

INDIAN WELLS CITY COUNCIL/ PLANNING COMMISSION

June 14, 2023



To: City Council and Planning Commission
From: Community Development Department
Prepared by: Jon Berg, Community Development Director
Subject: **Discussion on Water Efficient Landscape Regulations**

RECOMMENDED ACTIONS:

The Council and Commission **DISCUSSES** and provides **DIRECTION** to Staff on any changes to the City's existing landscape coverage standards for consideration at future public hearings.

BACKGROUND:

Over the years, the State of California has delegated responsibility on cities to comply with new water efficient landscaping rules and regulations to address drought conditions. On April 21, 2021, Governor Newsom issued Executive Order N-7-22, proclaiming a statewide drought emergency. This allowed the state to respond to severe drought conditions to safeguard water supplies for communities, the economy and the environment (Attachment 7). Since 2021, California has implemented various strategies and mandates to conserve water during the emergency drought proclamation, including but not limited to:

- Mandatory water use restrictions: The state-imposed limits on water consumption for households and businesses, including fines for excessive use.
- Landscape irrigation regulations: Introduced measures to limit outdoor water use, such as restricting the number of watering days per week and promoting drought-tolerant landscaping.
- Agricultural water management: Implemented programs to support more efficient irrigation practices and encourage the use of alternative water sources for farming.
- Water recycling and reuse: Expanded investments in water recycling infrastructure and promoted the use of reclaimed water for non-potable purposes.
- Groundwater management: Strengthened regulations to ensure sustainable groundwater extraction and prevent over-pumping of aquifers.
- Leak detection and repair: Encouraged utilities to implement leak detection programs and repair aging water infrastructure to reduce water loss.
- Urban water conservation: Supported initiatives to reduce water consumption in cities, such as offering rebates for water-saving appliances and fixtures.

- Public education campaigns: Launched campaigns to raise awareness about the importance of water conservation and provide guidance on how to use water more efficiently.
- Drought contingency planning: Required water suppliers to develop and update drought contingency plans, outlining actions to be taken during drought conditions.
- Water supply diversification: Encouraged investments in alternative water sources, such as desalination plants and stormwater capture projects, to increase water supply reliability.
- Water waste in landscaping prohibition: All Californians are prohibited from using drinking water for activities such as water fountains/ponds, washing sidewalks or driveways, watering lawns on rainy days, and using hoses without nozzles.
- Ban on turf irrigation: The California State Water Resources Control Board ("State Water Board") adopted an emergency regulation in response to ongoing and intensifying drought conditions across the state. The State Water Board's emergency drought regulation imposes a temporary ban on irrigation of "non-functional turf" with drinking water ("potable water") on commercial, industrial, and institutional properties. It does not include turf irrigated with recycled water and specifies that the irrigation ban should not harm the health of trees or other non-turf plantings. As defined by the state, "non-functional turf" 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 turf does not include sports fields or turf regularly used for human recreational purposes or for civic or community events.

The region's local water authority, Coachella Valley Water District (CVWD), has also taken several steps to support California's water conservation initiatives. CVWD has encouraged customers to replace water-intensive landscaping with drought-tolerant plants and efficient irrigation systems through incentives and education programs. A popular program is their Turf Rebate Program that provides monetary reimbursement to help subsidize the cost of converting turf landscaped areas to drought tolerant, including:

- \$3 per square foot (sf) of turf removed for residential properties, 200 sf minimum and a maximum of 10,000 sf.
- \$3 per sf for commercial properties up to 25,000 sf.

Applicants simply need to meet the following criteria to qualify for CVWD's rebate:

- Removal of green or golden-brown lawn with full thatch attached.
- Project size between 200 sf and 10,000 sf.
- Turf replacement with desert friendly plants and permeable landscape surfaces with a minimum 25% planting cover.
- Artificial turf projects are acceptable.

The City of Indian Wells provided further assistance to its residents by partnering with CVWD and matching rebates of \$3 per sf for residential applications and \$1 per sf for Homeowner's associations ("HOA"). The City was able to assist in a total of 110 landscape conversions before the initial budget of \$605,000 was exhausted on April 5, 2023.

Governor Newsom recently (March 24, 2023) eased drought restrictions in reaction to the recent weather conditions but has retained the state of emergency for all 58 counties to allow for drought response and recovery efforts to continue, along with regulations aimed at wasteful water use, including the ban on watering non-functional turf, prohibitions on watering lawns within 48 hours of rainfall and using hoses without shut-off nozzles. Consistent with the State's current drought emergency provisions, local regulations that remain in effect include all of CVWD's Level 1 Conservation Actions (Attachment 1).

City Landscape Ordinance

Chapter 21.70 Water Efficient Landscaping was codified in the City's Zoning Code in March of 2010 via Ordinance No. 636 in response to the State of California Water Conservation in Landscaping Act, Statutes of 1990, Chapter 1145. It applies to landscape plans for public and private development projects, developer-installed residential projects, and homeowner projects that are equal to or greater than 2,500 sqft (Attachment 3). The ordinance contains water efficient landscaping and design standards and was last updated in 2016. While the ordinance promotes water efficient landscaping practices, it also defers to landscape requirement in Chapter 21.60 Architecture and Landscape Review of the City's Zoning Code, which requires a lush appearance for landscaped areas which are visible from public areas, including street frontages.

Section 21.60.080 (7)(iii) contains language that requires ground cover plantings to cover at least 80% of landscaped areas, with a maximum of 20% rocks or bare earth, commonly referred to as the "80/20" rule (Attachment 4). This regulation was also adopted in 2010 under Ordinance No. 636. Ground cover planting is inclusive of all plant materials including shrubs, trees, hedges, indigenous plants (cacti, yucca, etc.), flowers, and grass (artificial turf is accepted). The canopy coverage of the individual plants and trees is used to determine the total landscape area covered. Examples of homes meeting the 80/20 rule are attached (Attachment 5). Property owners not complying with the 80/20 landscape coverage requirements are subject to code enforcement.

At this year's City Council's Strategic Planning Session, the City Council instructed staff to examine the City's landscape ordinance with a review by the Planning Commission and eventually the City Council. The direction included opportunities to reduce water usage in the community, including landscaped areas along Highway 111, with the caveat of preserving the City of Indian Wells' iconic lush landscaping appearance.

The Planning Commission met on April 27, 2023. At the meeting, the Planning Commission received testimony from residents and instructed staff to collect landscape

standards from other Coachella Valley cities and local homeowner associations (HOA). The Planning Commission was tentatively scheduled to hold a second meeting to discuss the landscape ordinance at their July 27, 2023 meeting.

In recent weeks, the City's Code Enforcement has received numerous complaints regarding residential properties not complying with the 80/20 rule. Code Enforcement personnel have responded to these complaints to determine if residents are or are not in compliance. Those residents deemed not to be in compliance have received notices of violation and are requested to correct the violation. Resident reactions to the notice of violation have varied from being apologetic, confused, frustrated, and concerned about the application of the 80/20 rule. As such, the City Council called for a joint City Council-Planning Commission meeting to discuss the existing landscaping ordinance and to provide direction in response to resident concerns.

Considering the recent influx of residential landscape applications as property owners are seeking to comply with the State and local water conservation mandates and the City's 80/20 rule, Staff is seeking direction from the City Council and Planning Commission on any proposed changes to the existing landscaping ordinance, which will be incorporated in the City's Municipal Code. Additionally, if changes are recommended by the City Council and Planning Commission, staff would recommend that those residents that are not in compliant with the existing 80/20 rule be provided sufficient time to address those deficiencies after the implementation of any changes in landscaping standards.

Local Municipal Landscape Ordinances

Per the Planning Commission request, staff prepared a comparative study that highlights landscape standards and initiatives, used by other cities in the Coachella Valley (Attachment 6). A summary of the landscaping standards for the nine Coachella Valley cities is as follows:

Indian Wells

- 80% planting coverage with max 20% rock or bare earth.
- 2 Trees

Cathedral City

- 50% front yard with native landscape material.

Coachella

- 1 shade tree required, max 50% turf in the front yard.

Desert Hot Springs

- No bare earth. Decomposed granite and decorative hardscape may be used as groundcover, but must also include some vegetative groundcover.

Indio

- 50% drought tolerant plantings. No turf allowed.

La Quinta

- Landscaped area limited to 50% turf cover. No other cover regulation.

Palm Desert

- No coverage requirement, but requires 2 front yard trees.

Palm Springs

- 15% maximum turf cover.

Rancho Mirage

- No coverage requirement. Minimum 3 trees per residential lot.

As shown in the comparative study, only 3 cities require a minimum amount of vegetative cover, with the City of Indian Wells requiring the most amount of planting coverage. Palm Desert and Rancho Mirage, by comparison, have no coverage requirement other than requiring 2 to 3 trees on each residential lot. The cities of La Quinta and Palm Springs restrict the amount of turf that can be planted to 15% and 50% of the front yards, respectively. Indio prohibits the planting of turf and requires 50% drought tolerant plantings, while Desert Hot Springs requires some plantings, but a majority can be covered with decomposed granite and decorative hardscape.

Options to Consider:

To assist the City Council and Planning Commission in their discussion, staff has provided several options to consider to modify the planting coverage requirement:

- a. Landscapes which incorporate "artificial turf" may include 40% Max rock or decorative ground cover; or
- b. Landscapes which incorporate "live turf," and/or drought tolerant vegetation may include 50% Max rock or decorative ground cover.
- c. Consider different percentages for either (a) or (b) above; or
- d. Continue existing 80% planting coverage with max 20% rock or bare earth; or
- e. Modify existing 80/20 rule to prohibit "bare earth" and replace with decorative ground cover; or
- f. Provide Staff with an alternative recommendation.

In addition, during the review of the existing landscaping ordinance, staff would recommend the following changes be incorporated into a new landscaping ordinance:

- Prohibit bare earth and replace it with the requirement for decorative ground cover to include; decomposed granite, pea-gravel, river-rock, mulch, or similar must be utilized.
- Clarify that plant coverage calculations are based upon documented growth projections for actual species after one year of growth.
- Requiring a minimum quality level for the use of artificial turf (based on an acceptable industry standard).

ATTACHMENTS:

1. CVWD Conservation Actions
2. Drought Monitor_4.11.23
3. 21.70.040 Provisions for new or rehabilitated landscapes
4. 21.60.080 Filing of the application
5. 80/20 Landscape Examples
6. Comparative Landscape Study 2023
7. State of California Emergency Proclamation