



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403-2829
(707) 565-1900 FAX (707) 565-1103

January 26, 2010

Mr. Simon Eching
Water Use and Efficiency Branch
California Department of Water Resources
P.O. Box #942836
Sacramento, CA 94236-0001

Re: Water Efficient Landscape Ordinance- Adoption by the County of Sonoma

Mr. Eching,

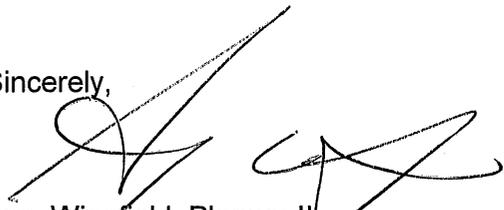
The County of Sonoma is pleased to inform you that a Water Efficient Landscape Ordinance was adopted on December 15, 2009 and became effective January 15, 2010. Attached you will find a copy of the Ordinance and the associated Board of Supervisors staff report.

The Ordinance was predominantly developed by a North Bay stakeholder group comprised of local agency representatives and landscape professionals with the intent that one version be adopted across all jurisdictions in Sonoma, Napa, and Marin Counties. The stakeholder group met over the course of four months and concluded by recommending certain additions to the model ordinance to add a more localized approach and increased water savings. The following additions above and beyond the State model ordinance were adopted in the County ordinance:

1. Altered applicability section requiring landscape plan check for all commercial, industrial, multi-family, and developer installed single-family uses. Landscape plan check is required for all single-family uses that are new or adding more than 400 sq ft, with some exceptions for those projects with less than 5,000 sq ft of landscape area.
2. Expanded definition section.
3. Maximum Applied Water Allowance of 60% ETo verses the 70% ETo in the state model ordinance.
4. Weather or sensor based self-adjusting controllers are required.
5. Overhead irrigation must be set back 24" from hardscaped area.
6. Trees require separate irrigation valves.
7. Swing joints or other riser protection components are required.

The County's ordinance is "as effective" as the State model ordinance as required by AB 1881. If you have any questions regarding the new Water Efficient Landscape Ordinance feel free to contact me by phone at (707)565-7389, or by email at awingfie@sonoma-county.org.

Sincerely,



Amy Wingfield, Planner II
PRMD Comprehensive Planning

Cc: Pete Parkinson, PRMD Director
Jennifer Barrett, PRMD Deputy Director

Enclosure



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

DATE: December 8, 2009 at 2:10 p.m.
TO: Board of Supervisors
FROM: Amy Wingfield, Project Planner
SUBJECT: Water Efficient Landscape Ordinance

Background

The State Legislature adopted the "Water Conservation in Landscaping Act of 2006" (AB 1881) 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 1, 2010. Should no action be taken, by statute the DWR model ordinance would automatically become effective. PRMD staff have worked with a stakeholder group comprised of representatives from SCWA, local jurisdictions within Sonoma, Napa, and Marin Counties, and landscape professionals to develop an ordinance tailored to meet the region's needs that is based on, and in some areas exceeds, the model ordinance. The new Water Efficient Landscape Ordinance ("Proposed Ordinance") will be incorporated into Chapter 7 of the County Code (Building Regulations) and will supercede the existing Low Water Use Landscaping Ordinance located in Zoning Code Section 26-88-110, which will be repealed at a later date. This Ordinance does not require review by the Planning Commission.

Issue #1: General Plan Consistency

The Proposed Ordinance is consistent with the Sonoma County General Plan and implements new policies included as part of the GP 2020 Water Resources Element, specifically policies WR-4b and WR-4e below:

Policy WR-4b: Use water effectively and reduce water demand by developing programs to:

- (1) *Increase water conserving design and equipment in new construction, including the use of design and technologies based on green building principles,*
- (2) *Educate water users on water conserving landscaping and other conservation measures,*

- (3) *Encourage retrofitting with water conserving devices,*
- (4) *Design wastewater collection systems to minimize inflow and infiltration, and*
- (5) *Reduce impervious surfaces to minimize runoff and increase groundwater recharge.*

Policy WR-4e: *Require water conserving plumbing and water conserving landscaping in all new development projects and require water conserving plumbing in all new dwellings. Promote programs to minimize water loss and waste by public water suppliers and their customers. Require County operated water systems to minimize water loss and waste.*

Water efficient landscapes are one essential component to reducing water demand and increasing conservation in both urban and rural environments. Although the Proposed Ordinance is a state mandate, it also implements our local adopted goals and policies.

Issue #2: Ordinance Implementation

The Proposed Ordinance includes requirements for landscape water budgets, the prevention of excessive erosion and irrigation runoff, landscape and irrigation design, irrigation audits, and scheduling of irrigation based on the local climate. The water budget approach serves as a design tool, allowing the design of the landscape to be based on a regionally appropriate amount of water. The budget takes into account plant type, plant water needs, irrigation system design, and applied water that the landscape receives either by irrigation or by precipitation, depending on the time of year. The Proposed Ordinance requires a 60 percent evapotranspiration (ET_o) adjustment factor. This means that the designed landscape is allowed to use 60 percent of the amount of water required by a similar-sized landscape composed entirely of turf grass. This particular area of the Proposed Ordinance is more restrictive than the model ordinance, which requires an ET_o of 70 percent. Because our area receives significantly higher rainfall amounts than other areas of the state, the stakeholder group felt our regional ordinance could require a more restrictive water budget.

The Proposed Ordinance requires applicants to prepare water budget calculations, a soil management report (including soil amendments and mulching), landscape design plan, irrigation design plan, and if necessary, grading design plans.

A plan check process and associated fees will be created within PRMD for the implementation of the Proposed Ordinance. The Plan check fee to be created will be \$350, which is consistent with the required staff time and cost of similar permits already administered at the City of Santa Rosa. The PRMD Planning Division will be doing the plan check and inspections under the Proposed Ordinance and staff have attended a Qualified Water Efficient Landscape course, offered at no cost by SCWA. This training is considered sufficient to implement the Proposed Ordinance.

The DWR model ordinance requires local agencies to monitor landscape water use and ensure compliance. PRMD will be responsible for ensuring that construction plans comply with the

Proposed Ordinance through the plan check process, and will verify general compliance at a final site inspection. Post-construction compliance will 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 Proposed 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. This will alleviate the need for periodic site inspections and irrigation audits to verify compliance.

Issue #2: Applicability of the Proposed Ordinance

After many comments from local agencies and landscape professionals, DWR released the final draft of the updated model ordinance in September, 2009. Despite many changes, the model ordinance remains particularly difficult to use and interpret. The model ordinance does not distinguish between public water supplies or groundwater uses, and has been interpreted to apply to both. The local stakeholder group was formed by SCWA and the City of Santa Rosa to develop a more appropriate streamlined draft ordinance establishing standards for the region, with the hopes that one version of the ordinance would be adopted universally. The group felt the standards should be uniform across each jurisdiction, but that the applicability of the ordinance should be determined by each local agency. The following describes the policy choices in regards to the applicability.

Applicability under the DWR Model Ordinance

The minimum thresholds for applicability presented by the DWR Model Ordinance are as follows:

- (1) New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;*
- (2) New construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;*
- (3) New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review.*

The DWR model ordinance would only apply to single family dwellings which have landscape areas of 2500 or 5000 square feet in size, depending whether they are developer or home-owner constructed. Considering the smaller size of urban lots, this approach would limit the amount of potential water savings within the urban areas. The approach would also reduce the number of commercial and industrial uses that would be required to adhere to the ordinance.

Recommended Applicability Provisions

The following is the modified applicability section included in the Proposed Ordinance, and as recommended by PRMD staff:

(1) New and rehabilitated landscapes in multi-family residential, commercial, industrial, agricultural processing, and public agency projects requiring a building or grading permit or design review.

(2) New and rehabilitated landscapes that are developer-installed in single-family residential projects requiring a building or grading permit or design review.

(3) New and rehabilitated landscapes that are homeowner-provided and/or homeowner-hired in single-family residential projects involving new buildings or additions over 400 square feet and requiring a building or grading permit or design review, except where:

- a. The landscape area is less than 5,000 square feet;*
- b. Turf is limited to no more than 600 square feet; and*
- c. An irrigation system is installed and operated by a weather-based self-adjusting irrigation controller with a rain sensor.*

This applicability section goes beyond the model ordinance by requiring a landscape permit for all uses except for homeowner-provided single family residential projects that meet the prescribed landscape standards. This will create a greater amount of conservation and will apply to more urban environments that would be utilizing public water supplies.

Staff recommends these applicability provisions because they create the most water savings. Although this is more restrictive than the model ordinance it allows some flexibility for those single family residential projects that meet the exemption criteria. It is also important to note that new single family residential projects with no landscaping, natural vegetation, and/or agriculture would be exempt from the Proposed Ordinance.

Issue #3: Additions to the DWR Model Ordinance

The stakeholder group met over the course of 4 months and concluded by recommending certain additions to the model ordinance to add a more common sense approach and increased water savings. The following additions are included in the Proposed Ordinance:

1. Altered applicability section, as discussed above.
2. Expanded definition section for more clarity for interpretation.
3. Maximum Applied Water Allowance is 60% ETo. The state model ordinance is allowing a larger water budget of 70% ETo, as discussed above.

4. Weather or sensor based self-adjusting controllers are required, which increases the effectiveness of irrigation scheduling.
5. Overhead irrigation must be set back 24" from hardscaped area, which decreases the amount of water waste in the form of overspray.
6. Trees require a separate irrigation valve, which allows them to be irrigated separate from other landscaping components which may have different water needs.
7. Swing joints or other riser protection components are required to better protect the irrigation system from damage.

The Proposed Ordinance was also substantially streamlined, reducing the amount of information within the Proposed Ordinance, and moving more detailed information to a Procedures Manual. The Procedures Manual will describe the water budgeting requirements, including the required math calculations, and related resources for plant choice and soil amendments.

PRMD staff recommends adoption of the Proposed Ordinance to include the stakeholder group additions in order to remain consistent with the regional version, add clarity, and increased water savings.

List of Attachments:

EXHIBIT A: Draft Sonoma County Water Efficient Landscape Ordinance
EXHIBIT B: DWR Model Water Efficient Landscape Ordinance

ORDINANCE NO. 5872

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING CHAPTER 7D3 TO THE SONOMA COUNTY CODE TO REGULATE WATER EFFICIENT LANDSCAPE, AND ESTABLISHING A FEE FOR PROCESSING LANDSCAPE PLAN CHECK APPLICATIONS

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Chapter 7D3 is added to the Sonoma County Code, to read:

**CHAPTER 7D3
WATER EFFICIENT LANDSCAPE**

Sec. 7D3-1. Title and authority.

This chapter is and may be cited as the Sonoma County Water Efficient Landscape Regulations. This chapter is enacted pursuant to the Water Conservation in Landscaping Act (Government Code section 65591 et seq.).

Sec. 7D3-2. Purpose.

This chapter is enacted for the purpose of regulating the design, installation, and maintenance of new and rehabilitated landscapes.

Sec. 7D3-3. Applicability.

A. The provisions of this chapter shall apply to all of the following landscape projects:

1. New and rehabilitated landscapes in multi-family residential, commercial, industrial, agricultural processing, and public agency projects requiring a building or grading permit or design review.
2. New and rehabilitated landscapes that are developer-installed in single-family residential projects requiring a building or grading permit or design review.

3. New and rehabilitated landscapes that are homeowner-provided and/or homeowner-hired in single-family residential projects involving new buildings or additions over 400 square feet and requiring a building or grading permit or design review, except where:

- a. The landscape area is less than 5,000 square feet;
- b. Turf is limited to no more than 600 square feet; and
- c. An irrigation system is installed and operated by a weather-based self-adjusting irrigation controller with a rain sensor.

B. The provisions of this chapter shall not apply to any of the following:

- 1. Registered local, state, or federal historical sites.
- 2. Ecological restoration projects that do not require a permanent irrigation system.
- 3. Mined-land reclamation projects that do not require a permanent irrigation system.
- 4. Plant collections, as part of botanical gardens and arboretums open to the public.

Sec. 7D3-4. Landscape plan check.

A. A landscape plan check shall be required prior to commencing any construction on a landscape project subject to the provisions of this chapter.

B. A landscape plan check application shall be filed with the department on a county application form. Each landscape plan check application shall include all required fees and/or deposits, and all plans and specifications, and other information, materials, and submittals required by the department.

C. A landscape plan check application may only be filed by the owner or authorized agent of the owner of the subject property, or other person with the written consent of the property owner.

D. A landscape plan check application shall be approved when the director verifies that the proposed landscape project complies with the provisions of this chapter, other applicable provisions of this code, and the conditions of any applicable land use permit or other entitlement.

Sec. 7D3-5. Application fees.

A. The board of supervisors shall establish a schedule of fees for the processing of landscape plan check applications.

B. No landscape plan check application shall be deemed complete, and processing shall not commence on any landscape plan check application until all required fees and/or deposits have been paid.

Sec. 7D3-6. Inspections.

Landscape projects subject to the provisions of this chapter shall be subject to inspection as required by the director to verify compliance with the approved plans. No landscape project applicant shall be deemed to have complied with the provisions of this chapter until a final inspection of the work has been completed by the director. Inspections shall not be construed to approve a violation of the provisions of this chapter or other provisions of this code. Inspections presuming to give authority to violate or cancel the provisions of this chapter or other provisions of this code shall not be valid.

Sec. 7D3-7. Water efficient landscape standards.

All landscape projects subject to the provisions of this chapter shall comply with the following standards.

A. Plants.

1. Selected plants shall not cause the estimated annual applied water use to exceed the maximum applied water allowance.

2. Plants with similar water use needs shall be grouped together in distinct hydrozones and where irrigation is required the distinct hydrozones shall be irrigated with separate valves.

a. Low and moderate water use plants can be mixed, but the entire hydrozone shall be classified as moderate water use for maximum applied water allowance calculations.

b. High water use plants shall not be mixed with low or moderate water use plants.

3. All non-turf plants shall be selected, spaced, and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.

4. Turf shall not be planted in the following conditions:

a. Slopes exceeding 10 percent.

b. Planting areas 8 feet wide or less.

c. Street medians, traffic islands, planter strips, or bulbouts of any size.

5. Invasive plants are prohibited.

B. Soil Amendments, conditioning, and mulching.

1. A minimum of 8 inches of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.

2. Compost or natural fertilizer shall be incorporated into the soil to a minimum depth of 8 inches at a minimum rate of 6 cubic yards per 1,000 square feet, or according to specific amendment recommendations from a soils laboratory report.

3. A minimum 3 inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcover, or direct seeding applications.

C. Water features.

1. Recirculating water systems shall be used for all water features.

2. Recycled water shall be used when available on site.

D. Irrigation systems.

1. All irrigation systems shall be designed and installed to meet irrigation efficiency criteria as described in the maximum applied water allowance.
2. A dedicated irrigation meter or sub-meter shall be required.
3. Irrigation systems with meters 1.5 inches or greater shall have a high-flow sensor that can detect high flow conditions and have the capability to shut off the irrigation system automatically.
4. Isolation valves shall be installed at the point of connection and before each valve or valve manifold.
5. Weather-based self-adjusting irrigation controllers with rain sensors shall be required.
6. Pressure regulation and/or booster pumps shall be installed so that all components of the irrigation system operate at the manufacturer's recommended optimal pressure.
7. Irrigation systems shall be designed to prevent runoff or overspray onto non-targeted areas.
8. Point source irrigation is required where plant height at maturity will affect the uniformity of an overhead system.
9. A 24-inch setback of overhead irrigation shall be required where turf is directly adjacent to a continuous hardscape that flows into the curb and gutter.
10. Slopes greater than 15 percent shall be irrigated with point source or other low-volume irrigation technology.
11. Separate valves shall be used to irrigate hydrozones with high water use plants and moderate or low water use plants.
12. Trees shall be placed on separate valves except when planted in turf areas.

13. Sprinkler heads, rotors, and other emission devices on one valve shall have matched precipitation rates.
14. Head to head coverage shall be required unless otherwise directed by the manufacturer's specifications.
15. Swing joints or other riser protection components shall be required on all risers.
16. Check valves shall be installed to prevent low-head drainage.

Sec. 7D3-6. Glossary.

As used in this chapter, the following terms and phrases shall have the meanings ascribed to them in this section, unless the context in which they are used clearly requires otherwise. The definition of a term or phrase applies to any of that term's or phrase's variants.

“Building Permit” means any building permit under Chapter 7 of this code.

“Booster Pump” means a pump used where the normal water system pressure is low and needs to be increased.

“California Invasive Plant Inventory” means the California Invasive Plant Inventory maintained by the California Invasive Plant Council.

“Check Valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

“Compost” means the decayed remains of organic matter that has rotted into a natural fertilizer.

“Department” means the Permit and Resource Management Department.

“Design Review” means any design review under Chapter 26 or 26C of this code.

“Director” means the Director of the Permit and Resource Management Department or his or her authorized representative.

“Ecological Restoration Project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

“ET Adjustment Factor” means, except for special landscape areas, a factor of 0.6, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency. The ET adjustment factor for special landscape areas shall not exceed 1.0.

“Flow Rate” means the rate at which water flows through pipes, valves, and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

“Grading Permit” means any grading permit under Chapter 11 of this code.

“Hardscape” means any durable material (pervious and non-pervious).

“Head to Head Coverage” means full coverage from one sprinkler head to the next.

“High-Flow Sensor” means a device for sensing the rate of fluid flow.

“High Water Use Plant” mean any plant categorized as high water need by the Water Use Classification of Landscape Species Guide.

“Hydrozone” means a portion of the landscape area having plants with similar water needs that are served by a valve or set of valves with the same schedule.

“Invasive Plant” means any plant listed on the California Invasive Plant Inventory.

“Irrigation Efficiency” means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this chapter is 0.71.

“Irrigation Meter” means a separate meter that measures the amount of water used for items such as lawns, washing exterior surfaces, washing vehicles, or filling pools.

“Isolation Valve” means a valve used to isolate a portion of the piping system.

“Landscape Area” means the dedicated landscape area on a property. Water features are included in the calculation of the landscape area. Areas dedicated to agricultural cultivation are not included. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other nonirrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

“Land Use Permit” means any ministerial or discretionary permit or approval granted by the county pursuant to Chapter 26 or 26C of this code to use a specific site for a particular purpose.

“Low-Head Drainage” means water that flows out of the system after the valve turns off due to elevation changes within the system.

“Low Water Use Plant” means any plant categorized as low water need by the Water Use Classification of Landscape Species Guide.

“Maximum Applied Water Allowance” means the upper limit of annual applied water for the established landscape area. It is based upon the area’s reference evapotranspiration, the ET adjustment factor, and the size of the landscape area. The estimated total water use shall not exceed the maximum applied water allowance

“Mined-Land Reclamation Project” means any surface mining operation with a reclamation plan approved in accordance with Chapter 26A of this code.

“Moderate Water Use Plant” means any plant categorized as moderate water need by the Water Use Classification of Landscape Species Guide.

“Mulch” means any organic material such as leaves, bark, straw, compost or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature and preventing soil erosion.

“New Landscape” means any new landscaping project.

“Non-pervious” means any surface or material that does not allow the passage of water through the material and into the underlying soil.

“Overhead Irrigation” means systems that deliver water through the air (e.g., pop-ups, impulse sprinklers, spray heads, rotors, micro-sprays, etc).

“Overspray” means the irrigation water that is delivered beyond the landscape area, wetting pavements, walks, structures, or other non-landscaped areas.

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

“Plant Factor” means a factor that, when multiplied by reference evapotranspiration, estimates the amount of water used by needed plants. Plant factors cited in this chapter are derived from the Department of Water Resources 2000 publication “Water Use Classification of Landscape Species.”

“Precipitation Rate” means the rate of application of water measured in inches per hour.

“Point of Connection” means the point at which an irrigation system taps into the main water supply line.

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

“Pressure Regulation” means a valve that automatically reduces the pressure in a pipe.

“Rain Sensor” means a system component that automatically shuts off and suspends the irrigation system when it rains.

“Recycled Water” means non-potable water that meets California Department of Public Health statewide uniform criteria for disinfected tertiary recycled water. Recycled water is also known as reclaimed water.

“Reference Evapotranspiration” means a standard measurement of environmental parameters that affect the water use of plants, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered.

“Rehabilitated Landscape” means any re-landscaping project.

“Runoff” means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.

“Soils Laboratory Report” means the analysis of a soil sample to determine nutrient content, composition, and other characteristics, including contaminants.

“Special Landscape Area” means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water, and areas dedicated active play such as parks, sports fields, golf courses, where turf provides the playing surface.

“Sprinkler Head” means a device that delivers water through a nozzle.

“Swing Joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

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

“Valve Manifold” means a one-piece manifold for use in a sprinkler valve assembly that includes an intake pipe having a water inlet and a plurality of ports adapted for fluid connection to inlets.

“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 landscape area.

“Weather-Based Self-Adjusting Irrigation Controller means a system component that uses local weather and landscape conditions to automatically adjust irrigation schedules to actual conditions on the site or historical weather data.

“Water Use Classification of Landscape Species Guide” means the Water Use Classification of Landscape Species Guide published by the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation, as it currently exists or may be amended in the future.

SECTION II. The fee schedule set forth in Exhibit “A” of Ordinance No. 5834 is amended to add the following fee under the Project Review Application Fee Schedule:

Landscape Plan Check	\$350.00
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SECTION III. The provisions of Section I of this ordinance shall not apply to new or rehabilitated landscape in any single-family or multi-family residential, commercial, industrial, agricultural processing, or public agency project for which an application for a building or grading permit or design review was accepted as complete for filing prior to the effective date of this ordinance.

SECTION IV. The provisions of Section I of this ordinance are intended to supercede and replace Section 26-88-110 of the Sonoma County Code (Low Water Use Landscaping). The Director of the Permit and Resource Management Department is directed to initiate proceedings to repeal Section 26-88-110 of the Sonoma County Code. Until repealed, Section 26-88-110 of the Sonoma County Code shall be inoperative.

SECTION V. The Board of Supervisors finds that the provisions of Section I of this ordinance are at least as effective in conserving water as the updated Model Water Efficient Landscape Ordinance adopted by the California Department of Water Resources pursuant to the Water Conservation in Landscaping Act (Government Code section 65591 et seq.). The provisions of Section I of this ordinance protect water supplies through the implementation of a whole systems approach to the design, installation, and maintenance of landscapes, which results in water conserving, climate-appropriate landscapes, improved water quality, and the minimization of natural resource inputs. The Director of the Permit and Resource Management Department is directed to submit a copy of this ordinance and evidence in the record supporting the preceding findings to the California Department of Water Resources.

SECTION VI. The Board of Supervisors finds that this ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15307 and 15308 of the State CEQA Guidelines as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment, and pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment. The basis for this determination is that this ordinance does not in itself approve any construction activities, but instead establishes standards, permit requirements, and other measures that regulate the design, installation, and maintenance of new and rehabilitated landscapes more stringently than existing codes. These standards, permit requirements, and other measures will not result in any direct physical change to the environment on their own, and will instead assure the maintenance, restoration, enhancement, and protection of natural resources and the environment by strengthening existing environmental standards and establishing new limitations. The

Director of the Permit and Resource Management Department is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

SECTION VII. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION VIII. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma introduced on the 8th day of December, 2009, and finally passed and adopted this 15th day of December, 2009, on regular roll call of the members of said Board by the following vote:

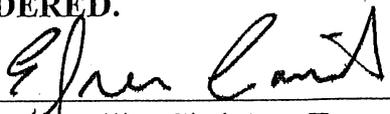
SUPERVISORS:

BROWN: Absent KERN: Aye Zane: Aye Carrillo: Aye Kelley: Absent

AYES 3 NOES 0 ABSTAIN 0 ABSENT 2

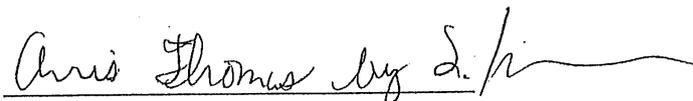
WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.



Efren Carrillo, Chair Pro Tem
Board of Supervisors, County of Sonoma

ATTEST:



Chris Thomas, Acting Clerk of
the Board of Supervisors