

AMENDED IN ASSEMBLY JUNE 8, 2016

AMENDED IN SENATE APRIL 5, 2016

SENATE BILL

No. 1340

Introduced by Senator Wolk

February 19, 2016

An act to amend Section ~~65596~~ 65595 of the Government Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1340, as amended, 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~~

~~This bill would add to the model water efficient landscape ordinance would, on or after July 1, 2018, require a local agency to require a permit requirement for the installation or replacement of specified automatic irrigation systems, or the expansion of the same specified automatic irrigation systems to increase the irrigated area by 25% or more, for a landscape project on or after July 1, 2018. project.~~ 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. *The bill would authorize a property owner, property manager, landscape contractor, landscape architect, or any other agent designated by the property owner to submit the application for a permit required pursuant to these provisions for an irrigation system serving a residential landscape.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 65595 of the Government Code is
- 2 amended to read:
- 3 65595. (a) (1) To the extent funds are appropriated, not later
- 4 than January 1, 2009, by regulation, the department shall update
- 5 the model water efficient landscape ordinance adopted pursuant
- 6 to Chapter 1145 of the Statutes of 1990, after holding one or more
- 7 public hearings. The updated model ordinance shall be based on
- 8 the recommendations set forth in the report prepared pursuant to
- 9 Chapter 682 of the Statutes of 2004 and shall meet the requirements
- 10 of Section 65596.
- 11 (2) Before the adoption of the updated model ordinance pursuant
- 12 to paragraph (1), the department shall prepare and submit to the
- 13 Legislature a report relating to both of the following:
- 14 (A) The extent to which local agencies have complied with the
- 15 model water efficient landscape ordinance adopted pursuant to
- 16 Chapter 1145 of the Statutes of 1990.
- 17 (B) The department’s recommendations regarding the landscape
- 18 water budget component of the updated model ordinance described
- 19 in subdivision (b) of Section 65596.
- 20 (b) Not later than January 31, 2009, the department shall
- 21 distribute the updated model ordinance adopted pursuant to
- 22 subdivision (a) to all local agencies and other interested parties.

1 (c) On or before January 1, 2010, a local agency shall adopt one
2 of the following:

3 (1) A water efficient landscape ordinance that is, based on
4 evidence in the record, at least as effective in conserving water as
5 the updated model ordinance adopted by the department pursuant
6 to subdivision (a).

7 (2) The updated model ordinance described in paragraph (1).

8 (d) If the local agency has not adopted, on or before January 1,
9 2010, a water efficient landscape ordinance pursuant to subdivision
10 (c), the updated model ordinance adopted by the department
11 pursuant to subdivision (a) shall apply within the jurisdiction of
12 the local agency as of that date, shall be enforced by the local
13 agency, and shall have the same force and effect as if adopted by
14 the local agency.

15 (e) (1) *On or after July 1, 2018, a local agency shall require a*
16 *written permit for the installation of any automatic irrigation*
17 *system, or the expansion of an existing automatic irrigation system*
18 *to increase the irrigated area by 25 percent or more, for a*
19 *landscape project subject to this article and not otherwise within*
20 *the scope of a local agency permit, if the irrigation system is to*
21 *serve either of the following:*

22 (A) *A nonresidential landscape that is not a cemetery and that*
23 *is at least 500 square feet or a greater area as may be found by*
24 *the California Building Standards Commission to be in the public*
25 *interest and consistent with the purposes of this article, following*
26 *notice and opportunity for public comment.*

27 (B) *A residential landscape that is at least 10,000 square feet*
28 *or greater, or a lesser area as may be found by the Department of*
29 *Housing and Community Development to be in the public interest*
30 *and consistent with the purposes of this article, following notice*
31 *and opportunity for public comment.*

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

38 (3) *An application for a permit required under this subdivision*
39 *for an irrigation system serving a residential landscape may be*
40 *submitted by a property owner, property manager, landscape*

1 contractor, landscape architect, or any other agent designated by
2 the property owner.

3 (e)

4 (f) Nothing in this article shall be construed to require the local
5 agency's water efficient landscape ordinance to duplicate, or to
6 conflict with, a water efficiency program or measure implemented
7 by a public water system, as defined in Section 116275 of the
8 Health and Safety Code, within the jurisdictional boundaries of
9 the local agency.

10 *SEC. 2. No reimbursement is required by this act pursuant to*
11 *Section 6 of Article XIII B of the California Constitution because*
12 *a local agency or school district has the authority to levy service*
13 *charges, fees, or assessments sufficient to pay for the program or*
14 *level of service mandated by this act, within the meaning of Section*
15 *17556 of the Government Code.*

16 ~~SECTION 1. Section 65596 of the Government Code is~~
17 ~~amended to read:~~

18 ~~65596. The updated model ordinance adopted pursuant to~~
19 ~~Section 65595 shall do all the following in order to reduce water~~
20 ~~use:~~

21 ~~(a) Include provisions for water conservation and the appropriate~~
22 ~~use and groupings of plants that are well-adapted to particular sites~~
23 ~~and to particular climatic, soil, or topographic conditions. The~~
24 ~~model ordinance shall not prohibit or require specific plant species,~~
25 ~~but it may include conditions for the use of plant species or~~
26 ~~encourage water conserving plants. However, the model ordinance~~
27 ~~shall not include conditions that have the effect of prohibiting or~~
28 ~~requiring specific plant species.~~

29 ~~(b) Include a landscape water budget component that establishes~~
30 ~~the maximum amount of water to be applied through the irrigation~~
31 ~~system, based on climate, landscape size, irrigation efficiency, and~~
32 ~~plant needs.~~

33 ~~(c) Promote the benefits of consistent local ordinances in~~
34 ~~neighboring areas.~~

35 ~~(d) Encourage the capture and retention of stormwater onsite~~
36 ~~to improve water use efficiency or water quality.~~

37 ~~(e) Include provisions for the use of automatic irrigation systems~~
38 ~~and irrigation schedules based on climatic conditions, specific~~
39 ~~terrains and soil types, and other environmental conditions. The~~
40 ~~model ordinance shall include references to local, state, and federal~~

1 laws and regulations regarding standards for water-conserving
2 irrigation equipment. The model ordinance may include climate
3 information for irrigation scheduling based on the California
4 Irrigation Management Information System (Chapter 2
5 (commencing with Section 10015) of Part 1.5 of Division 6 of the
6 Water Code).

7 (f) Include provisions for onsite soil assessment and soil
8 management plans that include grading and drainage to promote
9 healthy plant growth and to prevent excessive erosion and runoff,
10 and the use of mulches in shrub areas, garden beds, and landscaped
11 areas where appropriate.

12 (g) Promote the use of recycled water consistent with Article 4
13 (commencing with Section 13520) of Chapter 7 of Division 7 of
14 the Water Code.

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

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

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

19 (k) Encourage the use of economic incentives to promote the
20 efficient use of water.

21 (l) Include provisions for landscape maintenance practices that
22 foster long-term landscape water conservation. Landscape
23 maintenance practices may include, but are not limited to,
24 performing routine irrigation system repair and adjustments,
25 conducting water audits, and prescribing the amount of water
26 applied per landscaped acre.

27 (m) Include provisions to minimize landscape irrigation
28 overspray and runoff.

29 (n) (1) Include a provision requiring, on or after July 1, 2018,
30 a written permit for the installation or replacement of any automatic
31 irrigation system, or the expansion of an existing automatic
32 irrigation system to increase the irrigated area by 25 percent or
33 more, for a landscape project subject to this article and not
34 otherwise within the scope of a local agency permit, if the irrigation
35 system is to serve either of the following:

36 (A) A nonresidential landscape, except a cemetery.

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

38 (2) Before issuing any permit required by paragraph (1), the
39 governing body of a local agency may adopt an ordinance
40 prescribing fees for filing an application for that permit, but the

- 1 ~~fees shall not exceed the amount reasonably required by the local~~
- 2 ~~agency to review applications and issue those permits, and shall~~
- 3 ~~not be levied for general revenue purposes.~~

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