CERTIFICATION

I, **Marcia McClure Torgerson, C.M.C.**, City Clerk of the City of Atascadero, hereby certify that the foregoing is a true and correct copy of Ordinance No 548, adopted by the Atascadero City Council at a regular meeting thereof held on February 23, 2010, and that it has been duly published pursuant to State Law

DATED: 4-19-10

Marcia McClure Torgerson

Marcia McClure Torgerson, C.M.C
City Clerk
City of Atascadero, California

ORDINANCE NO 548

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 8 OF THE ATASCADERO MUNICIPAL CODE TO ESTABLISH A WATER EFFICIENT LANDSCAPE ORDINANCE PLN 2010-1352 (Citywide/City of Atascadero)

The City Council hereby finds and declares as follows

WHEREAS, The State of California has adopted The Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881) requires all cities and counties in California to adopt landscape water conservation ordinances by January 1, 2010, and,

WHEREAS, The Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881) requires all cities and counties in California to adopt landscape water conservation ordinances by January 1, 2010, and,

WHEREAS, Pursuant to this law, the Department of Water Resources (DWR) has prepared a Model Water Efficient Landscape Ordinance (Model Ordinance) for use by local agencies, and,

WHEREAS, The intent of the state's model ordinance is to achieve increased landscape water use efficiency in new development and new landscapes. Local agencies may adopt the State Model Ordinance, or craft an ordinance to fit local conditions If a City adopts its own local ordinance, it must be at least as effective as the Model Ordinance in regard to water conservation, and,

WHEREAS, the City of Atascadero (6907 El Camino Real) proposes a Municipal Code Text Amendment to establish a Water Efficient Landscape and Irrigation Ordinance in compliance with the State requirements set forth by Assembly Bill 1881, and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on February 9, 2010, studied and considered the proposed amendment; and,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS

SECTION 1. Findings for Approval. The City Council finds as follows

1 The proposed ordinance is consistent with the intent of the Water Conservation in Landscaping Act of 2006

2. The proposed ordinance is at least as effective as the State Model Water Efficient Landscape Ordinance

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 23, 2010 resolved to approve on second reading by title only, an ordinance that would amend Title 8, the Building Code, of the Atascadero Municipal Code with the following:

Title 8 BUILDING CODE

Chapter 8 WATER EFFICIENT LANDSCAPE AND IRRIGATION ORDINANCE

8-8.101 Purpose.

8-8.102 Definitions.

8-8.103 Applicability

8-8.104 Landscape Standards and Limitations for New Construction and Rehabilitated Landscapes.

8-8.105 Requirements for Landscaped Areas Equal to or Greater than One (1) Acre.

8-8.101 Purpose.

Consistent with California State Law, it is the purpose of this ordinance to

(a) promote the values and benefits of landscapes while recognizing the need to use water resources as efficiently as possible,

(b) prevent unreasonable water waste by limiting landscape water use to the amount reasonably required for beneficial use,

(c) establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects,

8-8.102 Definitions.

"**Certificate of Completion**" means the document required under Section 8-8 105 (c)

"**Landscapable area**" means all the planting areas, turf areas, and water features in a landscape design plan The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, or patios

"**Landscape contractor**" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems

"**Landscape Documentation Package (LDP)**" means the documents required under Section 8-8 105 9 (b)

"**Landscape project**" means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance.

"**Multi-family Residential**" means two or more attached residential units. Landscape areas for multiple detached units on one parcel will be considered single family units for the purposes of this Ordinance.

"**New construction**" means, for the purposes of this ordinance, 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 local agencies for new construction or rehabilitated landscapes.

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

"**Project applicant**" means the individual or entity requesting a permit, plan check or design review from the local agency A project applicant may be the property owner or his or her designee

"**Rehabilitated landscape**" means any re-landscaping project that requires a permit, plan check, or design review

"**Runoff**" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope

"**Single Family Residential**" one home on one lot, or multiple detached units on one lot (not attached)

"Soil moisture sensing device" or **"soil moisture sensor"** means a device that measures the amount of water in the soil The device may also suspend or initiate an irrigation event.

"Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

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

"Water conserving plant species" means a plant species identified as having a low plant factor

"Water waste runoff" means water flowing away from property and which is caused by excessive application(s) of water beyond reasonable or practical flow rates, water volumes or duration of application.

8-8.103 Applicability

The information within this Chapter applies to new construction and rehabilitated landscapes for commercial, industrial and residential projects that are subject to the development review process and/or a building permit with the exception of Section (f), which applies to all properties within the City limits.

(a) Development Review Process
In conjunction with the submittal of a project for development review (tentative parcel map, tentative tract, development plan or conditional use permit), conceptual landscape and irrigation plans shall be provided that demonstrate that the design of the landscaping and irrigation complies with the standards within this Ordinance These plans shall be reviewed by City Staff during the development review process

(b) Building Permit
In conjunction with the submittal of a project for building permit plan check, final landscape and irrigation plans, in compliance with this Ordinance, shall be submitted with the project. After a plan check review by the Planning and/or Building and/or Public Works Departments for compliance with this Ordinance, a Building Permit may be issued. Fees consistent with the fees established for building plan check will be applied for staff review of the landscape and irrigation plan.

(1) Residential Building Permits

(i) Landscape plans in compliance with this ordinance shall be required to be submitted with all new single-family residences and new second unit building permits.

(ii) Landscape plans shall be required in conjunction with residential remodels and additions only when new landscape is proposed to be installed. All new landscape and relandscaping shall be compliant with this ordinance

(2) Non-residential Building Permits

(i) Landscape plans in compliance with this ordinance shall be required to be submitted with building permits for all new non-residential construction.

(ii) When submitting a building permit for non-residential remodels and additions, a landscape plan shall be submitted to bring the site into compliance with section 8-8 104 of this ordinance Only alterations required for compliance with section 8-8 104 shall be required to be shown on the landscape plan.

(c) Certificate of Completion
Once the landscape and irrigation plans and necessary documentation has been provided in substantial compliance with the LDP, a Certificate of Completion may be issued. A Certificate of Completion shall be issued prior to the project receiving a Certificate of Occupancy by the Building Division

(d) Landscape and Irrigation Installation
For both projects less than or greater than 1 acre, the landscape and irrigation shall be installed per the approved plans prior to the issuance of a Certificate of Occupancy or "final" of the building/project.

(e) Landscape Bond

(1) For projects that have a landscape area of 1-acre or greater and require a LDP, a bond may be posted which would allow a building to be finaled and a Certificate of Occupancy to be issued prior to the site landscape and irrigation being completed. The bond shall be based on an estimate for labor and materials to complete the landscape and irrigation project per the approved plans, plus an additional 25-percent. The applicant shall fill out the Landscape Bond Security Bond Agreement along with the necessary bonding information, to the Public Works Department for review and approval to determine the specific bond amount.

(2) For projects that have a landscape area of less than 1-acre which does not require the LDP, the Community Development Director or his or her designee may approve a bond to be posted which would allow a building to be finaled and a Certificate of Occupancy to be issued prior to the site landscape and irrigation being completed.

(f) Water Waste Prevention
This provision applies to all properties with the City limits.

(1) Overhead irrigation of residential and commercial landscapes, including golf courses, parks, school grounds and recreation fields, shall be prohibited between the hours of 10 a.m. and 5 p.m.

(i) Exceptions to the permitted watering timeframe are permitted for renovation or repair of the irrigation system with an operator present, landscape irrigation audits, the reseeding or planting of turf grass not to exceed an establishment period of twenty-one consecutive days, or the application of a landscape fertilizer that requires watering in

(2) Water runoff shall be prohibited. Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, parking lot, street, alley, gutter, ditch, or adjacent property is prohibited.

8-8.104 Landscape Standards and Limitations for New Construction and Rehabilitated Landscapes.

(a) All project landscaping and irrigation plans/designs (residential, commercial, industrial) shall comply with the following standards and limitations.

(1) Turf areas less than 8 feet in width in any direction are prohibited,

(2) Turf shall be prohibited within the public right-of-way, including parkways,

(3) Turf shall be prohibited on slopes greater than 20% where the toe of the slope is adjacent to an impermeable hardscape (where 20% means 1 foot of vertical elevation change for every 5 feet of horizontal length rise divided by run X 100 = slope percent),

(4) Developments shall be graded to maximize the on-site distribution of runoff to planted areas,

(5) For non-turf areas, landscape shall utilize a planting palette of low water use plants designated by the Atascadero Mutual Water Company's list of water conserving plants,

(6) A minimum two inch (2") 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,

(7) For non-turf areas, drip irrigation and non overhead spray methods shall be utilized,

(8) Irrigation control systems shall utilize rain sensors, either integral or auxiliary, that suspend irrigation during and after rainfall events,

(9) Irrigation systems shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

(10) Spray irrigation shall be prohibited within 24 inches of a non-permeable surfaces such as but not limited to concrete sidewalks and driveways. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low-flow non-spray type of systems The setback area may be planted or non-planted. The surfacing of the setback may be mulch, gravel, cobles, or other porous material These restrictions may be modified if the landscape area is adjacent to permeable surfacing, and no runoff occurs or the adjacent non permeable surface drains entirely to landscaped areas,

(11) Water features shall use recirculating water systems,

(12) The architectural guidelines and Codes, Covenants, and Restrictions of common interest developments shall not have the effect of prohibiting the use of low-water use plants or requiring turf grass in landscaped areas.

(13) The Building Official shall have the authority to grant modifications to items (1) through (12) above for individual cases provided that the Building Official first finds that the modification is in compliance with the intent and purpose of this ordinance and that such modification does not create water waste or additional water use than would be created if items (1) through (12) were implemented.

(b) Commercial and industrial projects shall comply with the following turf limitations.

(1) The area planted in turf grass and irrigated with spray irrigation shall be limited to 10 percent of the development's landscapable area or 2,500 square feet, whichever is less

(i) Exceptions This section does not apply to Cemeteries, plant collections as part of botanical gardens and arboretums open to the public, City and public parks, and school sports fields

(c) Single-family residences shall comply with the following turf limitations.

(1) Turf grass installed with spray irrigation on residential lots shall be limited to 25 percent of the landscapable area or 2,500 square feet, whichever is less.

(d) Multi-family projects and residential subdivision tracts shall comply with the following turf limitations

(1) Turf grass installed with spray irrigation on individual residential lots shall be limited to 25 percent of the landscapable area or 2,500 square feet, whichever is less

(i) Landscape area for new residential subdivisions will be calculated on an individual lot basis as each lot develops, not a total of landscape areas prior to subdivision

(2) Turf grass in common outdoor areas (including landscape and lighting district areas) shall be limited to 10 percent of the landscapable area.

(i) The 10 percent limitation shall be exclusive of areas designed as active play surfaces (e g. ballfields, playgrounds, picnic areas) All other common landscape within the subdivision or multifamily project will be designed under one permit subject to the maximum turf limitations

(ii) Active play areas open to the public are exempt from this provision.

(e) Model homes shall comply with the following:

(1) Turf grass shall be prohibited in the front yards of model homes, and shall be limited to 50 percent of the landscapable area in back and side yards, or 2500 square feet, whichever is less.

(2) Model homes shall be used to educate future home owners about water efficient landscape and irrigation techniques. Education features for Model homes shall include

(i) The installation of interpretive landscape information signs that describe the principles of water efficient landscapes including features such as hydrozones, appropriate irrigation equipment and others techniques that contribute to the overall water efficient irrigation theme

(ii) Information shall be provided to new home owners that include techniques on designing, installing, managing, and maintaining water efficient landscapes.

(f) Rehabilitated landscapes shall comply with the following:

(1) Rehabilitated landscapes shall comply with the turf limitations and water use standards as outlined in Sections (a) through (e) above, as appropriate to the property type

(2) Landscape plans for rehabilitated landscapes shall be reviewed for compliance with the standards when proposed or required as part of a building or grading permit, discretionary review, and / or when required by section 8-8 105 below

8-8.105 Requirements for Landscaped Areas Equal to or Greater than One (1) Acre.

(a) Projects that have a landscape area equal to or greater than 1 acre shall meet the following requirements

(1) Project shall comply with all of the items identified in Section 8-8 104

(2) Weather-based irrigation controllers, soil moisture-based controllers, or other self-adjusting irrigation controllers shall be required for irrigation scheduling.

(b) The following documents and plans shall be submitted prior to the issuance of a Building Permit for the associated project (Please refer to the Landscape & Irrigation Design Guide for specific forms and criteria)

Compliance with Landscape Documentation Package which includes completion of the following items

1) Project Information
2) Water Efficient Landscape Worksheet
3) Soil Management Report
4) Landscape Design Plan
5) Irrigation Design Plan
6) Grading Design Plan

Note the landscape area for new residential subdivisions will be calculated on an individual lot basis as each lot develops, not a total of landscape areas prior to subdivision. Therefore, generally a residential subdivision will not require an LDP for individual lot landscaping

However, if the common landscape areas within the subdivision, multifamily project, or Landscape and Lighting District total 1 acre or greater, an LDP for those areas shall be completed under a single permit.

(c) The following documents and plans need to be completed and the landscape and irrigation project shall be installed prior to the issuance of a Certificate of Occupancy or building permit final for the associated project (Please refer to the Landscape & Irrigation Design Guide for specific forms and criteria)

Certificate of Completion which includes documentation of the following items

1) Irrigation Scheduling
2) Landscape and Irrigation Maintenance Schedule
3) Irrigation Audit, Irrigation Survey and Irrigation Water Use Analysis
4) Irrigation Efficiency
5) Stormwater Management

SECTION 3. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and, before the expiration of fifteen (15) days after its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero A copy of the full text of this ordinance shall be on file in the City Clerk's office on and after the date following introduction and passage and shall be available to any interested member of the public

INTRODUCED at a regular meeting of the City Council held on February 9, 2010, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on February 23, 2010, by the following roll call vote

AYES Council Members Béraud, Clay, Kelley, O'Malley and Mayor Fonzi

NOES None

ABSTAIN None

ABSENT None

CITY OF ATASCADERO

By: Roberta Fonzi
Roberta Fonzi, Mayor

ATTEST

Marcia McClure Torgerson
Marcia McClure Torgerson, C.M.C , City Clerk

APPROVED AS TO FORM.

Brian A. Pierik, City Attorney