over the roadway.

Exhibit "A" to Ordinance 2013-02

## **AGREEMENT FOR REFUSE COLLECTION AND RECYCLING FRANCHISE**

This Refuse Collection and Recycling Franchise Agreement will commence on the 1<sup>st</sup> day of July, 2013, by and between the De Luz Community Services District, a public agency hereinafter referred to as the "District", and C R & R, Incorporated, a California Corporation, hereinafter referred to as "Franchisee". The De Luz Community Services District hereby grants to Franchisee an exclusive franchise to collect refuse and recyclable commodities in the De Luz Community Services District for landfill disposal or recycling under the following terms and conditions:

### **1. DEFINITIONS**

#### **A. COMBUSTIBLE AND NON-COMBUSTIBLE RUBBISH:**

"Combustible and non-combustible rubbish" shall mean all waste and refuse capable of burning readily, including trimmings, lawn trimmings, plants or flower garden waste, wood, paper, straw, packing materials, leather, rubber, clothing, bedding, books, magazines, newspapers, rags and all other similar articles which will burn by contact with flames or ordinary temperature; and ashes, tin cans and bottles, glass, crockery, china, pottery, metal, wire, and other similar materials which are rejected by the owner or producer thereof as worthless or useless, excluding therefrom,

1. recyclable commodities, as hereinafter defined.
2. trunks, stumps or limbs of trees exceeding four (4) inches in diameter or three (3) feet in length;
3. discarded household furniture, furnishings or appliances that are unusually large or weighty;
4. automobile parts and bodies;
5. waste material resulting from building construction, alteration or repair, including but not limited to rock, brick, stone, cement, plaster, reinforcing steel, wood, soil or sod.

**B. GARBAGE:** "Garbage" shall mean all animal and vegetable refuse and waste matter originating in kitchens (residential or commercial), stores and

markets, from the handling, storing, processing, preparing, preserving, selling or delivery of meat, fish, fowl, or other animal food or from vegetable trimmings or animal matter not fit for human consumption, from any residence or commercial establishment where meat, fish, fruit, or vegetables are prepared, sold, processed, or handled.

C. **MISCELLANEOUS DEBRIS:** "Miscellaneous debris" shall be deemed to include any and all trash, rubbish, debris or other discarded materials not otherwise provided for in the foregoing definitions, except dead animals, and animal excreta.

D. **RESIDENT:** "Resident" shall mean a person owning, renting, or otherwise holding and occupying a house, residence or place of abode, including a mobile home, motor home, travel trailer, apartment or motel unit with a kitchen, single or with his family.

E. **COMMERCIAL USER:** "Commercial User" shall mean a person or business entity operating a commercial enterprise in the District or a "resident" utilizing bin service.

F. **MATERIAL:** "Material" shall mean all garbage, combustible and non-combustible rubbish and miscellaneous debris as hereinbefore defined.

G. **RECYCLABLE COMMODITIES** shall mean all non-toxic, non-hazardous materials discarded by residents or commercial users that have or may in the future have value such that franchisee can sell or otherwise dispose of the materials other than through a legally permitted landfill. Recyclable commodities collected by Franchisee shall become the sole property of Franchisee, who shall be entitled to any revenues derived from the sale thereof.

H. **CRV MATERIAL** shall mean all aluminum, glass and plastic beverage containers on which the consumer has paid a cash deposit at the point of purchase under the laws or regulations of the State of California.

## **2. FRANCHISEES OBLIGATIONS**

A. For the consideration herein mentioned, Franchisee undertakes and agrees, in accordance with the terms and conditions herein contained, to furnish the necessary labor, vehicles and equipment to collect, pick up, and remove and dispose of all garbage, combustible and non-combustible rubbish, miscellaneous debris, and recyclable materials, as hereinbefore defined, from and for any resident and commercial user within the geographic limits of the De Luz Community Services District, as the same now exists or may exist during the term hereof, including places and buildings occupied by or operated for business and/or industrial pursuits, for and during the term of Five (5) years, commencing upon July 1, 2013.

B. Franchisee undertakes and agrees to perform all obligations of this agreement in a good, workmanlike and sanitary manner. The Franchisee shall require its employees to use care to avoid damage to real and personal property of residents and property owners of the District and to treat the residents and property owners courteously in performing the obligations of the Agreement. All of the material collected by Franchisee shall be conveyed in properly licensed vehicles, constructed and operated so that there will be minimal leakage or dropping of garbage and refuse therefrom. All trucks and other vehicles used in the collection of the material to be collected by Franchisee shall be kept clean and in good order.

C. All material collected by the Franchisee shall become the property of the Franchisee upon collection, and shall be forthwith removed and conveyed to a place of disposal by the Franchisee.

D. Any material spilled or dropped from any vehicle conveying the same upon public or private property, including hydraulic, motor or gear oil, antifreeze or other fluids, shall be immediately cleaned up and removed by Franchisee to the satisfaction of the District, at the sole cost of the Franchisee.

E. All containers, after emptying, shall be replaced in the area from which removed.

F. Franchisee agrees to perform all of the services on its part required by this Agreement in accordance with the laws, ordinances and regulations of the united States, State of California, County of Riverside, the California Integrated Solid Waste Management Act of 1989 (Public Resources Code Section 40,000 et seq. and revisions thereof) and the current revisions of the Riverside County Ordinance 657. The Riverside County Solid Waste Management Program Source Reduction and Recycling Elements (SRRE) shall apply to trash collection in the De Luz Community Services District. The Franchisee shall use an approved Riverside County disposal facility for material disposal. Residential recycling services shall be included as a part of this Agreement, and shall be optional for each resident within the District.

G. Franchisee shall indemnify and hold District and its directors, officers and employees free and harmless from any and all losses, damages, liability, fees, costs or expenses, of whatever type or nature (including collection measures taken by District on behalf of franchisee), resulting from the actions or operations of Franchisee or its directors, officers, employees, agents, or independent contractors under this Agreement except claims, actions or damages caused by the gross negligence or intentional conduct of the District's agents and employees. This indemnity shall include all attorney's fees, expert fees, and court costs incurred by the District in defense of any claim or action that is filed and covered by this indemnity. Franchisee shall, at its own expense, carry public liability and property damage insurance during the full term of this

Agreement under which District shall be an additional insured in an amount not less than \$1,000,000 for injuries, including any one person and property damage in any one accident, and medical expense in an amount of \$5,000 for each person in any one accident, and \$30,000 uninsured motorist insurance for any one accident. The Franchisee shall carry Worker's Compensation insurance, at its own expense, insuring Franchisee's employees.

H. Franchisee shall obtain all other permits and approvals required to perform the trash collection service.

### **3. PAYMENTS AND CHARGES**

A. **REVENUE REPORT TO DISTRICT.** Upon written request from the District and in consideration of the granting of the exclusive franchise to Franchisee as herein provided, Franchisee agrees to provide the District, within thirty (30) days after the end of each quarterly billing period, a verified statement showing the gross monies collected for services within the District. District shall have the right to inspect Franchisees books of account at reasonable times and hours.

#### **B. FEES FOR COLLECTION SERVICES**

1. During the term of this Agreement, Franchisee shall collect all garbage, rubbish, miscellaneous debris of any resident or commercial user within the De Luz Community Services District no less than once each week, as herein provided. Upon request of any resident within De Luz Community Services District, franchisee shall collect Recyclable Commodities at the same time and place as the collection of garbage, rubbish and miscellaneous debris. Collection shall be made over routes, upon days and without unreasonable deviation within hours established herein, subject to the approval and consent of the District which shall not be unreasonably denied.

2. Franchisee agrees, during the term of this Agreement, to abide by the following schedule of services and monthly charges for regular, continuous monthly service:

##### **(a). RESIDENT REFUSE COLLECTION:**

Collection will be at least once weekly. Franchisee to furnish and maintain one wheeled 96-gallon container based on the rate schedule outlined in Exhibit "A". Extra 96 gallon refuse containers will be available at the rates identified in Exhibit "A".

##### **(b). RECYCLABLE COMMODITY COLLECTION:**

Franchisee shall collect recyclable commodities upon request from residents, at no additional charge. Collection will be on the same day, and at the same location, as regular refuse collection, using automated

collection equipment. Franchisee shall furnish and maintain one wheeled 96-gallon containers of a distinctive color to each customer who requests to receive one. Customers shall be responsible for separating and segregating recyclable commodities from regular refuse, trash and garbage. Franchisee may pick up recyclables that have been mixed with regular refuse, trash or garbage. Containers containing recyclables shall be emptied by Franchisee with the regular trash at the next weekly collection.

(c). COMMERCIAL USER REFUSE COLLECTION:

Collection will be at least weekly. Franchisee agrees to abide by District ordinances and regulations regarding placement and storage of commercial containers, and will notify the District and suspend service to any commercial customer whose container placement constitutes a traffic hazard or is not in compliance with District ordinances. Commercial rates are based on the schedule outlined in Exhibit "A".

C. **BILLING.** Franchisee shall bill all accounts directly for the services requested and will collect directly from the account for such service.

(1). Additions to the regularly scheduled monthly service shall be subject to private agreement between the customer and the Franchisee.

D. **COLLECTIONS.** In the event that any given customer fails to pay Franchisee for services provided under this agreement, Franchisee shall pursue such normal and reasonable civil collection procedures as may be available to Franchisee. Upon consultation with the District, Franchisee may stop collecting refuse from a delinquent customer. The franchisee, having failed in its diligent attempts to collect from a delinquent customer, may at its option submit collection information to the District no later than May 1 of each year. The District, after written notice to the property owner, may submit such delinquent charges, including reasonable administrative charges, to the Riverside County Treasurer-Tax Collector for inclusion in the tax rolls for collection.

#### **4. ADDITIONAL SERVICES**

The Franchisee will provide the following services at no additional cost:

A. Franchisee will place one (1) 40 cubic yard container within the De Luz Community Services District's Service Yard for the disposal of unauthorized non - hazardous trash dumping. The Franchisee will dispose an average of one load of this debris per month at no charge. It will be the responsibility of the De Luz Community Services District to fill the container and notify Franchisee for disposal.

B. Franchisee will conduct two Community Clean Ups per year at no charge for all residents within the jurisdiction of the De Luz Community Services District. One clean up shall be in the spring and one in the fall. These clean ups shall be on a selected Saturday, agreed upon between the Franchisee and the District, between the hours of 7am and 1pm. The District shall arrange to have disposal costs waived by the County of Riverside for each event. Franchisee shall deliver up to 3 - 40 yard roll off boxes to an agreed upon collection point and shall cooperate with the District and designated community leaders to remove filled roll off boxes at the end of each scheduled event. Once the date of each event is selected, the District will notify its residents via US Mail or other suitable notification process.

C. Compact Fluorescent Bulb Disposal for District Office. Franchisee will provide free disposal of Compact Fluorescent bulbs for the District's Murrieta office, to a maximum annual cost to Franchisee not exceeding one thousand (\$1,000) dollars.

D. Household Battery Disposal. Franchisees will provide, free of charge, a household battery Disposal container at the District's office, to a maximum annual cost to Franchisee not exceeding five hundred (\$500) dollars.

E. Free Electronic Waste Collection. Franchisee will provide Electronic Waste Collection at no additional charge, to be provided in conjunction with the twice yearly Community Clean Ups (Section 4 B, above).

F. Free Mulch. Franchisee will arrange for Mulch distributions within the District, at no additional charge, up to a maximum of four (4) 40 cubic yard containers per year, to be provided in conjunction with the twice yearly Community Clean Ups (Section 4 B, above).

The following additional services will be available for an additional fee, upon customer request:

G. Sharps In-Home Disposal Program. Franchisee shall provide an In-Home Sharp's Disposal container upon request. The Sharp's disposal program allows residents to privately and securely dispose of their syringes that may be used for medical purposes. Customers may call the Franchisee's toll free customer service number to order their Sharp's Kit which would be delivered to the customer's home. Rates for this service are outlined in Exhibit "A".

H. Compact Fluorescent Light Bulb and Tube Disposal Program. Franchisee shall provide a mail back, in-home Compact Fluorescent Light Bulb (CFL's) Disposal Program to District residents upon request. Customers may call Franchisee's customer service number in order to request a specifically designed container for CFL's. The fees for this optional service are outlined in Exhibit "A".

## **5. COST REPORTING AND INCREASE OF CHARGES**

**A. BREAKDOWN OF CHARGES.** On an annual basis, and upon written request of the District, the Franchisee will provide a breakdown of the basic charge to the De Luz Community Services District. The basic charge shall be itemized to show the service charge and the disposal charge which make up the current fees.

**B. RECYCLING REPORT.** The Franchisee will, upon written request, furnish a report to District showing the actual amount of recyclable materials collected in each month, and the revenues resulting therefrom.

**C. INCREASE IN FEES.** The disposal fees are subject to an annual increase of the pro-rata share of any increase in disposal fees charged to Franchisee by the disposal facility, permit fees, and to an annual cost of living index increase as provided herein. The annual cost of living increase shall apply effective July 1, 2014.

**D. COST OF LIVING INCREASES.** The parties hereto recognize that due to conditions generally prevailing, general rises in the cost of living are reasonably foreseeable, and it is therefore agreed that the schedule of service charges as set forth in this agreement shall be subject to an adjustment either up or down, but not less than the initial service charge, as follows:

1. The Franchisee shall submit a request for a rate adjustment sixty (60) days prior to July 1<sup>st</sup> of each calendar year. The first adjustment will be made July 1, 2014.

2. For the purpose of such an adjustment, the index referred to shall mean 100% of the "Consumer Price Index", as prepared and released by the United States Department of Labor, Bureau of Labor Statistics for the Los Angeles-Orange County-Riverside All Urban Consumer Index.

3. If, during the term of this Agreement, the cost of living as determined by said index shall increase or decrease, the schedule of basic charges as set forth herein may increase or decrease in accordance with the following method:

4. In order to effect such adjustment, the percentage by which such index, so determined, exceeds or is less than the base index shall be determined, and the schedule of charges to be paid thereafter shall be established by applying the percentage of increase or decrease, to the basic service charge set herein except that there shall be no decrease

below the basic service charge set forth in Exhibit "A".

5. Adjustments for each subsequent increase or decrease of the index shall be computed in like manner.

6. Adjustments shall be made annually based upon the index at the end of February of the preceding year of the franchise.

7. The initial consumer index to be used is the February, 2013-February, 2014 index as defined above, showing changes in the cost of living, which shall be determined as 100% for these purposes. The initial basis for any disposal fee increase shall be \$32.96 per ton.

8. The consumer price index increase shall be applied only to the service charge and not to the landfill disposal fee. Rates will be reviewed annually by the District based upon a rate adjustment schedule supplied by the Franchisee.

**E. DISPOSAL ADJUSTMENT.** The disposal component of the basic charge shall be adjusted each July 1, beginning July 1, 2014, by the increase or decrease in the rate for landfill disposal charged by the Riverside County Waste Management Department for waste originating within Riverside County.

## **6. REFUSE CONTAINER REQUIREMENTS**

A. Containers shall be provided by the Franchisee at no cost to the customer. Franchisee shall replace containers damaged by normal wear and tear, or by actions of the Franchisee, at no cost to the customer. If the container is negligently damaged beyond repair or lost by the customer, Franchisee shall replace the container, and shall be entitled to bill the customer for the replacement at cost verified by invoice.

## **7. SERVICE SCHEDULE AND ROUTE**

A. Refuse collection shall be made on a scheduled weekday. The current schedule shall be as follows: Residential Service shall be performed on Monday and/or Tuesday of each week; Commercial Service shall be performed on Wednesday and/or Thursday of each week. Roll off service shall be performed as requested by the customer. Franchisee may change the refuse collection day upon approval by the District whose approval may not be unreasonably denied. Franchisee will notify all residents upon District approval of a route day change. Service may be provided at any time between the hours of 6:00 a.m. and 7:00 p.m.

B. In the event service is interrupted by inclement weather or road conditions, the District shall be notified by Franchisee. If service is not to be

provided on the immediately following due date, District shall be notified in advance by Franchisee, and a committee composed of a representative of the District and the Franchisee shall review the matter to determine the validity of the interruption and the alternatives available to provide service. At the next service date after an interruption of service, the customer may set out up to twice the number of containers as would be permitted in the normal weekly service.

C. The Franchisee shall be obligated to accept refuse only at locations on the roads accepted into the District road system, unless private agreement is made with the customer. The customer shall provide a pick-up area for Franchisee that will be safe given traffic conditions. Franchisee will determine, in cooperation with the District and the customer, a safe and proper container location. Franchisee will not be required to service any container which is placed in an unsafe location.

D. The Franchisee shall be obligated to collect only that refuse which is placed inside the Franchisee-provided containers, and is originated from and accumulated upon the premises of the customer from which it is collected.

E. The Franchisee recognizes the following holidays: New Years Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving and Christmas Day. If the District's collection day falls on any weekday (i.e. Monday through Friday) of these holidays, collection will be one day late for the rest of that week only.

## **8. THE DISTRICT**

A. Franchisee shall have the sole and exclusive right and franchise, in accordance with the terms and conditions of this Agreement, to pick up, gather and remove garbage, rubbish and miscellaneous debris within the De Luz Community Services District as the boundaries of the same now or may hereafter exist, which generated on the parcel of property in the District for which refuse collection service is contracted by residents and commercial users as herein defined, for the full term of this Agreement. District agrees not to let any contract to, or enter into any contract with any other person, firm or organization for the performance of the services required to be performed by Franchisee, except, in the event Franchisee fails, refuses or neglects for any reason, to collect and dispose of garbage, rubbish and miscellaneous debris set out or placed for collection, as hereinbefore provided, at the time and in the manner herein required, the District may collect and dispose of the same or cause the same to be collected and disposed of, and Franchisee shall be liable for the reasonable expense incurred. This right of the District shall be cumulative, and in addition to any and all other remedies it may have in the event of such failure, refusal or neglect of the Franchisee.

B. The exclusive right and franchise referred to herein shall extend to

the owners or occupants of all residences or businesses within the District. Any resident or owner desiring to remove or transport his own garbage, rubbish or miscellaneous debris from the owner's premises shall apply to Franchisee for a "self-haul permit", subject to the permit and regulatory requirements of the District.

C. The exclusive right and franchise referred to herein shall not extend to the hauling or disposal of grass clippings, prunings, trees and other discarded material from a private residence, provided such shall be incidental to a separate and distinct business operation as that of tree trimmers or gardeners.

D. In consideration of receipt of the exclusive franchise contemplated by this Agreement, and in acknowledgement of the additional wear and tear that will be occasioned by Franchisee's vehicles upon the District roads, Franchisee hereby covenants and agrees to pay to the District, on an annualized basis, an amount equal to ten per-cent (10%) of the annual Gross revenues derived from the District (excluding recyclable material values), as adjusted annually. Said payment is estimated, but not guaranteed, to be forty-eight thousand and 00/100ths (\$48,000.00) dollars in the first year of this Agreement, and said payment shall be made to the District, beginning in the Calendar year of 2014, not later than August 1<sup>st</sup>, and by August 1<sup>st</sup> of each successive year thereafter that this Agreement is in force and effect.

## **9. GENERAL PROVISIONS**

This Agreement shall not be assigned or any portion subcontracted by the Franchisee without prior written consent of the District. The District shall not unreasonably withhold its consent to an assignment of this Agreement.

## **10. PERIOD**

This Agreement shall be in effect for a period of five (5) years beginning July 1, 2013, and ending June 30, 2018.

## **11. TERMINATION FOR CAUSE**

This franchise may be terminated by the Board of Directors of the District upon the failure of the Franchise to comply with any terms of this Agreement. The franchise may be terminated only after a public hearing of the Board of Directors of the District. Written notice of the basis of the grounds for termination of the franchise shall be given to the Franchisee not less than twenty (20) days before such hearing.

## **12. FORCE MAJEURE**

The Franchisee shall not be in default under this agreement in the event that collection, transportation, recycling or disposal of materials provided under the franchise are interrupted or discontinued for any of the following reasons: riots, wars, sabotage, civil disturbances, insurrections, epidemics, explosions, natural disasters such as floods, earthquakes, landslides, fires, government orders and regulations, strikes, lockouts or other labor disturbances, or other events which are beyond the reasonable control of the franchisee.

### 13. ADVERTISING

Franchisee shall not be permitted to erect, place or maintain advertising signs in the District except identifying or advertising material on vehicles being used by Franchisee in refuse collection services therein or on containers or bins provided by Franchisee to customers in the District.

### 14. INDEPENDENT CONTRACTOR

Franchisee is an independent contractor and is not an officer, agent, servant or employee of the District. Franchisee is solely responsible for the acts and omissions of its officers, agents, employees, Contractors, and subcontractors, if any. Nothing in this agreement shall be construed as creating a partnership or joint venture between the District and the franchisee.

### 15. VENUE

In the event any legal, equitable, or arbitration proceeding is commenced to enforce or interpret the terms or conditions of this Contract, federal litigation shall be held in the County of Riverside, State of California, litigation in the state court shall be held in the Superior Court of the County of Riverside, State of California, and arbitration shall be conducted in the City of Temecula, County of Riverside, State of California.

Dated this 1<sup>st</sup> day of July, 2013

**DE LUZ COMMUNITY  
SERVICES DISTRICT**, a public agency

By: 

Robert Holmes  
General Manager

**C.R. & R., INC, A CALIFORNIA CORPORATION**

By: 

J. Alex Braicovich  
Senior Regional Vice-President

**AMENDMENT NUMBER ONE TO THE AGREEMENT FOR REFUSE COLLECTION  
AND RECYCLING FRANCHISE**

This First Amendment to the Franchise Agreement is entered into as of October 19, 2016, by and between the De Luz Community Services District, a public agency, ("District") and CR&R Incorporated, a California Corporation ("Franchisee"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. **Recitals.** This Amendment Number one is made with respect to the following facts and purposes, which each party agrees to be true and correct:

- A. On July 1, 2013, the District and Franchisee entered into that certain agreement entitled "AGREEMENT FOR REFUSE COLLECTION AND RECYCLING FRANCHISE".
- B. The parties have determined that the public health, safety and well being will be served by an amendment to the Franchise Agreement as set forth in this Amendment Number One.

2. **Amend Section 4B.** Section 4B. of this Franchise Agreement is hereby amended to read as follows:

**Section 4. Additional Services**

- B** Franchisee will conduct two (2) Community Clean Ups per year, at no charge to the District, for all residents within the jurisdiction of the De Luz Community Services District. One clean up shall be in the spring and one in the fall. These clean ups shall be on a selected Saturday, agreed upon between the Franchisee and the District, between the hours of 7am and 1pm. The District shall arrange to have disposal costs waived by the County of Riverside's Waste Resources Department for each event. Franchisee shall haul up to sixteen (16) – forty (40) cubic yard rolloff boxes per event and there shall be two events per year. All rolloff boxes shall be delivered and hauled to an agreed upon collection point within the District and Franchisee shall cooperate with the District and designated community leaders to remove full rolloff boxes at the end of each scheduled event. Any loads over thirty two (32) per calendar year shall be charged to the District at \$150.00 per load. Once the date of each event is selected, the District will notify its residents via US Mail or other suitable notification process.

3. Amend Section 10. Section 10 of this Franchise Agreement is hereby amended to read as follows:

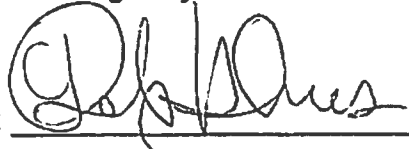
Section 10. Period

This Agreement shall be in effect for a period of four (4) years beginning July 1, 2016 through June 30, 2020. On July 1, 2017, and on July 1st of each subsequent year, the term of this agreement shall be automatically extended for an additional year ("automatic renewal") so that the remaining term of the agreement shall remain at four (4) years. Should either party wish to terminate the "automatic renewal", such party shall give the other party written notice to that effect no later than June 1<sup>st</sup> of any given year, provided that no such notice may be given prior to June 1, 2018. Any such notice given prior to June 1<sup>st</sup> of each calendar year thereafter shall terminate the automatic renewal provision and the agreement shall remain in effect for the then-remaining term. A notice provided later than June 1<sup>st</sup> in a given year shall be deemed untimely and invalid.

4. Continuation of Franchise Terms. Except as specifically amended by this Amendment Number One, the terms of the Franchise Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

DE LUZ COMMUNITY SERVICES DISTRICT  
a Public Agency

By: 

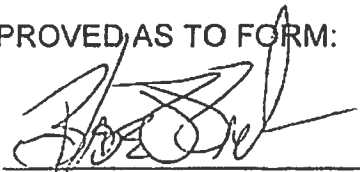
Rob Holmes, General Manager 11/1/16

CR&R INCORPORATED  
a California Corporation

By: 

J. Alex Braicovich, Sr. Regional V.P. 10/20/16

APPROVED AS TO FORM:

By: 

Blaise Jackson, Attorney

**De Luz Community Service District  
2024-2025 Rate Schedule**

**Residential Collection: 96 Gallon Wheeled Cart**

	Service	Disposal		Total Monthly
Number of Barrels	Component	Component	Extraordinary	Charge
1	\$ 38.69	\$ 5.67	\$ -	\$ 44.36
2	\$ 50.00	\$ 11.32	\$ -	\$ 61.32
3	\$ 60.28	\$ 16.98	\$ -	\$ 77.26

Additional Residential Cart (more than three)	\$ 13.90
Additional Recycle Cart (more than one free cart)	\$ 9.58
Cart exchange fee per cart	\$ 34.76
Set up fee per account	\$ 22.04

**Commercial Collection**

Bin Size	Service	Disposal		Total Monthly
	Component	Component	Extraordinary	Charge
1.5 Cubic Yard	\$ 131.56	\$ 19.01	\$ -	\$ 150.57
2.0 Cubic Yard	\$ 131.52	\$ 25.35	\$ -	\$ 156.87
3.0 Cubic Yard	\$ 172.63	\$ 38.04	\$ -	\$ 210.67
4.0 Cubic Yard	\$ 198.07	\$ 50.71	\$ -	\$ 248.78
6.0 Cubic Yard	\$ 597.10	\$ 76.04	\$ -	\$ 673.14

**Additional Services**

Additional pick-ups of existing bins	\$ 62.58
Bin delivery charge for new permanent customers	\$ 34.76
30 day temporary bin service (including delivery and 3 pick-ups)	\$ 500.57
Bin exchange service (in excess of one per year)	\$ 111.23
Bin removal (permanent customers only)	\$ 34.76
Locking lid fee (Per Bin)	\$ 20.85
Replacement Lock	\$ 34.76
Replacement Key	\$ 13.90
Overage fee	\$ 55.63
Burned bin fee	\$ 588.19
Stolen bin fee	\$ 802.69
Reinstatement fee	\$ 69.53
Pull-out or moving fee for commercial bins	0 - 15 feet \$ -
	16 - 45 feet \$ 13.90
	46 - 75 feet \$ 16.70
	76 - 100 feet \$ 20.85
Set up fee	\$ 36.94
Scout Service	\$ 90.39
Sharp's 3 Gallon Container (Cost per Container)	\$ 122.49
CFL Disposal Program (Cost per Container)	\$ 60.24

**Rolloff Service**

	Service	Disposal		Total Monthly
	Component	Component*	Extraordinary	Charge
Rolloff- All Sizes	\$ 432.33	\$ 298.45	\$	\$ 730.78
Rolloff- All Sizes- Recycle	\$ 432.33	\$ -	\$	\$ 432.33
Set up Fee	\$ 37.37	\$ -	\$	\$ 37.37
Trip Charge/Relocate	\$ 219.00	\$ -	\$	\$ 219.00
Delivery- All sizes	\$ 259.91	\$ -	\$	\$ 259.91
Rolloff Daily Rental Fee (after 15 days)				\$ 18.26

\* Disposal Includes up to 6 tons. Customer pays for any amount above 6 tons at the current per ton cost.

**DE LUZ COMMUNITY SERVICES DISTRICT**

**CONFLICT OF INTEREST CODE**



# DE LUZ COMMUNITY SERVICES DISTRICT

## CONFLICT OF INTEREST CODE

(Amended September 16, 2020)

### 1. Standard Code of FPPC

The Political Reform Act of 1974 (Gov. Code, SS 81000, et seq.) requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission ("FPPC") has adopted a regulation (2 Cal. Code of Regs., §18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the FPPC to conform to amendments in the Political Reform Act.

### 2. Adoption of Standard Code of FPPC

Therefore, the terms of 2 California Code of Regulations, section 18730, and any amendments to it duly adopted by the FPPC, are hereby incorporated by reference. This Incorporation Page, Regulation 18730 (attached) and the attached Appendix designating positions and establishing disclosure categories shall constitute the Conflict of Interest Code of De Luz Community Services District (the "District").

### 3. Filing of Statements of Economic Interests

All officials and designated positions required to submit a statement of economic interests shall file their statements with the Administrative Assistant as the District's Filing Officer. The Administrative Assistant shall make and retain copies of all statements filed by members of the Board of Directors and the General Manager, and forward the originals of such statements to the Clerk of the Board of Supervisors for the County of Riverside. The Administrative Assistant shall retain the original statements filed by all other officials and designated positions and make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code §81008.)

FORM APPROVED COUNTY COUNSEL

BY: 

DANIELLE D. MALAND

**APPENDIX**

**CONFLICT OF INTEREST CODE**

**OF THE**

**DE LUZ COMMUNITY SERVICES DISTRICT**

**(Amended September 16, 2020)**

**PART “A”**

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

Officials who manage public investments, as defined by 2 Cal. Code of Regs. §18700.3(b), are NOT subject to the District's Code but must file disclosure statements under Government Code Section 87200 et seq. [Regs. § 18730(b)(3)]

It has been determined that the positions listed below are officials who manage public investments<sup>1</sup>. These positions are listed here for informational purposes only.

Members, Board of Directors  
General Manager  
Investment Consultant

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<sup>1</sup> Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

# **DESIGNATED POSITIONS**

## **GOVERNED BY THE CONFLICT OF INTEREST CODE**

<b><u>DESIGNATED POSITIONS'</u></b> <b><u>TITLE OR FUNCTION</u></b>	<b><u>DISCLOSURE CATEGORIES</u></b> <b><u>ASSIGNED</u></b>
Accounting Administrator	4
Administrative Assistant	5
Administrator/Office Manager	4
Finance Manager	4
General Counsel	1, 2
Maintenance Superintendent/District Inspector	5

Consultants and New Positions<sup>2</sup>

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<sup>2</sup> Individuals serving as a consultant as defined in FPPC Reg. 18700.3(a) or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The General Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

## **PART "B"**

### **DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category for which he or she is assigned.<sup>3</sup> "Investment" means financial interests in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the District.

Category 1: All investment and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, that do business in or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District, including any leasehold, beneficial or ownership interest or option to acquire property.

Category 3: All investment and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development construction or the acquisition or sale of real property within the jurisdiction of the District.

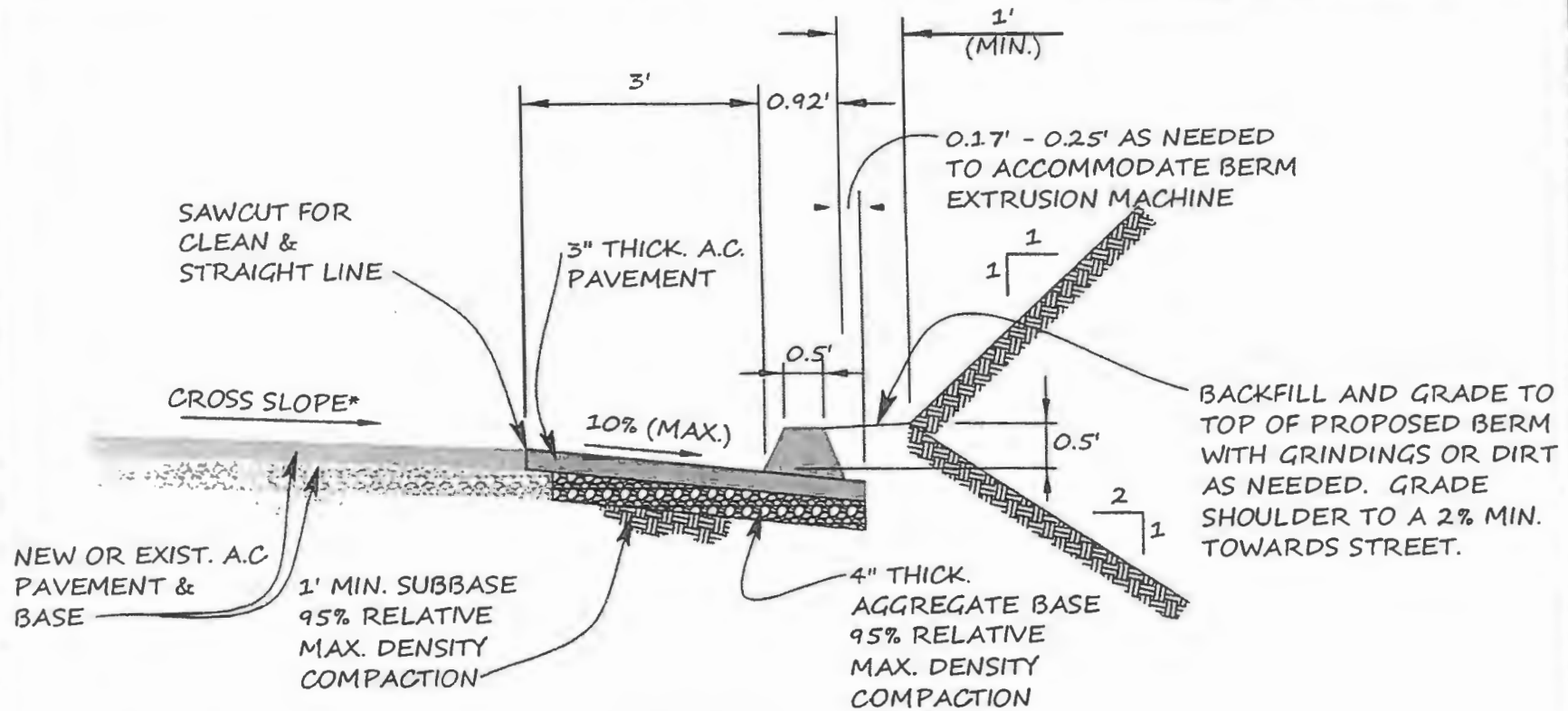
Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

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<sup>3</sup> This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

"EXHIBIT 12"



\* 2% CROSS SLOPE UNLESS OTHERWISE NOTED

AC BERM PER  
STD. No. 108  
SHOULDER SUB-BASE  
COMPACTED TO 95%



DE LUZ COMMUNITY SERVICE DISTRICT

SCALE:

N.T.S.

DATE:

6/16/08

APPROVED BY:

*[Signature]*

GENERAL MANAGER

DRAWN BY:

S.E.H.

REVISED:

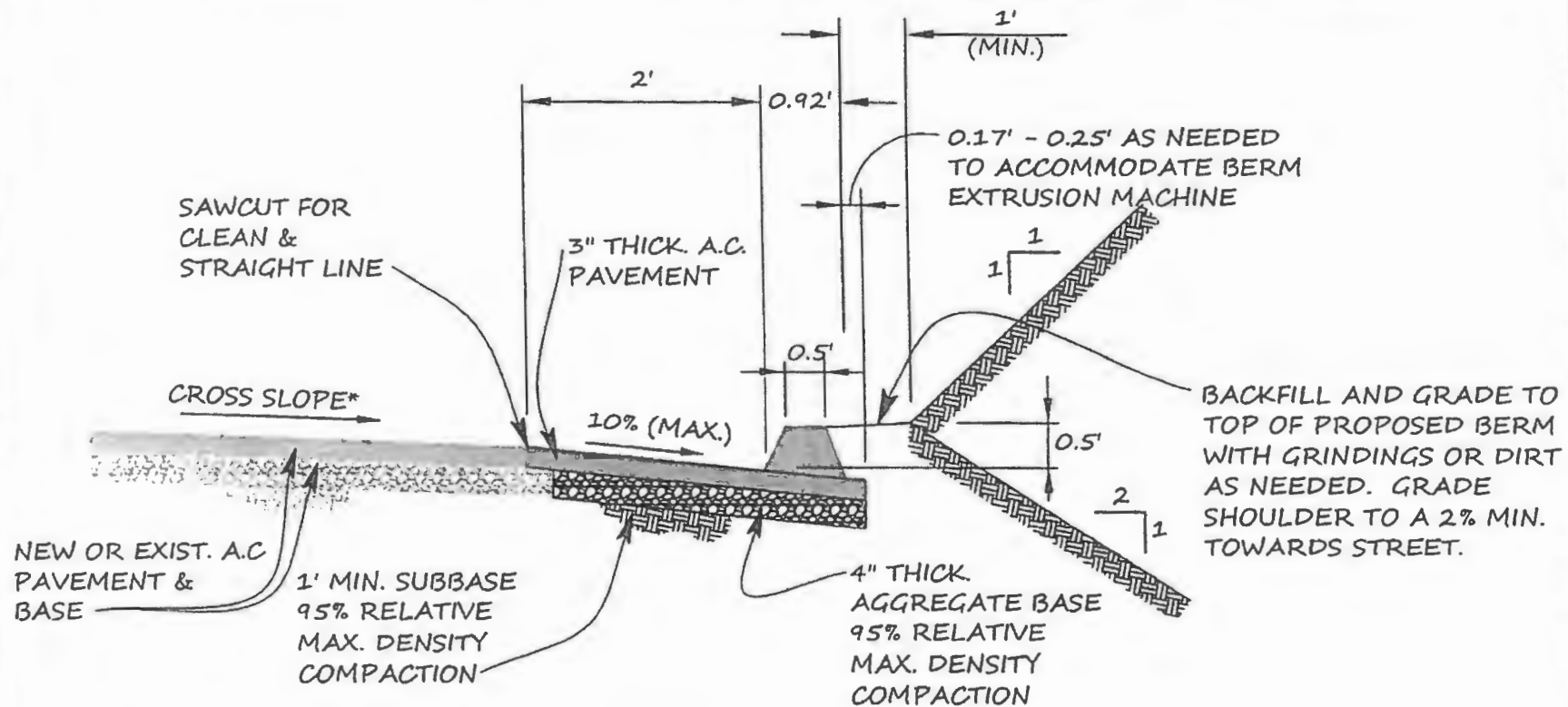
/ /

3' A.C. SHOULDER W/BERM

STANDARD DRAWING

STD. NO.:

104



\* 2% CROSS SLOPE UNLESS  
OTHERWISE NOTED

AC BERM PER  
STD. No. 108  
SHOULDER SUB-BASE  
COMPACTED TO 95%



# DE LUZ COMMUNITY SERVICE DISTRICT

SCALE:  
N.T.S.  
DATE:  
6/16/08

APPROVED BY:

DATE:

6/16/08

GENERAL MANAGER

DRAWN BY:

S.E.H.

REVISD:

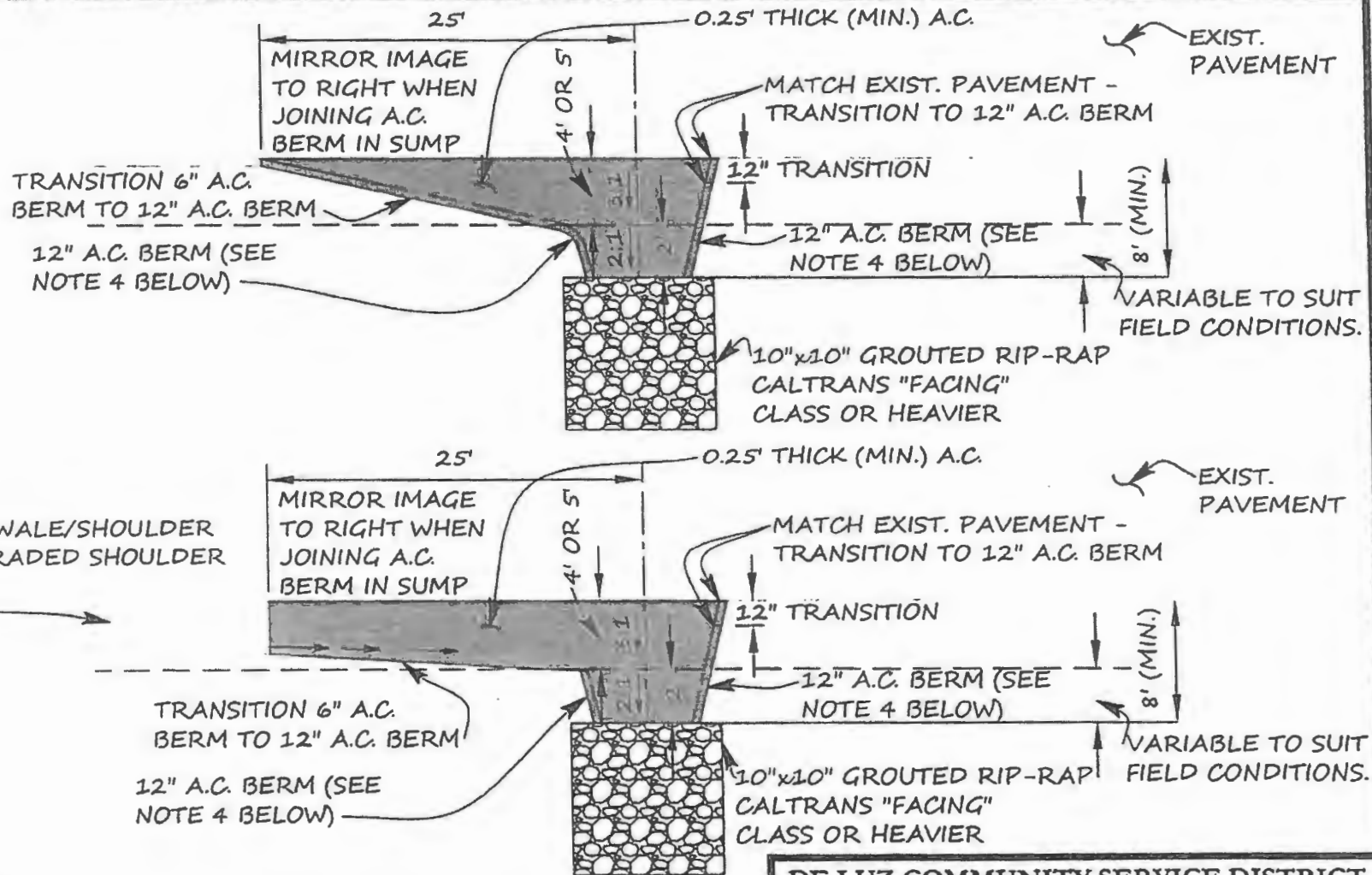
/ /

## 2' A.C. SHOULDER W/BERM

STANDARD DRAWING

STD. NO.:

105




### NOTES:

1. 4' SHOULDER W/BERM PER D.L.C.S.D. STD. #104.
2. 6" A.C. BERM PER D.L.C.S.D. STD. #108.
3. AGGREGATE BASE MAY BE REQUIRED BY INSPECTOR UNDER A.C. DOWNDRAIN.
4. BACKFILL BEHIND 12" BERMS ON BOTH SIDES OF DOWNDRAIN TO ALLOW DRAINAGE TO FLOW TO DOWNDRAIN, WHEN NECESSARY.



### DE LUZ COMMUNITY SERVICE DISTRICT

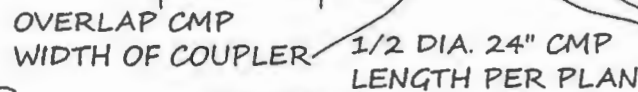
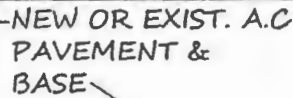
SCALE: N.T.S.	APPROVED BY: 	DRAWN BY: S.E.H.
DATE: 6/16/08	GENERAL MANAGER	REVISED: / /

## TYPE "I" DOWNDRAIN

STANDARD DRAWING

STD. NO.:  
106

\* - CONSTRUCT 20' (MIN.) OF 4' WIDE A.C. SWALE EACH SIDE WHEN NO A.C. BERM OR SWALE IS PRESENT.



SECTION A-A


N.T.S.



NOTES: N.T.S.

1. 4' SHOULDER W/BERM PER D.L.C.S.D. STD. #104 or #105.
2. 6" A.C. BERM PER D.L.C.S.D. STD. #108.

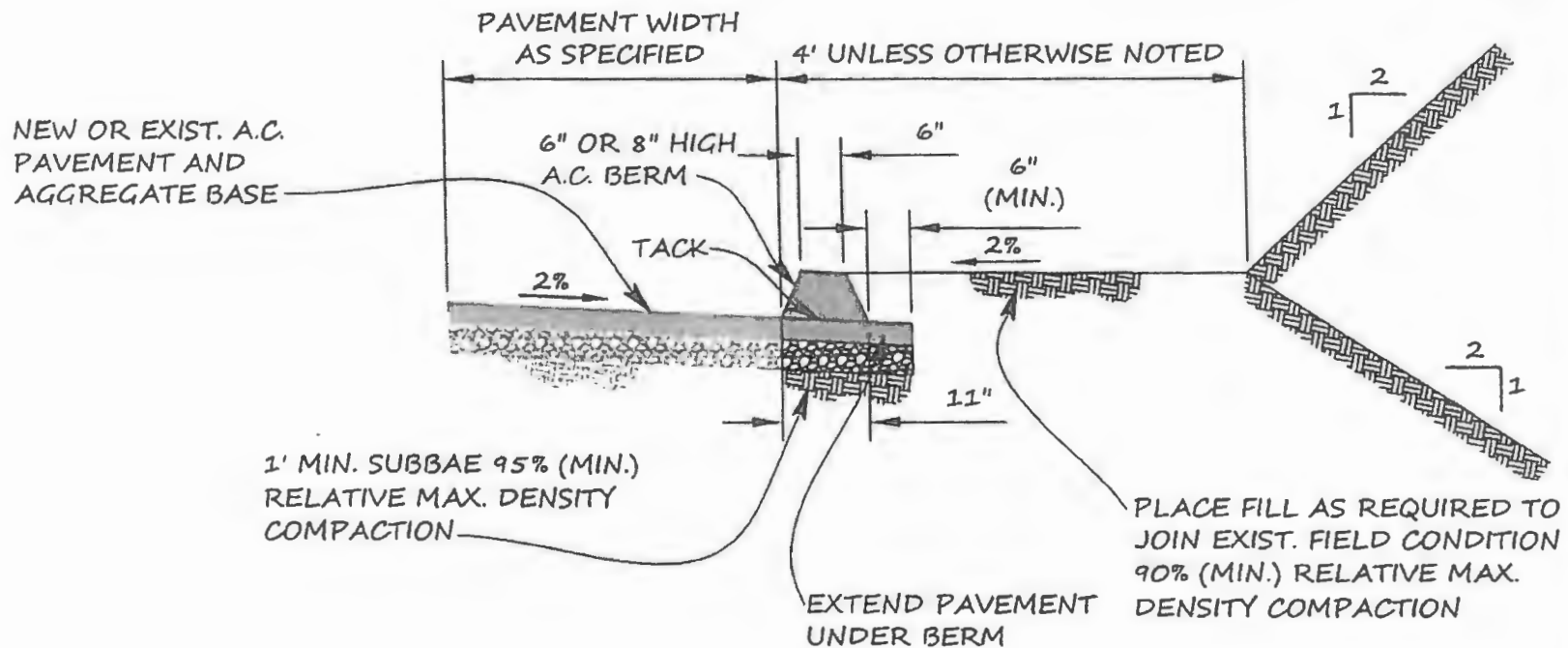
**DE LUZ COMMUNITY SERVICE DISTRICT**

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DATE: 6/16/08	GENERAL MANAGER	REVISED: / /

## TYPE "II" DOWNDRAIN

## STANDARD DRAWING

STD. NO.:  
**107**



**NOTE:**

UNIT PRICE FOR 6" BERM SHALL INCLUDE FULL COMPENSATION FOR BACKFILL, COMPACTION, AND FINE GRADING BEHIND BERM.



**DE LUZ COMMUNITY SERVICE DISTRICT**

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DATE: 6/16/08	GENERAL MANAGER	REVISED: / /

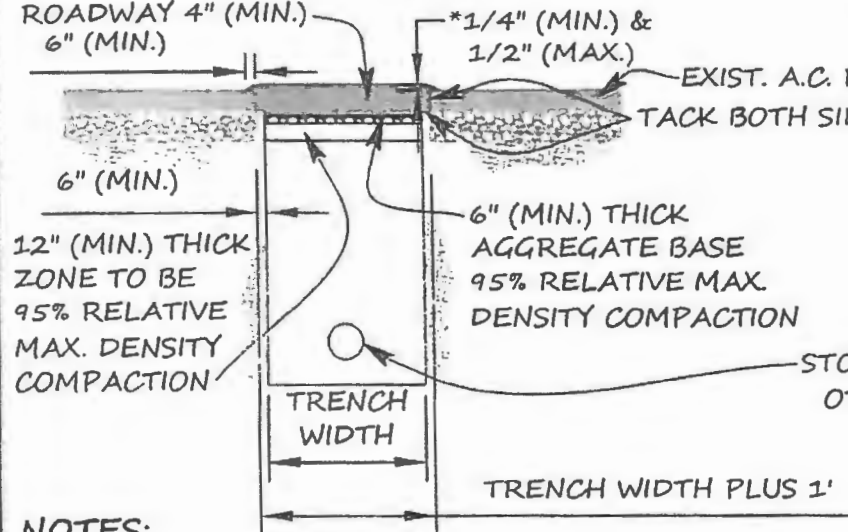
**A.C. BERM DETAIL**

**STANDARD DRAWING**

STD. NO.:  
**108**

## PERMANENT

A.C. PATCH 1" THICKER  
THAN EXISTING A.C.  
ROADWAY 4" (MIN.)  
6" (MIN.)

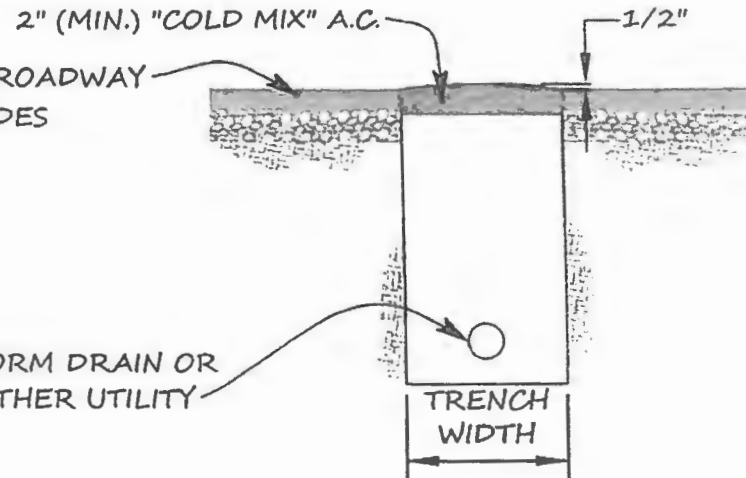


### NOTES:

1. TRENCH EDGES SHALL BE SAWCUT TO NEAT STRAIGHT LINES.
2. A.C. SHALL BE 1-C1-AR-4000.
3. PREFERRED BACKFILL: 2-SACK CONCRETE SLURRY FULL DEPTH OF TRENCH ABOVE PIPE ZONE TO FINISHED SURFACE. GRIND TO 4" DEPTH, PAVE W/A.C. AS SHOWN.
4. PIPE BEDDING, INSTALLATION & BACKFILL PER SECTION 306 STD. SPECIFICATIONS.
5. ALTERNATE BACKFILL WITH IMPORTED GRANULAR MATERIAL OR NATIVE MATERIAL SUBJECT TO INSPECTOR'S APPROVAL. COMPACTION TEST(S) MUST BE TAKEN PRIOR TO PLACING PERMANENT REPAIR. TEST REPORTS MUST BE SUBMITTED AND APPROVED PRIOR TO RELEASE OF PERMIT SECURITIES.



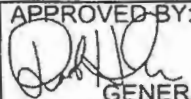
## TEMPORARY



### NOTES:

1. TEMPORARY REPAIR 30 DAYS MAXIMUM.
2. FAILURE TO MAINTAIN PATCH WILL IMMEDIATELY REVOKE PERMIT. DISTRICT MAY HIRE CONTRACTOR TO CORRECT @ PERMIT'S EXPENSE.

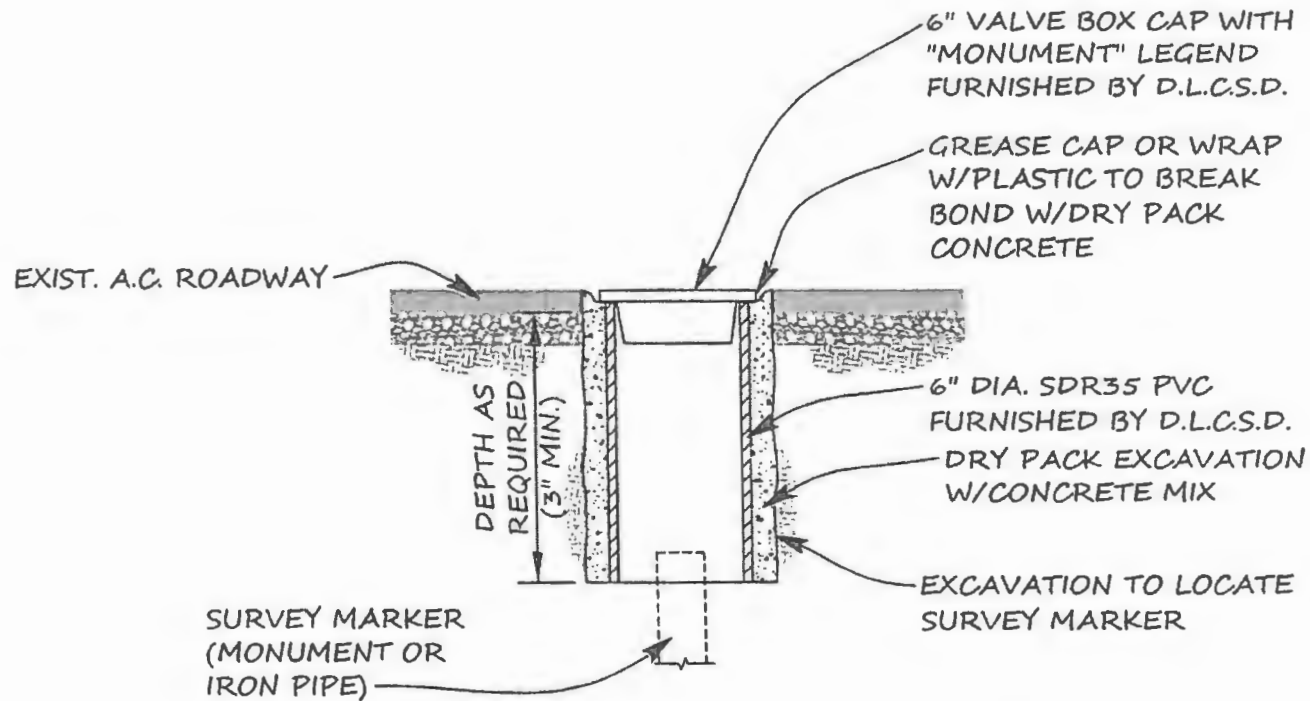
### DE LUZ COMMUNITY SERVICE DISTRICT

SCALE: N.T.S.	APPROVED BY: 	DRAWN BY: S.E.H.
DATE: 6/16/08	GENERAL MANAGER	REVISED: / /

### ASPHALT TRENCH REPAIR

TYPICAL SECTION

STD. NO.:  
109



#### NOTES:

1. VALVE CAP TO BE FURNISHED BY D.L.C.S.D.
2. PVC PIPE TO BE FURNISHED BY D.L.C.S.D. PARTY INSTALLING SHALL CUT PIPE TO REQUIRED LENGTH.
3. MONUMENT BOX TO BE USED FOR EXISTING PAVEMENT W/NEW OR EXISTING SURVEY MARKERS.



#### DE LUZ COMMUNITY SERVICE DISTRICT

SCALE:  
N.T.S.  
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6/16/08

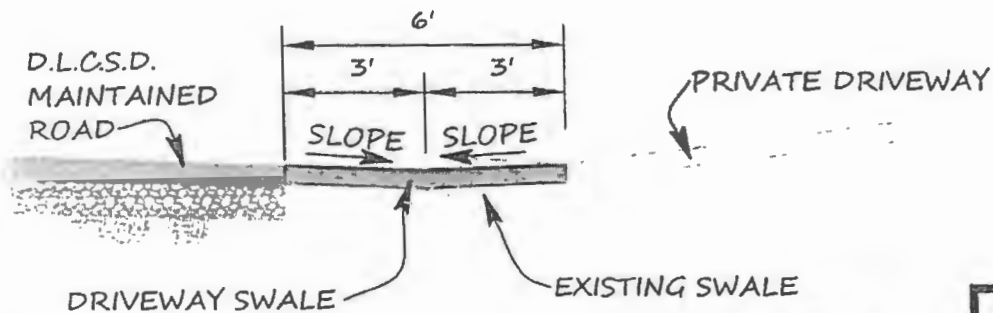
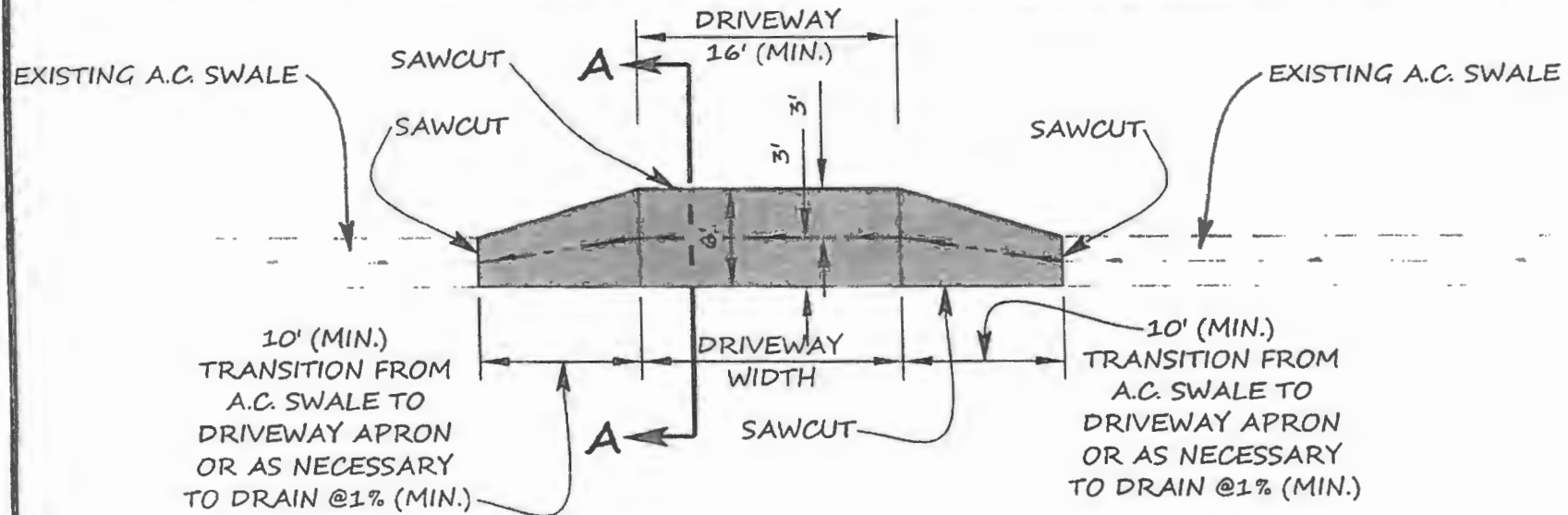
APPROVED BY:  
  
GENERAL MANAGER

DRAWN BY:  
S.E.H.  
REVISED:  
/ /


#### 6" MONUMENT BOX DETAIL

STANDARD DRAWING

STD. NO.:  
110



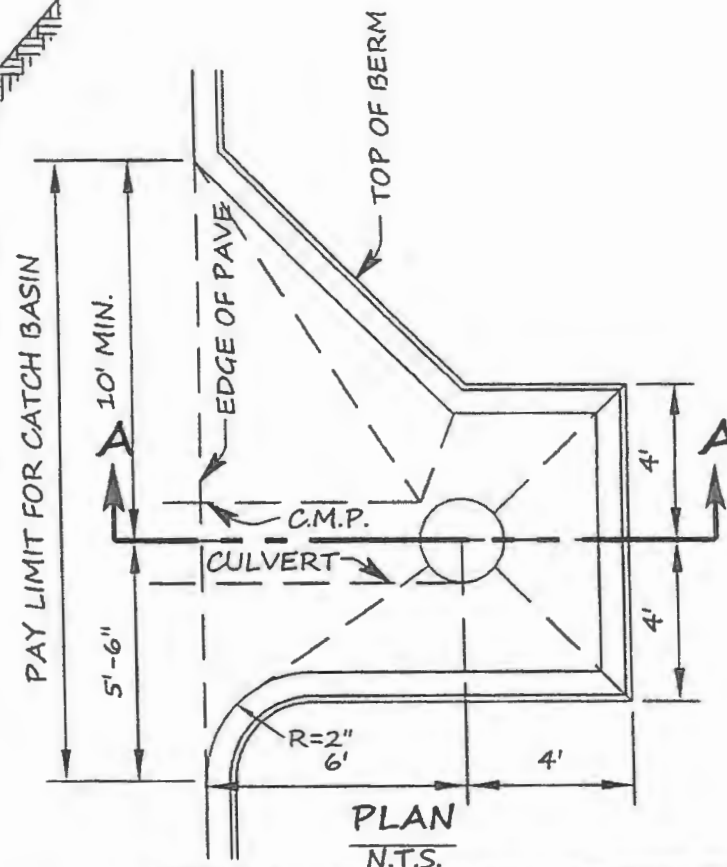
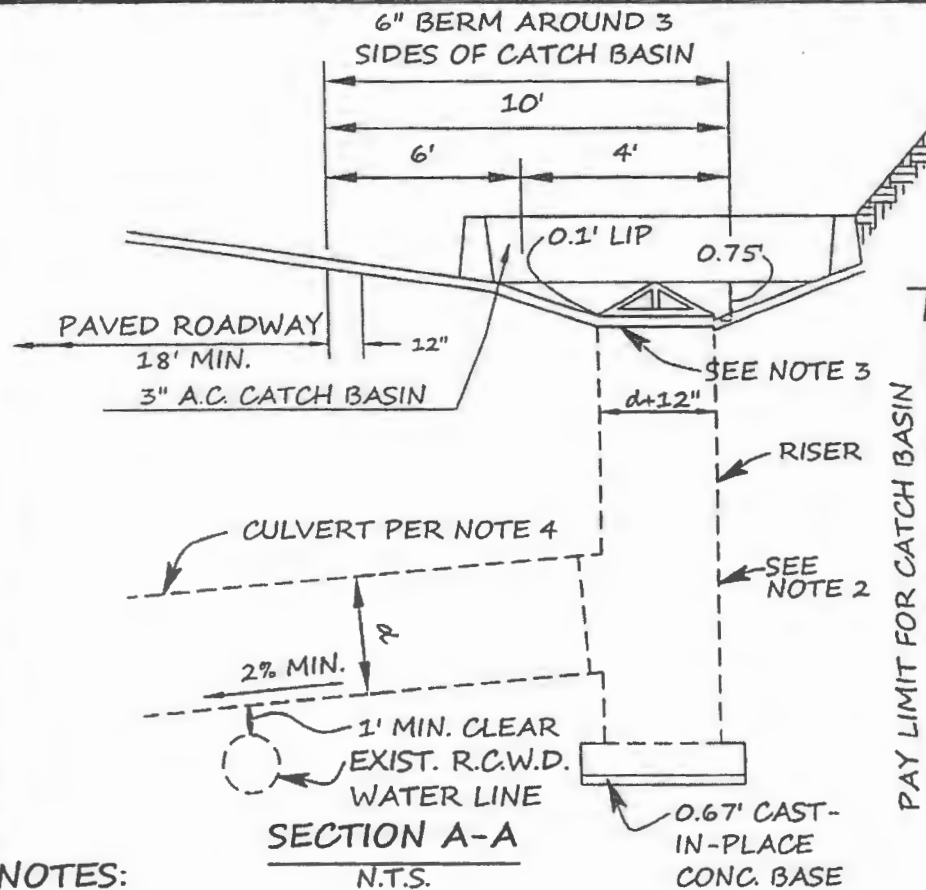
**DE LUZ COMMUNITY SERVICE DISTRICT**

SCALE: N.T.S.	APPROVED BY: 	DRAWN BY: S.E.H.
DATE: 6/16/08	GENERAL MANAGER	REVISED: / /

**A.C. SWALE @ DRIVEWAY**

**STANDARD DRAWING**

STD. NO.:  
**113**



#### NOTES:

1. DIMENSIONS SHOWN MAY BE ADJUSTED TO MEET FIELD CONDITIONS. AC APRON OPTIONAL AS DIRECTED BY DISTRICT.
2. SHOP-FABRICATED TEE W/WATER-TIGHT COUPLING AT OUTLET.
3. SHOP-FABRICATED TRASH RACK, FASTEN TO RISER W/BAND COUPLER. GALVANIZE AFTER FABRICATION.
4. RISER & CULVERT MATERIAL: SEE NOTE 2, STD. NO. 111. RISER SHALL BE SAME MATERIAL AS CULVERT.



#### DE LUZ COMMUNITY SERVICE DISTRICT

SCALE:

N.T.S.

DATE:

6/16/08

APPROVED BY:

*[Signature]*

GENERAL MANAGER

DRAWN BY:

S.E.H.

REVISED:

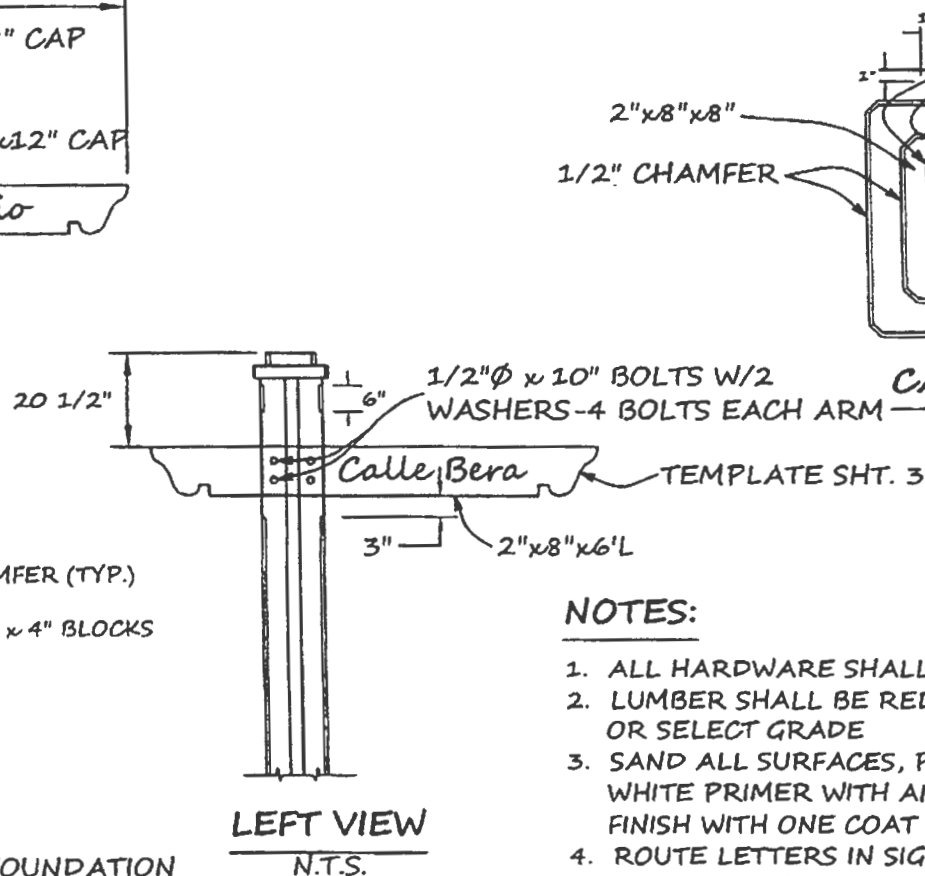
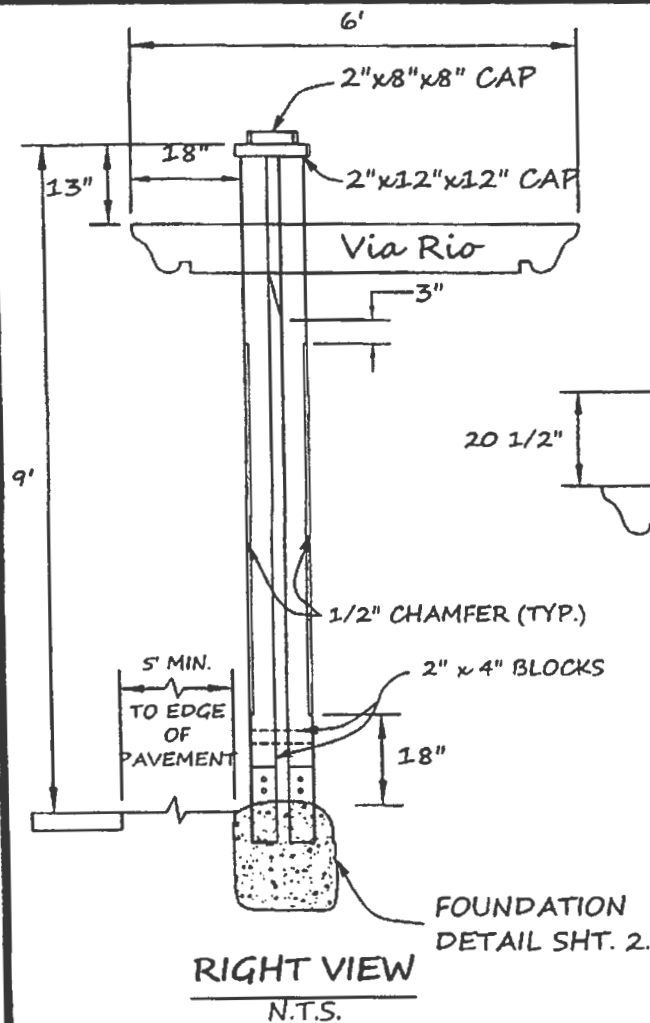
/ /

#### CULVERT CATCH BASIN DETAIL

STANDARD DRAWING

STD. NO.:

114



### NOTES:

1. ALL HARDWARE SHALL BE GALVANIZED.
2. LUMBER SHALL BE REDWOOD OR CEDAR, No. 1. OR SELECT GRADE
3. SAND ALL SURFACES, PAINT WITH ONE COAT WHITE PRIMER WITH ANTI-FUNGAL ADDITIVE. FINISH WITH ONE COAT ACRYLIC SOLID STAIN.
4. ROUTE LETTERS IN SIGN ARMS W/ HALF ROUND SHAPE. PAINT WITH ONE COAT BLACK SEMI-FLOSS ENAMEL. ADD ADDITIONAL COAT OF BLACK AS NEEDED TO COVER WHITE.



### DE LUZ COMMUNITY SERVICE DISTRICT

SCALE:

N.T.S.

DATE:

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APPROVED BY:

*[Signature]*  
GENERAL MANAGER

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S.E.H.  
REVISED:  
/ /

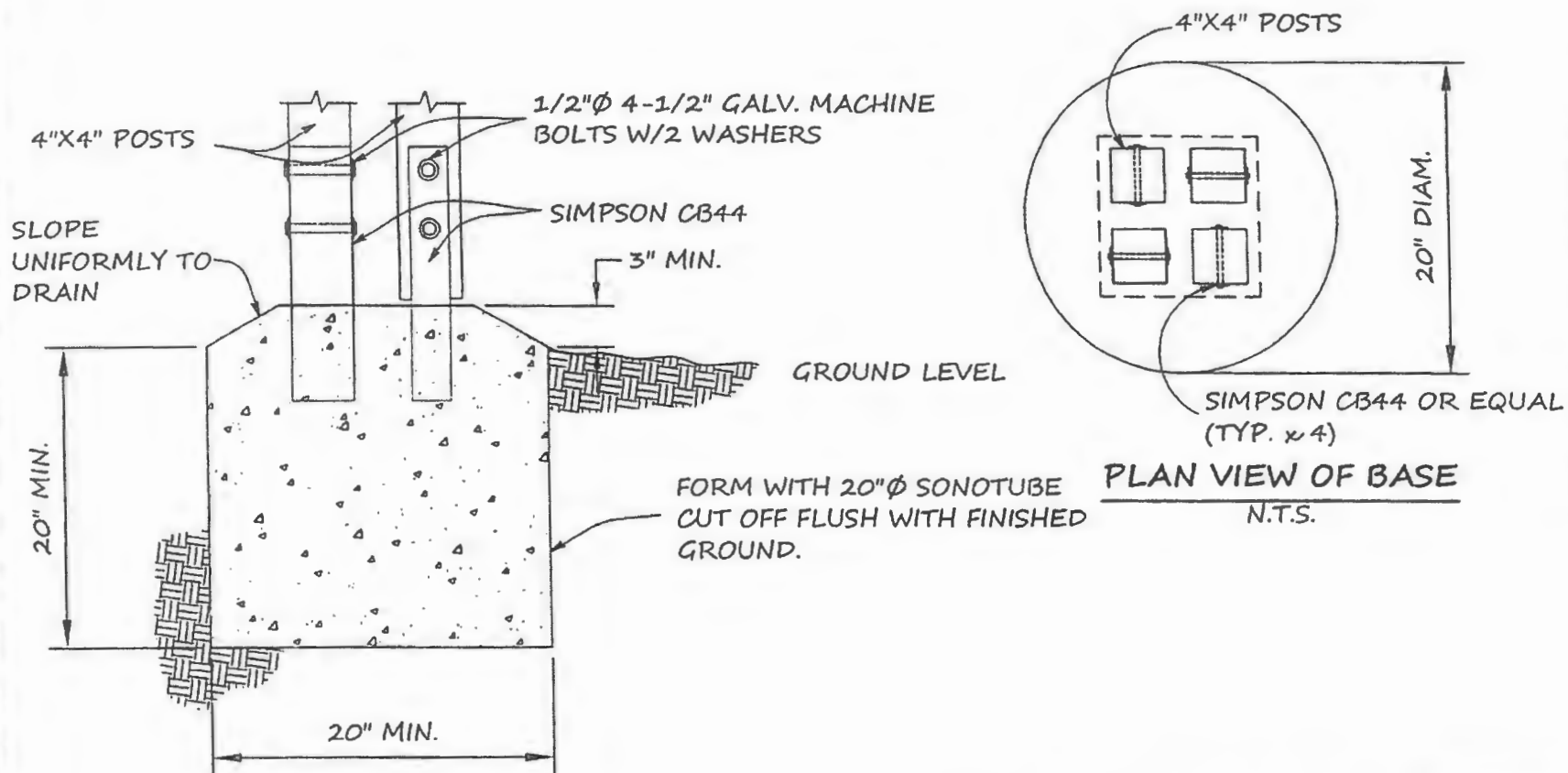
### STREET SIGN

STANDARD DRAWING

SHT. 1 OF 2

STD. NO.:

115



**DE LUZ COMMUNITY SERVICE DISTRICT**

SCALE:

N.T.S.

DATE:

6/16/08

APPROVED BY:

*[Signature]*  
GENERAL MANAGER

DRAWN BY:

S.E.H.

REVISED:

/ /

**STREET SIGN**

**STANDARD DRAWING**

SHT. 2 OF 2

STD. NO.:

**115**