

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING SARATOGA CITY CODE  
ARTICLE 15-47 (WATER EFFICIENT LANDSCAPING) AND INCLUDING,  
ADOPTION BY REFERENCE OF WATER USE CLASSIFICATION  
OF LANDSCAPE SPECIES PLANT FACTORS PUBLISHED BY THE  
UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION AND THE  
CALIFORNIA DEPARTMENT OF WATER RESOURCES**

THE CITY COUNCIL OF THE CITY OF SARATOGA HEREBY ORDAINS AS FOLLOWS:

**Findings**

The City Council finds and declares as follows:

1. The City of Saratoga wishes to amend the City Code to update and expand the policies contained in the City's existing Water Efficient Landscaping Ordinance.
2. These amendments were considered by the Planning Commission of the City of Saratoga after a duly noticed public hearing on September 10, 2014 and the Planning Commission recommended adoption of the update to Article 15-47 of the Saratoga City Code.
3. The City Council of the City of Saratoga held a duly noticed public hearing on October 15, 2014 on the proposed ordinance amending City Code Article 15-47 and a second reading of that ordinance on November 19, 2014, and after considering all testimony and written materials provided in connection with that ordinance, duly introduced this ordinance, waived the reading thereof, and duly adopted said ordinance after the second reading thereof.
4. The plant factors used in this Ordinance shall be from the Water Use Classification of Landscape Species (WUCOLS), adopted by reference as published by the University of California Cooperative Extension and the California Department of Water Resources and kept on file and open for inspection with the City Clerk and at the Community Development Department. After the first reading of the title of this adopting ordinance and of the title of the code to be adopted thereby (WUCOLS), and of the title of any secondary codes therein adopted by reference, the City Council scheduled and held a public hearing thereon, after duly giving notice as required by California Government Code Section 50022.3, which notice stated the time and place of the hearing and that certified copies of the primary code and also copies of the secondary codes, if any, being considered for adoption, are on file with the clerk of the City Council, and are open to public inspection, as well as containing a description which the City Council deemed sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

**Therefore, the City Council hereby ordains as follows:**

**Section 1. Adoption.**

The Saratoga City Code is hereby amended by repealing Article 15-47 in its entirety and replacing it with the following text:

**15-47.010 Purpose of Article.** The purpose of this Article is to reduce water waste in landscaping by promoting the use of region-appropriate plants that require minimal supplemental irrigation, and by establishing standards for irrigation efficiency. This Article implements the California Water Conservation in Landscaping Act.

**15-47.015 Applicability.**

(a) The provisions of this Article shall apply to the following:

- (1) new construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;
- (2) new construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
- (3) new construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review;
- (4) Any new or rehabilitated cemetery shall be subject to a Water Budget (Section 15-47.030).
- (5) Any existing landscape area larger than one acre, including a cemetery, shall be subject to Section 15-47.070.

(b) The provisions of this Article shall not apply to:

- (1) Registered local, state or federal historical sites where landscaping establishes a historical landscape style, as determined by the City Council;
- (2) Surface mine reclamation projects that do not require a permanent irrigation system;
- (3) Ecological restoration projects that do not require a permanent irrigation system;
- (4) Community gardens or plant collections, as part of botanical gardens and/or arboretums open to the public; or
- (5) Agricultural and horticultural commerce (for example, commercial activities such as farming of grains, wine grapes, vegetables, fruit and nut trees and other agricultural crop production; greenhouses; nurseries; and floriculture facilities).

**15-47.020 Demonstration of Landscape Water Efficiency.** Unless otherwise specified in this Article, each project to which this Article is applicable shall demonstrate that the landscape area complies with Section 15-47.020(a) or Section 15-47.020(b):

- (a) **Plant Type Restriction.** The applicant shall submit for Community Development Department approval a completed Water Efficient Landscape Worksheet (Section 15-47.020(b)(1)) and landscape and irrigation design plan (Section 15-47.040) demonstrating that at least 80 percent of the plants in the landscape area are native or low water-use, and that the turf area does not exceed 1,250 square feet, or 25 percent of the total landscape area whichever is less; or
- (b) **Water Budget Restriction.** The applicant shall submit for Community Development Department approval the following completed documents demonstrating that the estimated total water use (ETWU) of the landscape area will not exceed the maximum applied water allowance (MAWA):
  - (1) **Water-Efficient Landscape Worksheet**, as provided by the Community Development Department; and
  - (2) **Water Budget** in compliance with the standards in Section 15-47.030; and
  - (3) **Landscape and Irrigation Design Plan** in accordance with Section 15-47.040; and
  - (4) **Certificate of Completion.** A Certificate of Completion, on such forms as may be prescribed, shall be filed with the Community Development Department prior to final building permit approval; and
  - (5) **Landscape Plan-Check Fee.** Fees for review and processing of required documents, as set forth in the fee schedule adopted by the City.

**15-47.030 Water Budget Standards.** If the applicant elects to comply with Article 15-47 by means of the “Water Budget” restriction, a water budget is required, which shall satisfy the following requirements:

- (a) The water budget must be completed by a certified professional who is authorized by the State of California to complete a water budget.
- (b) The maximum applied water allowance (MAWA) (gallons per year) shall be calculated using the equations set forth below:

<p><b>Standard MAWA</b> = <math>(ET_o) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]</math></p> <p>Where:</p> <p>ET<sub>o</sub> = Reference Evapotranspiration (inches per year)</p> <p>0.62 = Conversion Factor (acre-inches to gallons)</p> <p>0.7 = Reference Evapotranspiration Adjustment Factor (ETAF)</p> <p>LA = Landscape Area including SLA (square feet)</p> <p>0.3 = Additional Water Allowance for SLA</p> <p>SLA = Special Landscape Area (square feet)</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- (c) The estimated total water use (ETWU) (gallons) shall be calculated using the equations set forth below:

$$ETWU = (ETo)(0.62) \left( \frac{PF \times HA}{IE} + SLA \right)$$

Where:

ETo = Reference Evapotranspiration (inches)

PF = Plant Factor from WUCOLS

HA = Hydrozone Area [high, medium, and low water use areas](square feet)

SLA = Special Landscape Area (square feet)

0.62 = Conversion Factor

IE = Irrigation Efficiency (minimum 0.70)

- (d) The sum of the ETWU calculated for all hydrozones shall not exceed the MAWA.
- (e) The reference evapotranspiration adjustment factor (ETAf) for special landscape areas shall not exceed 1.0. The ETAf for the remaining landscaped area shall not exceed 0.7.
- (f) The plant factor used shall be from the Water Use Classification of Landscape Species (WUCOLS), hereby adopted by reference as published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation and kept on file at the Community Development Department.
- (g) Each water feature shall be included in the high water use hydrozone.
- (h) Each Special Landscape Area (SLA) shall be identified, and its water use included, in the water budget calculations.
- (i) Irrigation system efficiency shall be greater than or equal to 70 percent.
- (j) A project applicant may consider effective precipitation (25 percent of annual precipitation) in tracking water use and may use the alternative MAWA equation set forth below:

$$\text{Alternative MAWA} = (ETo - Eppt) (0.62) [(0.7 \times LA) + (0.3 \times SLA)] \text{ where ETAf} = 0.3$$

#### **15-47.040 Landscape and Irrigation Plan.**

- (a) The Landscape and Irrigation Plan shall be prepared by, and bear the signature of, a licensed landscape architect, licensed landscape contractor, or that of a certified or authorized professional who is authorized by the State of California to complete a water budget, and shall contain the following statement: "I have complied with the criteria of the City of Saratoga Water Efficient Landscape Ordinance currently in effect and applied them for the efficient use of water in the Landscape and Irrigation Plan."

(b) The Landscape and Irrigation Plan shall constitute an exhibit to, and contain all information required on the Water Efficient Landscape and Irrigation Plan Checklist, developed by the Community Development Department, as necessary to demonstrate compliance with Article 15-47, and shall at a minimum:

- (1) Identify type and location of all irrigation systems, meters, automated controls, separate valves, hours of operation, and efficiency levels.
- (2) Identify type and location of all plant material, turf and non-turf areas, and mulching.
- (3) Identify all hydrozones and special landscape areas.
- (4) Identify all hardscapes and water features.
- (5) Identify all Low Impact Development (LID) site design measures as required to comply with any and all stormwater management requirements established by law.
- (6) Identify all grading contours and quantities, as applicable.
- (7) Identify all dedicated landscape water meters, which shall be required for landscape areas greater than 5,000 square feet, except for those installations where irrigation water is provided by an individual onsite well.
- (8) Identify all subsurface irrigation or low volume irrigation system(s), which shall be required for narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction.
- (9) For established landscapes that have dedicated irrigation meters, the maximum applied water allowance (MAWA) shall be calculated as follows:

$\text{Audited MAWA} = (\text{ET}_o) (0.62) (\text{LA}) (0.8) \text{ where } \text{ETAF} = 0.8$
-------------------------------------------------------------------------------------------------

**15-47.050 Landscape and Irrigation Maintenance.** As to each project to which this Article 15-47 is applicable, each landscape area shall be maintained in compliance with the standards in Article 15-47 to ensure water use efficiency, including by inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in each landscape area; and removing obstructions to emission devices.

**15-47.060 Stormwater Management.** Stormwater best management practices shall be implemented into each project Landscape and Irrigation Plan and each project Grading Design Plan to minimize runoff and to increase on-site retention and infiltration and be consistent with any and all stormwater management requirements established by law.

**15-47.070 Provisions for Existing Landscape Areas Over One Acre in Size.** Each property owner of a property containing landscape area(s) over one acre in size, that were installed prior to adoption of this ordinance, and do not otherwise meet the applicability criteria of Section 15-47.015, shall:

- (a) Cooperate with their water purveyors who may provide water waste prevention recommendations resulting from a landscape irrigation water use analysis, landscape irrigation audit, and/or landscape irrigation survey.

- (b) Maintain irrigation levels not exceeding the standard MAWA equation if the site has a water meter.
- (c) Attain to the greatest extent practicable, taking into account the limitations of the existing irrigation system and if necessary by retrofitting sprinkler heads, a minimum of 0.7 lower quarter distribution uniformity for contiguous turf areas that are one acre or more in area.

**15-47.080 Penalties.** Any violation of this Article shall be subject to enforcement in accordance with the terms thereof and in addition to any other rights and remedies available to the City under Chapter 3 of this Code by reason of the same violation.

### **Section 2. Severance Clause.**

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

### **Section 3. California Environmental Quality Act**

These proposed amendments and additions to the City Code relating to the regulation of Water-Efficient Landscapes are Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to the Guidelines for Implementation of CEQA (14 Cal Code §15000 and following), including but not limited to the following:

- (a) CEQA Guideline section 15307 which includes activities that enhance or protect a natural resource and which applies to regulatory actions, such as these ordinance amendments, taken to preserve natural resources; and
- (b) CEQA Guideline section 15061(b)(3) which provides that CEQA applies only to projects which have the potential of causing a significant effect on the environment, and that where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

### **Section 4. Publication.**

This ordinance or a comprehensive summary thereof shall be published in a newspaper of general circulation of the City of Saratoga within fifteen days after its adoption.

Following a duly noticed public hearing the foregoing ordinance was introduced and read at the regular meeting of the City Council of the City of Saratoga held on the 15th day of October 2014, and was adopted by the following vote following a second reading on the 19<sup>th</sup> day of November 2014.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

---

Emily Lo  
MAYOR OF THE CITY OF SARATOGA  
Saratoga, California

ATTEST:

---

Crystal Bothelio  
CLERK OF THE CITY OF SARATOGA  
Saratoga, California

APPROVED AS TO FORM:

---

RICHARD TAYLOR, CITY ATTORNEY