

ORDINANCE NO. 1020 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTION 21.22.B,
LANDSCAPE AND IRRIGATION ORDINANCE

WHEREAS, in December 2009, the City adopted Ord.964 N.S. establishing Section 21.22B of the Zoning Code, Landscape and Irrigation Ordinance; and

WHEREAS, the need to update the Ordinance is in response to Governor Brown's Executive Order of April 1, 2015 (EO B-29-15) requiring cities to update their Water Efficient Landscape Ordinances to comply with the State requirements; and

WHEREAS, the goal of the Ordinance is to achieve a significant reduction in landscape water use in new development, in support of the City's long term water consumption goals; and

WHEREAS, all cities and counties have until December 1, 2015, to either adopt the state's updated Model Water Efficient Landscape Ordinance (MWELo) or update their own local water efficient landscape ordinance; and

WHEREAS, a draft local ordinance has been prepared and provides requirements that:

- Are as effective at achieving water savings as the MWELo; and
- Reduces the costs for new homes compared to the State's requirements; and.
- Reduces the City's administrative costs compared to the State's MWELo approach.

and;

WHEREAS, this Zoning Ordinance Amendment would update Section 21.22B, Landscape and Irrigation Ordinance; and

WHEREAS, at its meeting on October 27, 2015, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, based on consideration of information received at its meeting of November 17, 2015, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the recommendation from the Planning Commission meeting on October 27, 2015;
- d. Introduced said ordinance for the first reading; and

WHEREAS, on December 1, 2015, the City Council held a second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1. Council Findings.

The Council finds that:

- a. It is necessary to amend the Zoning Ordinance in order to comply with Governor Brown's Executive Order of April 1, 2015 (EO B-29-15) requiring cities to update their Water Efficient Landscape Ordinances to comply with the State requirements;

- b. The proposed code amendment would meet the City's policy to promote the conservation and efficient use of water and to prevent waste of this valuable resource;
- c. Consistent with California Law, the purpose of this ordinance is to promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- d. Consistent with California Law, the purpose of this ordinance is to establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects.
- e. The reduction is estimated to be at least as effective as the States Model Water Efficient Landscape and Irrigation Ordinance as a result of the turf limitations and limitations on overhead spray irrigation for all projects including single family residential.

SECTION 2: Chapter 21.22B, Water Efficient Landscape Ordinance is amended, as shown in Exhibit A.

SECTION 3: A revision to Chapter 21.16. E.340. Landscape Requirements for Front Yards (R-1 Zone), **see bold language below:**

- A. Within one year of issuance of a certificate of occupancy, the holder of a building permit for a single-family dwelling shall have installed front yard landscaping in all nonpaved portions of the area between the front of the home and the street upon which the home faces. The landscaping may consist of ~~lawn~~, ground cover, flowers, gravel, bark or other equivalent decorative materials. Bare ground and/or weeds are not acceptable landscaping treatments. Please refer to Chapter 21.22B, Water Efficient Landscape Ordinance for rules and regulations regarding landscape and irrigation, including limitations on the percentage of turf/lawn that can be placed in the front yard.

SECTION 4. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 6. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on November 17, 2015, and passed and adopted by the City Council of the City of El Paso de Robles on the 1st day of December, 2015 by the following vote:

AYES: Gregory, Strong, Hamon, Reed, Martin
 NOES:
 ABSENT:
 ABSTAIN:



Steven W. Martin, Mayor

ATTEST:

 Kristen L. Buxkemper, Deputy City Clerk

Exhibit A

Chapter 21.22B

LANDSCAPE and IRRIGATION ORDINANCE

Sections:

21.22B.010	Purpose
21.22B.020	Definitions
21.22B.030	Applicability
21.22B.040	Turf Limitations for New Construction and Rehabilitated Landscapes
21.22B.050	Landscape and Irrigation System Design Requirements

21.22B.010 Purpose

Consistent with California State Law, it is the purpose of this ordinance to: (a) promote the values and benefits of landscapes while recognizing the need to use water resources as efficiently as possible; (b) establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects.

21.22B.020 Definitions (Definitions related to the technical information of the Landscape Documentation Package are provided as Attachment 5, of the Landscape and Irrigation Design Guide-):

“Certificate of Completion” means the document required under Section 21.22B.050.B.4.

“Compost” means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

“Drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

“Estimated Total Water Use” (ETWU) means the total water used for the landscape as calculated in the Water Efficient Landscape Worksheet.

“ET adjustment factor” (ETAF) means a factor of 0.55 for residential areas and 0.45 for nonresidential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

“Flow sensor” means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves.

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“Front yard” means a yard extending across the front of the lot between the inner side yard lines and measured from the front line of the lot to the nearest line of the building; provided, that if any building line or official plan line has been established for the street upon which the lot faces, then such measurement shall be taken from the such building line or official plan line to the nearest line of the building.

“Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. For purposes of this ordinance, irrigation efficiencies are 0.75 for overhead spray devices and 0.81 for drip systems.

“Landscape Architect” means a person who holds a license to practice landscape architecture in the State of California as described in the Business and Professions Code, §5615.

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

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

“Landscape Documentation Package (LDP)” means the documents required under Section 21.22B.050-B.3.

“Landscape water meter” means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

“Landscape project” means total area of landscape in a project as defined in “landscape area” for the purposes of this ordinance.

“Master shut-off valve” is a valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

“Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area as calculated as calculated in the Water Efficient Landscape Worksheet.

“Multi-family Residential” means two or more attached residential units. Landscape areas for multiple detached units on one parcel will be considered single family units for the purposes of this Ordinance.

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

“Permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

“Pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.

“Project applicant” means the individual or entity submitting a Landscape Documentation Package required under Section 21.22B.050.B.3, to request a permit, plan check or design review from the local agency. A project applicant may be the property owner or his or her designee.

“Rehabilitated landscape” means any re-landscaping project that requires a permit, plan check, or design review.

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

“Single Family Residential” one home on one lot, or multiple detached units on one lot (not attached).

“Street Side Yard”: means the side yard of a corner lot that is adjacent to a street, extending across the full width of the lot and measured between the rear line of the lot and nearest line of the main building.

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

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

“Valve” means a device used to control the flow of water in the irrigation system.

“Water conserving plant species” means a climate-adapted plant species identified as having a low plant factor (WUCOLS plant factor of 0.3 or less).

“Water Efficient Landscape Worksheet” means calculations of MAWU and ETWU using specific landscape hydrozone areas, plant factors in accordance with WUCOLS, and irrigation efficiencies, ETAFs, and regional evapotranspiration rate in accordance with Attachment XX, Landscape and Irrigation Design Guide.

“WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, and the Department of Water Resources.

21.22B.030 Applicability

The requirements within this Chapter apply to new construction and rehabilitated landscapes for commercial, industrial and residential projects that are subject to the development review process and/or a building permit.

A. Development Review Process

In conjunction with the submittal of a project for development review (tentative parcel map, tentative tract, development plan or conditional use permit), conceptual landscape plans shall be provided that demonstrate that the design of the landscaping complies with the standards within this Ordinance. These plans shall be reviewed by City Staff during the development review process.

B. Building Permit

In conjunction with the submittal of a project for building plan check, final landscape and irrigation plans, in compliance with this Ordinance, shall be submitted with the project. After a plan check review by the Planning and/or Public Works Departments for compliance with this Ordinance, a Building Permit may be issued. Fees consistent with the fees established for building plan check will be applied for staff review of the landscape and irrigation plan.

C. Certificate of Completion

Once the landscape and irrigation plans and necessary documentation ~~has~~ have been provided in substantial compliance with the LDP, a Certificate of Completion may be issued. A Certificate of Completion shall be issued prior to the project receiving a Certificate of Occupancy by the Building Division.

D. Landscape and Irrigation Installation

For both projects less than or greater than ~~1-0.5~~ acre, the landscape and irrigation shall be installed per the approved plans prior to the issuance of a Certificate of Occupancy or "final" of the building/project.

E. Landscape Bond

For projects that have a landscape area of ~~1-acre~~ 0.5 acre or greater ~~and require a LDP~~, a bond may be posted which would allow a building to be finaled and a Certificate of Occupancy to be issued prior to the site landscape and irrigation being completed. The bond shall be based on an estimate for labor and materials to complete the landscape and irrigation project per the approved plans, plus an additional 25-percent. The applicant shall fill out the Landscape Bond Security Bond Agreement along with the necessary bonding information, to the Public Works Department for review and approval to determine the specific bond amount.

For projects that have a landscape area of less than ~~0.51~~ acre ~~which does not require the LDP~~, the Community Development Director or his or her designee may approve a bond to be posted

which would allow a building to be finalized and a Certificate of Occupancy to be issued prior to the site landscape and irrigation being completed.

21.22B.040 Turf Limitations for New Construction and Rehabilitated Landscapes.

A. All new construction projects (residential, commercial, industrial) shall comply with the following limitations:

1. Turf areas less than ~~8-10~~ ft. in width in any direction are prohibited, unless subsurface irrigation is used and maximum turf areas do not exceed the percentages outlined in this ordinance.
2. Turf shall be prohibited within the public right-of-way, including parkways.
3. Developments shall be graded to maximize the on-site distribution of runoff to planted areas.
4. For non-turf areas, drip irrigation methods and ~~low water use~~ water conserving plant ~~species are recommended~~ shall be used.
5. Landscapes and irrigation systems shall comply with the requirements of Section 21.22B.050.
65. Covenants, Conditions and Restrictions (CCRs) shall not require turf landscaping nor have the effect of prohibiting low-water use landscaping and shall include by reference and/or attachment a copy of Chapter 21.22B, City of Paso Robles Landscape Ordinance.

B. Commercial and Industrial projects:

1. Water conserving plant species irrigated with a drip irrigation system shall be used for 100% of the area planted in turf grass and irrigated with spray irrigation shall be limited to 10 percent of the development's landscaped area, excluding edibles and areas using recycled water.
2. Exceptions: This section does not apply to Cemeteries, plant collections as part of botanical gardens and arboretums open to the public, City parks, and school sports fields.

C. Single Family Residences

1. Turf grass installed with spray irrigation shall be prohibited in residential front yard and street side yards, and shall be limited to 25 percent of the ~~landscapable-landscaped~~ area in back and side yards.
2. The common areas in residential subdivisions ~~planted in turf~~ (including landscape and lighting district areas) shall be -planted with water conserving plant species irrigated with

~~drip irrigation limited to 10 percent of the landscaped area.~~ (Excluding active play areas such as ball fields, playgrounds, and picnic areas).

D. Model Homes

1. Turf grass shall be prohibited in the front yards of model homes, and shall be limited to ~~50~~ 25 percent of the landscaped area in back and side yards.
2. Model homes shall be used to educate future home owners about water efficient landscape and irrigation techniques. Education features for Model homes shall include:
 - (a) The installation of interpretive landscape information signs that describe the principles of water efficient landscapes including features such as hydrozones, appropriate irrigation equipment and others techniques that contribute to the overall water efficient irrigation theme.
 - (b) Information shall be provided to new home owners that includes techniques on designing, installing, managing, and maintaining water efficient landscapes, and complying with this ordinance.

E. Multi-family Residential Projects

1. Turf grass shall be limited to 20 percent of the landscaped area. The 20 percent limitation shall be exclusive of areas designed as active play surfaces (e.g. ballfields, playgrounds, picnic areas).

F. Rehabilitated Landscapes

1. Rehabilitated landscapes shall comply with the turf limitations outlined in Sections A-E above, as appropriate to the property type.

21.22B.050 Landscape and Irrigation System Design and Information Requirements

A. All project landscaping and irrigation plans/designs shall comply with the following standards:

1. The following documents and plans shall be submitted prior to the issuance of a Building Permit for the associated project (Please refer to the Landscape & Irrigation Design Guide for specific forms and criteria):
 - Project Information
 - Water Efficient Landscape Worksheet
 - Landscape Design Plans
 - Irrigation Design Plans

2. The Estimated Total Water Use (ETWU) calculated in the Water Efficient Landscape Worksheet shall not exceed Maximum Applied Water Allowance (MAWA).
3. ET adjustment factor (ETAF) calculated in the Water Efficient Landscape Worksheet shall not exceed 0.55 for residential projects and 0.45 for non-residential projects.
4. Utilize rain sensors, either integral or auxiliary, that suspend irrigation during and after rainfall events, shall be required on all irrigation control systems.
25. Prohibit turf on slopes greater than 20% where the toe of the slope is adjacent to an impermeable hardscape. (where 20% means 1 foot of vertical elevation change for every 5 feet of horizontal length rise divided by run X 100 = slope percent).
36. Water features shall use recirculating water systems.
47. Prohibit overhead spray irrigation within 24 inches of a non-permeable surfaces such as but not limited to concrete sidewalks and driveways. Subsurface irrigation may be used as long as other requirements of this ordinance are met. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low-flow non-spray type of systems. The setback area may be planted or non-planted. The surfacing of the setback may be mulch, gravel, cobbles, or other ~~porous-permeable~~ material. These restrictions may be modified if the landscape area is adjacent to permeable surfacing, and no runoff occurs or the adjacent non-permeable surface drains entirely to landscaped areas.
8. Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into the landscape area (unless contra-indicated by soil test).
59. Irrigation systems shall be designed and constructed to achieve a minimum efficiency of ~~74~~ 75 percent for overhead spray devices and 0.81 for drip systems.
10. All irrigation system shall include pressure regulators and a master shut-off valve. All irrigation emitters shall meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard," All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
11. For irrigations systems serving non-residential landscape areas, a dedicated landscape meter or submeter may be required, depending on the water meter size required to serve the total water demand for the project (indoor and outdoor potable water demands). Refer to Public Works standards to determine if a separate landscape meter is required.
12. Irrigation systems serving non-residential landscape areas greater than 1,000 square feet shall incorporate dedicated flow sensors that detect and report high flow conditions due to broken pipes, sprinkler heads, or other malfunctions.
613. Apply a minimum two inch (~~23~~) layer of mulch on all exposed soil surface of planting areas.

714. The architectural guidelines and Covenants, Conditions, and Restrictions of common interest developments shall not have the effect of prohibiting the use of low-water use plants or requiring turf grass in landscaped areas.

B. Projects that have a landscape area equal to or greater than 0.51 acre need to submit the flowing information and shall comply with the following standards and conditions:

Please note that the landscape area for new residential subdivisions will be calculated on an individual lot basis as each lot develops, not a total of landscape areas prior to subdivision. ~~Therefore, generally a residential subdivision will not require an LDP for individual lot landscaping, however if~~ there are common areas, or areas within a Landscape and Lighting District that have landscape areas 10.5 acre or greater, there will be a requirement for an LDP for those areas to be completed prior to the recordation of the final map.

1. All of the items identified in Section A above shall apply.

~~2.~~ 2. Weather-based irrigation controllers, soil moisture-based controllers, or other self-adjusting irrigation controllers shall be required for irrigation scheduling.

~~33.~~ The following documents and plans ~~need to~~shall be submitted prior to the issuance of a Building Permit for the associated project (Please refer to the Landscape & Irrigation Design Guide for specific forms and criteria):

Compliance with Landscape Documentation Package which includes completion of the following items:

- Project Information
- Water Efficient Landscape Worksheet
- Soil Management Report
- Landscape Design Plan
- Irrigation Design Plan
- Grading Design Plan

~~44.~~ The following documents and plans ~~need to~~shall be completed and the landscape and irrigation project shall be installed prior to the issuance of a Certificate of Occupancy for the associated project (Please refer to the Landscape & Irrigation Design Guide for specific forms and criteria):

Certificate of Completion which includes documentation of the following items:

- Irrigation Scheduling
- Landscape and Irrigation Maintenance Schedule
- Irrigation Audit, Irrigation Survey and Irrigation Water Use Analysis
- Irrigation Efficiency
- Stormwater Management

The Project Applicant shall be responsible for costs of City audits, inspections, surveys, analyses, design changes, additional reviews, and resubmittals necessary for compliance with this ordinance.