

ORDINANCE NO. 46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, RESTATING CHAPTER 17.276 OF THE WILDOMAR MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF NEW WATER EFFICIENT LANDSCAPE REGULATIONS

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Findings. The City Council of the City of Wildomar does hereby find, determine and declare that:

- A. In 2006, the State Legislature adopted AB 1881, the Water Conservation in Landscaping Act, related to water use, waste, conservation and efficiency.
- B. Pursuant to AB 1881, the California Department of Water Resources has developed a Model Water Efficient Landscape Ordinance. The City is required to adopt the State Model Ordinance or its own water efficient landscape ordinance that is "at least as effective in conserving water as" the State Model Ordinance.
- C. The City Council intends to amend Chapter 17.276 of the Wildomar Municipal Code so that it is "at least as effective in conserving water" as the State Model Water Efficient Landscape Ordinance as required by AB 1881.
- D. The local water purveyor for the City of Wildomar is implementing budget-based tiered-rate billing and/or enforcement of water waste prohibitions for all existing metered landscaped areas throughout their service area, which includes most of the City of Wildomar.

SECTION 2: Chapter 17.276 is hereby restated and amended in its entirety to read as follows:

"17.276 WATER EFFICIENT LANDSCAPES

- 17.276.010 Purpose.
- 17.276.020 Definitions.
- 17.276.030 Applicability.
- 17.276.040 Exemptions.
- 17.276.050 Landscape Water Use Standards.
- 17.276.060 Implementation Procedures.
- 17.276.070 Landscape Maintenance.
- 17.276.080 Delegation.

17.276.010 PURPOSE.

The purpose of this chapter is to establish water efficient landscape regulations that are "at least as effective in conserving water as" the State Model Water Efficient Landscape Ordinance in the context of conditions in the City in order to ensure that landscapes are planned, designed, installed, maintained, and managed in a manner that uses water efficiently, encourages water conservation, and prevents water waste. The intent of this ordinance is to encourage the cooperation between the City and local water purveyors to achieve irrigation efficiency and water conservation goals.

17.276.020 DEFINITIONS.

For the purposes of this chapter and the Guidelines for the implementation of this chapter, the following terms are defined:

"Applied water" means the portion of water supplied by the irrigation system to the landscape.

"Estimated applied water use" means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the Guidelines. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system. Also known as the "EAWU".

"Evapotranspiration adjustment factor" means the local reference for evapotranspiration using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area. It is calculated by dividing. Also known as the "ET adjustment factor" or "ETAF".

"Guidelines" refers to the Guidelines for Implementation of the Water Efficient Landscape Ordinance, as approved by the City, which describes procedures, calculations, and requirements for landscape projects subject to this chapter.

"Hardscape" means any durable material or feature (pervious and non-pervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and are not considered hardscape.

"Homeowner-installed" means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired and paid directly by a homeowner. A homeowner, for purposes of this chapter, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under this chapter to the requirements applicable to developer-installed residential landscape projects.

“Hydrozone” means a portion of the landscaped area having plants with similar water needs and typically irrigated by one valve/controller station. A hydrozone may be irrigated or non-irrigated.

“Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the amount of water applied to the landscaped area. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. Also known as “IE”.

“Landscape documentation package” means the construction plans and specification and other supporting documentation required to review and approve landscape construction projects subject to this chapter.

“Landscape Architect” means a licensed landscape architect in the State of California.

“Landscape rehabilitation” means any re-landscaping project that meets the applicability criteria of Section 17.276.030(A) of this chapter and where the modified landscape area is greater than 2,500 square feet or where the cumulative modified area is greater than 2,500 square feet if the modifications are planned to occur incrementally within one year.

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

“Maximum applied water allowance” means the upper limit of annual applied water for the landscaped area. It is based upon the area’s reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. Also known as “MAWA”.

“Mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

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

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

“Plant factor” or **“plant water use factor”** is a factor, when multiplied by reference evapotranspiration that estimates the amount of water needed by plants. (The plant

factors cited in this chapter are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species" also known as "WUCOLS".)

"Recycled water" or "reclaimed water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

"Reference evapotranspiration" means a standard measurement of environmental parameters which affect the water use of plants. Reference evapotranspiration factor is given expressed in inches per day, month, or year as represented in the Guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances. Also known as "ET_o".

"Smart automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system and which schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

"Special landscape area" means an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens; areas irrigated with recycled water; water features using recycled water; and areas dedicated to active play where turf provides a playing surface, such as parks, sports fields, and golf courses.

"Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

"Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection, or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features.

17.276.030 APPLICABILITY.

This chapter shall apply to the following landscape projects:

- A. New landscape installations or landscape rehabilitation projects by public agencies or private non-residential developers, except for cemeteries, with a landscaped area, including water features but excluding hardscape, equal to or greater than 2,500 square feet, and which are subject to a discretionary approval of a

landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.

B. New landscape installations or landscape rehabilitation projects by developers or property managers of single-family and multi-family residential projects or complexes with a landscaped area, including water features but excluding hardscape, equal to or greater than 2,500 square feet, and which are subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.

C. New landscape installations that are homeowner-installed, including homeowner-hired, in single-family or multi-family residential lots with a total project landscaped area equal to or greater than 5,000 square feet and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for landscaping or water feature.

D. New cemeteries are only required to submit information on water calculations and irrigation scheduling and maintenance activities.

17.276.040 EXEMPTIONS.

This chapter shall not apply to:

- A. Registered local, state, or federal historical sites;
- B. Ecological restoration projects that do not require a permanent irrigation system;
- C. Mined-land reclamation projects that do not require a permanent irrigation system; or
- D. Plant collections, as part of botanical gardens and arboretums open to the public.
- E. Existing cemeteries, except that the water waster prevention provisions of Section 17.272.070 are still applicable to the existing facilities.
- F. The requirements of this chapter may be partially or wholly waived at the discretion of the City Manager or his/her designee, for landscape rehabilitation projects that are limited to the replacement of plantings with equal or lower water needs and where any modifications to the irrigation system do not require ministerial permits and the irrigation system is found to be designed, operable, and programmed consistent with minimizing water waste in accordance with local water purveyors regulations.

17.276.050 LANDSCAPE WATER USE STANDARDS.

A. For applicable new landscape or landscape rehabilitation projects subject to Section 17.276.030, the estimated applied water use allowed for the landscaped area may not exceed the maximum applied water allowance calculated using an evapotranspiration adjustment factor of 0.7, except for the portion of the maximum applied water allowance applicable to any special landscaped areas within the landscape project, which may be calculated using an evapotranspiration adjustment factor of 1.0.

B. Where the design of the landscaped area can be otherwise shown to be equivalently water efficient, the applicant may submit alternative or abbreviated information supporting the demonstration that the annual estimated applied water use is less than the maximum applied water allowance, at the discretion of and review and approval of the city manager or his designee.

C. The irrigation of all landscaped areas installed pursuant to this chapter shall be conducted in a manner conforming to the rules and requirements of the program and the approved Landscape Documentation Package. Violations are subject to penalties and/or incentives for water conservation and water waste prevention as determined and implemented by the City and/or local water purveyor.

17.276.060 IMPLEMENTATION PROCEDURES.

A. A landscape documentation package shall be submitted to the City for review and approval prior to the issuance of any permits to install or construct any landscape-related improvements.

B. A landscape documentation package submitted to the City shall comply with provisions of this chapter and any adopted guidelines. The landscape documentation package shall include, at a minimum, a certification of preparation by the project landscape architect stating that the landscape design plan, soil management report, irrigation design plan, and water use calculations have been prepared by or under the supervision of the landscape professional and are in compliance with the provisions of this chapter and any applicable guidelines.

C. Prior to the final inspection of a new landscape installation, the applicant shall submit a certification of completion to the planning director. The certification of completion shall, at a minimum, include information on the scheduling and timing of irrigation, system maintenance requirements, and identify City of Wildomar Planning Department approved changes to the approved plans that may have occurred during the construction/installation process.

D. The City may adopt guidelines to further refine, describe, and implement the requirements of this chapter.

17.276.070 WATER WASTE PREVENTION – EXISTING LANDSCAPING.

A. The irrigation of landscaping installed prior to the effective date of this ordinance, or exempt from the provisions of this ordinance, shall be operated and maintained to avoid wasteful practices such as the watering of adjacent hardscape areas, runoff to the street, and watering during windy conditions.

B. Irrigation of all landscaped areas must be conducted in a manner conforming to the rules and requirements, and be subject to penalties and incentives for water conservation and water waste prevention established by Elsinore Valley Municipal Water District Ordinance 185, as may be subsequently amended.

C. The City will work with the local water purveyor(s) to provide recommendations on how to increase water efficiency for existing landscapes.”

17.276.080 DELEGATION.

The City may delegate to, or enter into an agreement with, one or more local agencies to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City.”

SECTION 4. The City Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) (California Public Resources Code Section 21000 et seq.), because pursuant to State CEQA Regulation 15307 (14 Cal. Code Regs., §15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this ordinance will result in the enhancement and protection of water resources in the City, and will not result in cumulative adverse environment impacts. It is therefore exempt from the provisions of CEQA. The City Council hereby directs the City Manager or designee to prepare and file a Notice of Exemption as soon as possible following adoption of this Ordinance.

SECTION 5. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 6. If any section, subsection, subdivision, sentence, clause, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. The city clerk shall certify to the adoption of this ordinance and shall cause the same to be published in accordance with law.

ADOPTED AND ENACTED this 10th day of March, 2010.



Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:



Julie Hayward Biggs
City Attorney



Debbie A. Lee, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Ordinance No. 46 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on February 24, 2010, and was duly adopted at a regular meeting held on March 10, 2010, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade,
Cashman, Farnam

NOES: None

ABSTAIN: None

ABSENT: None



Debbie A. Lee, CMC
City Clerk
City of Wildomar