

# **CALIFORNIA PUBLIC UTILITIES COMMISSION**

Water Division

## **INSTRUCTIONS FOR WATER CONSERVATION, RATIONING AND SERVICE CONNECTION MORATORIA**

Standard Practice U-40-W

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**SAN FRANCISCO, CALIFORNIA**

**July 2007**

## INSTRUCTIONS FOR WATER CONSERVATION, RATIONING AND SERVICE CONNECTION MORATORIA

### **A—PURPOSE AND SCOPE**

1. The purpose of this standard practice is to provide guidance to Water Division staff, to the public and to utilities as to steps to be taken when the utility suffers from a water shortage. The three levels of action are voluntary rationing, mandatory rationing and a service connection moratorium.

### **B—BACKGROUND**

2. General Order 103, Chart 1, and Standard Practice U-22-W, Determination of Water Supply Requirements of Water Systems, address water supply requirements, but supply can be affected temporarily due to drought or decreased production of a utility's wells. When this happens, utilities may have to resort to mandatory conservation or may have to institute a service connection moratorium.

3. Parties may also protest service area extensions (see Standard Practice U-14-W) over concern that the available supplies may be inadequate to serve the new customers, which would be the equivalent of a service connection moratorium (see Section F)<sup>1</sup>.

4. The position of the Commission in overall water supply planning was set forth in Decision 99-04-061, April 22, 1999 (see Appendix A to this Standard Practice).

### **C—DEVELOPMENT OF CONSERVATION AND RATIONING**

5. In mid-1976, due to a drought, the Commission opened an Order Instituting Investigation (OII, Case No. 10114, June 8, 1976) to determine what actions to take. In early 1977, the Commission issued an emergency decision that allowed water utilities to distribute water conservation kits and to implement cost effective water conservation programs.

6. The Commission was once again faced with drought conditions in mid-1988. The Commission opened OII 89-03-005 that allowed all classes of water utilities to file a water conservation and rationing plan consisting of two distinct parts: Rule 14.1 (a "voluntary conservation" program) and Schedule 14.1 (the mandatory rationing and penalty part). This plan was based primarily upon the Department of Water Resources and Metropolitan Water District's model plans, but also

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<sup>1</sup> In Resolution No. 4154, August 5, 1999, the Sierra Club protested Valencia Water Company's Advice Letters 84 and 85 for service area extension. The Commission found in the favor of Valencia, that it had adequate supplies, but ordered the utility to file its Water Management Program by application so the long-term water availability issues could be heard.

incorporated aspects of the North Marin Water District, East Bay Municipal Utility District, and California Water Service Company's existing conservation and rationing plans. The main objective of Rule 14.1 and Schedule 14.1 was to have a plan readily available for any utility that needed conservation and/or rationing methods. This plan allowed regulated utilities to achieve conservation of 17.5% to 26%.

7. The drought was officially declared over in February 1993 and the OII was closed. Because history shows that drought occurs in California about once every ten years, Rule 14.1 has remained in place. When conditions become severe, the utility may file an advice letter to institute Schedule 14.1. The Commission must approve implementation of this schedule by resolution.

### **D—VOLUNTARY RATIONING**

8. Voluntary rationing consists of the steps described in Rule 14.1 (Appendix B). This Tariff Rule should be in the tariff book of every utility that might suffer from a water shortage.

### **E—MANDATORY RATIONING**

9. Mandatory rationing consists of the steps described in Schedule 14.1. The utility adds schedule 14.1 to its tariff book by filing an advice letter with full justification. Staff will prepare a resolution for consideration by the Commission. The Commission must approve the imposition of mandatory conservation.

10. Schedule 14.1 may be modified to fit the needs of the utility and its particular water shortage situation. The following provisions are examples of what might be included in a typical Schedule 14.1:

- A. Prohibit nonessential and unauthorized water use, including:
  - i. use for more than minimal landscaping in connection with new construction;
  - ii. use through any meter when the company has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to effect such repairs within five days;
  - iii. use of water which results in flooding or runoff in gutters or streets;
  - iv. use of water through a hose for washing cars, buses, boats, trailers or other vehicles without a positive automatic shut-off valve on the outlet end of the hose;
  - v. use of water through a hose for washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas;
  - vi. use of water to clean, fill or maintain levels in decorative fountains;

- vii. use of water for construction purposes unless no other source of water or other method can be used;
  - viii. service of water by any restaurant except upon the request of a patron; and
  - ix. use of water to flush hydrants, except where required for public health or safety.
- B. Establish customer water allocations at a percentage of historical usage with the corresponding billing periods of a non-drought year being the base.
  - C. Establish an allocation of a percentage of historical usage with the corresponding billing periods of a non-drought year being the base for consumption for users of process water (water used to manufacture, alter, convert, clean, grow, heat or cool a product, including water used in laundries and car wash facilities that recycle the water used).
  - D. Establish a minimum allocation of a number of Ccf per month (one Ccf is one hundred cubic feet) for any customer regardless of historical usage.
  - E. Establish an exceptions procedure for customers with no prior billing period record or where unusual circumstances dictate a change in allocation.
  - F. Establish a penalty ("conservation fee") of \$2.00 per Ccf for usage over allocated amounts, provided, however, that banking of underusage from month to month is allowed.
  - G. Provide that penalty funds are not to be accounted for as income, but are to be kept in a separate reserve account for disposition as directed by the Commission.
  - H. Provide that, after written warning for nonessential or unauthorized water use, for subsequent violations the utility may install a flow restrictor to be left in a minimum of three days. The second time a flow restrictor is installed it may be left in until rationing ends.
  - I. Establish charges of \$25, \$50, or actual cost depending on meter size for removing restrictors, and provide that continuing nonessential or unauthorized use may result in disconnection.
  - J. Establish an appeal procedure first through the utility, then to the Commission staff through the Executive Director, then to the Commission via a formal complaint.

## **F—SERVICE CONNECTION MORATORIUM**

11. A service connection moratorium is sometimes imposed by the California Department of Health Services. The California Water Code, Section 350 et seq.,

provides that any public water supplier may, after public notice and hearing, declare a water shortage emergency within its service area whenever it determines that the ordinary demands and requirements of its consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. After it has declared a water shortage emergency, it must adopt such regulations and restrictions on water delivery and consumption as it finds will conserve its water supply for the greatest public benefit. Section 357 requires that suppliers which are subject to regulation by the CPUC shall secure its approval before making such regulations and restrictions effective.

12. Section 2708 of the Public Utilities Code states:

**2708.** Whenever the commission, after a hearing had upon its own motion or upon complaint, finds that any water company which is a public utility operating within this State has reached the limit of its capacity to supply water and that no further consumers of water can be supplied from the system of such utility without injuriously withdrawing the supply wholly or in part from those who have theretofore been supplied by the corporation, the commission may order and require that no such corporation shall furnish water to any new or additional consumers until the order is vacated or modified by the commission. The commission, after hearing upon its own motion or upon complaint, may also require any such water company to allow additional consumers to be served when it appears that service to additional consumers will not injuriously withdraw the supply wholly or in part from those who theretofore had been supplied by such public utility.

13. To establish a service connection moratorium the utility must:

- a. Hold a public meeting under Section 350 and 351 of the Water Code
- b. Add the following language to each service schedule:

**“MORATORIUM**

No service shall be provided to any premises not previously served within the \_\_\_\_\_ Service Area as defined on the Service Area Map filed as a part of these tariffs.”

**G—EXEMPTIONS**

14. Some decisions to impose a moratorium contain exceptions. For example in Citizen’s Utilities (CUCC) Montara District:

“The moratorium shall not apply to owners of real property who are customers of CUCC on or before the date of this order, or their successors in interest, if any change in the use of their property

will not increase their demand upon the system.” (D.86-05-078, Ordering Paragraph 3.)

15. D.86-05-078 also provided that prospective customers could seek an exemption from the moratorium by filing an application with the Commission showing that extraordinary circumstances required an exemption.

16. In D.00-06-020, June 8, 2000 the Commission granted an application and authorized Citizens Utilities to install a water service connection to applicant’s property at APN 037-278-090 following cessation of service at applicant’s property at 888 Ocean Boulevard in Montara. Costs were to be borne by applicant. The order made it clear that water service could not be reinstated at 888 Ocean Boulevard absent a lifting or easing of the moratorium. Such determinations were also delegated to staff<sup>2</sup>.

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<sup>2</sup> D.86-05-078, May 28, 1986, Ordering Paragraph 4.

### The Commission's Role in Water Planning

The two state agencies primarily responsible for overseeing water planning are the California Department of Water Resources, which manages the State Water Project and produces the California Water Plan, and the State Water Quality Control Board and Regional Water Quality Control Boards which have authority over water allocation and water quality protection.

In addition to the state agencies which have broad planning and management powers, local government also has a part in water use decisions. For example, county boards of supervisors, county water agencies, land use planning agencies, city governments, municipal water districts and many special districts all have a role in the use of water in California.

In this context, the Commission has recognized the futility of one party taking unilateral action to protect a groundwater basin:

Rehabilitation of the Santa Maria Groundwater Basin is not the responsibility of, and is beyond the physical and financial resources of any single individual, company, or agency. Even if [Southern California Water Company] were to stop drawing from the basin entirely and injected into the basin the entire 7,900 AFY it desires to obtain from the [Central Coast Water Authority], the basin's fundamental problems of declining quantity and water quality would not be solved. Most simply put, the basin's salvation as a water resource requires the immediate, undivided, sincere and selfless attention of all its users.

(Re Southern California Water Company, 48 CPUC2d 511, 519 (D.93-03-066)(emphasis in original).)

The Commission's role is limited to ensuring that each jurisdictional water utility provides its customers with "just and reasonable service, . . . and facilities as are necessary to promote the safety, health, comfort and convenience of its patrons, employees, and the public." (§ 451.) The Commission has further delineated the service standard in its General Order 103 where it proscribes Standards of Service

including water quality, water supply, and water pressure, as well as many other details of service.

The Commission has not, however, dictated to investor-owned utilities what method of obtaining water must be used to meet its present and future responsibility of providing safe and adequate supply of water at reasonable rates. (Southern California Water, 48 CPUC2d at 517.)

Which is not to suggest that the Commission ignores issues of water availability in its regulation of water utilities. The Commission requires that all water utilities prepare, file, and update a water management plan which includes identification of water sources as well as consumption projections over 15 years. These plans are updated by the utility as part of its general rate case.

RULE NO. 14.1  
WATER CONSERVATION AND RATIONING PLAN

GENERAL INFORMATION

If water supplies are projected to be insufficient to meet normal customer demand, and are beyond the control of the utility, the utility may elect to implement voluntary conservation using the portion of this plan set forth in Section A of this Rule after notifying the Commission's Water Division of its intent. If, in the opinion of the utility, more stringent water measures are required, the utility shall request Commission authorization to implement the mandatory conservation and rationing measures set forth in Section B.

The Commission shall authorize mandatory conservation and rationing by approving Schedule No. 14.1, Mandatory Water Conservation and Rationing. When Schedule No. 14.1 has expired, or is not in effect, mandatory conservation and rationing measures will not be in force. Schedule No. 14.1 will set forth water use violation fines, charges for removal of flow restrictors, and the period during which mandatory conservation and rationing measures will be in effect.

When Schedule No. 14.1 is in effect and the utility determines that water supplies are again sufficient to meet normal demands, and mandatory conservation and rationing measures are no longer necessary, the utility shall seek Commission approval to rescind Schedule No. 14.1 to discontinue rationing.

In the event of a water supply shortage requiring a voluntary or mandatory program, the utility shall make available to its customers water conservation kits as required by Rule 20. The utility shall notify all customers of the availability of conservation kits.

(continued)

RULE NO. 14.1  
(continued)

WATER CONSERVATION AND RATIONING PLAN

A. CONSERVATION - NON-ESSENTIAL OR UNAUTHORIZED WATER USE

No customer shall use utility-supplied water for non-essential or unauthorized uses as defined below:

1. Use of water through any connection when the utility has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to make such repairs within 5 days after receipt of such notice.
2. Use of water which results in flooding or run-off in gutters, waterways, patios, driveway, or streets.
3. Use of water for washing aircraft, cars, buses, boats, trailers or other vehicles without a positive shut-off nozzle on the outlet end of the hose. Exceptions include washing vehicles at commercial or fleet vehicle washing facilities operated at fixed locations where equipment using water is properly maintained to avoid wasteful use.
4. Use of water through a hose for washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas in a manner which results in excessive run-off or waste.
5. Use of water for watering streets with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public.
6. Use of water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used.
7. Use of water for more than minimal landscaping in connection with any new construction.

(continued)

RULE NO. 14.1  
(continued)

WATER CONSERVATION AND RATIONING PLAN

A. CONSERVATION – NON-ESSENTIAL OR UNAUTHORIZED WATER USE (CONT.)

8. Use of water for outside plants, lawn, landscape, and turf areas more often than every other day, with even numbered addresses watering on even numbered days of the month and odd numbered addresses watering on the odd numbered days of the month, except that this provision shall not apply to commercial nurseries, golf courses and other water-dependent industries.
9. Use of water for watering outside plants, lawn, landscape and turf areas during certain hours if and when specified in Schedule No. 14.1 when the schedule is in effect.
10. Use of water for watering outside plants and turf areas using a hand-held hose without a positive shut-off valve.
11. Use of water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water.
12. Use of water for the filling or refilling of swimming pools.
13. Service of water by any restaurant except upon the request of the patron.

B. RATIONING OF WATER USAGE

In the event the conservation measures required by Section A are insufficient to control the water shortage, the utility shall, upon Commission approval, impose mandatory conservation and rationing. Rationing shall be in accordance with the conditions set forth in Schedule No. 14.1 as filed at the time such rationing is approved by the Commission.

Before mandatory conservation and rationing is authorized by the Commission, the utility shall hold public meetings and take all other applicable steps required by Sections 350 through 358 of the California Water Code.

(continued)

RULE NO. 14.1

(continued)

WATER CONSERVATION AND RATIONING PLAN

C. ENFORCEMENT OF MANDATORY CONSERVATION AND RATIONING

1. The water use restrictions of the conservation program, in Section A of this rule, become mandatory when the rationing program goes into effect. In the event a customer is observed to be using water for any nonessential or unauthorized use as defined in Section A of this rule, the utility may charge a water use violation fine in accordance with Schedule No. 14.1.
2. The utility may, after one verbal and one written warning, install a flow-restricting device on the service line of any customer observed by utility personnel to be using water for any non-essential or unauthorized use as defined in Section A above.
3. A flow restrictor shall not restrict water delivery by greater than 50% of normal flow and shall provide the premise with a minimum of 6 Ccf/month. The restricting device may be removed only by the utility, only after a three-day period has elapsed, and only upon payment of the appropriate removal charge as set forth in Schedule No. 14.1.
4. After the removal of the restricting device, if any non-essential or unauthorized use of water shall continue, the utility may install another flow-restricting device. This device shall remain in place until water supply conditions warrant its removal and until the appropriate charge for removal has been paid to the utility.
5. If, despite installation of such flow-restricting device pursuant to the provisions of the previous enforcement conditions, any such non-essential or unauthorized use of water shall continue, then the utility may discontinue water service to such customer. In such latter event, a charge as provided in Rule No. 11 shall be paid to the utility as a condition to restoration of service.
6. Any monies collected by the utility through water use violation fines shall not be accounted for as income, but shall be accumulated by the utility in a separate account for disposition as directed or authorized from time to time by the Commission.
7. The charge for removal of a flow-restricting device shall be in accordance with Schedule No. 14.1.

(continued)

RULE NO. 14.1  
(continued)

WATER CONSERVATION AND RATIONING PLAN

D. APPEAL PROCEDURE

Any customer who seeks a variance from any of the provisions of this water conservation and rationing plan shall notify the utility in writing, explaining in detail the reason for such a variation. The utility shall respond to each such request.

Any customer not satisfied with the utility's response may file an appeal with the staff of the Commission. The customer and the utility will be notified of the disposition of such appeal by letter from the Executive Director of the Commission.

If the customer disagrees with such disposition, the customer shall have the right to file a formal complaint with the Commission. Except as set forth in this Section, no person shall have any right or claim in law or in equity, against the utility because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of this water conservation and rationing plan.

E. PUBLICITY

In the event the utility finds it necessary to implement this plan, it shall notify customers and hold public hearings concerning the water supply situation, in accordance with Chapter 3, Water Shortage Emergencies, Sections 350 to 358, of the California Water Code. The utility shall also provide each customer with a copy of this plan by means of billing inserts or special mailings; notification shall take place prior to imposing any fines associated with this plan. In addition, the utility shall provide customers with periodic updates regarding its water supply status and the results of customers' conservation efforts. Updates may be by bill insert, special mailing, poster, flyer, newspaper, television or radio spot/advertisement, community bulletin board, or other appropriate methods.

SCHEDULE NO. 14.1  
MANDATORY WATER CONSERVATION AND RATIONING

APPLICABILITY

This schedule applies to all water customers served under all tariff rates schedules authorized by the Commission. It is only effective in times of rationing, as required by Rule No. 14.1, and only for the period noted in the Special Conditions section below.

TERRITORY

This schedule is applicable within the entire territory served by the utility.

WATER USE VIOLATION FINE

When this schedule is in effect, the water use restrictions of the conservation program, in Section A of Rule 14.1, become mandatory. If a customer is seen violating the water usage restrictions, as outlined in Rule No. 14.1 and the Special Conditions below, the customer will be subject to the following fine structure:

First offense -	written warning
Second offense -	\$25
(of the same restriction)	
Third offense -	\$50
(of the same restriction)	
Each additional offense -	\$25 more than the previous
	fine imposed.
(of the same restriction)	

Offenses for separate water use restrictions will each start at the warning stage.

The water use violation fine is in addition to the regular rate schedule charges.

(continued)

SCHEDULE NO. 14.1  
MANDATORY WATER CONSERVATION AND RATIONING (CONT.)

FLOW RESTRICTOR REMOVAL CHARGE

The charge for removal of a flow-restricting device shall be:

<u>Connection Size</u>	<u>Removal Charges</u>
5/8" to 1" . . . . .	\$25.00
1-1/2" to 2" . . . . .	\$50.00
3" and larger . . . . .	Actual cost

SPECIAL CONDITIONS

1. This tariff schedule shall remain in effect for period of six (6) months from the effective date set forth below.
2. There shall be no use of utility-supplied water for outside plants, lawn, landscape, and turf areas between the hours of 3:00 a.m. to 8:00 p.m., regardless of address or day of the month.
3. Water use violation fines may be applied to violations of Section A of Rule No. 14.1, which prohibits non-essential and unauthorized uses of water.
4. Water use violation fines must be separately identified on each bill.
5. All bills are subject to the reimbursement fee set forth on Schedule No. UF.

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**[Chapter 15.34 - WATER EFFICIENT LANDSCAPING \[4\]](#)**

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**[15.34.010 - Purpose.](#)**

Water is a precious commodity of limited supply. In accordance with the Water Conservation in Landscaping Act, the purpose and intent of the ordinance codified in this chapter is to:

- A.** Promote the values and benefits of landscaping while recognizing the need to invest water and other resources as efficiently as possible;
- B.** Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new residential or commercial development projects and when landscape areas are altered by more than fifty percent in total area;
- C.** Promote water management practices and water waste prevention for existing landscapes; and
- D.** Use water efficiently by setting a maximum applied water allowance as an upper limit for water use and reducing water use to the lowest practical amount.

Accordingly, the ordinance codified in this chapter is intended to be as effective in conserving water as is the Department of Water Resources' State Model Landscaping Ordinance set forth in Government Code Section 65595 and shall be known as the "Water Efficient Landscaping Ordinance."

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*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

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**[15.34.020 - Applicability.](#)**

- A.** Except as set forth in subsection B of this section, this chapter shall apply to all of the following landscape projects:
  - 1.** All new landscaped areas and altered landscaped areas for public agency projects and private development projects with a landscape area equal to or greater than two thousand five hundred square feet.
  - 2.** All new landscaped areas and altered landscaped areas which are developer-installed in residential projects (including a single-family project) with a landscape area equal to or greater than two thousand five hundred square feet.

3. All new landscaped areas which are homeowner-provided and/or homeowner-hired in residential projects (including a single-family project) with a total project landscape area equal to or greater than five thousand square feet.
  4. Particular sections in the landscape regulations apply to existing landscapes, including existing cemeteries, that were installed before January 1, 2010 and are over one acre in size.
  5. Only Sections 15.34.090, 15.34.120 and 15.34.130 shall apply to new and rehabilitated cemeteries.
- B.** This chapter shall not apply to:
1. Landscaping that is part of a property listed on any applicable local, state or national register of historic places.
  2. Plant collections as part of botanical gardens and arboretums open to the public.
  3. Ecological restoration projects that do not require a permanent irrigation system.

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*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

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### **15.34.030 - Definitions.**

Unless the context otherwise requires, the following definitions and those set forth in the landscape regulations shall govern the construction of this chapter:

"Altered landscaped area" means a landscaped area, including landscape areas of public property or facilities, that is equal to or greater than two thousand five hundred square feet and is altered by more than fifty percent of the total landscape area.

"Certificate of completion" is the document required under Section 15.34.100.

"Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by a recognized professional trade organization or other educational organization.

"Developer installed landscaping" means landscaping installed by a builder in conjunction with the construction of a residential project. "Developer installed landscaping" shall not include landscaping installed by an owner/occupant building in conjunction with the construction of a single-family residence.

"Director" means the director of planning, building and code enforcement, or his or her designee.

"Estimated total water use" ("ETWU") means the total water used for the landscape subject to this chapter determined pursuant to the formula set forth in the landscape regulations. The ETWU is based upon such factors as the local evapo-transpiration rate, the size of the landscaped area, the types of plants, and the efficiency of the irrigation system.

"Homeowner-provided landscaping" means any landscaped area either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner for purposes of this chapter is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

"Irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit includes, but is not limited to: Inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

"Landscape documentation package" means the documents required under Section 15.34.050 required to be submitted to the director for review and approval.

"Landscape regulations" means rules and regulations adopted by the director for the implementation and enforcement of provisions of this chapter, and when duly promulgated, such rules and regulations shall be in full force and effect.

"Landscaped area" means the entire lot, including water features such as pools, spas, ponds, and fountains. "Landscaped area" shall not include the building footprint, driveways, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other nonporous areas.

"Maximum applied water allowance" ("MAWA") means the upper limit of annual applied water for the established landscaped area or altered landscaped area determined pursuant to the formula set forth in the landscape regulations. The MAWA is based upon the local reference evapo-transpiration rate, the ETO adjustment factor, and the size of the landscaped area or altered landscaped area.

"New construction" means 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 the city for new construction or rehabilitated landscapes, including a building or landscape permit, plan check or design review.

"Project applicant" means the person or entity submitting a landscape documentation package. A project applicant may include the property owner and/or an agent of the owner.

"Residential project" means the construction of one or more homes.

"Water efficient landscape worksheet" means the document described in Section 15.34.090.

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*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

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### **15.34.040 - Review and approval requirements.**

- A. Prior to issuance of a permit for any project that involves landscaped areas or altered landscaped areas subject to this chapter, the project applicant must submit a landscape documentation package for review and approval by the director. The landscape documentation package shall include the following:
1. Project information as required by the landscape regulations;
  2. Landscape design plan as described in Section 15.34.050;
  3. Irrigation design plan as described in Section 15.34.060;
  4. Water efficient landscape worksheet as described in Section 15.34.090;
  5. A soil management report as described in Section 15.34.080;
  6. Grading design plan as described in Section 15.34.070; and
  7. Payment of the fee as prescribed by city council upon submittal of the landscape documentation package.
- B. The documents listed in subsection A of this section shall be prepared and signed by a landscape architect, landscape designer, or irrigation designer, as appropriate, except that the soil management report shall be prepared by a qualified soil and plant laboratory.

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*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

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### **15.34.050 - Landscape design plan.**

- A. Landscaped areas or altered landscaped areas subject to this chapter shall be carefully designed and planned to ensure the efficient use of water. The project applicant shall submit to the director a landscape design plan that meets the criteria set forth in this section and the criteria set forth in the landscape regulations.
- B. The landscape design plan shall comply with or include the following:
1. A description of the plant material. Any plant may be selected for the landscape provided that the estimated applied water use in the landscaped area or altered landscaped area does not exceed the maximum applied water allowance.
  2. Landscape design plans for projects in the city's high fire hazard severity zones areas, as identified in the landscape regulations, shall address fire safety and prevention. The project applicant shall ensure that the defensible space required by the municipal code is maintained and shall avoid fire-prone plant materials and mulches.
  3. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.
  4. Turf is not allowed on slopes greater than twenty-five percent where the toe of the slope is adjacent to an impermeable hardscape and where twenty-five percent means one-foot of vertical elevation change for every four feet of horizontal length (rise divided by run x 100 + slope percent).
- C. Water features shall be designed as follows:
1. Recirculating water systems shall be used as a source for water features.
  2. Where available, recycled water shall be used as a source for decorative water features.
  3. The surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
  - 4.

Pool and spa covers are highly recommended.

- D. Mulch and amendments shall be included for use as follows:
1. A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications where mulch is contraindicated.
  2. Stabilizing mulching products shall be used on slopes.
  3. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
  4. Soil amendments shall be incorporated according to recommendations of the soil management report, if any, and what is appropriate for the plants selected.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

#### **15.34.060 - Irrigation design plan.**

An irrigation system and its related components for landscaped areas and altered landscaped areas subject to this chapter shall be carefully designed and planned to allow for proper installation, management, and maintenance. The project applicant shall submit to the director an irrigation design plan that meets the criteria set forth in this section and the criteria set forth in the landscape regulations.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

#### **15.34.070 - Grading design plan.**

- A. Grading of a project site that contains a landscaped area or altered landscaped area subject to this chapter, shall be designed to minimize soil erosion, runoff and water waste. The project applicant shall submit to the director a grading design plan that meets the criteria set forth in this section and the criteria set forth in the landscape regulations.
- B. The landscape grading plan shall indicate finished configurations and elevations of the landscape area including: (i) height of graded slopes; (ii) drainage patterns; (iii) pad elevations; (iv) finish grade; and (v) storm water retention improvements, if applicable.
- C. To prevent excessive erosion and runoff, grading shall avoid disturbing natural drainage patterns and avoid soil compaction in landscaped areas or altered landscaped areas subject to this chapter. All irrigation and normal rainfall should remain within the property lines so as not to drain onto non-permeable hardscapes.
- D. A comprehensive grading plan prepared by a civil engineer for a project which includes landscaped areas or altered landscaped areas subject to this chapter can satisfy this requirement.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

#### **15.34.080 - Soil management report.**

The project applicant shall submit to the director a soil management report that meets the criteria set forth in the landscape regulations.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

#### **15.34.090 - Water efficient landscape worksheet.**

- A. The project applicant shall complete and submit to the director a water efficient landscape worksheet that meets the criteria set forth in this section and in the landscape regulations.
- B. The water efficient landscape worksheet shall contain two sections: (i) a hydrozone information table and (ii) a water budget calculation for the landscaped areas or altered landscaped areas subject to this chapter. The water budget calculation shall include the maximum applied water allowance and the estimated total water use.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

**15.34.100 - Certification of completion.**

- A. Upon completion of the installation of the landscaped areas or altered landscaped area subject to this chapter, the project applicant shall submit a certificate of completion, in the form provided by the city, for review and approval by the director. The certificate of completion shall be executed by either the licensed landscaped architect, licensed landscape contractor or the certified irrigation designer that signed any of the documents submitted as part of the landscape documentation package.
- B. The certificate of completion shall certify and/or include the following:
1. The landscaped areas or altered landscaped areas subject to this chapter have been installed in conformance with the landscaped documentation package, the Water Efficient Landscaping Ordinance and the landscape regulations;
  2. The automatic controller has been set according to the irrigation schedule described in Section 15.34.110;
  3. Documentation that the soil management report recommendations, if any, have been implemented;
  4. The irrigation audit report; and
  5. The landscape and irrigation maintenance schedule.
- C. The director shall approve the certificate of completion if he or she determines the project conforms to the provisions of this section. If the director determines that the certificate of completion is incomplete or does not conform to the provisions of this section, the director shall:
1. Notify the project applicant in writing that the certificate of completion has been denied and include a statement of reasons; or
  2. Notify the project applicant in writing that the certificate of completion is incomplete with an indication of additional information necessary. The project applicant may re-submit the certificate of completion for review by the director.
- D. The project applicant shall provide a copy of the approved certificate of completion to the property owner within seven days of its approval.

(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)

**15.34.110 - Irrigation schedule.**

The project applicant shall prepare an irrigation schedule in accordance with the landscape regulations that evaluates and manages the amount of water required to maintain plant health.

(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)

**15.34.120 - Landscape and irrigation maintenance.**

The project applicant shall prepare a landscape and irrigation maintenance plan in accordance with the landscape regulations to ensure the efficiency of water use.

(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)

**15.34.130 - Irrigation audit.**

- A. For landscaped areas or altered landscaped areas subject to this chapter, the project applicant shall prepare an irrigation audit report as set forth in the landscape regulations.
- B. For all existing landscaped areas installed prior to January 1, 2010, irrigation audits shall be prepared as set forth in the landscape regulations.

(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)

**15.34.140. - Irrigation efficiency.**

- A. New irrigation systems installed subject to this chapter shall be designed, maintained and managed to meet or exceed the average irrigation efficiency set forth in the landscape regulations.
- B. New irrigation systems installed as stand-alone projects shall comply with Sections 15.34.060,

15.34.090, 15.34.100, 15.34.110, 15.34.120 and 15.34.130 of this chapter.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

#### **15.34.150 - Alternative water-efficient use.**

Alternative methods of using water efficiently such as the use of potable water, rain water or other alternative water systems are encouraged.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

#### **15.34.160 - Storm water management.**

- A. Landscape and grading design plans shall be developed in accordance with the applicable provisions of the storm water and urban runoff control provisions set forth in Chapter 13.10 of Title 13 of the Municipal Code.
- B. Rain gardens, cisterns, and other landscape features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are encouraged.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

#### **15.34.170 - Water waste prevention.**

Water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, overspray or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots or structures is prohibited.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

#### **15.34.180 - Public education.**

The city shall provide information to owners of new, single-family residential homes regarding the design, installation, management and maintenance of water-efficient landscapes, as set forth in the landscape regulations.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

#### **15.34.190 - Authority to promulgate rules and regulations.**

The director shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this chapter, and when duly promulgated, such rules and regulations shall be in full force and effect.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

#### **15.34.200 - Administration and appeal process.**

The director shall have the duty and authority to administer and enforce this chapter. The project applicant or property owner may appeal any other decision made by the director pursuant to this chapter by filing with the director within fifteen days of the date of written notification of the action at issue. The appeal shall be held pursuant to the applicable provisions of Chapter 17.80 of Title 17 of the Municipal Code.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

**15.34.210 - Penalties.**

The enforcement sections are set forth in Title 1 of the Municipal Code. In addition, the city building official may deny any project subject to this chapter its final permit approval or equivalent until the certificate of completion has been submitted, reviewed and approved by the city.

*(Ord. No. 503U, § 1, 12-15-09; Ord. No. 504, § 1, 1-5-10)*

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**FOOTNOTE(S):**

<sup>(4)</sup> **Editor's note**— Ord. No. 504, § 1, adopted January 5, 2010, amended Chapter 15.34 in its entirety to read as herein set out. Former Chapter 15.34, §§ 15.34.010—15.34.210, pertained to Water Conservation In Landscaping, and derived from Ord. No. 284, 1993. ([Back](#))