ORDINANCE NO. 361

AN ORDINANCE OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 13.18 (WATER EFFICIENT LANDSCAPE) OF TITLE 13 (WATER AND SEWERS) OF THE ROLLING HILLS MUNICIPAL CODE

The City Council of the City of Rolling Hills, California, does hereby ordain as follows:

Section 1: Findings

A. The waters of the State of California are of limited supply and are subject to increasing demands;

B. It is the policy of the State of California and the City of Rolling Hills to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

C. The State's Model Water Efficiency Landscape Ordinance (MWELO) is codified in the Department of Water Resources Code of Regulations. (Cal. Code. Regs. Tit. 23, § 490 et seq.) The purpose of the State's MWELO is to protect the State's water supply, encourage water conservation, and to provide cities with the appropriate authority to ensure efficient water use for public and private landscape projects;

D. Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15) directed Department of Water Resources to update the State's MWELO. On July 15, 2015, the California Water Commission approved the updated MWELO (the 2015 MWELO);

E. A city may adopt the State's MWELO as is or may adopt its own Water Efficiency Landscape Ordinance that is at least as effective as the State's. (Cal. Gov. Code, § 65595(c));

F. The City of Rolling Hills is a unique, well-established residential community where development consists exclusively of single-family residential homes on large lots and the existing non-residential development in the community consists of City administration, homeowners' association, fire, school, and school maintenance facilities;

G. The water efficient landscaping standards adopted herein serve to advance the foregoing goals, advance the goal of conserving water and further public health, safety and welfare;

H. The City's water efficient landscape ordinance is at least as effective in conserving water as the California Department of Water Resource's updated Model Water Efficient Landscape Ordinance due to the following:

1. The ordinance is applicable to all development subject to discretionary review by the City as well as landscape for residential projects subject to administrative review.

2. Under the ordinance, landscaping shall be designed and irrigated so as not to exceed 39.7% of the local evapotranspiration rate (ETo) established by the State for the City of Long Beach and surrounding areas of Los Angeles County.

3. Under the ordinance, landscaping shall incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test);

4. Under the ordinance, landscape areas for residential type projects must include water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of plant area excluding edibles and areas using recycled water. Landscape areas for institutional type projects must include water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of plant area excluding edibles and areas using recycled water.

5. Under the ordinance, a minimum three inch (3″) 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.

6. Under the ordinance, landscape areas for residential type projects shall be designed with less than 25% turf. Turf shall not be placed on sloped areas that exceed a slope of 1-foot vertical elevation change for every 4 feet of horizontal length. Landscape areas for institutional type projects shall be designed with no turf.

7. Under the ordinance, automatic irrigation systems with pressure regulators and manual shut-off valves are required and shall be designed to avoid overspray and runoff with optimum distribution uniformity and setbacks from hardscape, and shall employ a weather-based irrigation controller with a rain shut off sensor and check values at the end of each line to hold water in the system, preventing unwanted drainage from sprinkler heads.

8. Under the ordinance, all irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014 and document distribution uniformity.

9. Under the ordinance, landscape areas of 1,000 sq. ft. or more for institutional type projects must have a private submeter to measure landscape water use.

10. Exceptions to the ordinance standards are allowed only upon a finding that alternative design will promote equivalent or greater water conservation.

11. Under the ordinance, installation and compliance verifications are required for the landscape plan, irrigation plan and schedule, grading plan, and any necessary soil management report.

12. Under the ordinance, the maximum annual applied water allowance calculation matches the California Department of Water Resource's formula in its Model Water Efficient Landscape Ordinance.

13. Under the ordinance, the identification of water wise plants matches that used by the California Department of Water Resource's in its Model Water Efficient Landscape Ordinance.

Section 2: CEQA. The City Council determines that this ordinance is categorically exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") in accordance with CEQA Guidelines §§ 15305 as a minor alteration in land use limitations which do not result in any changes in land use or density; and 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

Section 3: Title 13, Chapter 13.18 of the Rolling Hills Municipal Code, commencing with Section 13.18.010 is hereby amended to read as follows:

Chapter 13.18

WATER EFFICIENT LANDSCAPE

Sections:

13.18.010 Purpose.

It is the policy of the City of Rolling Hills to promote water conservation. The landscape water conservation standards detailed in this Chapter are intended to promote water conservation while allowing the maximum possible flexibility in designing healthy, attractive, and cost-effective water efficient landscapes.

13.18.020 Applicability.

This Chapter applies to:

A. All public agency development projects which are subject to discretionary review by the City and propose an aggregate landscape area of 1,000square feet or more; and

B. Any single family residential development projects with an aggregate landscape area equal to or greater than 500 square feet requiring discretionary review by the City; and

C. Any single family residential development projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring administrative review by the City.

13.18.030 Definitions

"Administrative Review" means review of a development project requiring review and approval of the City Manager or designee of an application for a building permit or zone clearance permit.

"Application rate" means the rate of irrigation (inches/hour or gallons per minute) at which water is applied by an irrigation system.

"Automatic irrigation system" means an irrigation system that can be controlled without manual manipulation and which operates on a preset program.

"Discretionary review" means review of a development project by the Planning Commission and/or City Council that requires that the Planning Commission or City Council ascertain compliance with this Chapter, and that also requires the exercise of judgment, deliberation or decision by the Planning Commission and/or City Council.

"Evapotranspiration" or "ET" means the approximate summation of water losses through evaporation from soil and transpiration from the plants during a specified period of time.

"ETo" or "reference evapotranspiration" means the approximation of water loss expressed in inches per year from a field of 4-to-7-inch-tall cool season grass that is not water stressed.

"ET Adjustment Factor" or "ETAF" means a factor used to set an efficiency goal, that when applied to ETo adjusts for plant factor and irrigation efficiency, two of the major influences upon the amount of water that needs to be applied to a landscape.

"Graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.

"Hydrozone" means a portion of the planting area having plants grouped according to water need.

"Irrigation system" means a complete connection of system components, including the water distribution network and the necessary irrigation equipment and downstream from the backflow prevention device.

"Landscape Area" means all areas where landscaping is proposed as part of a development proposal.

"Landscape Architect" means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

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

"Landscape Documentation Package" means documents required as part of development projects identified in Section 13.18.020, including the landscape design plan, irrigation design plan, grading design plan, irrigation schedule, and soil management report.

"Landscape Plan" means design plans with a planting plan and irrigation plan, and plans with supporting detail sheets to include notes and/or specifications.

"Development" means any construction requiring a building permit or zone clearance permit, a new building on a vacant site, an addition to an existing building on a site, a new building on a developed site, or a change in land use type that requires a discretionary permit from the City.

"Plant Factor" means a factor that when multiplied by the ETo, estimates the amount of water used by a given plant species.

"Planting area" means the parcel area less building pad(s), driveway(s), patio(s), deck(s), walkway(s) and parking area(s). Planting area includes water bodies (i.e., fountains, ponds, lakes) and natural areas.

"Special Landscape Area (SLA)" means park and recreational areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ET adjustment factor not to exceed 1.0.

"Turf" means a groundcover surface of mowed grass with an irrigation water need of greater than 30% of the ETo.

"Water Budget Calculation" means the Maximum Annual Applied Water Allowance, which shall be calculated using the following formula, per Section 492.4 of the State of California Model Water Efficient Landscape Ordinance, which may be amended from time to time:

Residential: $MAWA = (ETo)\ (0.62)\ [0.55 \times LA + 0.45 \times SLA]$

Institutional: $MAWA = (ETo)\ (0.62)\ [0.45 \times LA + 0.55 \times SLA]$

MAWA	=	Maximum Applied Water Allowance (maximum gallons per year available for the project).
Eto	=	Reference Evapotranspiration (39.7 inches per year for the City of Rolling Hills).
0.55 (residential) 0.45 (institutional)	=	ETAF (as designated by the state of California).
LA	=	Landscape Area (square feet, including SLA)
0.62	=	Conversion Factor (inches to gallons)

SLA = Special Landscape Area (square feet)

0.45 (residential) = The additional ET Adjustment Factor for the Special
0.55 (institutional) Landscape Area

"Water Wise Plants" means those plants that are evaluated as needing "moderate" (40-60% of ETo), "low" (10-30% of ETo) and "very low" (< 10% of ETo) amounts of water as defined and listed by Water Use Classifications of Landscape Species (WUCOLS) available from the State of California Department of Water Resources. Other sources of water wise plant classifications may be used if approved by the City Manager.

"Weather Based Irrigation Controller" means an irrigation controller that automatically adjusts the irrigation schedule based on changes in the weather.

13.18.035 Landscape Documentation Package.

An applicant proposing landscaping, which is subject to the requirements of this Chapter, shall submit the documents required by the Landscape Documentation Package in accordance with the requirements of this Chapter and a deposit of $1,500 to cover City staff application processing fees at a rate of $120 per hour. Should processing the application exceed the initial deposit, the City may request additional deposits as necessary to reimburse the City its actual costs incurred in processing the application. Should the deposit exceed the total cost of processing, the applicant will be refunded the difference. Applicant shall additionally submit a performance security deposit of $5,000 to be refunded upon verification by the City Manager, or his or her designee, of applicant's Certificate of Completion.

13.18.040 Landscape Plan Design Standards.

An applicant proposing landscaping, which is subject to the requirements of this Chapter, shall comply with each of the following in the design, installation, and maintenance of the landscaped area, unless an exception is granted pursuant to Section 13.18.050.

A. Landscape Plan Content:

1. Applicants shall submit a Landscape Plan depicting the landscaped area and all existing landscaping to remain on the lot. Landscaping shall be designed to be irrigated at no more than the reference evapotranspiration (ETo) and shall not exceed the MAWA. The City reserves the right to modify plans in quantity and quality of the landscape to meet the requirements of this Chapter.

2. Applicants shall provide all relevant information on the landscape plan including botanical names for plants and turf species; container sizes; percentage calculations of allowable areas of turf; low, medium or high water use plants and water-wise plants; water budget calculations; applicable graywater discharge piping, system components, and areas of distribution; any necessary soil management report; and specific requests for any exceptions to the requirements of this Chapter in accordance with Section 13.18.050. Areas of existing landscaping to remain unaltered shall be indicated on the landscape plan.

B. Use of Compost, Water Wise Plants, and Turf:

1. The landscape area of a single family residential or institutional use project shall incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test).

2. The landscape area of a single family residential use project shall be designed with water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water. The landscape area of a institutional use project shall be designed with water wise plants that require occasional, little or no summer water

(average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;

3. The landscape area of a single family residential use project shall be designed with no more than 25% of the landscape area in turf . The landscape area of an institutional use project shall be designed with no turf.

4. Turf shall not be used on a slope that exceeds 1 foot vertical elevation change for every 4 feet of horizontal length.

5. Additional turf areas may be approved by the City for areas designed and used for outdoor sporting and recreational activities. Approved turf areas may be watered at 1.0 of the referenced evapotranspiration (ETo).

C. Mulch: The landscape area, except those portions of the landscape area planted in turf, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated, shall be covered with mulch material to a minimum thickness of at least 3 inches throughout. In areas with groundcover planted from flats, mulch shall be installed to an average thickness of 1-½ inches. Additional mulch material shall be added from time to time as necessary in order to maintain the required depth of mulch.

D. Graywater Systems:

All graywater systems shall conform to the City's Plumbing Code adopted in Chapter 15.08 of the RHMC.

E. Soil Management Report:

1. Applicant shall submit soil samples to a laboratory for analysis of soil texture, infiltration rate, pH, total soluble salts, sodium, percent organic matter and for recommendations in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants and at a sampling rate equivalent to approximately 15% of the development.

2. A soil management report shall be submitted as follows:

i. If grading requiring Site Plan Review pursuant to RHMC Section 17.46.020(A)(1) is not planned, the soil analysis report shall be submitted to the City as part of the Landscape Plan; or

ii. If grading requiring Site Plan Review pursuant to RHMC Section 17.46.020(A)(1) is planned, the soil analysis report shall be submitted to the City as part of the certificate of compliance with documentation verifying implementation of soil report recommendations.

13.18.043 Irrigation Plan and Schedule.

A. Irrigation Plan: All irrigation systems proposed as part of a development shall identify water supply and incorporate the following requirements in their design, installation and maintenance:

1. Irrigation systems shall be designed and installed to avoid overspray and runoff. Valves shall be separated for individual hydrozones based on plant water needs and sun or shade requirements.

2. An automatic irrigation system is required and shall include a weather-based irrigation controller, including a rain shut-off sensor.

3. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.

4. Irrigation controllers shall be of a type that do not lose programming data in the event the primary power source is interrupted.

5. Areas less than ten feet wide shall be irrigated with appropriately selected equipment that provides the proper amount of water coverage without causing runoff or overspray onto adjacent surfaces.

6. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing, and setbacks from walkways and pavement.

7. All irrigation systems shall provide check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines.

8. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.

9. Flow sensors that detect and report high flow conditions shall be installed for landscaped areas greater than 5,000 square feet

10. All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard," All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

11. Recirculating water shall be used for water features as defined in RHMC Section 17.12.230.

12. For institutional projects with landscape areas of 1,000 sq. ft. or more, a private submeter to measure landscape water use shall be installed.

B. Irrigation Schedule.

1. Irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health.

2. Irrigation schedules shall meet the following criteria:

i. Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

ii. Parameters used to set the automatic controller shall be developed and submitted for each of the following:

a. The plant establishment period;

b. The established landscape; and

c. Temporarily irrigated areas.

iii. Each irrigation schedule shall consider all of the following that apply:

a. Irrigation interval (days between irrigation);

b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);

c. Number of cycle starts required for each irrigation event to avoid runoff;

d. Amount of applied water scheduled to be applied on a monthly basis for each area served by one valve or by a set of valves that operate simultaneously;

e. Application rate setting;

f. Root depth setting;

g. Plant type setting;

h. Soil type;

i. Slope factor setting;

j. Shade factor setting; and

k. Irrigation uniformity or efficiency setting.

iv. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to MAWA.

13.18.046 Grading Plan.

A. A grading plan shall be submitted as part of the Landscape Plan and must include the finished configurations and elevations of the landscape area including:

1. height of graded slopes;

2. drainage patterns;

3. pad elevations;

4. finish grade; and

5. stormwater retention improvements, if applicable.

B. Project applicants are encouraged to prepare a grading plan that does the following:

1. grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;

2. avoid disruption of natural drainage patterns and undisturbed soil; and

3. avoid soil compaction in landscape areas.

C. The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

13.18.049 (Reserved).

13.18.050 Exceptions.

Exceptions to these landscape water conservation standards may be granted by the City Manager upon a finding, based on substantial evidence, that the exceptions will promote equivalent or greater water conservation than is provided for in these standards. Requests for exceptions shall be in writing and shall be submitted to the City Manager at the time the application is submitted to the City for review. Requests for exceptions must be accompanied by documentary evidence supporting the finding of equivalent or greater water conservation.

13.18.060 Submittal Requirements.

A. The landscape design plan shall bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design landscape. The irrigation plan and schedule shall bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design an irrigation system. The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficiency use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

B. The Landscape Documentation Package consisting of the landscape plan, irrigation plan and schedule, grading plan, and any necessary soil management report shall include a "Statement of Compliance" in a form approved by the City Manager certifying that the design complies with the mandatory elements of this Chapter. The Statement of Compliance shall be signed by the person who prepared the landscape plan, irrigation plan and schedule, and grading plan and shall be submitted to the City prior to or concurrent with submitting final development plans to the Building and Safety Department.

C. The Planning Commission or City Council may require, on a case-by-case basis, that the landscaping plan, irrigation plan and schedule, grading plan, any necessary soil management report, and Statement of Compliance be submitted concurrently with the development application or prior to rendering a decision for the development.

13.18.070 Verification of Applicant's Certificate of Completion.

A. The person who prepared the landscape plan irrigation plan and schedule, grading plan, and any necessary soil management report shall inspect the installation and shall certify in writing to the City Manager that the installation substantially conforms to the approved plans through an Certificate of Completion. The Certificate of Completion shall be submitted prior to final inspection from the Building and Safety Department. The applicant is eligible for a one-time extension in submitting the Certificate of Completion up to 120 days, based on findings of good cause as reasonably determined by the City Manager or his or her designee.

B. Verification of the Certificate of Completion and compliance with this Chapter, as applicable, shall be made by the City Manager. Upon such verification, the City Manager shall cause the deposit, as required pursuant to RHMC Section 13.18.035, to be refunded to the applicant. Should the City Manager determine that the installation does not substantially conform to the approved plans or that the applicant is not in compliance with this Chapter, the City Manager shall withhold the deposit until applicant fully complies with this Chapter.

Section 4: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have

adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections subsections, subdivisions, sentences, clauses, phrases, or portion thereof be declared invalid or unconstitutional.

Section 5: Notice. The City Clerk shall certify as to the adoption of this ordinance and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36993.

Section 6: Effective date. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this 13th day of May, 2019.

LEAH MIRSCH, MAYOR

Attest:

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Ordinance No. 361 entitled:

AN ORDINANCE OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 13.18 (WATER EFFICIENT LANDSCAPE) OF TITLE 13 (WATER AND SEWERS) OF THE ROLLING HILLS MUNICIPAL CODE.

was approved and adopted at a regular meeting of the City Council on May 13, 2019 by the following roll call vote:

AYES: BLACK, DIERINGER, PIEPER, WILSON AND MAYOR MIRSCH.

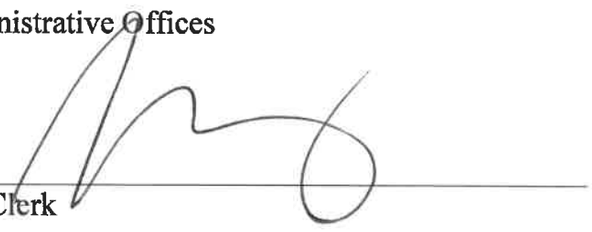
NOES: NONE.

ABSENT: NONE.

ABSTAIN: NONE.

and in compliance with the laws of California was posted at the following:

Administrative Offices



City Clerk