

**Introduced by Senator Wolk**February 19, 2016

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An act to amend Section 65596 of the Government Code, relating to water conservation.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1340, as introduced, Wolk. Water Conservation in Landscaping Act

Existing law, the Water Conservation in Landscaping Act, requires the Department of Water Resources to update a specified model water efficient landscape ordinance by regulation and prescribes various requirements for the updated model ordinance. Existing law requires each local agency to adopt either the updated model water efficient landscape ordinance or an ordinance that is at least as effective in conserving water as the updated model ordinance. If the local agency does not make a selection, the model ordinance shall apply within the jurisdiction of the local agency.

The bill would add to the model water efficient landscape ordinance a permit requirement for the installation, expansion, or replacement of specified automatic irrigation systems for a landscape project on or after July 1, 2017. The bill would allow the governing body of a local agency to adopt an ordinance prescribing fees for filing an application for the permit, subject to the restrictions that the fees not exceed the amount reasonably required to review applications and issue the permits and that the fees not be levied for general revenue purposes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 65596 of the Government Code is  
2 amended to read:
- 3 65596. The updated model ordinance adopted pursuant to  
4 Section 65595 shall do all the following in order to reduce water  
5 use:
- 6 (a) Include provisions for water conservation and the appropriate  
7 use and groupings of plants that are well-adapted to particular sites  
8 and to particular climatic, soil, or topographic conditions. The  
9 model ordinance shall not prohibit or require specific plant species,  
10 but it may include conditions for the use of plant species or  
11 encourage water conserving plants. However, the model ordinance  
12 shall not include conditions that have the effect of prohibiting or  
13 requiring specific plant species.
  - 14 (b) Include a landscape water budget component that establishes  
15 the maximum amount of water to be applied through the irrigation  
16 system, based on climate, landscape size, irrigation efficiency, and  
17 plant needs.
  - 18 (c) Promote the benefits of consistent local ordinances in  
19 neighboring areas.
  - 20 (d) Encourage the capture and retention of stormwater onsite  
21 to improve water use efficiency or water quality.
  - 22 (e) Include provisions for the use of automatic irrigation systems  
23 and irrigation schedules based on climatic conditions, specific  
24 terrains and soil types, and other environmental conditions. The  
25 model ordinance shall include references to local, state, and federal  
26 laws and regulations regarding standards for water-conserving  
27 irrigation equipment. The model ordinance may include climate  
28 information for irrigation scheduling based on the California  
29 Irrigation Management Information System (Chapter 2  
30 (commencing with Section 10015) of Part 1.5 of Division 6 of the  
31 Water Code ).
  - 32 (f) Include provisions for onsite soil assessment and soil  
33 management plans that include grading and drainage to promote  
34 healthy plant growth and to prevent excessive erosion and runoff,  
35 and the use of mulches in shrub areas, garden beds, and landscaped  
36 areas where appropriate.

1 (g) Promote the use of recycled water consistent with Article 4  
2 (commencing with Section 13520) of Chapter 7 of Division 7 of  
3 the Water Code.

4 (h) Seek to educate water users on the efficient use of water and  
5 the benefits of doing so.

6 (i) Address regional differences, including fire prevention needs.

7 (j) Exempt landscaping that is part of a registered historical site.

8 (k) Encourage the use of economic incentives to promote the  
9 efficient use of water.

10 (l) Include provisions for landscape maintenance practices that  
11 foster long-term landscape water conservation. Landscape  
12 maintenance practices may include, but are not limited to,  
13 performing routine irrigation system repair and adjustments,  
14 conducting water audits, and prescribing the amount of water  
15 applied per landscaped acre.

16 (m) Include provisions to minimize landscape irrigation  
17 overspray and runoff.

18 (n) (1) *Include a provision requiring, on or after July 1, 2017,*  
19 *a written permit for the installation, expansion, or replacement of*  
20 *any automatic irrigation system for a landscape project subject*  
21 *to this article and not otherwise within the scope of a local agency*  
22 *permit, if the irrigation system is to serve either of the following:*

23 (A) *A nonresidential landscape, except a cemetery.*

24 (B) *A residential landscape of 10,000 square feet or greater.*

25 (2) *Before issuing any permit required by paragraph (1), the*  
26 *governing body of a local agency may adopt an ordinance*  
27 *prescribing fees for filing an application for that permit, but the*  
28 *fees shall not exceed the amount reasonably required by the local*  
29 *agency to review applications and issue those permits, and shall*  
30 *not be levied for general revenue purposes.*