

## **CHAPTER 5. LANDSCAPE WATER CONSERVATION REGULATIONS**

### **SEC. 51.501. PURPOSE.**

The State Legislature determined in the Water Conservation in Landscaping Act (the "Act"), Government Code sections 65591 et seq., that the State's water resources are in limited supply. The Legislature also recognized that while landscaping is essential to the quality of life in California, landscape design, installation, maintenance and management must be water efficient. The general purpose of this chapter is to establish water use standards for landscaping in the unincorporated area of the County that implement the 2006 development landscape design requirements established by the Act. Consistent with the Legislature's findings the purpose of this ordinance is to:

- (a) Promote the values and benefits of landscapes while recognizing the need to utilize water and other resources as efficiently as possible.
- (b) Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction.
- (c) Promote the use, when available, of tertiary treated recycled water, for irrigating landscaping.
- (d) Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

### **SEC. 51.502 FINDINGS.**

### **SEC. 51.503. DEFINITIONS.**

The following definitions shall apply to this chapter:

- (a) "Building permit" means a permit to engage in a certain type of construction on a specific location.
- (b) "Cool season turf" means a type of turf that remains green in the winter months.
- (c) "Director DPLU" means the means the Director of the County Department of Planning and Land Use or anyone to whom the Director has appointed or hired to administer or enforce this chapter.
- (d) "Discretionary permit" means any permit requiring a decision making body to exercise judgment prior to its approval, conditional approval or denial.

(e) “ET adjustment factor” (ETAF) means a factor that when applied to reference evapotranspiration, adjusts for plant water requirements and irrigation efficiency, two major influences on the amount of water that is required for a healthy landscape.

(f) “Evapotranspiration” (ET<sub>o</sub>) means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time period. “Reference evapotranspiration” means a standard measurement of environmental parameters which affect the water use of plants. ET<sub>o</sub> is given in inches per day, month, or year and is an estimate of the evapotranspiration of a large field of four-inches to seven-inches tall, cool season turf that is well watered. Reference evapotranspiration is used as the basis of determining the MAWA so that regional differences in climate can be accommodated.

(g) “Hardscape” means any durable surface material, pervious or non-pervious.

(h) “Homeowner-provided landscaping” means landscaping installed either by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner.

(i) “Hydrozone” means a portion of the landscape area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

(j) “Invasive species” means vegetation that is not native to the area where it occurs and interferes with native species growing or attempting to grow in the area.

(k) “Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

(l) “Landscaped area” means an area with outdoor plants, turf and other vegetation that uses water provided by a public water purveyor within the San Diego County Water Authority or the Borrego Water District. A landscaped area includes a water feature either in an area with vegetation or that stands alone. A landscaped area may also include design features adjacent to an area with vegetation when allowed under section 51.516. A landscaped area does not include the footprint of a building, decks, patio, sidewalk, driveway, parking lot or other hardscape. A landscaped area also does not include an area without irrigation designated for non-development such as designated open space or area with existing native vegetation.

(m) “Landscape design manual” means the manual, approved by the Director of Planning and Land Use that establishes specific design criteria and guidance to implement the requirements of this chapter.

(n) "Low head drainage" means a sprinkler head or other irrigation device that continues to emit water after the water to the zone in which the device is located has shut off.

(o) "Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip lines or bubblers.

(p) "Mass grading" means the movement of more than 5000 cubic yards of soil by mechanical means to alter the topographic features of a site.

(q) "Maximum Applied Water Allowance" (MAWA) means the maximum allowed annual water use for a specific landscaped area based on the square footage of the area, the ETAF and the reference ETo.

(r) "Mulch" means an organic material such as leaves, bark, straw or inorganic mineral materials such as rocks, gravel or decomposed granite left loose and applied to the soil surface to reduce evaporation, suppress weeds, moderate soil temperature or prevent soil erosion.

(s) "Overspray" means the water from irrigation that is delivered outside an area targeted for the irrigation and makes contact with a surface not intended to be irrigated.

(t) "Pervious" means any surface or material that allows the passage of water through the material and into underlying soil.

(u) "Plant factor" means a factor when multiplied by the ETo, estimates the amount of water a plant needs.

(v) "Public water purveyor" means a public utility, municipal water district, municipal irrigation district or municipality that delivers water to customers.

(w) "Recycled water" means waste water that has been treated at the highest level required by the California Department of Health Services for water not intended for human consumption. "Tertiary treated recycled water" means water that has been through three levels of treatment including filtration and disinfection.

(x) "Runoff" means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area.

(y) "Smart controller" means a weather-based or soil moisture-based irrigation controller that monitors and uses information about environmental conditions for a specific location and landscape to automatically adjust watering schedules.

(z) "Soil" has the same meaning as the term "soil" in section 87.803(34).

(aa) "Special landscaped area" means an area of the landscape dedicated to edible plants, an area irrigated with recycled water or an area dedicated to active play such as a parks sports field or golf course where turf provides a playing surface.

(bb) "Subsurface irrigation" means an irrigation device with a delivery line and water emitters installed below the soil surface that slowly and frequently emit small amounts of water into the soil to irrigate plant roots.

(cc) "Transitional area" means an area immediately adjacent to an area that contains vegetation but is not irrigated and will not be irrigated.

(dd) "Turf" means a groundcover surface of mowed grass.

(ee) "Water feature" means a design element where open water performs an aesthetic or recreational function. A water feature includes a pond, lake, waterfall, fountain, artificial streams, spa and swimming pool where a public water purveyor within the San Diego County Water Authority or the Borrego Water District provides water for the feature. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices are not water features.

(ff) "WUCOLS" means Water Use Classification of Landscape Species and refers to the Department of Water Resources 1999 publication authored by a U.C. Cooperative extension employee, Larry Costello.

(gg) "Vegetated area" means an area with vegetation that is irrigated.

#### **SEC. 51.504. APPLICABILITY.**

(a) This chapter shall apply to the following projects in the unincorporated area of the County for which the County issues a building permit or a discretionary permit after the chapter's effective date:

(1) A project for an industrial, commercial, civic or multi-family residential use where the landscaped area is 1000 square feet or more.

(2) A single family residential development where the total landscaped common areas of the project area is 1000 square feet or more.

(3) A new single family residence served by a public water purveyor within the San Diego County Water Authority or the Borrego Water District. As used in this

subsection, a new single family residence does not include a single family residence that is being rebuilt after it was destroyed due to a natural disaster, such as a fire, earthquake, hurricane or tornado.

(4) A model home that includes a landscaped area, where the home is served by a public water purveyor within the San Diego County Water Authority or by the Borrego Water District.

(5) A public agency project that contains a landscaped area 1000 square feet or more.

(6) A project that adds a water feature with a surface area 50 square feet or more, that requires a building permit.

(7) A project that contains a landscaped area 1000 square feet or more that requires a building permit or discretionary permit not included in categories (a)(1) through (a)(5).

(8) A cemetery.

(b) This chapter shall not apply to the following:

(1) A registered local, State or federal historical site.

(2) An ecological restoration project that does not require a permanent irrigation system.

(3) A mined land reclamation project that does not require a permanent irrigation system.

(4) A botanical garden or arboretum open to the public.

#### **SEC. 51.505. WATER USE AUTHORIZATION.**

(a) No person who constructs a project subject to this chapter shall use water for irrigation or a water feature without the authorization required by this chapter.

(b) A person constructing a project subject to the requirements of this chapter shall obtain a water use authorization to provide water to a landscaped area as follows:

(1) A person applying for a building permit for a single family residence shall obtain a water use authorization from the County as part of the permitting process.

(2) A person applying for a discretionary permit described in section 51.504 other than a cemetery shall submit a landscape concept plan with the discretionary permit application. The concept plan shall include representation of the site features, proposed plantings areas and the proposed method and type of irrigation. A person issued a discretionary permit described in section 51.504 shall obtain a water use authorization as part of the permitting process for each building permit for each project segment that requires installation of a water meter or connection to an existing water meter.

(c) A water use authorization issued by the County shall establish the allowed MAWA for property on which a project that is subject to this chapter is located.

(d) Once the County establishes the MAWA for a property no person who obtains water for the property from a public water purveyor in the unincorporated area of the County shall exceed the MAWA on that property unless the County agrees to modify the MAWA as provided in section 51.524.

(e) Any person may examine the water use authorization establishing the MAWA for a property at the Department of Planning and Land Use during normal business hours.

#### **SEC. 51.506. INSTALLATION OF SEPARATE WATER SUB-METER FOR IRRIGATION SYSTEM.**

(a) A person who obtains a water use authorization shall install a tamper resistant water sub-meter approved by the County that measures all irrigation and other outdoor water use, including water that goes to a water feature. If the person who obtains the authorization has more than one primary water meter, the person shall install a water sub-meter for each primary water meter. Each sub-meter shall be installed before final inspection and shall register a zero reading at the time it is installed.

(b) A person who has installed or is required to install a separate water meter to measure water used exclusively for irrigation purposes pursuant to a requirement from a water purveyor based upon Water Code section 535 may use the separate water meter to satisfy the requirement of subsection (a) above if the separate water meter will measure all outside water use.

(c) It is unlawful for a person to bypass, disconnect, remove or tamper with a water sub-meter installed under this section.

(d) A person who applies for a building permit for a project that is subject to this chapter shall submit plans with the permit application that shows the location of each sub-meter and the location where pipes will be placed that will connect to each sub-meter. The plans shall also show the location of irrigation pipes that go from the sub-meter to both sides of the front and rear of the property. A person installing a separate

water meter pursuant to a water purveyor requirement shall show the location of each separate meter, the location where pipes will be placed that will connect to each separate meter and the location of irrigation pipes from the separate meter to both sides of the front and rear of the property.

#### **SEC. 51.507. ADMINISTRATION, ENFORCEMENT AND LANDSCAPE MANUAL.**

(a) The Director DPLU shall administer and enforce this chapter, except that the Director DPLU may refer an application for a water use authorization to the Director of the Department of Public Works or the Director of the Department of General Services for processing.

(b) The Director DPLU shall prepare a landscape design manual that provides guidance to applicants on how to comply with the requirements of this chapter.

#### **SEC. 51.508. LANDSCAPE DOCUMENTATION PACKAGE.**

An applicant for a building permit for a project described in section 51.504, except for a project in section 51.504(a)(3) where the total landscaped area is less than 5,000 square feet, shall submit a landscape document package that includes the following:

(a) A soil management report that complies with section 51.509 that analyzes the soil in any landscaped area of the project.

(b) A landscaping and irrigation plan that complies with section 51.510 that describes the landscaping and irrigation for the project.

(c) A water efficient landscape worksheet that complies with section 51.511 that calculates the MAWA and the ETWU for the project.

(d) A grading design plan that complies with section 51.512 that describes the grading of the project. If the project applicant has submitted a grading plan with the application for the project the Director DPLU may accept that grading plan in lieu of the grading design plan required by this subsection if the grading plan complies with section 51.512.

#### **SEC. 51.509. SOIL MANAGEMENT REPORT.**

(a) The soil management report required by section 51.508 shall be prepared by a licensed landscape architect, licensed civil engineer or licensed architect and contain the following information:

(1) An analysis of the soil for the proposed landscaped areas of the project that includes information about the soil texture, soil infiltration rate, pH, total soluble salts, sodium, percent organic matter.

(2) Recommendations about soil amendments that may be necessary to foster plant growth and plant survival in the landscaped area using efficient irrigation techniques.

(b) When a project involves mass grading of a site the applicant shall submit the soil management report that complies with subsection (a) above with the certificate of completion.

### **SEC. 51.510. LANDSCAPING AND IRRIGATION PLAN.**

(a) The landscaping and irrigation plan required by section 51.508 shall be prepared by a licensed landscape architect, licensed civil engineer or licensed architect.

(b) The landscaping and irrigation plan shall contain the following information:

(1) A list of all vegetation by common and botanical plant name which exists in the proposed landscaped area. The plan shall state what vegetation will be retained and what will be removed.

(2) A list of all vegetation by common and botanical plant name which will be added to each landscaped area. No invasive plant species shall be added to a landscaped area. The plan shall include the total quantities by container size and species. If the applicant intends to plant seeds, the plan shall describe the seed mixes and applicable germination specifications.

(3) A detailed description of each water feature that will be included in the landscaped area.

(4) The plan shall be accompanied by a drawing showing on a page or pages, the specific location of all vegetation, retained or planted, the plant spacing and plant size, natural features, water features and hardscape areas. The drawing shall include a legend listing the common and botanical plant name of each plant shown on the drawing.

(5) The location, type and size of all components of the irrigation system that will provide water to the landscaped area, including the controller, water lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators and backflow prevention devices.

(6) The static water pressure at the point of connection to the public water supply and the flow rate in gallons, the application rate in inches per hour and the design operating pressure in pressure per square inch for each station.

(7) The MAWA for the plan, including the calculations used to determine the MAWA. The calculations shall be based on the formula in section 51.514.

(8) The ETWU for the plan, including the calculations used to determine the ETWU. The calculations shall be based on the formula in section 51.515.

(9) A statement signed under penalty of perjury by the person who prepared the plan that provides, "I am familiar with the requirements for landscape and irrigation plans contained in the County Landscape Water Conservation Regulations, in Title 5, Division 1, Chapter 5. I have prepared this plan in compliance with those regulations. I certify that the plan implements those regulations to provide efficient use of water."

(c) The landscape and irrigation plan shall be designed as follows:

(1) All plants shall be grouped in hydrozones and the irrigation system shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping. A hydrozone may mix plants of moderate and low water use or mix plants of high water use with plants of moderate water use. No plan shall mix plants of high water use with plants of low water use. The plan shall also demonstrate how the plant groupings accomplish the most efficient use of water.

(2) The irrigation system shall be designed to prevent runoff, overspray, low-head drainage and other similar conditions where irrigation water flows or sprays onto areas not intended for irrigation. The plan shall also demonstrate how grading and drainage techniques promote healthy plant growth and prevent erosion and runoff.

(3) The plan shall provide for use of mulch as follows:

(A) A minimum two inch layer of mulch shall be applied on all exposed soil surfaces in each landscaped area except in turf areas, creeping or rooting ground covers or direct seeding applications where mulch is contraindicated.

(B) Stabilizing mulch shall be applied on slopes.

(C) The mulching portion of a seed/mulch slurry in hydro-seeded applications shall comply with subsection (A) above.

(D) Highly flammable mulch material shall not be used.

(4) The plan shall identify the type and amount of mulch for each area where mulch is applied.

(5) The plan shall be designed to use only low volume irrigation in areas where mulch is applied.

(6) On a project other than a single family residence, the plan shall identify recreational areas.

(7) The plan shall identify areas permanently and solely dedicated to edible plants.

(8) The plan shall identify each area irrigated with recycled water.

(9) The plan shall identify any soils amendments and their type and quantity.

(10) The plan shall demonstrate that landscaping when installed and at maturity will be positioned to avoid obstructing motorists' views of pedestrian crossings, driveways, roadways and other vehicular travel ways. If the landscaping will require maintenance to avoid obstructing motorist's views, the plan shall describe the maintenance and the frequency of the proposed maintenance.

(11) The plan shall avoid the use of landscaping with known surface root problems adjacent to a paved area, unless the plan provides for installation of root control barriers or other appropriate devices to control surface roots.

(12) The plan shall provide that any slope greater than 25 percent will be irrigated with an irrigation system with a precipitation rate of .75 inches per hour or less to prevent runoff and erosion. As used in this chapter, 25 percent grade means one foot of vertical elevation change for every four feet of horizontal length. An applicant may employ an alternative design if the plan demonstrates that no runoff or erosion will occur.

(13) The plan shall provide that all wiring and piping under a paved area that a vehicle may use, such as a parking area, driveway or roadway, will be installed inside a PVC conduit.

(14) The plan shall provide that irrigation piping and irrigation devices that deliver water, such as sprinkler heads, shall be installed below grade if they are within 24 inches of a vehicle or pedestrian use area. The Director DPLU may allow on-grade piping where landform constraints make below grade piping infeasible.

(15) That plan shall provide that only low volume or subsurface irrigation shall be use to irrigate any vegetation within 24 inches of an impermeable surface unless the

adjacent impermeable surfaces are designed and constructed to cause water to drain entirely into a landscaped area.

(16) The plan shall provide that plants in a transitional area consist of a combination of site adaptive and compatible native and non-native species. The plan shall also provide that no invasive species shall be introduced or tolerated in a transitional area. The irrigation in a transitional area shall be designed so that no overspray or runoff shall enter an adjacent area that is not irrigated.

(17) The plan shall demonstrate compliance with best management practices required by sections 67.801 et seq. (Watershed Protection, Stormwater Management and Discharge Control regulations).

(18) The plan shall address fire safety issues and demonstrate compliance with State and County requirements for defensible space around buildings and structures. Highly flammable vegetation is prohibited.

(19) The irrigation system shall provide for the installation of a manual shutoff valve as close as possible to the water supply. Additional manual shutoff valves shall be installed between each zone of the irrigation system and the water supply.

(20) The irrigation system shall provide that irrigation for any landscaped area will be regulated by a smart controller.

(21) The irrigation system shall be designed to meet or exceed an average landscape irrigation efficiency of 0.71.

(d) The landscaping and irrigation plan shall describe each smart controller the system uses to regulate the irrigation schedule and whether it is a weather based system or moisture detection system. The plan shall depict the location of electrical service for the smart controller or describe the use of batteries or solar power that will power valves or a smart controller.

(e) The landscape and irrigation plan shall depict the location of the water meter required by section 51.506 that measures all outside water use. The plan shall include the make, model and specifications for the water meter.

#### **SEC. 51.511. WATER EFFICIENT LANDSCAPE WORKSHEET.**

The water efficient landscape worksheet required by section 51.508 shall be prepared by a licensed landscape architect, licensed civil engineer or licensed architect and shall contain the following:

(a) A hydrozone information table that contains a list of each hydrozone in the landscaped area of the project and complies with the following requirements:

(1) For each hydrozone listed, the table shall identify the plant types and water features in the hydrozone, the irrigation methods used, the square footage and the percentage of the total landscaped area of the project that the hydrozone represents.

(2) The plant types shall be categorized as turf, high water use, moderate water use or low water use.

(b) Water budget calculations, which shall meet the following requirements:

(1) The plant factor used shall be from WUCOLS. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants and from 0.7 to 1.0 for high water use plants. A plan that mixes plants in a hydrozone that require a different amount of water shall use the plant factor for the highest water using plant in the hydrozone.

(2) Temporarily irrigated areas shall be included in the low water use hydrozone. Temporarily irrigated as used in this chapter means the period of time when plantings only receive water until they become established.

(3) The surface area of a water feature shall be included in a high water use hydrozone.

(4) The calculations shall use the formula for the MAWA in section 51.514 and for the ETWU in section 51.515.

(5) Each special landscaped area shall be identified on the worksheet and the area's water use calculated using an ETAF of 1.0.

#### **SEC. 51.512. GRADING DESIGN PLAN.**

The grading design plan required by section 51.508 shall be prepared by a California licensed civil engineer or licensed architect and shall comply with following requirements:

(a) The grading on the project site shall be designed for the efficient use of water by minimizing soil erosion, runoff and water waste, resulting from precipitation and irrigation.

(b) The plan shall show the finished configurations and elevations of each landscaped area including the height of graded slopes, the drainage pattern, pad elevations, finish grade and any stormwater retention improvements.

### **SEC. 51.513. IRRIGATION SCHEDULE.**

The irrigation schedule required by section 51.508 shall be prepared by a licensed landscape architect, licensed civil engineer or licensed architect and provide the following information:

- (a) A description of the automatic irrigation system that will be used for the project.
- (b) The evapotranspiration data relied on to develop the irrigation schedule, including the source of the data.
- (c) The time period when overhead irrigation will be scheduled and confirm that no overhead irrigation shall be used between the 10:00 a.m. and 8:00 p.m.
- (d) The parameters used for setting the irrigation system controller for watering times for:
  - (1) The plant establishment period.
  - (2) Established landscaping.
  - (3) Temporarily irrigated areas.
  - (4) Different seasons during the year.
- (e) The consideration used for each station for the following factors:
  - (1) The days between irrigation.
  - (2) Station run time in minutes for each irrigation event, designed to avoid runoff.
  - (3) Number of cycle starts required for each irrigation event, designed to avoid runoff.
  - (4) Amount of water to be applied on a monthly basis.
  - (5) The root depth setting.
  - (6) The plant type setting.

- (7) The soil type.
- (8) The slope factor.
- (9) The shade factor.

**SEC. 51.514. MAXIMUM APPLIED WATER USE.**

(a) A landscape project subject to this chapter shall not exceed the MAWA. The MAWA for a landscape project shall be determined by the following calculation:

$$\text{MAWA} = (\text{ET}_o)(0.62)[0.7 \times \text{LA} + 0.3 \times \text{SLA}]$$

- (b) The abbreviations used in the equation have the following meanings:
- (1) MAWA = Maximum Applied Water Allowance in gallons per year.
  - (2)  $\text{ET}_o$  = Evapotranspiration in inches per year.
  - (3) 0.62 = Conversion factor to gallons per square foot.
  - (4) 0.7 = ET adjustment factor for plant factors and irrigation efficiency.
  - (5) LA = Landscaped area includes special landscaped area in square feet.
  - (6) 0.3 = the additional ET adjustment factor for a special landscaped area (1.0 - 0.7 = 0.3)
  - (7) SLA = Portion of the landscaped area identified as a special landscaped area in square feet.

**SEC. 51.515. ESTIMATED TOTAL WATER USE.**

(a) An applicant for a project subject to this chapter shall calculate the ETWU for each landscaped area and the entire project using the following equation:

$$\text{ETWU} = (\text{ET}_o)(0.62)(\text{PF} \times \text{HA} / \text{IE} + \text{SLA})$$

- (b) The abbreviations used in the equation have the following meanings:
- (1) ETWU = Estimated total water use in gallons per year.

(2) ETo = Evapotranspiration in inches per year.

(3) 0.62 = Conversion factor to gallons per square foot.

(4) PF = Plant factor from WUCOLS

(5) HA = Hydrozone Area in square feet. Each HA shall be classified based upon the data included in the landscape and irrigation plan as high, medium or low water use.

(6) IE = Irrigation Efficiency (minimum 0.71).

(7) SLA = Special landscaped area in square feet.

(c) The ETWU for a proposed project shall not exceed the MAWA.

#### **SEC.51.516. ADJUSTMENT TO LANDSCAPED AREA FOR NON-VEGETATED AREA.**

Rock and stone or pervious design features, such as decomposing granite ground cover that are adjacent to a vegetated area may be included in the calculation of the MAWA and ETWU provided the features are integrated into the design of the landscape area and the primary purpose of the feature is decorative.

#### **SEC. 51.517. NEW SINGLE FAMILY RESIDENTIAL PROJECTS WITH LIMITED LANDSCAPING.**

An applicant for a building permit for a new single family residence subject to this chapter where the landscaped area of the project is less than 5,000 square feet shall, as a condition of obtaining a building permit, submit an application for an outdoor water use authorization on a form provided by the Director.

#### **SEC. 51.518. CEMETERIES.**

(a) A person submitting an application for a Major Use Permit for a cemetery shall submit a water efficient irrigation worksheet that calculates the MAWA for the project with the application that complies with section 51.511.

(b) The water efficient irrigation worksheet shall describe the location of the water sub-meter required by section 51.506 that measures all outside water use. The worksheet shall include the make, model and specifications for the water sub-meter.

#### **SEC. 51.519. LIMITATIONS ON USE OF WATER FEATURES.**

The total of all water features for a project, other than a single family dwelling, shall be limited to 15 percent of the total landscaped area of the project.

#### **SEC.51.520. REGULATIONS APPLICABLE TO USE OF TURF ON LANDSCAPED AREAS.**

The following regulations shall apply to the use of turf on a project subject to this chapter:

(a) Only low volume or subsurface irrigation shall be used for turf in a landscaped area:

(1) On a slope greater than 25 percent grade where the toe of the slope is adjacent to an impermeable hardscape.

(2) Where any dimension of the landscaped area is less than six feet wide.

(b) On a commercial, industrial or multi-family project, no turf shall be allowed:

(1) On a center island median strip or on a parking lot island.

(2) On any portion of a site that is inaccessible to or unusable by a person who uses the site.

(c) On a commercial or industrial project, decorative cool season turf shall not exceed 15 percent of the total landscaped area of a project unless the site is irrigated using recycled water.

(d) A ball field, park, golf course, cemetery and other similar use shall be designed to limit turf in any portion of a landscaped area not essential for the operation of the facility.

(e) No turf shall be allowed in a landscaped area that cannot be efficiently irrigated, such as avoiding runoff or overspray.

#### **SEC. 51.521. PROJECTS WITH MODEL HOMES.**

A person who obtains a permit to construct a single family residential development that contains a model home shall provide a summary of this chapter prepared by the Director DPLU to each adult visitor that visits a model home. If an adult visitor is accompanied by one or more adults during the visit only one set of written materials is required to be provided. Each model home shall provide an educational sign in the front yard of the model home visible and readable from the roadway that the home faces that

states in capital black lettering at least two inches high on a white sign, "THIS MODEL HOME USES WATER EFFICIENT LANDSCAPING AND IRRIGATION."

#### **SEC.51.522. RECYLED WATER.**

(a) A person who obtains a permit for a project that is subject to this chapter shall use recycled water for irrigation when tertiary treated recycled water is available from the water purveyor who supplies water to the property for which the County issues a permit.

(b) A person using recycled water shall install a dual distribution system for water received from a public water purveyor. Pipes carrying recycled water shall be purple.

(c) A person who uses recycled water under this section shall be entitled to an ETAF of 1.0.

(d) This section does not excuse a person using recycled water from complying with all State and local laws and regulations related to recycled water use.

#### **SEC. 51.523. LANDSCAPING AND IRRIGATION INSTALLATION.**

A person issued a water use authorization for a project other than a single family residence where the landscaped area of the project is less than 5,000 square feet shall install the approved landscaping and irrigation system before final inspection of the project.

#### **SEC. 51.524. LANDSCAPING AND IRRIGATION MAINTENANCE.**

(a) A person using water under a water use authorization that the County issued pursuant to this chapter shall maintain the landscaping and irrigation on the property to ensure compliance with the MAWA.

(b) A property owner using water on property subject to a water use authorization other than a single family residence with a total landscaped area less than 5,000 square feet, shall prepare a maintenance schedule for the landscaping and irrigation on the project. The schedule shall provide for routine inspection to guard against runoff and erosion and detect plant or irrigation system failure, replacement of dead, dying and diseased vegetation, eradication of invasive species, repairing the irrigation system and its components, replenishing mulch, soil amendment when necessary to support and maintain healthy plant growth, fertilizing, pruning and weeding and maintaining turf areas, maintenance to avoid obstruction of motorists' view. The schedule shall also identify who will be responsible for maintenance.

(c) A person who uses water pursuant to a water use authorization shall maintain the irrigation system to meet or exceed an average irrigation efficiency of 0.71.

(d) A person who replaces broken or malfunctioning irrigation system components shall replace with the components with the same materials or their equivalent.

(e) A person who replaces vegetation shall replace it with plantings that are representative of the hydrozone in which the plants were removed and shall be typical of the water use requirements of the plants removed provided that the replaced vegetation does not result in mixing high water use plants with low water use plants in the same hydrozone.

#### **SEC. 51.525. WATER USE AUTHORIZATION MODIFICATION.**

(a) A person may submit an application to modify the water use authorization required by this chapter on a form provided by the Director DPLU.

(b) An applicant requesting modification of an authorization for a single family residence where the total landscaped area after modification is less than 5,000 square feet shall comply with section 51.517.

(c) An applicant requesting modification of an authorization other than the type of project in subsection (b) above, shall comply with sections 51.509 - 51.513.

#### **SEC. 51.526. CERTIFICATE OF COMPLETION.**

Each person issued a water use authorization who has installed approved landscaping and irrigation, other than a single family residence with a total landscaped area less than 5,000 square feet shall submit:

(a) A signed certificate of completion, under penalty of perjury, on a form provided by the Director DPLU within 10 days after installation, verifying that the landscaping and irrigation were installed as allowed in the approved landscape and irrigation plan, that all approved soil amendments were implemented and the installed irrigation system is functioning as designed and approved.

(b) An irrigation schedule that complies with section 51.513 that describes the irrigation times and water usage for the project

(c) A certification under penalty of perjury that the water sub-meter registered a zero reading at the time of installation.

(d) A landscape and irrigation system maintenance schedule that complies with section 51.524.

**SEC. 51.527. COUNTY'S RIGHT TO INSPECT.**

The County may inspect any irrigation system, any connection to an outdoor water feature and any water sub-meter located on property that uses water subject to a water use authorization issued pursuant to this chapter. No person shall interfere with a County inspector conducting an inspection authorized by this chapter.

**SEC. 51.528. OUTDOOR WATER USE AUDIT.**

The County may audit outdoor water use on any property for which it issued a water use authorization pursuant to this chapter to determine compliance with the authorization. The County may read any water sub-meter or install its own water use monitoring equipment to determine if a person is complying with this chapter.

**SEC. 51.528. WASTE WATER PREVENTION.**

(a) No person in the unincorporated area of the County shall use water for irrigation that due to runoff, low head drainage, overspray or other similar condition, water flows onto adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas.

(b) The first step in the enforcement process for this section is to issue a warning to a person who violates subsection (a). The warning shall require the person to correct the violation within 60 days. If the person makes substantial progress in correcting the violation within 60 days, the County may allow the person an additional 30 days to correct the violation.

(c) A person who continues to violate subsection (a) after receiving a warning shall be subject to a fine of \$25 for the first offense and \$50 for a subsequent offense in a one year period.