

AMENDED IN ASSEMBLY JUNE 28, 2000

AMENDED IN SENATE APRIL 11, 2000

AMENDED IN SENATE MARCH 28, 2000

SENATE BILL

No. 2095

**Introduced by Senator Johnston
(Coauthor: Senator Perata)**

February 25, 2000

~~An act to add Section 66474.12 to the Government Code, relating to the Subdivision Map Act. An act to add Article 10.9 (commencing with Section 65601) to Chapter 3 of Division 1 of Title 7 of the Government Code, relating to water recycling.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 2095, as amended, Johnston. ~~Subdivisions: recycled water~~ *Water Recycling Landscaping Act.*

(1) Existing law, known as the Water Conservation in Landscaping Act, requires a model water efficient landscape ordinance adopted by the Department of Water Resources to be enforced by a city, county, or city and county and have the same force and effect as if adopted by the local agency, unless the local agency has adopted a water efficient landscape ordinance or has adopted findings based on climatic, geological, or topographical conditions, or water availability, that states that this ordinance is unnecessary.

This bill would require any local public or private entity that produces recycled water and determines that within 10 years it will provide recycled water service to a local agency, to

notify the local agency of that fact. It would require a local agency, within one year of receipt of the notice, to adopt and enforce a specified recycled water ordinance, unless it adopted a recycled water ordinance or other regulation requiring the use of recycled water in its jurisdiction prior to January 1, 2001.

~~(1) The Subdivision Map Act provides that a tentative and final map is required for all subdivisions creating 5 or more parcels, 5 or more condominiums, a community apartment project containing 5 or more parcels, or for the conversion of a dwelling to a stock cooperative containing 5 or more dwelling units, except as specified.~~

~~This bill would require the legislative body of a city or county, prior to approving a tentative map for an industrial, commercial, or residential subdivision for which a tentative map or parcel map is required pursuant to the above provisions, to make a finding regarding the availability of recycled water to the subdivision. If a finding is made that recycled water is available, the bill would require the design of the subdivision to include a separate plumbing system to serve nonpotable uses in accordance with specified regulations and guidelines. By imposing new duties on local legislative bodies, the bill would create a state-mandated local program.~~

(2) 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: yes. State-mandated local program: yes.

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

- 1 ~~SECTION 1. Section 66474.12 is added to the~~
- 2 *SECTION 1. Article 10.9 (commencing with Section*
- 3 *65601) is added to Chapter 3 of Division 1 of Title 7 of the*
- 4 *Government Code, to read:*
- 5



1 Article 10.9. *Water Recycling in Landscaping*

2
3 65601. *This article shall be known and may be cited as*
4 *the Water Recycling in Landscaping Act.*

5 65602. *The Legislature finds and declares all of the*
6 *following:*

7 (a) *The waters of the state are of limited supply and*
8 *are subject to ever-increasing demands.*

9 (b) *The continuation of California's economic*
10 *prosperity is dependent on adequate supplies of water*
11 *being available for future uses.*

12 (c) *It is the policy of the state to promote the efficient*
13 *use of water through the development of water recycling*
14 *facilities.*

15 (d) *Landscape design, installation, and maintenance*
16 *can and should be water efficient.*

17 (e) *The use of potable domestic water for landscaped*
18 *areas is considered a waste or unreasonable use of water*
19 *within the meaning of Section 2 of Article X of the*
20 *California Constitution if recycled water is available that*
21 *meets the conditions described in Section 13550 of the*
22 *Water Code.*

23 65603. *Unless the context requires otherwise, the*
24 *definitions used in this section govern the construction of*
25 *this article:*

26 (a) *“Designated recycled water use area” means areas*
27 *within the boundaries or service area of the local agency*
28 *that can or may in the future use recycled water in lieu*
29 *of potable water and are so designated by the local*
30 *agency.*

31 (b) *“Local agency” means any city, county, or city and*
32 *county.*

33 (c) *“Recycled water producer” means any local public*
34 *or private entity that produces recycled water in*
35 *accordance with the conditions described in Section*
36 *13550 of the Water Code.*

37 65604. *If a recycled water producer determines that*
38 *within 10 years the recycled water producer will provide*
39 *recycled water service to a local agency that meets all of*
40 *the conditions described in Section 13550 of the Water*

1 Code, the recycled water producer shall notify the local
2 agency of that fact and shall identify in the notice the
3 boundary or service area that is eligible to receive the
4 recycled water, and the necessary infrastructure that the
5 recycled water producer will provide to support delivery
6 of the recycled water within the boundary or service area.

7 65605. (a) Within one year of receipt of notification
8 from a recycled water producer pursuant to Section
9 65604, the local agency shall adopt and enforce a recycled
10 water ordinance pursuant to this article.

11 (b) The ordinance shall include, but not be limited to,
12 provisions that do all of the following:

13 (1) State that is the policy of the local agency that
14 recycled water determined to be available pursuant to
15 Section 13550 of the Water Code shall be used for
16 nonpotable uses within the designated recycled water use
17 area set forth by the local agency when the local agency
18 determines that there is not an alternative higher or
19 better use for the recycled water, its use is economically
20 justified, and its use is financially and technically feasible
21 for projects under consideration by the local agency.

22 (2) Designate the areas within the boundaries of the
23 local agency that can or may in the future use recycled
24 water in lieu of potable water.

25 (3) Establish general rules and regulations governing
26 the use and distribution of recycled water in accordance
27 with applicable laws and regulations.

28 (4) Establish the use of recycled water in new
29 industrial, commercial, or residential subdivisions located
30 within the designated recycled water use areas for which
31 a tentative map or parcel map is required pursuant to
32 Section 66426. These provisions shall require a separate
33 plumbing system to serve nonpotable uses in the common
34 areas of the subdivision, including, but not limited to, golf
35 courses, parks, greenbelts, landscaped streets, and
36 landscaped medians. The separate plumbing system to
37 serve nonpotable uses shall be independent of the
38 plumbing system provided to serve domestic, residential,
39 and other potable water uses in the subdivision.



1 65606. *The recycled water ordinance adopted by a*
2 *local agency pursuant to Section 65605 shall not apply to*
3 *either of the following:*

4 (a) *A tentative map as defined in Section 66424.5, or a*
5 *development, as defined in Section 65927, that was*
6 *approved by the local agency prior to the receipt of*
7 *notification from a recycled water producer pursuant to*
8 *Section 65604.*

9 (b) *A subdivision map application that is deemed*
10 *complete pursuant to Section 65943 prior to the local*
11 *agency's receipt of a notice from a recycled water*
12 *producer pursuant to Section 65604.*

13 65607. *All tentative maps, subdivision maps, or*
14 *development projects approved by the local agency after*
15 *the receipt of a notice from a recycled water producer*
16 *pursuant to Section 65604, but prior to the adoption and*
17 *enforcement of an ordinance pursuant to Section 65605,*
18 *shall, to the extent economically justified and financially*
19 *and technically feasible, require a separate plumbing*
20 *system to serve nonpotable uses in the common areas of*
21 *the subdivision, including, but not limited to, golf courses,*
22 *parks, greenbelts, landscaped streets, and landscaped*
23 *medians. The separate plumbing system to serve*
24 *nonpotable uses shall be independent of the plumbing*
25 *system provided to serve domestic, residential, and other*
26 *potable water uses in the subdivision.*

27 65608. *This article shall not apply to any local agency*
28 *that adopted a recycled water ordinance or other*
29 *regulation requiring the use of recycled water in its*
30 *jurisdiction prior to January 1, 2001.*

31 ~~Government Code, to read:~~

32 ~~66474.12. (a) The legislative body of a city or county~~
33 ~~shall not approve a tentative map for an industrial,~~
34 ~~commercial, or residential subdivision for which a~~
35 ~~tentative map or parcel map is required pursuant to~~
36 ~~Section 66426 prior to making a finding regarding the~~
37 ~~availability of recycled water to the subdivision. The~~
38 ~~legislative body of a city or county shall find that recycled~~
39 ~~water is available to the property if the subdivision is~~
40 ~~within or adjacent to a jurisdiction which provides or has~~



1 ~~plans to provide recycled water service and has indicated~~
2 ~~an ability and willingness to serve the subdivision.~~
3 ~~(b) The design of a subdivision for which the~~
4 ~~legislative body of the city or county has made a finding~~
5 ~~that recycled water is available shall include a separate~~
6 ~~plumbing system to serve nonpotable uses in the common~~
7 ~~areas of the subdivision, including, but not limited to, golf~~
8 ~~courses, parks, greenbelts, landscaped streets, and~~
9 ~~landscaped medians. The separate plumbing system to~~
10 ~~serve nonpotable uses shall be independent of the~~
11 ~~plumbing system provided to serve domestic, residential,~~
12 ~~and other potable water uses in the subdivision and shall~~
13 ~~be designed in accordance with Section 7604 of Title 17~~
14 ~~of the California Code of Regulations and the American~~
15 ~~Water Works Association's California/Nevada Section~~
16 ~~Guidelines for Distribution of Nonpotable Water.~~
17 SEC. 2. No reimbursement is required by this act
18 pursuant to Section 6 of Article XIII B of the California
19 Constitution because a local agency or school district has
20 the authority to levy service charges, fees, or assessments
21 sufficient to pay for the program or level of service
22 mandated by this act, within the meaning of Section 17556
23 of the Government Code.

