

MARCH JOINT POWERS AUTHORITY



January 26, 2010

Mr. Simon Eching
California Department of Water Resource
Water Use and Efficiency Branch
PO Box 942836
Sacramento CA 94236-0001

March Joint Powers Authority Water Efficient Landscape Regulations

Dear Mr. Eching

This letter is to notify you that the March Joint Powers Authority (March JPA) has adopted its own Local Model Water Ordinance that is "at least as effective" as the State Model Water Efficiency Ordinance. The Western Regional Council of Governments ("WRCOG") has developed a model ordinance ("Local Model Ordinance") for the region that could be modified to address specific local concerns while still being as effective as the State Model Ordinance. The Local Model Ordinance provides regional consistency, and has been further customized for the March Joint Powers Authority to include provisions and requirements that are currently in place in its Development Code and existing Landscape Irrigation Efficiency Ordinance.

The Local Model Ordinance is consistent with the existing March JPA Development Code provisions governing landscaping and land use planning. The resulting document, known as the March Joint Powers Authority Water Efficient Landscape Regulations ("JPA Ordinance") will establish water efficient landscape regulations which are as efficient as the State Model Ordinance in saving water in compliance with AB 1881 and provide more direct local control than the State Model Ordinance.

The March Joint Powers Planning Commission held a public hearing on the JPA Ordinance on December 2, 2009. On January 6, 2010 the March Joint Powers Commission held a public hearing for the first reading of the JPA Ordinance, directed Staff to file a Notice of Exemption, and directed that this item be placed on the January 20, 2010 JPA Agenda for final approval. On January 20, 2010 the March JPA Commission waived the second reading and adopted the March JPA Ordinance.

Attached is the Ordinance #JPA 09-05, the March Joint Powers Authority Water Efficient Landscape Regulations.

If I may provide further information regarding this item, please contact me at (951) 656-7000.

Sincerely,

Brett Dawson
Associate Planner

Attach: Ordinance #JPA 09-05

ORDINANCE #JPA 09-05

AN ORDINANCE OF THE MARCH JOINT POWERS COMMISSION
OF THE MARCH JOINT POWERS AUTHORITY AMENDING
SECTION 9.08.250 OF THE DEVELOPMENT CODE, THE WATER
EFFICIENT LANDSCAPE REGULATIONS

WHEREAS, on June 18, 1997, the March Joint Powers Authority ("March JPA") adopted Ordinance #JPA 97-01, adopting the March Joint Powers Development Code ("Development Code"); and

WHEREAS, the Development Code establishes the development requirements for projects within the March JPA, inclusive of landscape requirements for new and substantially altered projects within the JPA; and

WHEREAS, the March Joint Powers Authority General Plan establishes policies for water conservation, including Resource Management Element policies 1.4 and 1.5, which promote use of efficient irrigation systems, use of reclaimed irrigation water, and use of low and moderate water use plants; and

WHEREAS, on August 17, 2005, the March JPA adopted the prior "Landscape Irrigation Efficiency Ordinance," implementing the initial provisions to assure landscape irrigation efficiency for development within the March JPA; and

WHEREAS, on December 19, 2007, the March JPA adopted Ordinance #JPA 07-04, which adopted a revised landscape irrigation Ordinance for development within the March JPA, to assure efficient use of landscape irrigation while assuring that the landscaping within March JPA will be of a high-end nature with large trees, attractive shrubs, accent plants and appropriate ground covers used to establish a desirable and attractive character within the development; and

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the state of California (the "State"), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, California Assembly Bill 1881 ("AB 1881"), enacted into law on September 28, 2008, modifies and strengthens the existing "Water Conservation in Landscaping Act" (California Government Code section 65591 et seq.) (the "Act"). The Act's goal is to improve state water conservation efforts by establishing a model water efficient landscape ordinance for local agencies to adopt and use for the purpose of reducing water waste associated with irrigation of outdoor landscaping; and

WHEREAS, AB 1881 requires the State Department of Water Resources ("Department") to update the existing model water efficient landscape ordinance which provides guidelines for cities and counties to adopt local landscape irrigation ordinances as required by the law; and

WHEREAS, all cities and counties are required to either adopt the updated model water efficient landscape ordinance (the "Model Ordinance") or, by January 1, 2010, adopt their own water efficient landscape ordinance that is as effective in conserving water as the Model Ordinance; and

WHEREAS, although current local design practices in new landscapes within the jurisdiction of the March JPA typically achieve the Model Ordinance water use goals, the March JPA has determined to revise its existing Landscape Irrigation Efficiency Ordinance for development within the March JPA, to assure efficient use of landscape irrigation in compliance with AB 1881; and

WHEREAS, the March JPA Board of Commissioners (the "Board") hereby finds and determines that such revisions to the Landscape Irrigation Efficiency Ordinance will establish water efficient landscape regulations that are as effective in conserving water as the Model Ordinance; and

WHEREAS, the Board hereby finds and determines that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.). Pursuant to State CEQA Guidelines section 15307 (14 Cal. Code Regs., § 15307) and 15308, this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment, and consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement or protection of the environment. The adoption of this ordinance will result in the enhancement and protection of water resources, and will not result in cumulative adverse environment impacts or any other potentially significant impact described in State CEQA Guidelines section 15300.2. It is therefore exempt from the provisions of CEQA; and

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE MARCH JOINT POWERS AUTHORITY, DOES ORDAIN AS FOLLOWS:

SECTION 1. The Board of Commissioners (the "Board") hereby finds and determines that the forgoing recitals are true and correct and are incorporated herein.

SECTION 2. Based on the entire record before the Board and all written and oral evidence presented to it, the Board finds that this Ordinance promotes the public health, safety and welfare of the community because the effective and efficient use of irrigation water benefits all residents within the area surrounding the March JPA.

SECTION 2. The Board hereby rescinds and repeals the prior Landscape Irrigation Efficiency Ordinance, known as Ordinance #JPA 07-04, as adopted by the March Joint Powers Authority on December 19, 2007.

SECTION 3. The Board hereby finds and determines that the proposed amendments to the March JPA Development Code are consistent with the goals and policies of the General Plan and March Business Center Specific Plan and March Lifecare Specific Plan because the Ordinance implements specific water conservation objectives identified within the March JPA General Plan and the March Business Center Specific Plan and March Lifecare Specific Plan.

SECTION 4. Section 9.08.250 of the March JPA Development Code is hereby amended to read as follows (additions noted with underline, deletions with ~~striketrough~~):

Section 9.08.250 Water Efficient Landscape Regulations ~~Landscape Irrigation Efficiency Requirements~~

A. Purpose and Intent

It is the purpose and intent of the Joint Powers Commission in adopting this ~~article~~ Section to:

1. ~~to~~ promote water-efficient landscaping, water use management and water conservation through the use of water-efficient landscaping, wise use of turf areas, and appropriate use of irrigation technology and management;
2. ~~to~~ reduce the water demands from landscaping without a decline in landscape quality or quantity;
3. ~~to~~ retain flexibility and encourage creativity through appropriate design;
4. ~~to~~ assure the attainment of water-efficient landscape goals by requiring that landscapes not exceed a maximum water demand of ~~eighty~~ seventy percent (~~870%~~) of its reference evapotranspiration (ET_o) for potable water and 100% of the ET_o for reclaimed water or any lower percentage as may be required by a local water purveyor or state legislation, whichever is more strict;
5. ~~to~~ eliminate water waste from overspray and/or runoff;
6. ~~to~~ achieve water conservation by raising the public awareness of the need to conserve water through education and motivation to embrace an effective water demand management program;
7. establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
8. use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount; and
9. establish alternative regulations that are at least as effective as the Model Ordinance.

B. Definitions.

Except where the context of such words or phrases clearly indicates a different meaning or construction, the following words, terms, and phrases, when used in Section 9.08.250, shall have the meanings ascribed to them as follows:

“Backfilling” means to refill an excavation, usually with excavated material.

“Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

“Certification of Landscape Design” means the certification document required to be submitted to Planning Director in accordance with Section 9.08.250(C)(1)(d).

“Certified Landscape Irrigation Auditor” means a person designated by the March JPA to conduct an irrigation audit.

“Check valve” or “anti-drain 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 the sprinkler heads when the system is off.

“Established landscape” means the point at which plants in the landscape have developed significant root growth into the site. Typically, most plants are established after one or two years of growth.

“Estimated Annual Water Use” or “EAWU” means estimated total water use per year as calculated by the formula contained in Section 5.B.12.n.

“Homeowner installed” shall mean any landscaping either installed by a private individual for a single-family residence or installed by a landscape professional hired by a homeowner. A homeowner, for purposes of this chapter 12, is a person who occupies the dwelling he or she owns or rents. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under Section (a)(2) to the requirements applicable to developer-installed single-family and multi-family residential landscape projects.

“Hydrozone” means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

“Invasive species” are “non-indigenous species” (e.g., plants or animals) that adversely affect the habitats they invade economically, environmentally, or ecologically. Lists of invasive species are included within the Western Riverside County Multi-Species Habitat Conservation Plan and the Coachella Valley Multi-Species Habitat Conservation Plan (incorporated by reference). In addition, for the purposes of this ordinance, invasive species include other locally invasive species as further defined by a local lead agency.

“Irrigation Design Plan” means the design plan for the irrigation to be constructed and installed for a landscape project in accordance with Section 9.08.250(E).

“Landscape architect” means a person who holds a license to practice landscape architecture in the state of California (Government Code Section 5615).

“Landscaped area” or “LA” means all of the planting areas, turf areas, and water features in a Landscape Design Plan subject to the Maximum Applied Water Allowance (MAWA) calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

“Landscape Design Plan” means the plan for the landscape project required to be submitted to the Planning Director pursuant to Section 9.08.250(D).

“Landscape Documentation Package” means the package of documents that a project applicant is required to submit to the Planning Director pursuant to Section 9.08.250(C).

“Landscape project” means the total area of landscape in a project, as provided in the definition of “landscaped area,” meeting the requirements under Section 9.08.250(B)(1).

“Landscape Submittal Sheet” means the document required to be submitted to the Planning Director in accordance with Section 9.08.250(C)(1)(e).

“Landscaping Guide” means the “Riverside County Guide to California Friendly Landscaping.”

“Local water purveyor” means any entity, including a public agency, city, county or private water company that provides retail water service to customers in the March JPA service area.

“Low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

“Maximum Applied Water Allowance” or “MAWA” means the upper limit of annual applied water allowed for the established landscape area.

“New construction” means a new building with landscaping or a landscape-dominated project, such as a park, playground, playing field, or greenbelt or other new landscape, which may or may not have an associated building or structure.

“Overhead sprinkler irrigation systems” means systems that deliver water through the air (e.g., pop ups, impulse sprinklers, spray heads and rotors, etc.).

“Planning Director” means the person holding the position of Planning director with the March JPA, or his or her authorized designee.

“Plant factor” or plant water use factor” means a factor, when multiplied with ETo, estimates the amount of water needed by plants.

“Project applicant” means the person submitting a Landscape Documentation Package pursuant to Section 9.08.250(C), to request a permit, plan check, or design review from the Planning Director for the installation of a landscape project.

“Reference evapotranspiration” or “ETo” means a standard measurement of environmental parameters which affect the water use of plants. ETo is given in inches per day, month, or year. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances so that regional differences in climate can be accommodated. Reference evapotranspiration numbers shall be taken from the most current EvapoTranspiration Zones Map by the California Department of Water Resources. For geographic areas not covered by the EvapoTranspiration Zones Map, data from nearby areas shall be used.

“Rehabilitation project” means a re-landscaping project that results in the substantial removal and replacement of, and/or modifications to, existing landscaping and meets the requirements of Section 9.08.250(B)(1)(c) and (e).

“Smart irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system and which schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

“Soils Analysis Report” means the report required to be submitted to the Planning Director in accordance with Section 9.08.250(F).

“Special landscape area” means an area of the landscape dedicated to edible plants, areas irrigated with recycled water, and publicly accessible areas dedicated to active play such as parks, sports fields, golf courses, where turf provides a playing field or where turf is needed for high traffic activities.

“Temporarily irrigated” means irrigation for the purposes of establishing plants, or irrigation which will not continue after plant establishment. Temporary irrigation is for a period of six months or less.

“Water Efficient Landscape Regulations” means the regulations set forth in this Section 9.08.250.

“Water feature” means a design element where water is artificially supplied and where open water performs an aesthetic or recreational function. Water features include artificial ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools. The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation.

“Water intensive landscaping” means a landscape with a WUCOLS plant factor of 0.7 or greater.

“WUCOLS” means the publication entitled “Water Use Classification of Landscape Species” by the U.C. Cooperative Extension (1999 or most current version).

B. Applicability

I. The water-efficient landscape requirements and regulations contained in this Ordinance Section 9.08.250 shall be applicable to: all discretionary permits and/or approvals for commercial, industrial, and multi-family uses except for grading permits relating to said uses.

a) new construction projects by public agencies or private developers of non-residential projects which:

(i) have a proposed landscaped area equal to or greater than 2,500 square feet, and

(ii) are otherwise subject to a building permit, a discretionary permit, discretionary approval of a landscape plan, plan check, design review, a ministerial permit for a landscape or water feature, and/or approval;

b) new construction projects by private developers, associations, or property managers of residential projects which:

(i) have a proposed landscaped area equal to or greater than 2,500 square feet, and

(ii) are otherwise subject to a building permit, a discretionary permit, discretionary approval of a landscape plan, plan check, design review, a ministerial permit for a landscape or water feature, and/or approval;

c) landscape rehabilitation projects by public agencies, private developers, associations, or property managers of non-residential or single-family or multiple-family residential projects which:

(i) have a proposed landscaped area equal to or greater than 2,500 square feet,

(ii) propose to rehabilitate fifty percent (50%) or more of the existing landscaped area,

(iii) will be completed within one year, and

(iv) are otherwise subject to a building permit, a discretionary permit, discretionary approval of a landscape plan, plan check, design review, a ministerial permit for a landscape or water feature, and/or approval;

d) homeowner installed landscape for new construction of single-family or multiple-family residential property, which:

(i) have a proposed landscaped area equal to or greater than 5,000 square feet, and

(ii) are otherwise subject to a building permit, a discretionary permit, discretionary approval of a landscape plan, plan check, design review, a ministerial permit for a landscape or water feature, and/or approval;

e) homeowner installed landscape rehabilitation projects for single-family or multiple-family residential property, which:

(i) have a proposed landscaped area equal to or greater than 5,000 square feet,

(ii) propose to rehabilitate fifty percent (50%) or more of the existing landscaped area,

(iii) will be completed within one year, and

(iv) are otherwise subject to a building permit, a discretionary permit, discretionary approval of a landscape plan, plan check, design review, a ministerial permit for a landscape or water feature, and/or approval.

2. The water-efficient landscape requirements contained in this Section 9.08.250 do not apply to:

a) registered local, State, or federal historical sites;

b) ecological restoration projects that do not require a permanent irrigation system;

c) mined-land reclamation projects that do not require a permanent irrigation system;

d) plant collections, as part of botanical gardens and arboretums open to the public;

e) cemeteries; and

(f) any other new landscape installation project and landscape rehabilitation project not listed in Section 9.08.250(B)(1).

3. Notwithstanding the provisions of Section 9.08.250(B)(2), Section 9.08.250(D) shall apply to any existing property with a landscaped area equal to one acre or greater in size, and any property served by a dedicated landscape irrigation meter.

4. Notwithstanding the provisions of Section 9.08.250(B)(2), Sections 9.08.250(D)(1), (2), and (3) shall apply to cemeteries.

5. A Landscape Design Plan for projects in fire-prone areas and fuel modification zones shall comply with any applicable fire safety requirements. When conflicts between the provisions of Section 9.08.250 and fire safety design elements exist, the fire safety requirements shall have priority.

2-6. In the event that Covenants, Conditions and Restrictions are provided for any permit subject to this ~~Ordinance~~ Section 9.08.250, a condition shall be incorporated into any project approval prohibiting the use of water-intensive landscaping and requiring the use of low water use landscaping pursuant to the provisions of this ~~Ordinance~~ Section 9.08.250 in connection with common area/open space landscaping. Additionally, such a condition shall also require the Covenants, Conditions and Restrictions to incorporate provisions concerning landscape irrigation system management and maintenance. This ~~Ordinance~~ Section 9.08.250 shall not be construed as requiring landscaping of common areas or open space that is intended to remain natural. Covenants, conditions, and Restrictions shall not prohibit the replacement of turf with less water intensive plant species.

4-7. In addition to the provisions contained in this ~~Ordinance~~ Section 9.08.250, the project applicant shall comply with all of the provisions of Chapter 9 of Ordinance #JPA 97-01, including, but not limited to, parking, landscaping, irrigation and shading requirements.

C. Landscape Documentation Package and Plant and Irrigation Requirements.

1. ~~Plant Requirements~~-The project applicant shall submit a Landscape Documentation Package to the Planning Director for review and approval prior to the Planning Director issuing any required building permit, discretionary permit, discretionary approval of a Landscape Design Plan, plan check, design review, and/or ministerial permit for a landscape or water feature, and prior to start of construction and/or installation of the landscape project. Unless otherwise directed by the Planning Director, the Landscape Documentation Package shall include the following elements, on plan sheets, supplemental pages, and/or forms established by the March JPA and as directed by the Planning Director:

a) project information, including, but not limited to, the following: date; project name (if applicable); project address, parcel, tract, and/or lot number(s);

b) total landscaped area (square feet) of the landscape project; project type (e.g., new construction, rehabilitation project, public, private, cemetery, homeowner installed, commercial, industrial, business, single-family, multi-family); water supply type (e.g., potable, recycled, or well) and identify the local water purveyor if the project applicant;

c) project contacts, including contact information for the project applicant and owner;

d) a Certification of Landscape Design that includes a landscape professional's professional stamp, as applicable, signature, contact information (including email and telephone number), license number, and date, certifying the statement that, "The landscape design and water use calculations for the identified property comply with the requirements of the March JPA's Water Efficient Landscape Regulations" and shall bear the signature of such

landscape professional;

e) a Landscape Submittal Sheet that includes, but is not limited to, project information, conditions of approval, signed mylars by a landscape architect and the Planning Director, plan revision submittals, and redline as-builts;

f) Maximum Applied Water Allowance (MAWA) and Estimated Annual Water Use (EAWU) calculations, expressed as annual totals, including, but not limited to, the following: a Water Efficient Landscape Worksheet (optional at discretion of the Planning Director) for the landscape project; hydrozone information table (optional at the discretion of the Planning Director) for the landscape project; and water budget calculations (optional at the discretion of the Planning Director) for the landscape project;

g) a Soils Analysis Report or specifications, or specification provision requiring soil testing and amendment recommendations and implementation to be accomplished during construction of the landscape project, in accordance with Section 9.09.250(F);

h) a Landscape Design Plan for the landscape project, including identification of the plant material to be installed, in accordance with Section 9.08.250(D);

i) an Irrigation Design Plan for the landscape project in accordance with Section 9.08.250(E);

j) any other information the Planning Director or the project applicant deems relevant for determining whether the landscape project complies with the Water Efficient Landscape Regulations.

2. If the landscape project will be using recycled water, the project applicant shall coordinate with the local water purveyor during the development review process to ensure that:

a) the Landscape Design Plan and/or Irrigation Design Plan comply with any applicable maintenance standards, approvals, and implementation requirements;

b) future recycled water facilities will meet the projected demand of the landscape project.

3. Water and irrigation systems for common open space areas shall use non-potable water and/or recycled water if approved facilities are made available by the water purveyor. Provisions for a non-potable and/or recycled water system shall be designed to meet all applicable standards of the California Regional Water Quality Control Board and Riverside County Health Department.

4. Landscape projects shall comply with the following requirements pertaining to the installation of plant material.

a) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. The

"Riverside County Guide to California Friendly Landscaping" (Landscaping Guide) is hereby incorporated by reference and is provided to assist the project applicant in choosing and grouping plant species with similar water demands to facilitate efficient irrigation through use of the water budget ~~formula contained in the Landscaping Guide~~. The plant list contained in the Landscaping Guide provides a classification of high, moderate, low and very low water use for each plant. In addition, the Landscape Palette contained within the Meridian Design Guidelines is also hereby incorporated by reference, shall be recognized as appropriate for development using or planned to use ~~reclaimed~~ recycled irrigation water within March JPA. In order to incorporate plant species other than those listed, the project applicant shall provide the Planning Director with information indicating the water requirements of the species. This information shall include a description of the plant, including but not limited to, its water requirements, field data, and a comparison of the plant to a similar species included in the plant list. The selection of low water use, native, or drought tolerant plant species is strongly encouraged.

b) Plant types shall be grouped together in regards to their water, soil, sun, and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately. Plants with the following classifications shall be grouped accordingly: high and moderate, moderate and low, low and very low. Deviation from these groupings shall not be permitted.

c) Trees for shade shall be provided for residential, commercial and industrial buildings, parking lots, and open space areas. These trees can be deciduous or evergreen and are to be incorporated to provide natural cooling opportunities for the purpose of energy and water conservation.

d) Plants shall be placed in a manner that takes into consideration solar orientation to maximize summer shade and winter solar gain.

e) Plant selection for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Fire-prone plant materials and highly flammable mulches shall be avoided.

f) All exposed surfaces of non-turf areas within the developed landscaped area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1 1/2").

g) Turf areas shall be used ~~wisely~~ in response to functional needs and in compliance with the water budget formula and specifications included in Sections 9.08.250(D) the Landscaping Guide.

h) Because of their potential to cause harm in to environmentally sensitive areas, invasive species of plants shall be avoided, especially near parks, buffers, greenbelts, water bodies, and open spaces .

h) Stabilizing mulching products shall be used on slopes.

j) Decorative water features shall use recirculating water systems.

j) Where available, recycled water shall be used as the source for irrigation and decorative water features.

D. Landscape Design Plans and Water Budget.

1. ~~Planting plans~~Landscape Design Plans, at a minimum, shall: and-eite

1-a) identify new and existing trees, shrubs, ground covers, and turf areas within the ~~developed~~ proposed landscaped area;

2-b) include a planting legend indicating all plant species by botanical name and common name, spacing, and quantities of each type of plant by container size;

3-c) ~~Designation of hydrozones~~ delineate and label each hydrozone by number, letter, or other method;

d) identify each hydrozone as low, moderate, high water or mixed water use. Temporarily irrigated areas of the landscaped area shall be included in the low water use hydrozone for the water budget calculation;

e) identify recreational areas and areas permanently and solely dedicated to edible plants;

f) identify areas irrigated with recycled water;

g) identify type of mulch and application depth;

h) identify soil amendments, type, and quantity;

i) identify type and surface area of water features;

j) identify hardscapes (pervious and impervious);

k) identify location and installation details of any applicable storm water best management practices that encourage on-site retention and infiltration of storm water. Storm water best management practices are encouraged in the Landscape Design Plan. Examples include, but are not limited to:

(i) infiltration beds, swales, and basins that allow water to collect and soak into the ground;

(ii) constructed wetlands and retention ponds that retain water, handle excess flow and filter pollutants; and

(iii) pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff;

l) identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);

4-m) identify the landscaped area, in square feet, and include a breakdown of the total area by landscape hydrozones;

5-n) identify property lines, streets, and street names, 6)–building locations, driveways, sidewalks, retaining walls, and other hardscape features;

7o) Provide appropriate scale and north arrow;

p) identify any special landscaped areas;

q) identify the type and surface area of any water features;

7-r) identify the type and installation details of any plant material, hardscape, or water features, ~~Planting specifications and details including recommendations from the soils analysis~~ Soils Analysis Report, if applicable;

s) include the Maximum applied Water Allowance prepared for the landscape project using the following water budget formula:

MAWA (in gallons)= (ETo)(0.62)[0.7 x LA+0.3 x SLA], where

ETo is reference evapotranspiration

SLA is the amount of special landscape area in square feet

LA is total landscape area (including the SLA) in square feet

(for the purposes of determining the Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71);

t) include the Estimated Annual Water Use (EAWU) for each given hydrozone, calculated as follows:

EA WU (in gallons) = (ETo)(0.62)[((PFxHA)/IE) +SLA], where

ETo is reference evapotranspiration

PF is Plant Factor

HA is hydrozone area in square feet

IE is irrigation efficiency (minimum 0.71)

SLA is the amount of special landscape area in square feet; and

u) contain the following statement: “I have complied with the criteria of the Water Efficient Landscape Regulations and applied them for the efficient use of water in the landscape design plan;” and

v) be prepared by, and bear the signature of, a landscape architect.

2. Landscape Design Plans shall provide EAWU (in the same units as the MAWA) for each valve circuit in the irrigation hydrozone. The sum of all EAWU calculations shall not exceed the MAWA for the landscape project.

3. The plant factor used shall be from WUCOLS. The plant factor for low water use plants range from 0 to 0.3, for moderate water use plants range from 0.4 to 0.6, and for high water use plants range form 0.7 to 1.0.

4. The plant factor calculation is based on the proportions of water the respective plant uses and its plant factor, or the plant factor of the higher water using plant is used.

5. The surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation and temporarily irrigated areas in the low water use hydrozone.

2E. Irrigation Design Plan Requirements.

1. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average irrigation efficiency of 0.71.

a)2. All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage and other similar conditions where water flows off-site on to adjacent property, non-irrigated areas, walk, roadways, or structures. Irrigation systems shall be designed, constructed, installed, managed, and maintained to achieve as high an overall efficiency as possible. The irrigation system shall be designed to ensure that dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

b)3. Landscaped areas shall be provided with a smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions unless the use of the property would otherwise prohibit use of a timer. The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e. turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope). Additional water conservation technology may be required, where necessary, at the discretion of the Planning Director.

e)4. Water systems for common open space areas shall use non-potable water, if approved facilities are made available by the water purveyor. Provisions for the conversion to a non-potable water system shall be provided within the landscape plan. Water systems designed to utilize non-potable water shall be designed to meet all applicable standards of the California Regional Water Quality Control Board and the Riverside County Health Department.

d)5. Separate valves shall be provided for separate water use planting areas, so that plants with similar water needs are irrigated by the same irrigation valve. All installations shall rely on highly efficient state of the art irrigation systems to eliminate runoff and maximize irrigation efficiency as required by the Landscaping Guide.

6. Measurements of the static water pressure, dynamic or operating pressure and flow reading of the water supply shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at the installation of the irrigation system.

7. The capacity of the irrigation system shall not exceed:

a) the capacity required for peak water demand based on water budget calculations;

b) meter capacity; or

c) backflow preventer type and device capacity.

8. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer.

9. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

10. Non-turf areas on slopes greater than 25% shall be irrigated with drip irrigation or other low volume irrigation technology.

11. Long-narrow, or irregularly shaped areas including turf less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or low-volume irrigation technology.

12. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. There are no restrictions on the irrigation system type if the landscape area is adjacent to permeable surfacing and no overspray and runoff occurs.

13. Overhead irrigation shall be limited to the hours of 8 p.m. to 9 a.m.

e)14 All irrigation systems shall be equipped with the following:

1-a) a smart irrigation controller;

2-b) a rain sensing device to prevent irrigation during rainy weather;

3-c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and

d) a manual shut-off valve shall be required as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency or routine repair;

4-e) a pressure regulator when the static water pressure is above or below the recommended operating pressure of the irrigation system;

f) backflow prevention devices; and

g) riser protection components for all risers in high traffic areas.

15. Dedicated landscape meters shall be required for all projects greater than 2,500 square feet except single-family residences.

16. Irrigation Design Plans shall identify and site, and include the following:

a) each hydrozone within the landscaped area, designated by number, letter or other designation;

b) a hydrozone information table for each hydrozone;

c) the areas irrigated by each valve;

1)d) the irrigation point of connection (POC) to the water system;

2)e) the static water pressure at POC;

3)f) the location and size of water meter(s), service laterals, and backflow prevention devices;

4g) the location, size, and type of all components of the irrigation system, including, but not limited to, automatic controllers, main and lateral lines, valves, sprinkler heads and nozzles, pressure regulator, drip and low volume irrigation equipment;

5h) the total flow rate (gallons per minute), and design operating pressure (psi) for each overhead spray and bubbler circuit, and total flow rate (gallons per hour) and design operating pressure (psi) for each drip and low volume irrigation circuit;

6i) the precipitation rate (inches per hour) for each overhead spray circuit;

7j) an irrigation legend with the manufacturer name, model number, and general description for all specified equipment, separate symbols for all irrigation equipment with different spray patterns, spray radius, and precipitation rate;

8k) all irrigation system details for assembly and installation;

9l) the recommended irrigation schedule for each month, including number of irrigation days per week, number of start times (cycles) per day, minutes of run time per cycle, and estimated amount of applied irrigation water, expressed in gallons per month and gallons per year, for the established landscape; and

~~10. Calculation of landscape water budget using the water budget formula contained in the Landscape Guide.~~

m) the following statement, "I have complied with the criteria of the March JPA Water Efficient Landscape Regulations and applied them for the efficient use of water in the Irrigation Design Plan."

b)17. For each valve, two irrigation schedules shall be prepared, one for the initial establishment period of six months and one for the established landscape, which incorporate the specific water needs of the plants and turf throughout the calendar year. The irrigation schedule shall take into account the particular characteristics of the soil; shall be continuously available on site to those responsible for the landscape maintenance; and shall contain specifics as to optimum run time and frequency of watering, and irrigation hours per day. The schedule currently in effect shall be posted at the controller.

18. Irrigation Design Plans and Landscape Design Plans shall be drawn at the same size and scale.

2. If the water purveyor for a proposed project has adopted more stringent water efficient landscaping requirements, as determined by the Planning Director, all landscaping and irrigation plans submitted shall comply with the water purveyor's requirements. Said plans shall be accompanied by a written approved document from the water purveyor delineating each requirement.

F. Soil Management and Grading Requirements.

d)1. Soil tests on all projects are required for appropriate specifications of soil amendments, and to facilitate selection of water-efficient plant species suitable for the landscape project site. Soil amendments such as compost shall be provided to improve water holding capacity of soil, where soil conditions warrant.

2. After mass grading, the project applicant or his or her designee shall:

a) perform a preliminary site inspection;

b) determine the appropriate level of soil sampling and sampling method needed to obtain representative soil sample(s);

c) conduct a soil probe test to determine if the soil in the landscape area has sufficient depth to support the intended plants; and

d) obtain appropriate soil sample(s).

3. The project applicant or his or her designee shall submit soil sample(s) to a licensed laboratory for analysis and recommendation. The soil analysis may include:

a) soil texture;

b) infiltration rate determined by laboratory test or soil texture infiltration rate tables;

c) pH;

d) total soluble salts;

e) sodium; and

f) recommendations.

4. The project applicant or his or her designee shall prepare Soils Analysis Report describing the following:

a) soil type for the landscape project site;

b) identification of limiting soil characteristics for the landscape project site;
and

c) identification of planned soil management actions to remediate limiting soil characteristics for the landscape project site.

5. The project applicant shall submit the Soils Analysis Report, and any documentation verifying implementation of the Soils Analysis Report recommendations, to the March JPA pursuant to the requirements of Section 9.08.250(H)(6).

6. The Landscape Documentation Package shall include rough/precise grade elevations prepared for the project by a licensed civil engineer.

7. The landscape project shall comply with all applicable rules regulations, and requirements of Section 9.08.090 of the Development Code.

G. Landscape Irrigation and Maintenance.

1. The "Riverside County Guide to California Friendly Landscaping" (Landscaping Guide) is hereby incorporated by reference to assist the project applicant in implementing landscape maintenance to ensure water use efficiency.

2. The project applicant shall prepare two irrigation schedules – one for the initial establishment period of six months and one for the established landscape – which incorporate the specific water needs of the plants and turf throughout the calendar year. The irrigation schedule shall:

a) take into account the particular characteristics of the soil;

b) be continuously available on site to those responsible for the landscape maintenance;

c) contain specifics as to optimum run time and frequency of watering, and irrigation hours per day;

d) be posted at the controller.

3. A regular landscape maintenance schedule and Certificate of Completion shall be submitted to the Planning Director, property owner, and local water purveyor. A regular maintenance schedule shall include, but not be limited to:

a) routine inspection, adjustments, and repair of the irrigation system and its components;

b) aerating and dethatching turf areas;

c) replenishing mulch;

d) fertilizing, pruning, and weeding in all landscape areas; and

e) removing any obstruction to irrigation devices.

4. Repair of all irrigation equipment shall be done with the originally installed components or their equivalent.

5. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Section 9.08.250.

6. Information shall be provided to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.

H. Compliance/Plan Submittal Process.

1. The Planning Director shall have the duty and authority to administer and enforce this Section 9.08.250.

~~1) Prior to issuance of a building permit for a project subject to this Ordinance, or as otherwise specified in the conditions of approval for a project, Planting and Irrigation Plans prepared for the project shall be submitted for review and approval by the Planning Director. The licensed landscape architect shall sign the Plans verifying that the Plans comply with this Ordinance. Any Plans submitted without the signature of a licensed landscape architect shall not be accepted for review.~~

~~2) Prior to issuance of a certificate of occupancy or final inspection for a project subject to this ordinance, a Certificate of Completion shall be submitted to the Planning Director certifying that the landscaping has been completed in accordance with the approved Planting and Irrigation Plans for the project. The Certificate of Completion shall be signed by a licensed landscape architect and shall indicate that:~~

~~a) The landscaping has been installed in conformance with the approved Planting and Irrigation Plans;~~

2. As part of the land development process and prior to construction, the Planning Director shall:

a) provide the project applicant with a copy of this section 9.08.250 and procedures for permits, plan checks, or design reviews;

b) review the Landscape Documentation Package submitted by the project applicant;

c) approve or reject the Landscape Documentation Package; and

d) if approved, issue a permit or approve the plan check or design review for the project applicant.

3. In addition to any other requirements provided for in this Section 9.08.250, construction and/or installation of the landscape project shall not proceed until:

a) the project applicant deposits with the March JPA all applicable permit fees in accordance with the March JPA's applicable fee schedule;

b) the Landscape Documentation Package has been approved by the Planning Director; and

c) any required building permit, discretionary permit, discretionary approval of a landscape plan, plan check, design review, and/or ministerial permit for the landscape project is issued by the March JPA.

4. In order to schedule all required inspections, the project applicant shall timely notify the March JPA at the beginning of the installation work and at intervals as necessary for the duration of the landscape project work.

5. A certificate of occupancy or final inspection for a landscape project subject to this Section 9.08.250 shall not be provided by the March JPA until the project applicant has complied with the following:

a) The project applicant shall submit to the Planning Director for review and approval a Certificate of Completion, which, at a minimum, shall include:

(i) a written certification by a landscape professional that the landscape project has been installed per the approved Landscape Documentation Package, with following statement: "The landscaping has been installed in substantial conformance to the approved Landscape Documentation Package, and complies with the provisions of the Water Efficient Landscape Regulations for the efficient use of water in the landscape;"

(ii) the landscape professional's name, mailing address, telephone number, and license number; and

(ii) the name of the project (if applicable), the street address, or parcel, tract, or lot number(s) or other information identifying the location where the landscape project was constructed and/or installed.

Any Certificate of Completion submitted without the signature and certification of a licensed landscape architect shall not be accepted for review.

b) The project applicant shall provide documentation demonstrating that:

(i) the irrigation scheduling parameters used to set the irrigation controller(s);

~~b)(ii)~~ (ii) the smart irrigation controller has been set according to the irrigation schedule;

~~e)(iii)~~ (iii) the irrigation system has been adjusted to maximize irrigation efficiency and eliminate overspray and runoff; and

~~d)(iv)~~ (iv) a copy of the irrigation schedule has been given to the property owner.

c) At the option of the Planning Director, the project applicant may be required to submit one or more of the following with the Certificate of Completion: (A) an irrigation audit report from a Certified Landscape Irrigation Auditor; (B) documentation of enrollment in a city, state, regional or local water purveyor sponsored water conservation and/or drought response program; and/or (C) documentation that the MAWA and EAWU information for the project has been submitted to the local water purveyor.

d) The project applicant shall submit a regular maintenance schedule for the landscape project.

e) Evidence that a preliminary field inspection of the irrigation system was conducted prior to backfilling by the party responsible for installation of the landscape project irrigation.

f) A copy of the approved Landscape Documentation Package, the irrigation schedule (Section 6.B), and the maintenance schedule (Section 6.C) has been given to the property owner and local water purveyor.

~~D. Implementation.~~

~~a) Landscaping plans shall be prepared using the Water Budget Formula contained in the Landscaping Guide. In addition, landscaping plans shall provide a water budget which includes estimated annual water use (in gallons/acre feet) and the area (in square feet/ acres) to be irrigated, precipitation rates for each valve circuit, and the irrigation schedules required pursuant~~

~~to Section D.1.b of this Ordinance. Separate valves shall be provided for separate water use planting areas, so that plant materials with similar water needs are irrigated by the same irrigation valve. The estimated annual water use, calculated by adding the amount of water recommended in the irrigation schedule shall not exceed the allowable water budget.~~

~~4) — Landscape plans shall consist of separate planting and irrigation plans, both drawn at the same size and scale, and shall accurately and clearly include the following information:~~

~~3.6. The Planning Director or his/her designee shall have the right to enter upon the project site at any time before, during and after installation of the landscaping to conduct inspections for the purpose of enforcing this Ordinance.~~

I. Recovery of Costs.

1. The Planning Director shall serve an invoice for costs upon the person who is subject to a notice of violation, a cease and desist order, or an administrative compliance order. An invoice for costs shall be immediately due and payable to the March Joint Powers Authority. If any person or responsible person fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with this Section 9.08.250, then the March Joint Powers Authority may institute collection proceedings. The invoice for costs may include reasonable attorneys' fees.

2. The March Joint Powers Authority shall impose any other penalties or regulatory fees, as fixed from time to time by resolution of the Board of Commissioners, for a violation or enforcement of this Section 9.08.250.

3. In addition to the costs which may be recovered pursuant to the Development Code, and in order to recover the costs of the water efficient landscape regulatory program set forth in this Section 9.08.250, the Board of Commissioners may, from time to time, fix and impose by resolution fees and charges for such purpose. The fees and charges may include, but are not limited to, fees and charges for:

a) any visits of an enforcement officer, or other staff or authorized representative of the March Joint Powers Authority for time incurred for inspections of property;

b) any monitoring, inspection, and surveillance procedures pertaining to enforcement of this Section 9.08.250;

c) enforcing compliance with any term or provision of this Section 9.08.250;

d) any other necessary and appropriate fees and charges to recover the cost of providing the March Joint Powers Authority's water efficient landscape regulatory program and providing any services and reviewing any plans, documents, or certifications related thereto.

SECTION 5. The Board hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.). Pursuant to State CEQA Guidelines section 15307 (14 Cal. Code Regs., § 15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to

assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this Ordinance will result in the enhancement and protection of water resources, and will not result in cumulative adverse environment impacts or any other potentially significant impact described in State CEQA Guidelines section 15300.2. It is therefore exempt from the provisions of CEQA. The Board hereby directs the City Manager or his designee to prepare and file a Notice of Exemption within five business days following adoption of this Ordinance.

SECTION 6. The provisions of this Ordinance are severable, and the invalidity of any section, paragraph, phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

SECTION 7. If provisions of this ordinance are in conflict with each other, other provisions of the Development Code, the March JPA's General Plan, the March Business Center Specific Plan, any other resolution or ordinance of the March JPA, or any State law or regulation, or requirements pertaining to fire-prone areas and fuel modification zones, the more restrictive provisions shall apply.

SECTION 8. A full reading of this Ordinance is hereby waived. This Ordinance was introduced at a regular meeting of the Board of Commissioners of the March JPA, California, on December 2, 2009, and thereafter adopted at a regular meeting of the Board of Commissioners held on the 16 day of December, 2009.

SECTION 9. The provisions of this ordinance shall take effect thirty (30) days after its adoption.

SECTION 10. The Chairperson of the Board shall sign this Ordinance and the Secretary shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a newspaper published and circulated in the March JPA's territory, and thereupon and thereafter this Ordinance shall take effect and be in force according to law.


Richard Stewart, Chairman,
March Joint Powers Commission

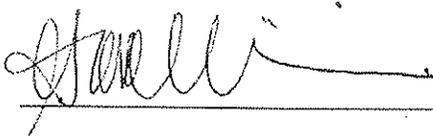
ATTEST:

State of California)
County of Riverside)

I, Grace Williams, Acting Clerk to the March Joint Powers Authority, do hereby certify that the forgoing Ordinance #JPA 09-05 was duly introduced at the hearing of January 6, 2010, and subsequently adopted by the March Joint Powers Authority Board of Commissioners at the regularly scheduled meeting on January 20, 2010.

AYES:
NOES:
ABSTAIN:
ABSENT:

Date: January 20, 2010



Grace Williams, Acting Clerk
March Joint Powers Authority