

## DRAFT

The LOCAL JURISDICTION ordains as follows:

### **Section 1. SHORT TITLE.**

**This Ordinance shall be known as the “Water Conservation Landscape Ordinance.”**

### **Section 2. PURPOSE AND INTENT**

The purpose of the Water Conservation Landscape Ordinance (Ordinance) and Landscape Design Manual (Manual) is to establish specific standards for landscape and irrigation design and installation to assure beneficial, efficient, and responsible use of all available water resources for all citizens of San Diego County. The Ordinance is also intended to implement the new development landscape design requirements of the Water Conservation in Landscaping Act. (California Government Code §§ 65591, et seq.) These design requirements are intended to support landscapes that are essential to the quality of life in California by providing areas for active and passive recreation and aesthetic enjoyment and enhancement. The Ordinance and Manual establish design criteria that are specific to the regional needs and climate of San Diego County. The Ordinance and Manual are intended to be at least as effective in conserving water as the model ordinance adopted pursuant to Government Code § 65595. The requirements meet a variety of landscaping objectives, including preventing erosion, filtering, treating, and utilizing storm water runoff; offering fire protection; and replacing ecosystems lost to development. Landscape design, installation, maintenance, and management can and should be water-efficient. The right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use. This ordinance supersedes the model ordinance imposed by operation of law pursuant to chapter 1145 of the Statutes of 1990, as applied to counties and cities except in charter cities. (AB 1881 applies to charter cities as well.)

### **Section 3 DEFINITIONS**

**Applicant:** Any person required to submit a Landscape Design Application. Applicant may include the property owner or an agent of the owner.

**Architect:** A person licensed to practice architecture in this state under the authority of Chapter 7 (commencing with Section 5500) of Division 3 of the Business and Professions Code.

**Civil Engineer:** A professional engineer in the branch of civil engineering licensed to practice civil engineering in this state pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code.

**Covenant, Conditions and Restrictions (CC&Rs):** The declaration or other governing document containing covenants and restrictions enforceable as equitable servitudes, inuring to the benefit of and binding on all owners of property within a development project.

**Development:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; and

any change in use or extension of the use of land, including re-landscaping of existing developed properties.

**Developer:** A landowner or owner's agent responsible for the development of land. Does not include homeowners or landlords of single-family homes.

**Discretionary Permit:** Any permit requiring a decision making body to exercise judgment prior to its approval, conditional approval, or disapproval.

**ET Adjustment Factor:** A factor that when applied to reference evapotranspiration adjusts for plant water requirements and irrigation efficiencies, two major influences on the amount of water that is required for a healthy landscape.

**Evapotranspiration:** The quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time period.

**Hydrozone:** A section or zone of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated.

**Landscape Architect:** A person licensed to practice landscape architecture in this state pursuant to Chapter 3.5 (commencing with Section 5615) of Division 3 of the Business and Professions Code.

**Landscaped Common Area:** Landscaped areas of a common area within a common interest development. Landscaped common areas are maintained by a homeowners association or some other form of cooperative organization. The common area does not include open space, which cannot be legally disturbed.

**Landscape Design Application:** Application to the LOCAL JURISDICTION for new landscaping or re-landscaping which may include a landscape concept plan and/or landscape construction drawings. The portion of the application submitted with a discretionary permit application will include a landscape concept plan. The ministerial portion of the application will include landscape construction drawings.

**Landscape Concept Plan:** That portion of a Landscape Design Application submitted with a discretionary permit application that proposes a conceptual landscape design that conforms with the requirements of this ordinance.

**Landscape Construction Drawings:** The ministerial permit portion of a Landscape Design Application that shows the design and improvement of landscaping, including drawings, specifications, a planting plan, an irrigation plan, a grading plan for reference when available, and a water management plan.

**Landscape Design Manual:** The manual, approved by the LOCAL JURISDICTION, that establishes specific design criteria and guidance consistent with the requirements of this ordinance.

**Maximum Applied Water Allowance:** The upper limit of annual applied water for a specifically identified landscape area based on the area's reference evapotranspiration, ET adjustment factor, and the maximum size of the landscape area. The estimated applied water shall not exceed the Maximum Applied Water Allowance.

$$\text{MAWA} = \text{square feet of landscape area} \times \text{ETo} \times 0.7 \text{ ET Adjustment Factor} \times 0.623 \text{ conversion factor}$$

Where:

ETo - reference evapotranspiration

ET Adjustment Factor - A factor applied to ETo that adjusts for plant factors and irrigation efficiency.

**Ministerial Permit:** A building, grading or other similar permit the approval or disapproval of which involves only the use of fixed standards or objective measures, and does not require the exercise of special discretion or deliberation prior to issuance.

**Mulch:** Any organic material such as leaves, bark, or inorganic material such as pebbles, stones, gravel, decorative sand or decomposed granite left loose and applied to the soil surface to reduce evaporation.

**Non-potable water:** Water not meant for human consumption that is not treated to legal standards for human consumption.

**Overspray:** The water that is delivered beyond the landscaped areas onto pavements, walks, structures or other non-landscaped areas, not including runoff.

**Reference Evapotranspiration:** A standard measurement of environmental parameters that affect water use of plants.

**Recycled Water:** Water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.

**Runoff:** Water that is not absorbed by the soil or landscape to which it is applied and flows from the area.

**SMART controller:** Weather-based or soil moisture-based irrigation controller that monitors and uses information about environmental conditions for a specific location and landscape to automatically adjust water schedules.

**Water Management Plan:** Plan submitted with the construction drawings.

## **Section 4. APPLICABILITY**

### **4.1 Development Projects**

This ordinance applies to all development as defined in this ordinance, for which any development permit application is filed on or after *Insert Effective Date of Ordinance*. All development listed in Section 9.3 of this ordinance is exempt from the requirements of this ordinance.

### **4.2 Model Homes**

At least one model home that is landscaped in each project consisting of eight or more homes shall demonstrate via signs and information the principles of water-efficient landscapes described in this ordinance.

### **4.3 Covenants, Conditions and Restrictions**

In the event that Covenants, Conditions and Restrictions are required by the LOCAL JURISDICTION for any permit subject to this ordinance, the following shall be required as part of the project approval:

4.3.1 Covenants, Conditions and Restrictions shall be consistent with the Manual.

- 4.3.2 The Covenants, Conditions and Restrictions shall require low-water-use landscaping, with a MAWA based on an ET adjustment factor of less than or equal to 0.7, that conforms to the Manual for all common area landscaping and all homeowner landscaping subject to the review and approval of the association's review board.
- 4.3.3 The Covenants, Conditions and Restrictions shall require proactive management and maintenance of the irrigation system to maintain water use within the water budget.

## **Section 5. LANDSCAPE DESIGN MANUAL**

### **5.1 Preparation of Landscape Design Manual**

The ADMINISTRATOR shall prepare a Landscape Design Manual for the design of landscaping and irrigation systems. The Manual shall be valid upon review of the local planning agency and approval by the GOVERNING BODY.

### **5.2 Amendments to Manual**

The ADMINISTRATOR shall submit any amendments to the Manual to the local planning agency for its review and approval prior to transmitting them to the GOVERNING BODY for approval.

### **5.3 Consistency with local water agency requirements**

Where a local water agency serving a proposed development project has adopted more stringent water conservation landscape requirements, the local water agency requirements shall be incorporated into the Manual.

## **Section 6. STANDARDS APPLICABLE TO REQUIRED LANDSCAPING**

All landscaping and associated irrigation systems associated with development regulated by this Ordinance shall be designed, installed, and maintained in accordance with a Landscape Design Application that meets the minimum standards of the Manual and subsections 5.1 through 5.3 of this section.

### **6.1 Plant Requirements**

- 6.1.1 Plant Selection: Plants shall be selected to meet a MAWA determined by the water budget formula and specifications in the Manual. The formula shall use an average ET adjustment factor of less than or equal to 0.7. In the event that the Department of Water Resources develops a model ordinance with a different ET (evapotranspiration) adjustment factor, then that ET adjustment factor or any related water budget formula calculations, or any other changes shall be

automatically incorporated into this ordinance and the Manual. Nothing in this ordinance shall be construed to require or limit use or the amount of specific tree, shrub, vine, or groundcover species, except those prohibited in open space buffers or adjacent to wildlife preserve areas as 'invasive.'

- 6.1.2 Hydrozones: Plants shall be grouped into hydrozones with plant species having similar water demand and by their, soil, sun, and shade requirements.
- 6.1.3 Soils Test: The applicant shall prepare a soils test that conforms to the Manual, with recommendations for fertilizers, amendments and horticultural maintenance practices. Recommendations shall be based on soil samples taken from the site at the completion of finish grading. The soils testing requirement may be included as a part of the specifications for installation.
- 6.1.4 Soil Amendments: Soil amendments shall be used, when necessary, to improve water retention in the soil, to improve the functional structure of the soil for greater water infiltration and percolation, to buffer pH and to optimize plant growth.
- 6.1.5 Mulches: Mulches of organic or inorganic material shall be used in all non-turf, irrigated areas to minimize evapotranspiration, runoff, and moderate the temperature of the root zone. All mulches shall meet the criteria set forth in the Manual.

## **6.2 Non-Plant Materials for Landscaping**

When appropriate for the site and intended use, the landscaping may include natural features such as decomposing granite groundcover, rock and stone, non-vegetated natural areas, and structural features including, but not limited to, fountains, reflecting pools, art work, screens, walls, and fences. These areas shall be included in the maximum allowable water use calculations for the project and its various hydrozones per the design criteria in the Manual.

## **6.3 Irrigation System Requirements**

- 6.3.1 Runoff Prevention: All irrigation systems shall be designed to prevent runoff, overspray, low-head drainage, and other similar conditions where irrigation water flows or sprays on to areas not intended for irrigation and not part of the parcel's landscape area, such as walkways, driveways, roadways, neighboring properties, or the public right-of-way.
- 6.3.2 Separate Water Meters: Except for a parcel that contains a single-family home, a separate landscape water meter shall be installed to all parcels for new development with landscaped areas greater than 5,000 square feet.

- 6.3.3 Irrigation System Design: Irrigation systems shall be designed, constructed, and managed to maximize overall irrigation efficiency, and to meet the MAWA. Irrigation systems (valve systems, piping and pressure regulators) shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping.
- 6.3.4 Non-Potable and Recycled Water: If non-potable water service, including recycled water, is determined to be required for the project by a local agency or water agency, the irrigation systems must be designed, installed and operated in compliance with State and local laws, requirements, and regulations applicable to the use of recycled water. The local water agency will provide the customer with applicable conditions for the use of recycled water within its jurisdiction.

## **Section 7. PLAN PREPARATION AND REQUIREMENTS**

Applicants subject to the requirements of this Ordinance shall submit a complete water-conserving Landscape Design and Installation Application to the ADMINISTRATOR. The Application may be submitted in two parts: A Landscape Concept Plan, which is submitted with a discretionary permit application or when otherwise required by the LOCAL JURISDICTION, and Landscape Construction Drawings, submitted as a ministerial application. All applications and plans shall conform to the plant, irrigation, and water budget formula requirements set forth in this ordinance and the Manual.

### **7.1 Landscape Concept Plan**

All applications, subject to the requirements of this ordinance, submitted in conjunction with a discretionary permit shall include a landscape concept plan prepared in accordance with this ordinance and the Manual. All landscape concept plans shall include:

- (1) An introduction and statement of site conditions. The introduction shall include the project address and location. The statement of site conditions shall include a description of the site, climatic conditions, annual precipitation rates, anticipated evapotranspiration rate, and proposed water source along with calculations demonstrating an overall water budget of not more than 0.7 ET adjustment factor.
- (2) A landscape design statement, irrigation notes, planting notes and a conceptual plant palette that commits to the design and installation methods specified in the Manual, and
- (3) A water conservation plan and notes that identify the proposed hydrozones.

### **7.2 Landscape Construction Drawings**

All applications subject to the requirements of this ordinance shall include landscape construction drawings that comply with the design standards and specifications contained in the Manual. The construction drawings shall conform to the landscape concept plan.

All landscape construction drawings shall include an irrigation plan, a planting and soils plan and a water management plan with detailed notes and legends necessary for a complete landscape plan review.

#### 7.2.1 Irrigation Plan

The irrigation plan shall be a separate document from, but use the same format as, the planting plan. The irrigation plan shall be concise and accurate, and prepared in accordance with the requirements of the Manual and shall include, as a minimum, pressure calculations and the location, installation details, and specifications of control valves, irrigation heads, piping, irrigation controllers, and power supply.

#### 7.2.2 Planting Plan

The planting plan shall include, but not be limited to:

- (1) A description of any existing plant material to be retained or removed.
- (2) A plan showing the planting areas, plant spacing, plant location and size, natural features, water features and all paved areas.
- (3) A legend listing the common and botanical plant names and total quantities by container size and species.
- (4) A description of the seed mixes with application rates and relevant germination specifications.
- (5) Soil test results and recommendations for soil amendments in proportion to the needs of the intended plants. Soils recommendations can be included as a generic specification if significant grading will occur on the site in the future. Verification of a soils test, and compliance with soil amendment requirements, must be completed by the contractor after grading is complete and prior to the landscaping installation.
- (6) A grading plan, when available, shall be submitted for reference.

#### 7.2.3 Water Management Plan

A Water Management Plan shall be prepared in accordance with the requirements of the Manual. The Plan shall include:

- (1) An introduction and statement of site conditions as described above. (For projects that do not require a landscape concept plan.)
- (2) Identification of the party(ies) responsible for implementation of the Water Management Plan.
- (3) The anticipated water requirements in inches per year, and water budget for the various hydrozones identified in the landscape concept plan to include calculations demonstrating an overall water budget that requires no more irrigation than the 0.7 of the ET adjustment factor.
- (4) A description of the water delivery systems, including the type of irrigation system to be used; water conservation methods to be applied, and precipitation rates for each hydrozone.
- (5) Seasonal irrigation water schedules or procedures for programming of proposed SMART controllers.

- (6) A maintenance plan for the ongoing operation and maintenance of the irrigation system.
- (7) All applications for model homes shall include the nature of public information documents and signage that will be placed at model homes describing water conservation principles used in the landscaping for the model home.

### **7.3 Plan Preparation**

The Landscape Design Application shall be prepared by an architect, civil engineer, or landscape architect.

#### **7.3.1 Licensed Landscape Architect Plan Certification and Approval**

Plans Prepared by Licensed Landscape Architects:

Landscape construction drawings prepared by a California licensed landscape architect shall include a signed statement of compliance on the plan sheets by the landscape architect. It shall state that the plans conform to accepted landscape architectural standards of practice and that they comply with the most current version of the following:

- (1) The requirements of this Ordinance;
- (2) Applicable local permits and codes;
- (3) Landscape Design Manual

Landscape plans having this signed statement of compliance will not be subject to plan check by the ADMINISTRATOR for the items listed in this subsection. The required compliance statement is as follows:

“I find that this sheet conforms to accepted landscape architectural standards of practice and is in substantial compliance with this ordinance.” (LOCAL JURISDICTION may insert own language.)

Notwithstanding the previous paragraph, the ADMINISTRATOR may monitor the adequacy of landscape plans and require correction if needed.

#### **7.3.2 Civil Engineers or Architects Plan Submittal**

Landscape plans prepared by a civil engineer or architect shall be submitted for plan check by the ADMINISTRATOR with the required plan check fee.

## **Section 8. FINAL INSPECTION OR CERTIFICATION OF OCCUPANCY**

### **8.1 Statement of Installation Compliance Prior to Occupancy**

Prior to the issuance of a certificate of occupancy, the applicant shall provide a signed statement of compliance by the preparer of the approved landscape plans verifying the following:

- 8.1.1 Landscaping and irrigation system have been installed in substantial conformance with the approved planting and irrigation plans and appropriate soil amendments have been made in accordance with soils tests.
- 8.1.2 The irrigation system and controller have been adjusted to maximize the irrigation efficiency and eliminate overspray and runoff.
- 8.1.3 A copy of the approved Water Management Plan has been given to the owner and the appropriate water agency.

Any changes to the irrigation system, plant materials, or location or size of landscape areas that occur in the field due to site conditions or plant material availability must be submitted to the LOCAL JURISDICTION prior to installation. Substantive changes to an approved landscape plan that would affect more than 10% (LOCAL JURISDICTION will decide percent) of the project's identified landscape area or areas require resubmittal of the landscape plan for review and approval.

Installed landscaping found not to comply with the approved landscape plan is subject to correction. Under such circumstances, the LOCAL JURISDICTION may require re-submittal and plan check of landscape plans.

## 8.2 **Inspection**

Upon notice of the Applicant, the ADMINISTRATOR shall have the right to enter the project site to conduct inspections for the purpose of enforcing this Ordinance.

## **Section 9. WAIVERS, EXEMPTIONS AND APPEALS**

### 9.1 **Authority to Issue Waivers**

The LOCAL JURISDICTION may administratively waive or modify one or more such requirements when practical difficulties make their strict application infeasible, and upon a determination that the waiver or modification is consistent with the purpose and intent of the Manual, or if full compliance with the requirements of this Ordinance and the Manual would not materially contribute to the objectives of water conservation.

### 9.2 **Waiver Application and Review Procedure**

#### 9.2.1 Waiver Application

Applications for waiver shall be submitted to the ADMINISTRATOR. Applications for waiver shall include the following information:

- (1) Name of Applicant.
- (2) Address or location of site, including Assessor's Parcel Number.
- (3) Calculation of the total area of the site to be landscaped.
- (4) A minimum of eight photographs of the site, four looking into the property and four looking out from the property from each cardinal direction.
- (5) An explanation of the reason for the waiver request.

#### 9.2.2 Waiver Review Process

Administrator shall review the application and, upon determination of one of the following findings, may grant a waiver:

- (1) Practical difficulties make the strict application of the ordinance infeasible.
- (2) The waiver is consistent with the purpose and intent of the Ordinance and Manual.
- (3) Full compliance with the requirements of this Ordinance and the Manual would not materially contribute to the objectives of water conservation.

### 9.3 **Exemptions**

Unless a condition of discretionary approval requires a landscape plan, the following development is exempt from the requirements of this ordinance:

- (1) Landscaping of less than 3,000 square feet for single family homes, where the landscaping is not installed by the developer.
- (2) Re-landscaping of less than 3,000 square feet of land.
- (3) Cemeteries, historical sites, and public recreation sites requiring turf.

### 9.4 **Appeals**

A decision by the ADMINSTRATOR relating to the interpretation or application of these water conservation requirements to specific projects may be appealed as provided in the Administrative Appeal Procedure of the LOCAL JURISDICTION.

## **Section 10. COORDINATION WITH LOCAL WATER AGENCY**

### 10.1 **Design Criteria**

Upon receipt of a landscape design application, the LOCAL JURISDICTION shall coordinate with the local water agency providing service to the applicant to determine if the local water agency has adopted more stringent water conservation landscape design requirements.

**10.2 Water Management Plan**

Upon issuance of the certification of occupancy, the ADMINISTRATOR shall provide a copy of the site Water Management Plan to the local water agency providing service to the applicant for enrollment of the site in a water budget program based upon the square footage of irrigated landscape and the local evapotranspiration rate.