

ORDINANCE NO. 313

AN URGENCY ORDINANCE OF THE CITY OF BRADBURY, CALIFORNIA ADDING CHAPTER 9.06.095 (WATER EFFICIENT LANDSCAPE ORDINANCE); ADDING SECTIONS 9.06.010.045, 9.06.010.050 AND 9.06.010.055 TO THE BRADBURY MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF

WHEREAS, the waters of the City are of limited supply and are subject to ever increasing demands;

WHEREAS, the continuation of the City's economic prosperity is dependent on the availability of adequate supplies of water for future uses;

WHEREAS, landscapes are essential to the quality of life in the City by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;

WHEREAS, landscape design, installation, maintenance and management can and should be water efficient;

WHEREAS, the State Legislature has passed Assembly Bill 1881 requiring the City to adopt the model local water efficient landscape ordinance adopted by the California Department of Water Resources (DWR) or another equally effective ordinance by January 1, 2010;

WHEREAS, this Ordinance is at least as effective in conserving water as the DWR model local water efficient landscape ordinance;

WHEREAS, in order for this Ordinance to be effective prior to January 1, 2010, and prevent the Department of Water Resources' Model Ordinance from taking effect, this ordinance must be adopted as an urgency ordinance. Therefore pursuant to Section 36937(b) of the California Government Code this Ordinance shall take effect on December 31, 2009.

THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 9.06.095 is hereby added to Title 9.06 of the Bradbury Municipal Code to read as set forth in Exhibit "A" attached hereto and incorporated by reference herein.

Section 2. Section 9.06.010.045 is hereby added to read as set forth in Exhibit "B" attached hereto and incorporated by reference herein.

Section 3. Section 9.06.010.050 and 9.06.010.055 are hereby added as set forth in Exhibit "C" attached hereto and incorporated by reference herein.

Section 4. *CEQA.* The City Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 *et seq.*), because pursuant to Section 15307 of the

CEQA Guidelines, this Ordinance is categorically exempt as an action 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 in the City, and will not result in cumulative adverse environment impacts. Further, pursuant to Section 15308 of the CEQA Guidelines, this Ordinance is categorically exempt as an action taken to assure the maintenance, restoration, enhancement, or protection of the environment.

Section 5. Severability; Continuation of Provisions. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance. The City Council of the City of Bradbury hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable. To the extent the provisions of the Bradbury Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 6. Effective Date. This Ordinance shall take effect December 31, 2009 after its passage and adoption pursuant to California Government Code section 36937(b).

Section 7. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED and ADOPTED this 15th day of December 2009.

Mayor Richard G. Barakat

ATTEST:

Claudia Saldana, City Clerk

APPROVED AS TO FORM:

Cary Reisman, City Attorney

I, CLAUDIA SALDANA, CITY CLERK of the City of Bradbury, do hereby certify that Ordinance No. 313 was introduced at the regular meeting of the City Council on December 15, 2009, and was thereafter adopted and passed at the regular meeting of the City Council held on January 19, 2010, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Claudia Saldana, City Clerk

EXHIBIT A

ADDING CHAPTER 9.06.095

Chapter 9.06.095 WATER EFFICIENT LANDSCAPE ORDINANCE

Sections

- 9.06.095.010 Short Title.
- 9.06.095.020 Purpose and Intent.
- 9.06.095.030 Definitions.
- 9.06.095.040 Applicability.
- 9.06.095.050 Landscape Design and Plant Requirements.
- 9.06.095.060 Irrigation Requirements.
- 9.06.095.070 Soil and Grading Requirements.
- 9.06.095.080 Implementation.
- 9.06.095.090 Compliance and Enforcement.
- 9.06.095.100 Irrigation Audit and Maintenance.
- 9.06.095.110 Recycled Water.
- 9.06.095.120 Stormwater Management.
- 9.06.095.130 Water Waste Prevention.
- 9.06.095.140 Public Education.

9.06.095.010 Short Title.

This Ordinance shall be known as the “City of Bradbury Water Efficient Landscape Ordinance”.

9.06.095.020 Purpose and Intent. The purpose of the City of Bradbury Water Efficient Landscape Ordinance is:

- A. That this Ordinance be at least as effective in conserving water as the model local water efficient landscape ordinance adopted by the California Department of Water Resources (DWR) pursuant to Government Code §65595;
- B. To assure beneficial, efficient, and responsible use of water resources for all water users within the City of Bradbury;
- C. To retain the land’s natural hydrological role within the Upper San Gabriel River Watershed and promote the infiltration of surface water into the groundwater;
- D. To recognize that landscapes enhance the aesthetic appearance of developments and communities;
- E. To encourage the appropriate design, installation, maintenance, and management of landscapes so that water demand can be decreased, runoff can be retained, and flooding can be reduced without a decline in the quality or quantity of landscapes;

- F. To preserve existing natural vegetation and the incorporation of native plants, plant communities and ecosystems into landscape design, where possible;
- G. To promote and encourage the use of low water use plants;
- H. To minimize the use of cool season turf;
- I. To promote the conservation of potable water by maximizing the use of recycled water and other water conserving technology for appropriate applications.
- J. To promote public education about water conservation and efficient water management; and
- K. To reduce or eliminate water waste.

9.06.095.030 Definitions.

"Amendments" means any material added to a soil to improve its physical properties, such as water retention, permeability, water infiltration, and drainage.

"Anti-drain check valve" means a valve located under a sprinkler head to hold water in the system to prevent drainage from the lower elevation sprinkler heads when the system is off.

"Applicant" means the individual or entity submitting a Landscape Documentation Package required, to request a permit, plan check, or design review from the Planning Department. Applicant can be the property owner or an agent of the property owner.

"Application rate" means the depth of water applied to a given area, measured in inches per minute, or inches per hour, or gallons per hour.

"Applied Water" as used in Estimated Annual Applied Water Use and Maximum Annual Applied Water Allowance, means the portion of water supplied by the irrigation system to the landscape.

"Botanical gardens and arboretums" means gardens open to the public in which a variety of plants are grown for scientific and educational purposes.

"Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited educational institution or a professional trade organization.

"Control valve" means a device used to control the flow of water in the irrigation system. It may also mean all of the sprinklers or emitters in a line controlled by the valve.

"Controller" means an automatic timing device used to remotely control valves or heads according to an irrigation schedule. A weather-based controller is a controller that uses evapotranspiration or weather data. A self-adjusting irrigation controller is a controller that uses sensor data (i.e. soil moisture sensor).

"Developer" means a property owner or an agent of the property owner responsible for the development of the property. Such property does not include a single-family home that is not part of a multi unit development.

"Discretionary permit" means any permit requiring a decision making-body to exercise judgment prior to its approval, conditional approval, or disapproval.

"Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

"Estimated Annual Applied Water Use" or "EAWU" means the portion of the Estimated Total Water Use that is derived from applied water. The EAWU is calculated according to the formula set out in the Landscape Documentation Package. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance.

"Evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

"Hydrozone" means a section or zone of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated.

"Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (i.e., inches per hour).

"Invasive species" means non indigenous species that adversely affect the habitats they invade economically, environmentally, or ecologically.

"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 irrigation efficiency for purposes of this Ordinance is 0.71.

"Irrigation system" means the network of piping, valves, and irrigation heads.

"Landscape architect" means a person licensed to practice landscape architecture in this state pursuant to Chapter 3.5 (commencing with Section 5615) of Division 3 of the Business and Professions Code.

"Landscape Concept Plan" means the portion of a Landscape Documentation Package that includes a design statement, irrigation notes, planting notes, and the plant palette.

"Landscape Construction Drawings" means the portion of a Landscape Documentation Package that includes the irrigation plan, plant and soils plan, and water management plan.

"Landscape Documentation Package" or "documentation package" means the complete packet of documents required under Sections 9.06.095.050, 9.06.095.060, and 9.06.095.070 to be submitted to the Planning Department to apply for a permit for landscaping projects under this Ordinance. Documentation packages include the Landscape Concept Plan and Landscape Construction Drawings.

"Landscape water audit" means an in depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. Audits include, but are not limited to, inspection, system tune-up, system test with distribution uniformity and verification of minimal overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

"Low-head drainage" means drainage from a sprinkler that is caused by water flowing down an irrigation system from a higher level of elevation.

"Mulch" means any organic material such as leaves, bark, or inorganic material such as pebbles, stones, gravel, decorative sand or decomposed granite, left loose and applied to the soil surface to reduce evaporation.

"Operating pressure" means the designed pressure of the sprinkler in an irrigation system, usually indicated at the base of a sprinkler.

"Overspray" means the irrigation water which is delivered beyond the target area onto pavements, walks, structures, or other non-landscaped areas.

"Planting plan" means a plan submitted with the construction drawings indicating a list, quantity and placement of plants.

"Potable water" means water intended for human consumption that is treated to legal standards for human consumption.

"Pressure regulator" means a device used in sprinkler systems for radius and high pressure control.

"Project net landscape area," "landscaped area," or "landscape project area" means all of the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include special landscape area footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

"Recycled water" means water that, as a result of treatment of waste water, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.

"Reference evapotranspiration" or "ET_o" means a standard measurement of environmental parameters which affect the water use of plants. ET_o is expressed in inches per month as represented in Table A below, and is an estimate of the evapotranspiration of a large field of four to seven-inch tall, cool-season grass that is well watered.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Year
2.15	2.5	3.75	4.5	5.3	5.95	7	6.55	5.35	3.7	2.35	2	51.3

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

"SMART irrigation controller" means a weather-based or soil moisture-based irrigation controller that monitors and uses information about the environmental conditions at a specific location and landscape to automatically adjust watering schedules.

"Soil Management Plan" means the plan submitted with the construction drawings indicating results from soil tests and recommended soil amendments.

"Soil test" means test done by soil test lab that indicates at minimum: soil texture, water holding capacity, pH, and soluble salts

"Soil type" the classification of soil based on the percentage of its composition of sand, silt, and clay.

"Special landscape area" means an area of the landscape dedicated to edible plants, areas irrigated with recycled water, and areas dedicated to active play such as parks, sports fields, golf courses, where turf provides a playing surface.

"Sprinkler head" means a device which delivers water through a nozzle.

"Static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.

"Turf" means a surface layer of earth containing mowed grass or grasslike sedge with its roots, a groundcover surface of mowed grass, or grass-like sedge.

Common types of "cool season turf" are Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue.

Common types of "warm season turf" are Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, Carex pansa, and Buffalo grass.

"Water Efficient Landscape Worksheet" means a worksheet which calculates a site's water budget.

"Water feature" means any water applied to the landscape for non-irrigation, decorative purposes. Fountains, streams, ponds, lakes, and swimming pools are considered water features.

"Water Management Plan" means a plan submitted with the construction drawings as part of the Landscape Documentation Package.

"Water schedule" means schedule of irrigation times throughout a given year.

9.06.095.040 Applicability.

A. After December 31, 2009 this Ordinance shall apply to all of the following landscape projects:

1. New construction and rehabilitation of landscapes for public agency projects and private development projects with a total project net landscape area equal to or greater than 2,500 square feet. Such projects will require a landscape permit.
2. New construction and rehabilitation of landscapes for residential projects by

developers with a total project net landscape area equal to or greater than 2,500 square feet. Such projects will require a landscape permit.

3. New landscapes for residential projects by individual homeowners with a total project net landscape area equal to or greater than 5,000 square feet. Such projects will require a landscape permit.

4. Existing landscapes equal to or greater than one acre, with a dedicated or mixed use water meter. Such landscapes are limited to preparing a water efficient landscape worksheet according to the specifications for existing landscapes in the Landscape Documentation Package.

5. Cemeteries. Recognizing the special landscape management needs of cemeteries, cemeteries shall require the preparation of a water efficient landscape worksheet, an irrigation maintenance schedule, and an irrigation audit, survey and water use analysis.

B. This Ordinance does not apply to:

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; or
4. botanical gardens and arboretums open to the public;
5. commercial agricultural or farm properties with dedicated water meters.

9.06.095.050 Landscape Design and Plant Requirements.

A Landscape Documentation Package prepared by a licensed landscape architect shall include the following landscape design criteria:

1. Plant Selection and Grouping.

a. Any plant may be used in the landscape, providing the Estimated Annual Applied Water Use (EAWU) does not exceed the Maximum Annual Applied Water Allowance (MAWA) and that the plants meet the specifications set forth in (b), (c), and (d) below.

b. Plants having similar water needs shall be grouped together in distinct hydrozones.

c. Plants shall be selected appropriately based upon their adaptability to the climate, geologic, and topographical conditions of the site. Protection and preservation of existing native species and natural areas is encouraged. The planting of appropriate trees is encouraged.

d. Minimize the use of turf. Turf shall be used wisely in response to functional needs and shall not be planted if the EAWU exceeds the MAWA. Turf shall not be used on slopes greater than 25%, as calculated

by rise divided by run, if non-permeable pavements are installed adjacent to the toe of the slope. Where turf is planted, the use of warm season turf is strongly encouraged.

e. Fire prevention needs shall be addressed in fire-prone areas. Design should be consistent with regulations from the Fire Department and incorporate the defensible space as required by Public Resource Code section 4291(a).

f. The use of invasive and/or noxious plant species is strongly discouraged. Such plant species should be avoided especially near parks, buffers, greenbelts, water bodies, and open spaces because of their potential to cause harm in sensitive areas.

2. Water Features.

a. Recirculating water systems shall be used for water features.

b. Where available, recycled water shall be used as the source for decorative water features. Recycled water is not to be used for swimming pools and spas.

c. Covers for swimming pools and spas are highly recommended.

d. The surface area of a water feature shall be included in the MAWA and the EAWU calculations. For the purposes of the Water Use Calculation Sheet, water features are deemed to have the highest plant category, which is equivalent to an average plant factor of 0.8.

3. Mulch.

a. A minimum two (2) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

b. Stabilizing mulch shall be planted on slopes.

9.06.095.060 Irrigation Requirements.

A. All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage and other similar conditions. Soil types and infiltration rates shall be considered when designing irrigation systems. Irrigation systems shall be designed, constructed, managed, and maintained to achieve the maximum possible overall efficiency.

B. A dedicated landscape water meter shall be installed for each landscape project greater than 5,000 square feet, except for single-family residences. Dedicated landscape water meters are also highly recommended for landscape areas less than 5,000 square feet to facilitate water management.

C. All irrigation systems shall include:

1. A SMART irrigation controller, or other equivalent technology which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. The planting areas shall be grouped and irrigated in relation to hydrozones 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);
2. Anti-drain check valves to prevent low-head drainage in sprinkler heads;
3. A pressure regulator to prevent the static water pressure from exceeding the maximum recommended operating pressure of the irrigation system; and,
4. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation during unfavorable weather conditions. Irrigation should be avoided during wind, freeze, or rain.

D. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

9.06.095.070 Soil and Grading Requirements.

A. To ensure the selection of appropriate plants suitable for the site, soil testing shall be performed prior to the installation of landscaping and reported in a soil management plan. The soil management plan shall include:

1. A determination of soil texture, indicating the available water holding capacity;
2. An approximate soil infiltration rate, either measured or derived from soil texture/infiltration rate tables, indicating a range of infiltration rates where appropriate;
3. The measure of pH, total soluble salts, and sodium; and
4. Any recommended amendments to the soil.

B. Grading on site shall be designed to minimize unnecessary soil compaction, erosion and water waste. Grading plans must satisfy the City ordinances relating to grading and be submitted as part of the Landscape Documentation Package.

9.06.095.080 Implementation.

Applicants subject to the requirements of this Ordinance shall submit a complete Landscape Documentation Package to the Planning Department. The Application may be submitted in two parts: (1) A Landscape Concept Plan, which is submitted with a discretionary permit application or when otherwise required by the Planning Department, and (2) Landscape Construction Drawings, submitted as a ministerial application. All applications and plans shall conform to the plant, irrigation, and water budget formula requirements set forth in this Ordinance and the Landscape Documentation Package.

A. Landscape Concept Plan shall include:

1. design statement;
2. irrigation notes;
3. planting notes;
4. conceptual plant palette identifying proposed hydrozones; and
5. the MAWA calculation for the landscape project area.

B. Landscape Construction Drawings

1. Landscape Construction Drawings shall include:

- a. an irrigation plan,
- b. a planting and soils plan; and
- c. a water management plan with detailed notes and legends necessary for a complete landscape plan review.

2. The Landscape Construction Drawings shall be consistent with the Landscape Concept Plan. If the City determines that the Landscape Construction Drawings significantly differ from the Landscape Concept Plan, the Applicant must resubmit an overall water budget calculation in accordance with the Landscape Documentation Package.

C. Irrigation Plan shall include pressure calculations and the location, installation details, and specifications of control valves, irrigation heads, piping, irrigation controllers, and power supply.

D. Planting Plan shall include:

1. A description of any existing plant material to be retained or removed;
2. A plan showing the planting areas and hydrozones, plant spacing, plant location and size, natural features, water features and all paved areas;
3. A legend listing the common and botanical plant names and total quantities by container size and species;
4. A description of the seed mixes with application rates and relevant germination specifications;
5. Soil management plan, including the soil test results and recommendations; and
6. A grading plan, submitted for reference.

E. Water Management Plan shall include:

1. An introduction and statement of site conditions or a Landscape Concept Plan;
2. The party(ies) responsible for implementation of the Water Management Plan;
3. The anticipated water requirements in inches per year, and water budget for the various hydrozones identified in the Landscape Concept Plan, including

calculations demonstrating an overall water budget that requires irrigation of no more than the 0.7 of the ET adjustment factor.

4. A description of the water delivery systems, including the type of irrigation system to be used, water conservation methods to be applied, and precipitation rates for each hydrozone; and

5. Seasonal irrigation water schedules or procedures for programming of proposed SMART controllers.

F: The permit fee for landscape projects shall be established by resolution of the City Council, and shall be based on the estimated cost of reviewing the landscape documentation package and issuing the permit.

9.06.095.090 Compliance / Enforcement.

The City Manager or designee shall have the duty and authority to administer and enforce this Ordinance.

A. Prior to the issuance of a permit for a project subject to this Ordinance, a complete Landscape Documentation Package prepared by an independent licensed landscape architect shall be submitted to the Planning Department for review and approval. The licensed landscape architect shall ensure that all components of the package adhere to the requirements of this Ordinance. Any documentation packages submitted without the signature of a licensed landscape architect shall not be accepted for review.

B. 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 Department 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:

1. The landscaping has been installed in conformance with the approved Planting and Irrigation Plans;
2. The SMART irrigation controller has been set according to the irrigation schedule;
3. The irrigation system has been adjusted to maximize irrigation efficiency and eliminate overspray and runoff; and
4. A copy of the irrigation schedule has been given to the property owner.

C. Upon reasonable notice (not less than twenty-four hours except in case of an emergency) to the Applicant, the City shall have the right to enter the project site to conduct inspections for the purpose of enforcing this Ordinance before, during, and immediately after installation of the landscaping.

D. A copy of the completed Landscape Documentation Package shall be given to the Planning Department. If the property is found to be exceeding its established MAWA, the property shall be subject to a landscape water audit by the City.

9.06.095.100 Irrigation Audit and Maintenance.

A. When submitting the Certificate of Completion to the City, the project applicant seeking a permit for new construction or rehabilitation of a landscape, as described in Section 9.06.095.040, shall submit a report of an irrigation audit conducted by a certified landscape irrigation auditor. The irrigation audit may include, but is not limited to, inspection, system tune-up, system test with distribution uniformity, reporting overspray or runoff, and preparation of an irrigation schedule.

B. A Landscape and Irrigation Maintenance Schedule shall also be submitted with the Certificate of Completion. The Landscape and Irrigation Maintenance Schedule shall include, but not be limited to, routine inspection, adjustment and repair of the irrigation system and its components, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, weeding in all landscape areas, and obstruction to emission devices.

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

9.06.095.110 Recycled Water.

A. The installation of recycled water irrigation systems (i.e., dual distribution systems) are required, unless a written exemption has been granted by the City stating that recycled water meeting all public health codes and standards will not be available in the foreseeable future.

B. The recycled water irrigation systems shall be designed and operated in accordance with all City, County, and State codes.

9.06.095.120 Stormwater Management.

A. Stormwater management combines practices to minimize runoff and water waste to recharge groundwater, and to improve water quality. Project applicants are highly encouraged to implementing stormwater best management practices into the landscape, irrigation, and grading design plans to minimize runoff, and effectively retain and reuse stormwater in landscaping.

B. For effective stormwater management, project applicants are referred to Section 9.06.010.055 of this Code. Project applicants shall further refer to the City Engineer or the Regional Water Quality Control Board for information on other stormwater ordinances and stormwater management plans.

9.06.095.130 Water Waste Prevention.

A. Runoff shall not leave the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures.

1. Failure to comply with Section 9.06.095.020 can result in the assessment of civil or administrative fines up to \$1,000. Willful or repeat offenses can result in revocation of any permit provided under this Ordinance.
2. Offenses may be enforced by the City or by private parties after having given notice to the City.

9.06.095.140 Public Education.

A. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management, and maintenance that save water are encouraged in the community.

1. The City shall provide information to owners of new, single-family residential homes regarding the design, installation, management and maintenance of water efficient landscapes.

B. Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Ordinance.

1. Signs shall be used to identify the model as an example of a water efficient landscape, featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient landscape theme.
2. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

EXHIBIT B

NEW SECTION 9.06.010.045

9.06.010.045 Permit for Landscape Project.

A. A written permit shall be obtained from the City Planning Department prior to development of landscapes as specified in Section 9.06.095.040.

B. The City shall issue a permit if the applicant has submitted the landscape documentation package as required by Section 9.06.095.050 and the landscape project satisfies the requirements set out in Chapter 9.06.095 of this title.

C: The permit fee for landscape project shall be established by resolution of the City Council, and shall be based on the estimated cost of reviewing the landscape documentation package, issuing the permit, and inspecting the project.

EXHIBIT C

NEW SECTION 9.06.010.050 AND 9.06.010.055

9.06.010.050 Design Standards for Drainage.

A. Retention and Reuse of Stormwater. All drainage provisions shall be designed to retain stormwater onsite or carry stormwater to the nearest onsite landscaped area. All drainage provisions shall be designed to retain stormwater onsite or carry stormwater to the nearest onsite landscaped area

B. To the extent reasonably practicable, there shall be no stormwater runoff onto pavements or other non-permeable areas. To the extent that stormwater exceeds the amount that can be retained by the onsite drainage provision or carried to the nearest onsite landscape area, the overflow runoff may be carried by a secondary drainable provision to a public area, such as a street or natural watercourse. Drainage facilities designed to carry stormwater to a natural watercourse approved by the city engineer and/or other appropriate governmental agency, as a safe place to deposit such waters. At least two percent grade toward the approved disposal area will be required for building pads, except as waived by the city engineer for nonhilly terrain.

C. Erosion Prevention. Adequate provision shall be made to prevent any surface waters from damaging the face of an excavation or fill. All slopes shall be protected from surface water runoff from above by berms or swales.

D. Terrace Drains. All swales or ditches on drainage terraces shall have a minimum grade of five percent and must be paved. Drainage devices shall be paved with concrete with a minimum thickness of four inches or approved equivalent. They shall have a minimum depth at the deepest point of one foot. If the drain discharges onto natural ground riprap may be required.

E. Grading shall not increase, concentrate or divert drainage across lot lines, unless there is a drainage easement provided over the receiving property.

F. Pervious pavements should be used in driveways, walkways, patios, and other areas of similar use to reduce surface water runoff.

9.06.010.055 Stormwater Retention. A. New development, after January 1, 2010, must incorporate design elements for:

1. Prevention of stormwater runoff onto pavements and other non-permeable areas;
2. Stormwater retention and reuse for irrigation of landscaped areas; and

3. Rooftop designs, rain gutters, and other stormwater retention designs that can be directed towards landscaped areas and thereby reuse the stormwater.

B. The building department is authorized to withhold, deny or grant conditional approval to any application for a building permit which involves:

1. Construction upon, destruction of or curtailment in the capacity of storm drain facilities installed under and by virtue of this code;

2. Construction, excavation or fill which changes the grade of the natural slope of the surface of any lot or lots so that the water drainage thereon is changed to run onto a different location or in greater quantity or at an accelerated rate, or in a way that creates a hazard to the public health, safety or property. The decision of the building official shall be based upon the recommendation of the city engineer concerning the continued necessity of such drainage installations or of reasonable substitutes therefor.