

**ORDINANCE NO. 31-2017**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
REPEALING AND REPLACING ELK GROVE MUNICIPAL CODE TITLE 14,  
CHAPTER 14.10 (WATER EFFICIENT LANDSCAPE REQUIREMENTS);  
AMENDING TITLE 16, CHAPTER 16.18 (NUISANCE CODE); AND REPEALING  
TITLE 16, CHAPTER 16.100 (DEFERRAL OR WAIVER OF CERTAIN  
RESIDENTIAL IMPACT FEES) (CEQA EXEMPT)**

**WHEREAS**, the City of Elk Grove (City) conducts periodic updates of the provisions of the Elk Grove Municipal Code (EGMC) to ensure compliance with current laws, changes in local policy, consistency with adopted plans and programs, changing market conditions, best practices, and to address issues or concerns with current regulations; and

**WHEREAS**, the repeal and replacement of EGMC Title 14, Chapter 14.10 (Water Efficient Landscape Requirements) is appropriate to address changes to State law and ensure consistency with City-adopted policies and plans and address best management practices; and

**WHEREAS**, certain amendments to EGMC Title 16, Chapter 16.18 (Nuisance Code) are appropriate to improve the protection of both private and public property and improve the aesthetics of vacant properties; and

**WHEREAS**, Chapter 16.100 (Deferral or Waiver of Certain Residential Impact Fees) is duplicative of other language contained in the EGMC and should be repealed to prevent confusion and inconsistencies; and

**WHEREAS**, the City Council held a regularly scheduled meeting on December 13, 2017, as required by law, to consider information presented by staff and take public comment regarding the recommended repeal, replacement, and amendments to the Elk Grove Municipal Code.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to:

- 1) Repeal and replace EGMC Title 14, Chapter 14.10 (Water Efficient Landscape Requirements),
- 2) Amend EGMC Title 16 Chapter 16.18 (Nuisance Code)
- 3) Repeal EGMC Title 16 Chapter 16.100 (Deferral or Waiver of Certain Residential Impact Fees)

These actions are intended to bring the EGMC in line with State law and the City's policies and objectives regarding water efficient landscaping, and to improve the protection of both private and public property and improve the aesthetics of vacant properties.

## Section 2: Findings

This Ordinance is adopted based upon the following findings:

### **California Environmental Quality Act (CEQA)**

Finding: Adoption of this Ordinance is exempt from environmental review under the California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(2), 15061(b)(3).

Evidence: CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, § 15378.) The proposed project includes discretionary amendments to the City’s Municipal Code and is a project under CEQA; but it is exempt from CEQA review as set forth below.

CEQA Guidelines section 15060(c)(2) states that a project is not subject to CEQA review where the activity will not result in a direct or reasonably foreseeable indirect physical change to the environment. CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments set forth in this Ordinance does not approve any physical development project, and it would not result in a direct or indirect physical changes in the environment.

### **Consistency with the General Plan**

Finding: The proposed amendments to the Elk Grove Municipal Code are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The repeal and replacement of Chapter 14.10, the amendments to Chapter 16.18, and the repeal of Chapter 16.100 of the EGMC are consistent with the General Plan as they do not alter the allowed intensity or density of development beyond that contemplated in the General Plan. The changes are intended to comply with State law, improve implementation of the City’s policies and objectives; clean up ambiguities; address issues/concerns; add clarifying definitions; and to reflect best practices. The proposed changes to Chapter 14.10 are appropriate in order to maintain consistency with the 2015 update to the State Model Water Efficient Landscape Ordinance. Many of the standards are already being implemented by the City when reviewing landscape plans and would not change how plans are reviewed and approved. The proposed changes to Title 16 amend language pertaining to the securing of vacant properties; adopt language prohibiting the storing of personal belongings on, and protecting, public property; and repeal redundant fee deferral and waiver language. Therefore, there are no conflicts between the proposed changes and the City’s General Plan.

Section 3: Action- Repeal and Replace EGMC Chapter 14.10 (Water Efficient Landscape Requirements)

The City Council hereby repeals existing Title 14, Chapter 14.10 (Water Efficient Landscape Requirements) of the Elk Grove Municipal Code in its entirety and replaces it with new Title 14, Chapter 14.10 as shown in Exhibit A, attached hereto and incorporated herein by this reference.

Section 4: Action- Amend Chapter 16.18 (Nuisance Code)

The City Council hereby amends Title 16 Chapter 16.18 (Nuisance Code) of the Elk Grove Municipal Code as shown in Exhibit B, attached hereto and incorporated herein by this reference.

Section 5: Action- Repeal Chapter 16.100 (Deferral or Waiver of Certain Residential Impact Fees)

The City Council hereby repeals Elk Grove Municipal Code Chapter 16.100 (Deferral or Waiver of Certain Residential Impact Fees) in its entirety.

Section 6: No Mandatory Duty of Care.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 7: Severability

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 8: Savings Clause

The provisions of this Ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such Ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such Ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but


prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior Ordinance or part thereof had not been repealed or altered.


Section 9: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

**ORDINANCE:** 31-2017  
**INTRODUCED:** December 13, 2017  
**ADOPTED:** January 10, 2018  
**EFFECTIVE:** February 9, 2018

  
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DARREN SUEN, VICE MAYOR of the  
CITY OF ELK GROVE

ATTEST:  
  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: January 16, 2018

## EXHIBIT A

*Note to Reader: ECMC Chapter 14.10 is repealed and replaced in full to read as follows:*

### **TITLE 14 (AGRICULTURAL ACTIVITIES AND WATER USE AND CONSERVATION)**

#### **Chapter 14.10**

#### **WATER EFFICIENT LANDSCAPE REQUIREMENTS**

Sections:

- 14.10.010 Purpose.
- 14.10.020 Applicability and exemptions
- 14.10.030 Definitions
- 14.10.040 Landscape review requirements and procedures
- 14.10.050 Landscape design
- 14.10.060 Irrigation design
- 14.10.070 Grading design
- 14.10.080 Water efficient landscape worksheet
- 14.10.090 Soil Management Report
- 14.10.100 Recycled Water
- 14.10.110 Prescriptive checklist options for qualifying projects
- 14.10.120 Public education
- 14.10.130 Reporting requirements
- 14.10.140 Penalties

#### **14.10.010 Purpose.**

The purpose of this Chapter is to:

- A. Promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;
- B. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in qualifying new construction and rehabilitated projects that is equivalent to or greater in terms of water efficiency than the current State Model Water efficient Landscape Ordinance (California Code of Regulations, Title 23, Division 2, Chapter 2.7) requirements;
- C. Establish provisions for best water management practices and water waste prevention for existing landscapes;

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; and

E. Encourage cooperation between the City of Elk Grove and other local agencies to implement and enforce the provisions of this chapter.

#### **14.10.020 Applicability and exemptions.**

A. **Applicability.** This Chapter shall apply to all of the following landscape projects:

1. New construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building permit, improvement plan approval, or design review;
2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building permit, improvement plan approval, or design review;
3. Existing landscapes equal to or greater than one acre in size with a water meter; and
4. Cemeteries. Recognizing the special landscape management needs for both existing and new or rehabilitated cemeteries.

B. **Exemptions.** This chapter does not apply to:

1. Registered local, State or Federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system; or
4. Plant collections, as part of botanical gardens and arboretums open to the public.

#### **14.10.030 Definitions.**

For the purposes of this Chapter, the following definitions shall apply.

A. "Certificate of Completion" means the document required to be submitted to the City upon the completion of the project applicant's landscape project demonstrating qualifications of plan designers, irrigation scheduling and audit report, landscape and irrigation maintenance schedule, and soil analysis report. Mandatory elements of the submittal are listed on the City's current application form.

B. "Established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one (1) or two (2) years of growth.

C. "Estimated Total Water Use" (ETWU) means the total water used for the landscape, calculated as provided in this Chapter.

D. "Estimated Total Adjustment Factor" (ETAF) means a factor of 0.55 for Residential areas and a 0.45 for Non-residential areas, that, when applied to reference evapotranspiration, adjusts for Plant Factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing Non-residential landscapes is 0.8.

E. "Graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

F. "Irrigation Audit" means an in-depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An Irrigation Audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The Irrigation Audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor Certification program or other US Environmental Protection Agency "Watersense" labeled auditing program.

G. "Irrigation Efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation Efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiencies for purposes of this chapter are 0.75 for overhead spray devices and 0.81 for drip systems.

H. "Irrigation Survey" means an evaluation of an irrigation system that is less detailed than an Irrigation Audit. An Irrigation Survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

I. "Irrigation Water Use Analysis" means an analysis of water use data based on meter readings and billing data.

J. "Landscape Architect" means a person who holds a license to practice landscape architecture in the State of California.

K. "Landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance calculation. The Landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

L. "Landscape contractor" means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

M. "Landscape documentation package" means the documents required to be provided to the City for review and approval of qualifying landscape projects as outlined in this Chapter.

N. "Landscape water meter" means an inline device installed at the irrigation supply point that measure the flow of water into the irrigation system and is connected to a totalizer to record water use.

O. "New construction" means, for the purposes of this chapter, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

P. "Nonresidential landscape" means landscapes in commercial, institutional, industrial, and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated Recreational areas.

Q. "Plant Factor" (PF) or "plant water use factor" is a factor that, when multiplied by ETo (see "reference evapotranspiration"), estimates the amount of water needed by plants. For purposes of this chapter, the PF range for very low water use plants is 0 to 0.1, the PF range for low water use plants is one-tenth (0.1) to three-tenths (0.3), the PF range for moderate water use plants is four-tenths (0.4) to six-tenths (0.6), and the PF range for high water use plants is seven-tenths (0.7) to one (1.0). Plant Factors cited in this chapter are derived from the publication "Water Use Classification of Landscape Species." Plant Factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources.

R. "Project Applicant" means the individual or entity submitting a Landscape Documentation Package to request a building permit, landscape plan check, or design review from the City of Elk Grove. A Project Applicant may be the property owner or his or her designee.



S. "Recreational area" means areas, excluding private single-family residential areas, designated for active play, recreation, or public assembly in parks, sports fields, picnic grounds, amphitheaters, or golf courses, tees, fairways, roughs, surrounds, and greens.

T. "Recycled water," "reclaimed water," or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

U. "Reference evapotranspiration" (ET<sub>o</sub>) means a standard measurement of environmental parameters which affect the water use of plants. ET<sub>o</sub> is expressed in inches per day, month, or year and is an estimate of the evapotranspiration of a large field of four- to seven- (4" – 7") inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowance so that regional differences in climate can be accommodated.

V. "Rehabilitated landscape" means any re-landscaping project that requires a permit, improvement plans, or design review, and the modified Landscape area is equal to or greater than two thousand five hundred (2,500 ft<sup>2</sup>) square feet.

W. "Residential landscape" means landscapes surrounding single or multifamily homes.

X. "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the Landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

Y. "Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

Z. "Submeter" means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.

AA. "Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, perennial rye grass, red fescue, and tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

BB. "Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or

stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

CC. "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources in 2014 and as may be amended from time to time.

#### **14.10.040 Landscape review requirements and procedures.**

A. Landscape review requirements. Landscape plans shall be reviewed and approved by the City for all qualifying projects concurrent with any required building permit, improvement plans, or design review entitlement as outlined in this Section.

B. Landscape plans. Preliminary and/or final landscape plans are required as outlined below:

1. Preliminary Landscape Plan. Preliminary landscape plans shall be submitted in conjunction with all design review projects. The preliminary landscape plan is a conceptual plan that depicts general descriptions of types, locations, and quantities of planned landscaping and shall be prepared by a Landscape Architect registered to practice in the State of California. Preliminary landscape plans are not required to include irrigation details. Preliminary landscape plans may also be submitted as part of the building permit process for master home plans.
2. Final Landscape and Irrigation Plans. Final landscape and irrigation plans shall be submitted in conjunction with improvement plans prior to the issuance of building permits for all new development projects. Where improvement plans are not required for qualifying landscape projects, final landscape and irrigation plans shall be submitted for landscape plan review to ensure compliance with applicable requirements. Such plans shall be prepared by a Landscape Architect registered to practice in the State of California.

C. Procedures.

1. Application submittal. Prior to site improvement or construction, the Project applicant shall submit a landscape documentation package to the Development Services Department for review and approval of all qualifying landscape projects. The Landscape Documentation Package shall include all submittal requirements outlined on the current application forms provided by the Development Services Department to ensure compliance with applicable requirements of this Chapter and other relevant City standards. At a minimum, the application shall include the following information:
  - a. Project applicant/contact, location, type of project, total landscape area, and water supply type;

- b. Project type (new, rehabilitated, public, private, cemetery, homeowner-installed)
  - c. Water-efficient landscape worksheet;
  - d. Soil management report;
  - e. Landscape design plan;
  - f. Irrigation design plan; and
  - g. Grading design plan.
  - h. Applicant's signature and date with statement, "I agree to comply with the requirements of the City of Elk Grove's water efficient landscape requirements and submit a complete Landscape Documentation Package."
2. City review and approval. The City's designated Landscape Architect will review and approve the preliminary and/or final landscape plan, along with any conditions necessary to ensure compliance with the requirements of this Chapter. Specifically, the City's Landscape Architect will review the landscape and irrigation plans, along with relevant grading and soil information, to determine if the water efficient landscape worksheet complies with applicable requirements of this Chapter. If the landscape plans are part of a design review entitlement, the City's designated Landscape Architect will make a recommendation to the appropriate approving authority, along with any conditions necessary to ensure compliance with the requirements of this Chapter.

D. Installation and Compliance Determination. The applicant shall be responsible for construction/installation of landscape and irrigation improvements in compliance with the approved plans as a prerequisite to any final approval/clearance of the use or development to which it relates. Installation shall be verified by a licensed landscape contractor with irrigation scheduling parameters used to set the controller, landscape and irrigation maintenance schedule, and an Irrigation Audit report. Any changes to approved landscaping or irrigation plans shall not be made without prior written approval of the Development Services Director. The City's Development Services Department will verify compliance through a Certificate of Completion in conjunction with the final permit process. A Certificate of Completion shall be obtained from the City and the project applicant shall fill out the certificate to the satisfaction of the City upon completion of the landscape project.

E. Upon the City's approval of the landscape documentation package, the Project Applicant will:

- 1. Receive a permit or approval of the landscape plans or design review with the approval date;
- 2. If not the property owner, the applicant shall submit a copy of the approved landscape documentation package along with the record drawings, and any other information to the property owner or his/her designee; and

3. Submit a copy of the water efficient landscape worksheet to the local water purveyor.

F. Administration. The City may administer programs such as Irrigation Water Use Analyses; Irrigation Surveys and/or Irrigation Audits; tiered meter rate structures; water budgeting by parcel; or other approaches to achieve community-wide landscape water use efficiency to a level equivalent to or greater than would be achieved by the requirements of the State Model Water Efficiency Landscape Ordinance set forth at California Code of Regulations, Title 23, Division 2, Chapter 2.7.

#### **14.10.050 Landscape design.**

A. Plant type and water use. The Landscape Architect shall provide the list of proposed plants with water requirement classifications of low (L), medium (M), or high (H) consistent with industry accepted references such as "Sunset Western Garden Book"; "Trees and Shrubs for Dry California Landscapes" (Robert Perry); and "Water Wise Gardening" (East Bay Municipal Utility District).

B. Drought tolerant plants. Neither architectural guidelines nor the Covenants, Conditions and Restrictions (CC&Rs) of a common interest development, including apartments, condominiums, planned developments, and stock cooperatives, shall prohibit or include conditions that have the effect of prohibiting the use of drought tolerant plants.

#### **14.10.060 Irrigation design**

A. Irrigation design. Irrigation of Landscaped areas of any size shall be conducted in a manner conforming to the rules and requirements of the State WELO and this Chapter and shall be subject to penalties and incentives for water conservation and waste prevention, as determined and implemented by the City.

B. Residential irrigation requirements. All qualifying single-family and multi-family projects shall comply with the following irrigation requirements:

1. Sprinklers and sprays shall not be used in areas less than eight feet (8') wide.
2. Sprinkler heads with a precipitation rate of .85 inches per hour or less shall be used on slopes exceeding fifteen percent (15%) or on slopes exceeding ten percent (10%) within ten feet (10') of hardscapes to minimize runoff.
3. Valves and circuits shall be separated based on water use.
4. Drip or bubbler irrigation systems are required for trees. Bubblers shall be used that do not exceed one and one-half (1½) gallons per minute per device.

5. Sprinkler heads must have matched precipitation rates within each control valve circuit.
6. Check valves are required where elevation differences may cause low head drainage.
7. Sprinkler head spacing shall be designed for head-to-head coverage. The system should be designed for minimum runoff and overspray onto non-irrigated areas.
8. All irrigation areas shall be equipped with a controller capable of dual or multiple programming. Controllers must have multiple cycle start capacity and a flexible calendar program. All irrigation systems shall be equipped with rain shut-off devices.
9. Dedicated water meter or submeter shall be required for landscape area greater than 5,000 sf.
10. The following statement shall be on the plans: "I have complied with criteria of EGMC Chapter 14.10 and applied them accordingly for the efficient use of water in the irrigation design plan".
11. The signature of a licensed landscape architect, certified irrigation designer, license landscape contractor, or any other person authorized to design an irrigation system shall be on the plans.

C. Nonresidential irrigation requirements. All qualifying commercial, office, and industrial development shall comply with the following irrigation requirements:

1. A low-pressure irrigation system (e.g., drip system) shall be provided for all landscape areas other than turf.
2. Automatic programmable controllers with check valves shall be installed in sloping areas with elevation differences of more than five feet (5') as defined from the toe to the top of slope.
3. Landscape materials with the same watering needs shall be grouped together and irrigated through separate control valves.
4. Irrigation systems shall be designed to avoid runoff, excessive low head drainage, overspray, or other similar conditions where water flows or drifts onto adjacent property, non-irrigated areas, walks, roadways, or structures.
5. The annual maintenance program with seasonal watering schedule shall be laminated and permanently posted in or near the control box on-site.
6. Dedicated water meter shall be required for landscape area of 1,000 sf., but not more than 5,000 sf.
7. The following statement shall be on the plans: "I have complied with criteria of EGMC Chapter 14.10 and applied them accordingly for the efficient use of water in the irrigation design plan".
8. The signature of a licensed landscape architect, certified irrigation designer, license landscape contractor, or any other person authorized to design an irrigation system shall be on the plans.

#### **14.10.070 Grading design**

A. Grading design. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. The Project Applicant shall submit a landscape plan (or grading plan as part of the landscape plan) that indicates finished configurations and elevations of the Landscape area including height of graded slopes, drainage patterns, pad elevations, finish grade, and any stormwater retention improvements. To prevent excessive erosion and runoff, it is required that Project Applicants grade so that all irrigation and normal rainfall remains within property lines and does not drain onto non-permeable hardscapes. Project Applicants shall avoid disruption of natural drainage patterns and undisturbed soil, and avoid soil compaction in Landscape areas.

#### **14.10.080 Water efficient landscape worksheet**

A. Water efficient landscape requirements. In order to demonstrate that a qualifying project meets the water efficient landscape standards, Project Applicants must provide a worksheet using the relevant formulas in subsection B to show the calculation. Except as noted below for stormwater management and rainwater retention, standards for development within the City shall comply with the State requirements for

1. Irrigation efficiency;
2. Recycled water;
3. Graywater systems; and
4. Stormwater management and rainwater retention. Project Applicants shall refer to EGMC Chapter 15.12 for information on any additional applicable stormwater requirements.

B. Water budget calculations: The water budget calculations included in the Landscape Documentation Package shall adhere to thresholds and definitions for Plant Factor, water features, Special Landscape Areas, and corresponding adjustment factors (ETAF) as defined herein.

1. ETAF for Special Landscape Areas. The ETAF for Special Landscape Areas shall not exceed one (1.0).

#### **14.10.090 Soil Management Report**

In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed and submitted to the City by the Project Applicant, or his/her designee, as follows:

A. Results of soil samples submitted to the laboratory for analysis and recommendations.

1. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
2. Soil analysis shall include:
  - a. Soil texture;
  - b. Infiltration rate determined by laboratory test or soil infiltration rate table;
  - c. pH;
  - d. Total soluble salts;
  - e. Sodium;
  - f. Percent organic matter; and
  - g. Recommendations.
3. In projects with multiple landscape installations (i.e. production home developments), a soil sampling rate of one (1) in seven (7) lots or approximately 15 percent (15%) will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to one (1) in seven (7) lots.

B. The Project Applicant, or his/her designee, shall comply with one (1) of the following based on the project's amount of grading:

1. If significant mass grading is not planned, the soil analysis report shall be submitted to the Development Services Department of the City of Elk Grove as part of the landscape documentation package; or
2. If significant mass grading is planned, the soil analysis report shall be submitted to the City as part of the Certificate of Completion.

C. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape and irrigation design plans to make any necessary adjustments to the design plans.

D. The Project Applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the City with Certificate of Completion.

#### **14.10:100 Recycled water**

A. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.

B. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State law.

C. Landscapes using recycled water are considered special landscape areas. The ETAF for special landscape areas shall not exceed one (1.0).

D. Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation.

**14.10.110 Prescriptive checklist option for qualifying projects.**

Projects with an aggregate landscape area under 2,500 square feet that are irrigated entirely with Graywater or captured rainwater are subject only to the Irrigation System requirements in the State's prescriptive compliance option. This serves as a checklist to demonstrate WELO compliance with a simplified submittal (e.g., compost rate, drought tolerant planting, maximum turf areas, and Irrigation System compliance).

**14.10.120 Public education.**

A. Publications. Education is an important component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

B. Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this chapter.

1. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site's water use pursuant to this Chapter; specify who designed and installed the water-efficient landscape; and demonstrate low water use approaches to landscaping such as native plants, Graywater systems, and rainwater catchment systems.
2. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

**14.10.130 Reporting Requirements.**

The City shall submit a report to the Department of Water Resources by January 31 of each year. As required by the State, the report shall the number and types of qualifying projects during the reporting period, total landscape area, review procedures, compliance and enforcement measures. The report shall also identify any challenges or needs associated with implementation of the State requirements and local ordinance.

**14.10.140 Penalties.**

Violation of any provision of this Chapter is considered an infraction pursuant to EGMC Chapter 1.04 and may be subject to penalty consistent with that Chapter.



## EXHIBIT B

Elk Grove Municipal Code subsection (C) of 16.18.200 is hereby amended to read as follows:

...

"Code Enforcement Manager" means the individual designated by the City Manager to cause inspections and to take such actions as may be required by the provisions of this chapter for the purpose of enforcing certain prescribed provisions of the Elk Grove Municipal Code, and all applicable statutes, rules, codes and regulations.

...

"Costs" or "expenses" to abate the nuisance shall include the actual cost of abatement plus all administrative expenses, including direct and indirect personnel costs; costs incurred in documenting the nuisance; the actual expenses and costs of the City in the preparation and dissemination of notices, specifications, and contracts and in inspecting the work; the costs of printing and mailing the required notices, and the costs of imposing a lien, if a lien becomes necessary.

...

Elk Grove Municipal Code subsection (B) of 16.18.1100 is hereby amended to read as follows:

...

B. Standards of securing. Except as provided in subsection (B)(12) of this section, the owner shall secure a vacant structure according to all of the following specifications and requirements:

1. Remove all waste, rubbish or debris from the interior of the structure;
2. Remove all waste, rubbish, debris or excessive vegetation from the premises surrounding the vacant structure;
3. Barricade all unsecured doorways, windows visible from the public right-of-way, or exterior openings with a minimum one-half (0.5") inch thickness exterior grade plywood, or clear polycarbonate sheeting, or plexiglass, at the discretion of the City, which shall extend to the molding stops or studs;

4. Barricade all unsecured doorways and garage doors visible from the public right-of-way with a minimum one-half (0.5") inch thickness exterior grade plywood, which shall extend to the molding stops or studs. These barricades shall be secured from the interior of the structure, so that the barricade is not visible from the public right of way, whenever possible;
5. Barricade all unsecured doorways, windows, and exterior openings not visible from the public right-of-way with minimum one-half (0.5") inch thickness exterior grade plywood, which shall extend to the molding stops or studs; one exit/egress door to be plywood hinged with solid clasps on opposite side then padlocked in order to allow faster access to emergency responders;
6. When using plywood as the barricade material, mount at least two (2) wood stocks of minimum two by four (2" x 4") inch thickness to the reverse face of the plywood with minimum three-eighths (0.375") inch carriage bolts mated with nuts and two (2) flat washers;
7. Extend the stock a minimum of eight (8") inches on each side of the interior wall;
8. Cause all hardware to be galvanized or cadmium plated;
9. Paint all exterior plywood barricade material the predominant color of the structure;
10. Terminate all utility service to the dwelling or building by removal of the meters and termination of electric power at the pole. Compliance with this subsection may be waived in writing by the Building Official as to the electric utility service if electricity is needed to power exterior security lighting, an alarm system, or equipment to be used in connection with rehabilitation of the dwelling or building for which there is an active and current building permit;
11. If applicable, cap the sewer in a manner approved by the Building Official to prevent the accumulation of methane gas in the dwelling or building;
12. Post the Premises. One (1) or more metal signs must be posted at or near each entrance to the structure and on fences or walls as appropriate. The signs must remain posted until the structure is either lawfully occupied or demolished. Signs must contain the following information:

**DO NOT ENTER.** It is illegal to enter or occupy this building or premises or to remove or deface this notice. Trespassers will be prosecuted. (Municipal Code, California Penal Code).

13. The Building Official or Code Enforcement Manager may require the owner to erect a fence that meets the specifications of the Building Inspection Department on the property where the vacant structure is located. Any fence erected in accordance with this section shall be maintained in a safe condition without tears, breaks, rust, or dangerous protuberances;

14. In lieu of requiring the owner to board a vacant structure as set forth in subsections (B)(1) through (11) of this section, the Building Official may allow the owner to board the vacant structure in a manner that the Building Official determines adequately prevents unauthorized entry or vandalism. In any event, an owner shall post the premises as set forth in this section.

...

Elk Grove Municipal Code sections 16.18.1138 and 16.18.1139 are hereby added to read as follows:

**16.18.1138 Storage of personal property on public property.**

It shall be unlawful for any person to store or leave unattended personal belongings, furniture, or storage containers on public property, unless such leaving or storage is: 1) expressly authorized, and in conjunction with, a valid encroachment permit issued by the City; 2) otherwise properly and expressly authorized by the City, or 3) within 24 hours of a bulky waste pick-up scheduled with the City's solid waste hauler. Authorized City representatives may remove and dispose of items in violation of this section if the personal belongings, furniture, or storage containers remain on public property 24 hours after written notification is provided by the City of the violation.

**16.18.1139 Damage to City property.**

A. Any damage done directly or indirectly to any public right-of-way or other public property or improvement, by any person, shall be promptly repaired, at the person's sole cost and expense, to the complete satisfaction of the City. The responsible person shall reimburse the City for the full costs of the repair work within thirty (30) days after receiving an invoice from the City.

B. It is unlawful and a public nuisance for any person to do any of the following on public property, unless expressly authorized by the City:

1. Damage public property. Willfully mark, deface, disfigure, injure, displace or remove, any railing, bench, paving, paving material, water line, signs, notices, or placards (whether temporary or permanent), monuments, stakes, posts, or other boundary markers, wall or rock border, structures, equipment, facilities or public property of any kind;

2. Natural resources. Remove sand, soil, rock, stones, trees, shrubs, or plants;
3. Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, any tent, fly or windbreak, or run or string any rope, cord, or wire into, upon, or across any public property;
4. Trees, shrubbery and plants. Damage, cut, carve, burn, or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant.

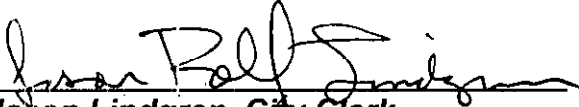
**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 31-2017**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )        ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on December 13, 2017 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 10, 2018 by the following vote:*

**AYES :**                   **COUNCILMEMBERS:**    *Suen, Detrick, Hume, Nguyen*  
**NOES:**                   **COUNCILMEMBERS:**    *None*  
**ABSTAIN:**               **COUNCILMEMBERS:**    *None*  
**ABSENT:**                **COUNCILMEMBERS:**    *Ly*

**A summary of the ordinance was published pursuant to GC 36933(c) (1).**

  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**