

# COUNCIL COMMUNICATION

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City Clerk Use Only

**DATE: SEPTEMBER 9, 2009**

**TITLE: ZONING ORDINANCE AMENDMENT – WATER EFFICIENT  
LANDSCAPE ORDINANCE – FILE #2009PL-069 (OA-000022)**

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Meeting Date: October 21, 2009

## **SUMMARY RECOMMENDATION**

The Planning Commission recommends that the City Council take the following actions:

- A. Adopt the Negative Declaration;
- B. Adopt the three (3) findings of fact for the Zoning Ordinance Text Amendment; and,
- C. Introduce for first reading an ordinance approving the Zoning Ordinance Text Amendment.

## **SUMMARY OF OUTSTANDING ISSUES**

There are no outstanding issues associated with the request.

## **BACKGROUND**

In 2006, the State enacted legislation requiring the Department of Water Resources (DWR) to update the State Model Water Efficient Landscape Ordinance. The updated model ordinance contains several new landscape and irrigation design requirements aimed at reducing water consumption and waste in landscape irrigation. All local land use agencies are required to adopt the model ordinance, or develop an ordinance that is at least as effective by January 2010. Should no action be taken, the DWR model ordinance would automatically become effective in January 2010 by statute. For reasons cited below, staff has developed an ordinance tailored to meet the City's needs that is based on, and is at least as effective as, the model ordinance. The new Water Efficient Landscape Ordinance will be incorporated into the City's Zoning Ordinance (as Chapter 19.67) and will supersede the City's existing water efficient landscape requirements (Resolution #93-55). Please refer to the Planning Commission staff report for a more thorough discussion on the model ordinance's background and purpose, its legislative history, and the requirements contained in the City's proposed ordinance.

## **DISCUSSION**

The City's proposed ordinance addresses the objectives of the DWR model ordinance by incorporating the new water efficient landscape requirements into a new chapter of the Zoning Ordinance (Chapter 19.67). As a result, the water efficient landscape requirements will carry the weight of law, and violations may be subject to enforcement similar to any other violation of the Municipal Code.

A matrix comparing the differences between the City's existing water efficient landscape requirements and the proposed ordinance can be found as an attachment to the Planning Commission staff report (page 12). Many of the measures, such as the submittal requirements and documentation, are already required in some form by the City, or are considered industry best practices and are already being implemented by landscape architects and contractors. Other measures are new and are mandated by the DWR model ordinance.

### **Applicability**

The proposed Water Efficient Landscape Ordinance will apply to the following landscape projects:

- All public agency projects (including parks<sup>1</sup>) and private non-residential projects (i.e., commercial, office, industrial, etc);
- Developer-installed landscaping exceeding 2,500 square feet (of planting area) in single-family residential projects (attached or detached);
- Developer-installed landscaping less than 2,500 square feet (of planting area) in single-family residential projects (attached or detached) shall comply with the following:
  - Turf shall not comprise greater than fifty percent of the front yard planting area.
  - The irrigation system shall be operated by an automatic controller with a minimum 7-day calendar, three cycle per day capacity, dual programs, watering time adjustments down to two minutes, and a rain switch.
  - A four season irrigation schedule shall be provided to the new homeowner.
- Multi-family residential projects (apartments, condominiums, etc);
- Homeowner-provided (or hired) landscaping with a planting area equal to or greater than 5,000 square feet. This applies to new construction and landscape rehabilitation projects.
- Cemeteries, with exceptions for water use allowance (cemeteries have a higher turf demand)

### **Notable Changes from Existing Requirements**

***Establishes “Water Budgets”*** – The proposed ordinance establishes a lower evapotranspiration<sup>2</sup> (ET) adjustment factor (from 0.8 to 0.7), which ultimately reduces the maximum allowable amount of artificially applied water. The reduction in applied water allowance will likely influence design and plant selection, and will likely limit turfgrass. The ET factor is used in the formula that determines the Maximum Applied Water Allowance (MAWA).<sup>3</sup>

### ***Irrigation Systems & Schedules***

- Irrigation controllers will be required to incorporate weather-based, soil moisture-based, or other self-adjusting technology. (Current City requirements recommend the use of this technology);
- Sensors (e.g., rain, freeze, wind, etc.) are required that suspend irrigation during unfavorable weather;
- Region-specific evapotranspiration data must be used in irrigation scheduling.

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<sup>1</sup> Parks are required to comply with the same design parameters as any other project; however, play fields are defined as “Special Landscape Areas” (SLA) and are allowed to use a 1.0 evapotranspiration adjustment factor to account for water use needed to sustain turfgrass in play fields. New or retrofitted public or private golf courses are also included in the SLA category.

<sup>2</sup> Evapotranspiration (ET) means the loss of water to the atmosphere by the combined processes of evaporation and transpiration.

<sup>3</sup> MAWA means the upper limit of annual applied water for the established landscape area. MAWA is based on the areas reference ET, the ET adjustment factor, and the size of the landscaped area.

### ***Overhead Irrigation Restrictions***

- Overhead irrigation is restricted to the hours of 8:00PM to 10:00AM only, unless unfavorable weather conditions are present that would be detrimental to plant health (e.g., frost/freeze). Irrigation using recycled water will remain limited to a slightly stricter watering window of 9 PM to 6 AM, which is necessary to minimize direct human contact.
- Subsurface or low flow irrigation will be required for landscape and median areas less than eight feet in width;
- No overhead irrigation will be allowed within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low-flow technology. The 24-inch “setback area” may be planted or unplanted. Recognizing the difficulty in designing irrigation systems to meet this design parameter, this requirement may be modified if:
  - Landscape area is adjacent to permeable surfacing (e.g. porous pavement, paver stones, etc) and no overspray and runoff occurs;
  - The adjacent non-permeable surfaces are designed and constructed to drain entirely to the landscaping; or,
  - The irrigation designer specifies an alternative design or technology that demonstrates compliance with irrigation system design criteria and demonstrates that no overspray or runoff will occur.

### ***Turf restrictions***

The Environmental Utilities Department indicates that the 1,196 dedicated irrigation accounts in the city (which are dedicated solely to landscaping) utilize 25% of the City's total water demand, and residential customers use approximately 50% of their water outdoors. In an effort to further reduce irrigation water use, Planning and EUD staff recommends that turf be limited to no greater than 50% of the total landscaped area in non-residential projects, and 50% of the front-yard planting area in residential projects (including single-family). This would not apply to “special landscape areas” such as active parks and playfields. The Planning and Public Utilities Commissions concur with this recommendation.

### ***Monitoring and Enforcement***

AB 1881 contains provisions that statutorily require local agencies to monitor landscape water use and ensure compliance with the water efficient landscape ordinance. Due to limited budget and staff resources, the City does not have the ability to conduct periodic site inspections to verify compliance. The Planning Department will be responsible for ensuring that construction plans comply with ordinance requirements during plan check, and will verify general compliance in the field during site inspections for final occupancy of non-residential and multi-family projects. The Building Department will be responsible for verifying general compliance during single-family residential inspections, as the Planning Department does not inspect single family dwellings.

Post-construction enforcement will fall to the City's Water Conservation Division within the Environmental Utilities Department (EUD), which also enforces the provisions of the City's Water Conservation Ordinance. EUD monitors irrigation water use through monthly billing cycles and will compare a site's actual water use against its approved irrigation water budget. Where a property exceeds its established water budget, EUD staff will take steps to notify the property owner that corrective action is needed.

Compliance with the water efficient landscape ordinance will also rely on self-certification by landscape architects and landscape installers, who will be required to sign affidavits verifying that the landscaping has been designed and installed to comply with the ordinance. Self-certification is effective, as it requires licensed professionals to sign against their license, who could then be subject to disciplinary procedures through their respective license governing boards.

### **COMMISSION DISCUSSION AND PUBLIC COMMENT**

The draft ordinance was presented as an informational item to the Public Utilities Commission at its August 25, 2009 meeting. Public testimony was received from one individual, who sought clarification on the applicability of the ordinance on existing property owners. (The ordinance will have limited applicability to existing property owners). Following questions by commissioners, the PUC voted 4-0 to recommend that the City Council approve the ordinance.

The Planning Commission held a public hearing on this item on August 27, 2009. No public comment was received. Following clarifying questions from commissioners, the Planning Commission voted 6-0 (Hinkle absent) to recommend adoption of the negative declaration and zoning ordinance amendment.

### **PUBLIC OUTREACH**

Planning staff presented the proposed requirements at an EUD-sponsored workshop for irrigation designers on March 9, 2009. The draft ordinance was posted for public review on July 15, 2009 on the City's website, at all three public libraries, the City Clerk's Office, and Permit Center. Copies of the draft ordinance have also been circulated to the Sierra Vista Specific Plan landowners group for review and comment. A notice of public review was advertised in an eighth-page ad in the Roseville Press Tribune on July 18, 2009, inviting public comment. Lastly, a public hearing notice and notice of availability of the negative declaration was published on August 8, 2009 in the Roseville Press Tribune.

Staff also forwarded the draft ordinance and pertinent background to the Roseville Chamber of Commerce in July and offered to make an informational presentation to one or more of the Chamber's subcommittees. Staff also forwarded the draft ordinance and background to the Northstate Building Industry Association with an offer to make an informational presentation.

### **FISCAL IMPACT**

Adoption of the Water Efficient Landscape Ordinance is expected to have a neutral fiscal impact, as the City already reviews landscape plans for compliance with existing water efficient landscape requirements. The City also currently inspects projects prior to occupancy for compliance with various standards and codes.

### **ENVIRONMENTAL DETERMINATION**

The Planning and Redevelopment Director has concluded that this project will not have a significant effect on the environment. As such, an Initial Study and Negative Declaration have been prepared in accordance with the provisions of the CEQA Guidelines as the environmental document for this project (Exhibit A). The Initial Study and Negative Declaration were posted for a 20-day public review and comment period on August 7, 2009. The comment period closes on August 27, 2009. At the time this report was written, no comments had been received on the Initial Study / Negative Declaration.

**RECOMMENDED ACTION**

The Planning Commission recommends that the City Council take the following actions:

- A. Adopt the Negative Declaration;
- B. Adopt the three (3) findings of fact for approval the **ZONING ORDINANCE TEXT AMENDMENT**, adding Chapter 19.67 to the Roseville Municipal Code (Zoning Ordinance) – **FILE #2009PL-026 (OA-000022)** as stated below:
  - 1. *The proposed Zoning Ordinance Text Amendment is consistent with the public interest, health, safety, and welfare of the City;*
  - 2. *The proposed Zoning Ordinance Text Amendment is consistent with the City of Roseville General Plan; and,*
  - 3. *The proposed Zoning Ordinance Text Amendment is necessary to comply with state legislation.*
- C. Introduce for first reading an ordinance approving the **ZONING ORDINANCE TEXT AMENDMENT**, adding Chapter 19.67 to the Roseville Municipal Code (Zoning Ordinance) – **FILE #2009PL-026 (OA-000022)** as provided in **Exhibit B**.

Respectfully submitted,

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Mike Isom, AICP  
Senior Planner

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Paul Richardson  
Planning & Redevelopment Director

APPROVED:

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W. Craig Robinson  
City Manager

**ATTACHMENTS TO CC**

**Page Number**

- 1. August 27, 2009 Planning Commission Staff Report
  - Comparison Chart of Existing vs. Proposed Requirements
  - Department of Water Resources Model Ordinance

**EXHIBITS TO CC**

- A. Initial Study / Negative Declaration
- B. Ordinance approving the Water Efficient Landscape Ordinance