

ORDINANCE NO. 2769

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING CODE AMENDMENT NO. A-152-09, TO INCORPORATE LANDSCAPE WATER EFFICIENCY REQUIREMENTS INTO TITLE 9 (ZONING ORDINANCE, REORGANIZED OCTOBER 2009) OF THE MUNICIPAL CODE.

WHEREAS, the case, initiated by City of Garden Grove, proposes amending Title 9 (Zoning Ordinance) of the Municipal Code to incorporate landscape water efficiency requirements into Title 9;

WHEREAS, the Planning Commission, at a Public Hearing held on December 3, 2009, determined that this project is exempt from the California Environmental Quality Act (CEQA) based on a Category 7 Exemption (14 California Code of Regulations, Section 15307) for activities that enhance or protect a natural resource;

WHEREAS, pursuant to Resolution No. 5698, the Planning Commission, at a Public Hearing held on December 3, 2009, recommended approval of Amendment No. A-152-09;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on January 26, 2010, and all interested persons were given an opportunity to be heard;

WHEREAS, the City of Garden Grove City Council in Regular Session assembled on February 9, 2010, does hereby determine that this project is exempt pursuant to Section 15307, of the California Environmental Quality Act;

WHEREAS, the City of Garden Grove City Council has considered the proposed Code Amendment consisting of the incorporation of landscape water efficiency provisions into Title 9 (Zoning Ordinance) of the Municipal Code, by additions and amendments to Chapter 9.04 General Provisions, Chapter 9.08 Single-Family Residential, 9.12 Multi-Family Residential, and 9.16 Commercial, Office Professional, Industrial, and Open Space as provided in Exhibit "A", incorporated herein as reference, along with the Guidelines for Implementation of the City of Garden Grove Landscape Water Efficiency Provisions, that are to be attached as Appendix 1 to Title 9, together with comments received during the public review process. The record of proceedings on which the City of Garden Grove City Council decision is based is located in the Community Development Department at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The City of Garden Grove City Council finds, based upon the exercise of its independent judgment, on the basis of the whole record before it, including comments received, that the project is categorically exempt pursuant to Section 15307, of the California Environmental Quality Act;

WHEREAS, the State Legislature has found that: (1) the waters of the State are of limited supply and are subject to ever increasing demands; (2) the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses; (3) it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource; (4) landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development; (5) landscape design, installation, maintenance, and management can and should be water efficient; and (6) Article X, Section 2 of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served, and the right does not and shall not extend to waste or unreasonable method of use of water;

WHEREAS, the City hereby finds that: (1) Orange County has an established, large reclaimed water infrastructure system; (2) allocation-based and tiered water rate structures allow public agencies to document water use in landscapes; (3) incentive-based water use efficiency programs have been actively implemented within Orange County since before 1991; (4) current local design practices in new landscapes typically achieve the State Model Water Efficient Landscape Ordinance water use goals; (5) water services within the City are metered; (6) Orange County is a leader in researching and promoting the use of smart automatic irrigation controllers with more than 4,500 installations as of June 2009; (7) all new irrigation controllers sold after 2012 within Orange County will be smart controllers; (8) landscape plan submittal and review has been a long standing practice in the City; and (9) the average rainfall in Orange County is approximately 12 inches per year;

WHEREAS, the City, as the local water purveyor, is implementing tiered-rate billing and enforcement of water waste prohibitions for all existing metered landscaped areas throughout its service area; and

WHEREAS, consistent with these findings, the City's Water Efficient Landscape Ordinance is at least as effective as the State Model Water Efficient Landscape Ordinance and is established to: (1) promote the benefits of consistent landscape ordinances with neighboring local and regional agencies; (2) promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible; (3) establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects; (4) establish provisions for water management practices and water waste prevention for existing landscapes; (5) 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 (6) encourage the use of economic incentives that promote the efficient use of water, such as implementing a budget-based tiered-rate structure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. Amendment No. A-152-09 is hereby approved, and Title 9 of the Garden Grove Municipal Code, is hereby amended as provided in Exhibit "A", pursuant to the facts and reasons stated in Planning Commission Resolution No. 5698, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 3. The Mayor shall sign and the City Clerk shall certify the passage and adoption of this ordinance and shall cause the same, or summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on January 26, 2010, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BROADWATER, DO, JONES, NGUYEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE

To view the attachment(s)
visit the City Clerk's Office at
11222 Acacia Parkway,
Garden Grove.