

ORDINANCE NUMBER 1265

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AMENDING SECTION 19.70, LANDSCAPING, OF THE ZONING CODE TO INCORPORATE MANDATORY WATER CONSERVATION MEASURES REQUIRED BY THE STATE OF CALIFORNIA (AB 1881), AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City Council of the City of Perris adopted a General Plan to guide development throughout the City and a Zoning Ordinance to implement the vision set forth in the General Plan; and,

WHEREAS, the Perris Zoning Ordinance includes Chapter 19.70, Landscaping, which establishes criteria for designing, installing, and maintaining water-efficient landscaping; and

WHEREAS, landscape water use makes up approximately 33 percent of urban water use in California, and the State estimates water savings of 25-40% can be achieved through improved landscape management, hardware improvements, and landscape design, equating to 600,000 to 1 million acre-feet of water saved annually; and

WHEREAS, the State of California has enacted the Water Conservation in Landscaping Act (Landscaping Act); and

WHEREAS, Assembly Bill 1881 amended said Landscaping Act to require the Department of Water Resources to update the State's model water efficient landscape ordinance to include certain specific requirements; and

WHEREAS, the Department of Water Resources has updated the State's model water efficient landscape ordinance; and

WHEREAS, said Landscaping Act mandates local agencies to, no later than January 1, 2010, adopt the State's model ordinance or a water efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance; and

WHEREAS, the Western Region Council of Governments (WRCOG) held public meetings for the purpose of developing a model ordinance for local jurisdictions that would comply with said Landscaping Act and facilitate consistent implementation across Riverside County; and

WHEREAS, the City's existing landscape ordinance already addresses water conservation measures with requirements for water-wise planting, smart controlled irrigation equipment, and water budgeting; and

WHEREAS, the proposed updates contained in Landscape Water Efficiency Ordinance Amendment 09-10-0001 closely follow WRCOG's model ordinance and is therefore at least as effective in conserving water as the State's updated model ordinance, containing all mandatory provisions; and

WHEREAS, the proposed project is Categorically Exempt under Class 21, Enforcement Actions by Regulatory Agencies, of the California Environmental Quality Act (CEQA); and

WHEREAS, on November 18, 2009, the Planning Commission considered testimony and materials in the staff report and accompanying documents, and recommended approval of Ordinance Amendment 09-10-0001 to the City Council; and

WHEREAS, on December 8, 2009, the City Council conducted a duly noticed public hearing introducing the first reading of an Ordinance to amend Section 19.70 of the Zoning Ordinance to update irrigation efficiency standards contained in the Landscape Code (draft attached); and,

WHEREAS, all legal prerequisites for the adoption of this Ordinance have occurred.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Perris, as follows:

Section 1. The above recitals are all true and correct.

Section 2. The City Council has reviewed and considered the environmental information included in the staff report and accompanying attachments prior to taking action on the applications for the proposed projects and finds that the City has complied with the California Environmental Quality Act, and the City Council determinations reflect the independent judgment of the City.

Section 3. Based on the information contained within the staff report and the accompanying attachments and exhibits, the City Council hereby finds:

- A. The proposed Ordinance Amendment will not result in a significant adverse effect on the environment.
- B. The proposed Ordinance Amendment will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Zoning Ordinances.
- C. The proposed Ordinance Amendment will not have a negative affect on public health, safety, or the general welfare of the community.

Section 4. The City Council hereby adopts the first reading of the attached Ordinance amending Zoning Code Chapter 19.70 to comply with the State's Landscaping Act, based on the information and findings presented.

Section 5. The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

Section 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance.

ADOPTED, SIGNED and APPROVED this 12th day of January, 2010.

Mayor Daryl R. Busch

ATTEST:

City Clerk Judy L. Haughney, C.M.C.

Attachment: Amended Chapter 19.70, Landscaping (Draft)

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1265 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 12th day of January 2010, by the following vote:

AYES: Evans, Landers, Rogers, Busch
NOES: None
ABSENT: None
ABSTAIN: None

City Clerk, Judy L. Haughney, C.M.C.