



# City of Nevada City

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December 15, 2009

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

RE: Adoption of Updated Model Water Efficient Landscape Ordinance (MWLEO)

Dear Mr. Eching:

The City of Nevada City has been notified from the Department of Water Resources (DWR) of required action to conserve water supplies and comply with State law. The City has reviewed the Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird) which requires cities and counties to adopt landscape water conservation ordinances by January 1, 2010. Further, cities have until January 1, 2010 to either adopt DWR's MWLEO or adopt their own local water efficient landscape ordinance.

Nevada City, in 1992, adopted Ordinance 92-08 and Resolution 92-32, both of which are attached.

**Ordinance 92-08** adopted landscaping requirements for projects which undergo environmental review. The landscaping plan standards include the following:

1. Review by the Planning Commission or City Council prior to the issuance of a building permit
2. Require that plans be prepared by a licensed landscape architect;
3. Require installation of automatic sprinkler systems and that sprinkler systems shall remain sensitive to drought-resistance or natural vegetation;
4. Require submittal of information from a licensed landscape architect certifying the landscaping and irrigation system has been installed in accordance with approved plans;
5. Require that the landscape plan minimize the use of turf, grasses or other ground covers which are not drought resistant;
6. That no more than 25% of the entire landscaped area may be covered with turf, grasses, or other ground covers which are not drought resistance.

**Resolution 92-32**, adopted by the City Council on August 24, 1992, states that the City finds that:

1. As projects are required to prepare a landscaping plan, pursuant to Ordinance 92-08, and
2. Those plans are required to minimize the use of turf and grasses, and
3. Further that due to the small size of Nevada City, most projects have landscaped areas considerably less than 2,500 square feet;
4. Therefore, the City Council found that a water efficient landscape ordinance is unnecessary.

The City of Nevada City continues to be compliant with the standards contained in Ordinance 92-08 and with the findings of Resolution 92-32. The City provides this evidence to the Department of Water Resources and reaffirms the landscaping ordinance and standards continue to provide a water efficient landscape ordinance that is as effective in conserving water for the City of Nevada City as the DWR's updated MWELO.

Thank you for the opportunity to review the updated MWELO and please contact us should you have any questions. Thank you.

Sincerely,

Cindy Siegfried  
City Planner

Enclosures: Ordinance 92-08, City Landscaping Standards  
Resolution 92-32, Determining No Water Efficient Landscaping  
Ordinance is Required for Nevada City

cc: Gene Albaugh, City Manager  
Hal DeGraw, City Attorney

ORDINANCE NUMBER 92-08

CITY OF NEVADA CITY  
AN ORDINANCE UPDATING THE  
NEVADA CITY ZONING ORDINANCE  
PERTAINING TO  
LANDSCAPING REQUIREMENTS

THE CITY COUNCIL OF THE CITY OF NEVADA CITY  
DOES ORDAIN AS FOLLOWS:

NOTE: ~~Strike-out~~ type designates existing language proposed to be deleted and the underlined type designates the proposed new language.

17.80.070 LANDSCAPING-PLAN REQUIRED

Preliminary and final landscaping plans shall be required for the following types of projects:

- A. All projects that are required to undergo environmental review, with the exception of variances for expansion or alterations to single-family residences, shall require the submittal, review, and city approval of a preliminary and final landscaping plan. The applicant may submit the final landscaping plan in place of a preliminary plan.
- B. A preliminary landscaping plan shall be submitted along with the project application. The preliminary landscaping plan shall show the location and dimensions of proposed planter areas, proposed fences, and the general types of plant materials proposed to be included in the landscaping plan. The preliminary landscaping plan may be prepared by the applicant.
- C. A final landscaping plan shall meet with the approval of the planning commission or city council prior to the issuance of a building permit (or certificate of occupancy for existing buildings) unless waived. The final landscaping plan shall be prepared by a licensed landscape architect or licensed landscape contractor. The planning commission or city council shall evaluate the plan based on the plan layout, plant materials, and plant distribution. Modifications to the plan may be required.

D. Prior to the issuance of a certificate of occupancy, the applicant of any land use project requiring a landscaping plan shall submit a letter from a licensed landscape architect or licensed landscape contractor, certifying that the landscaping and irrigation system has been installed in accordance with the approved plan. (Ord. 87-2 12.11-01, 1987)

#### **17.80.060 LANDSCAPING-PARKING AREAS**

A. Perimeter Planting Strips. Except in the LI light industrial zone and EC employment center zone, which are governed by Chapters 17.44 and 17.48 of this title, and except in that portion of the general business zone lying within the historical district, as defined in Article II of Chapter 17.68 of this title, for all uses other than single-family dwellings all off-street parking facilities abutting upon a public street, highway or sidewalk, excepting those portions comprising driveways or pedestrian walkways, shall be bounded on the street or highway side or sides by a planting strip with a minimum width of four feet of ground area.

B. Additional Landscaping. Except in that portion of the general business zone lying within the historical district, as defined in Article II of Chapter 17.68 of this title, for all uses requiring a parking area or lot of more than eight spaces, additional landscaping shall be provided as follows: A ground area or areas equal to at least thirty square feet per parking space shall be landscaped. Such area or areas shall be in addition to any perimeter planting strip required by this section, and shall be dispersed throughout the parking area or lot, or otherwise located, in such manner as will enhance the general appearance of the entire premises to be served by the parking facility. (Ord. 87-2 12.11-02, 1987)

#### **17.80.070 LANDSCAPING-MINIMUM SPECIFICATIONS**

A. All landscaping areas shall contain a minimum of the following plant materials for each one thousand square feet of landscaped area:

1. Five canopy trees having a caliper diameter of between one inch and one and one-half inches, or, if multiple stemmed, having a minimum height of six feet;
2. Three understory trees having a minimum height of four feet or five feet high for evergreen trees;

3. Ten shrubs of one-gallon size;
4. Thirty groundcover shrubs;

B. All landscaping shall be installed with an automatic sprinkler system. Sprinkler systems shall remain sensitive to the drought resistance of any natural vegetation included in the landscaping. All landscaping and the related irrigation systems shall be maintained in a healthy condition and in good repair at all times, as a condition of occupancy.

C. Natural vegetation is encouraged to be preserved and incorporated into the landscaping plan. Natural vegetation shall be counted toward the above planting requirements. Irrigation systems shall consider the drought resistance of natural vegetation. (Ord.87-2 12.11-03, 1987)

D. The landscape plan shall minimize the use of turf, grasses, and other ground covers which are not drought resistant. No more than twenty-five percent (25%) of the entire landscaped area may be covered with turf, grasses, or other ground covers which are not drought resistant. At least one half of the shrubs and trees planted as part of the landscape plan shall be native species or plants that are drought resistant. Wherever possible, the irrigation plan shall specify the use of drip irrigation.

**EFFECTIVE DATE:** This ordinance shall become effective 30 days after the adoption date thereof as indicated below.

**PUBLICATION:** Within 15 days of the passage of this ordinance, the City Clerk shall publish a summary of this Ordinance in The Union, a newspaper of general circulation.

**PASSED AND ADOPTED** at a regularly scheduled meeting of the City Council of the City of Nevada City on August 24, 1992 by the following vote:

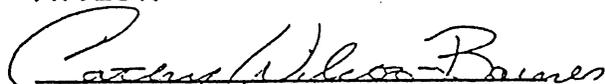
AYES: COTTRELL, TOBIASSEN, MATSON, ZANONE, OBERHOLTZER

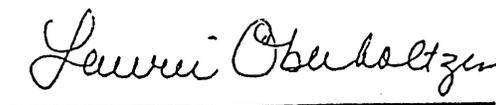
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

ATTEST:

  
Cathy Wilcox-Barnes, City Clerk

  
Laurie Oberholtzer, Mayor

RESOLUTION NO. 92-32

RESOLUTION DETERMINING THAT NO  
WATER EFFICIENT LANDSCAPE ORDINANCE  
IS NEEDED FOR THE CITY OF NEVADA CITY

THE CITY COUNCIL OF NEVADA CITY hereby makes the following findings:

1. All commercial development, multi-residential developments, and condominiums are now required, by the City Planning Commission, to prepare a landscape plan that uses primarily native species of plants which require no irrigation and other species of plants that are drought resistant.

2. Those landscaping plans are required by the Planning Commission to be prepared by a certified landscaper.

3. Such landscaping plans are required to minimize the use of turf and grasses.

4. Due to the small size of Nevada City, most projects have landscaped areas considerably less than 2,500 square feet.

THEREFORE, THE CITY COUNCIL OF THE CITY OF NEVADA CITY hereby resolves, in view of the above findings, that a water efficient landscape ordinance is unnecessary.

PASSED AND ADOPTED at a regularly scheduled meeting of the  
City Council of Nevada City held on August 24,

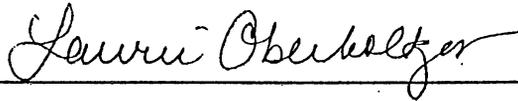
1992 by the following vote:

AYES: TOBIASSEN, ZANONE, MATSON, COTTRELL, OBERHOLTZER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

  
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MAYOR

ATTEST:



CITY CLERK

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(RESOGRASS)