



## MEMORANDUM

**TO:** City Council

**FROM:** Brian Pedrotti, Community Development Director

**BY:** Andrew Perez, Planning Manager

**SUBJECT:** Study Session to Discuss Potential Restrictions on Irrigated Turf Installation and Use Citywide

**DATE:** June 27, 2023

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### **SUMMARY OF ACTION:**

The purpose of this discussion is to provide the City Council an opportunity to direct staff regarding potential ordinance revisions that would limit the use of irrigated turf in landscaping for both new construction and rehabilitation projects.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

Financial impacts related to preparation for the study session consist of staff time and legal counsel time for purposes of research and writing the staff report. Additional staff time would be required to prepare ordinance revisions, should Council provide that direction. A future ordinance limiting irrigated turf would likely reduce the amount of revenue from water customers due to the high water requirements of irrigated turf.

### **RECOMMENDATION:**

Receive public comment and provide direction to staff.

### **BACKGROUND:**

In 2006, the State Legislature adopted the "Water Conservation in Landscaping Act" (Assembly Bill 1881), requiring the Department of Water Resources (DWR) to update the State Model Water Efficient Landscape Ordinance (MWELo). The updated model Ordinance contained several new landscape and irrigation design requirements aimed at reducing water consumption and waste in landscape irrigation. All local land use agencies were required to adopt the model Ordinance or develop an ordinance that is at least as effective.

The State's MWELo acknowledges that there is a limited water supply, and conservation and efficient use of water is critical to economic prosperity. Water efficient landscape design, installation, maintenance, and management is an important part of the water

## **City Council**

### **Study Session to Discuss Potential Restrictions on Irrigated Turf Installation and Use Citywide**

**June 27, 2023**

**Page 2**

conservation strategy. The MWELO furthers this water conservation plan through the following strategies:

- 1) promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;
- 2) establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires cross-sector collaboration of industry, government and property owners to achieve the many benefits possible;
- 3) establish provisions for water management practices and water waste prevention for existing landscapes;
- 4) 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;
- 5) promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
- 6) encourage local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and
- 7) encourage local agencies to designate the necessary authority that implements and enforces the provisions of the Model Water Efficient Landscape Ordinance or its local landscape ordinance.

On June 14, 2011, the City adopted a Water Efficient Landscape Ordinance that was determined to be as effective in achieving water conservation goals as the State's model, but was simpler to comprehend and implement, making it less onerous on property owners and developers, and less expensive to implement. The Ordinance was incorporated into a new Chapter 16.84 of Title 16 of the City's Municipal Code.

In April 2015, the Governor of California issued an executive order directing the DWR to update the State's MWELO in response to the drought that was in its fourth year at the time, and build resiliency for future droughts. The DWR adopted updates to the State's MWELO in July 2015 and on September 15, 2015. In 2016, [AGMC Chapter 16.84](#) was updated to incorporate the changes to the State's MWELO, by reference. This was the last time any standards related to landscaping contained in the AGMC were updated.

Along with the rest of the state, the City felt the impacts of the multi-year drought that existed prior to the storms of this past winter. The water level at Lopez Reservoir dropped below 15,000 acre-feet triggering mandatory water conservation measures. This includes assigning a baseline amount of water for all residential customers, and imposing financial penalties when the water usage exceeds the baseline amount. This is in addition to the permanent water conservation measures, which include the prohibition of using water to

**City Council**

**Study Session to Discuss Potential Restrictions on Irrigated Turf Installation and Use Citywide**

**June 27, 2023**

**Page 3**

clean driveways, patios and sidewalks, irrigation between the hours of 10:00AM and 4:00 PM, and assigned watering days based on a property's address.

**ANALYSIS OF ISSUES:**

Projects fall within three different categories for purposes of compliance with MWELo based on the area of new or rehabilitated landscaping. Projects proposing between 500 and 2,500 square feet of landscaping are required to meet the Prescriptive Based Landscape standards. Projects proposing greater than 2,500 square feet of new or rehabilitated landscaping are subject to the Performance Based Landscape Standards. Projects proposing less than 500 square feet of landscaping are exempt from MWELo as are the following types of projects:

- Farming, agriculture, and crop production including vegetable gardens, vineyards, and small orchards;
- Public recreational areas (designated for active play, recreation or public assembly);
- Registered local, state or federal historical sites;
- Habitat restoration projects that do not require a permanent irrigation system;
- Mines-land reclamation projects that do not require a permanent irrigation system; and
- Existing plant collections, as part of botanical gardens and arboretums open to the public.

Prescriptive standards specify that turf shall not exceed 25% of the irrigated landscape area for residential projects. Where irrigated turf is allowed, it may not be planted on sites with a slope that exceeds one foot of vertical elevation change for every four feet of horizontal length. To comply with MWELo, the remaining landscape areas must be planted with plant species that have a very-low or low water use for the North Central Coast Region according to the Water Use Classification of Landscape Species (WUCOLS). WUCOLS was developed to provide guidance for landscape professionals regarding the water needs of landscape species to be maintained in good condition. Individual plants species are categorized according to its water needs; high, moderate, low, and very low. The water needs are expressed as a numerical value and is an important factor in the MWELo formulas. No irrigated turf is allowed in non-residential projects that are subject to the Prescriptive standards. Irrigated turf is also prohibited in parkways less than ten feet wide. For purposes of this discussion, turf is defined as turfgrasses that have moderate and high-water use requirements according to WUCOLS. Turf is often ornamental and mowed regularly for aesthetics.

Larger projects that are subject to the Performance Standards are subject to more stringent standards that require an applicant to show that the proposed landscaping uses less water than is available, as established by formulas contained in MWELo. The

## **City Council**

### **Study Session to Discuss Potential Restrictions on Irrigated Turf Installation and Use Citywide**

**June 27, 2023**

**Page 4**

Performance standards include formulas for establishing the maximum applied water allowance, and the estimated total water usage for the landscaping proposed. Both formulas rely on the type of landscaping, irrigation type, and area of irrigated landscape. To show compliance with MWELo, the maximum applied water allowance must be greater than the estimated total water usage. While there is no absolute limitation on the amount of irrigated turf that can be installed on projects subject to the Performance standards, the formula are written in a way that makes it increasingly difficult to meet the standards as the amount of irrigated turf area increases. This can be attributed to the high water usage for turf and the inefficiency of overhead spray irrigation. This is apparent when looking at the Arroyo Grande Suggested Irrigation Schedule. As its name implies, this schedule provides a watering template for turf areas irrigated with traditional pop-up sprinklers. The schedule suggests that irrigated turf should receive 1.5 inches of water per week during the summer months (June – August). This equates to approximately 93 gallons of water for every 100 square feet of irrigated turf area per week. Following the recommendations contained in the schedule would result in the use of approximately 2,050 gallons of water to irrigate just 100 square feet of turf.

#### Design Guidelines

Many of the City's subdivisions were conditioned to have design guidelines which are intended to facilitate high-quality architectural and landscape design that complements the project setting. Many of the existing design guidelines include standards for landscape design, including a limitation of turf area. For example, the design guidelines for the Heights at Vista del Mar limit irrigated turf to 25% of the landscape area or 500 square feet, whichever is less. Likewise, the design guidelines for the Rodeo Tract subdivision also limits irrigated turf to 25% of the landscaped area. Staff is responsible for ensuring that the individual projects comply with these standards prior to building permit issuance. After project completion, staff does not actively monitor landscaping for compliance with MWELo, and would only investigate in the event that a complaint is received from staff or the public.

#### Regional Jurisdictions

The cities of Atascadero, San Luis Obispo, Grover Beach, and Morro Bay also rely on MWELo as a means of limiting the amount of irrigated turf installation. In response to the most recent drought conditions, Paso Robles also follows the water efficiency parameters established by MWELo. Pismo Beach adopted an urgency ordinance that imposed a moratorium on new, irrigated turf installations as of May 18, 2022 in response to the critical drought conditions and water shortage. The ordinance will remain in effect until the Municipal Code is amended to repeal the moratorium. The Code language indicates that the timing of a repeal is based on local drought conditions.

#### Potential Code Amendment Options

Although specific ordinance amendments are not being proposed at this time, staff requests that Council provide direction for future code revisions, if desired. Among the

**City Council**

**Study Session to Discuss Potential Restrictions on Irrigated Turf Installation and Use Citywide**

**June 27, 2023**

**Page 5**

concepts for Council's consideration include whether projects would trigger irrigated turf removal, the types of properties that would be subject to an irrigated turf prohibition, and whether there could be exceptions for recreational purposes.

MWELo already prohibits the use of irrigated turf for non-residential projects that are subject to the Prescriptive standards. An ordinance amendment can be written to prevent irrigated turf installation at all non-residential development, regardless of the size or applicable standards. Going one-step further, an ordinance amendment could require removal of existing irrigated turf when a remodel of an existing structure is proposed or there is an addition proposed. An irrigated turf removal requirement could be modeled similarly to the code requirements for fire sprinkler installations. When a project proposes to remodel more than 50% of the floor area of an existing home that is not equipped with fire sprinklers, the California Building Code requires the addition of sprinklers. A similar concept can be applied to residential properties as well, which are generally more likely to undergo a significant remodel or addition without other discretionary review by the City.

An ordinance amendment prohibiting irrigated turf in front yards could further reduce the amount of irrigated turf that can be installed. While most single-family residential projects are limited to installing only 25% of their landscape area with irrigated turf due to the restrictions contained in MWELo, additional restrictions to front yard irrigated turf installations are a possibility. Front yard irrigated turf can tend to be nonfunctional and exist for aesthetic purposes rather than for active recreational use by the residents. The state defines nonfunctional irrigated turf as grass that "is solely ornamental and not regularly used for recreation. It includes areas not in active use but still requiring maintenance, such as street medians and office parking lots. Non-functional irrigated turf does not include sports fields or irrigated turf regularly used for human recreational purposes or for civic or community events." An ordinance amendment prohibiting front yard irrigated turf for new construction could result in additional water savings,. Limitations to irrigated turf installations as a percentage of rear yard area, in addition to the prohibition of front yard irrigated turf, is another way to potentially allow small amounts of irrigated turf for recreational/pet purposes while still reducing the overall amount of irrigated turf that requires irrigation.

It should also be noted that the City already incentivizes the replacement of nonfunctional irrigated turf with water wise landscaping species through the Cash for Grass Program. Since July 1, 2021 the program has resulted in the replacement of 197,149 square feet (4.53 acres) of turf with low water landscaping.

Staff has provided a summary of some of the stated options above.

**Summary of Potential Code Amendment Options**

<i>Options – Non Residential</i>	<i>Result</i>
Status Quo Option – No change to code	<ul style="list-style-type: none"> <li>Existing limitations based on MWELO <ul style="list-style-type: none"> <li>Less than 500 square feet – exempt</li> <li>500-2500 square feet – prescriptive standards. Less than 25% irrigated turf.</li> <li>Above 2500 square feet – performance standards</li> </ul> </li> </ul>
Further restrictions on Non-Residential Development	<ul style="list-style-type: none"> <li>No irrigated turf allowed on new non-residential projects</li> </ul>
Removal of irrigated turf as part of remodel or addition	<ul style="list-style-type: none"> <li>Existing irrigated turf required to be removed.</li> <li>Suggested trigger: 50% of floor area remodeled or added</li> </ul>
<i>Options – Residential</i>	<i>Result</i>
Status Quo Option – No change to code	<ul style="list-style-type: none"> <li>Existing limitations based on MWELO <ul style="list-style-type: none"> <li>Less than 500 square feet – exempt</li> <li>500-2500 square feet – prescriptive standards. Less than 25% irrigated turf.</li> <li>Above 2500 square feet – performance standards</li> </ul> </li> </ul>
Prohibition on irrigated turf in front yards	<ul style="list-style-type: none"> <li>No irrigated turf allowed in front yards for new residential development</li> </ul>
Limitation of irrigated turf to percentage of rear yard area + Prohibition on irrigated turf in front yards	<ul style="list-style-type: none"> <li>Limit of irrigated turf to 20% of rear yard area suggested</li> <li>Allows small amounts of irrigated turf in rear yard for recreational/pet purposes</li> </ul>
Prohibition on irrigated turf on new residential development	<ul style="list-style-type: none"> <li>No irrigated turf allowed on new residential projects</li> </ul>
Removal of irrigated turf as part of remodel or addition	<ul style="list-style-type: none"> <li>Existing irrigated turf required to be removed.</li> <li>Suggested trigger: 50% of floor area remodeled or added</li> </ul>

**Next Steps**

Feedback from Council will determine whether an ordinance to further limit or prohibit irrigated turf installation will proceed through the regular consideration and adoption process, at which time legal counsel will also be engaged to assist in crafting a defensible ordinance. In the event that Council is supportive of pursuing additional restrictions, staff

**City Council**  
**Study Session to Discuss Potential Restrictions on Irrigated Turf Installation and Use Citywide**  
**June 27, 2023**  
**Page 7**

will prepare ordinance revisions for a recommendation Zone Text Amendment hearing with the Planning Commission.

**ALTERNATIVES:**

The following alternatives are provided for the Council's consideration:

1. Direct staff to initiate Municipal Code amendments further restricting the use of irrigated turf:
2. Do not direct staff to proceed with Municipal Code amendments at this time; or
3. Provide other direction to staff.

**ADVANTAGES:**

Ordinance amendments that further restrict or prohibit the use of irrigated turf will further the City's efforts to conserve water.

**DISADVANTAGES:**

The decrease in water usage for irrigated turf will also result in reduced revenue from water customers.

**ENVIRONMENTAL REVIEW:**

No environmental review is required for the study session.

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.