



City Council Agenda Item

City Council Meeting Date: August 2, 2022

TO: Dean Albro, City Manager

FROM: Steven Valle, Utility Conservation Coordinator
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SUBJECT: Adoption of Urgency Ordinance No. 1697(22) Amending Lompoc Municipal Code 13.04.060 to Prohibit the Use of Potable Water for the Irrigation of Non-Functional Turf at Commercial, Industrial, and Institutional Sites, and to Clarify that Administrative Enforcement of Prohibitions and Restrictions on the Use of Water Is Authorized

Recommendation:

Staff recommends the City Council:

- 1) Adopt Urgency Ordinance No. 1697(22) amending Section 13.04.060 of the Lompoc Municipal Code (LMC) to prohibit the use of potable water for the irrigation of non-functional turf at commercial, industrial, and institutional sites, and to clarify that administrative enforcement of prohibitions and restrictions on the use of water is authorized (Attachment 1) (requires a 4/5 vote of the City Council); or
- 2) Provide alternate direction.

Background

California is currently experiencing its driest year to date over the past 128 years. According to the National Drought Mitigation Center, 97.5% of the state is in a “severe drought” condition, affecting over 37.2 million people in California. On March 28, 2022, Governor Newsom issued Executive Order N-7-22 (Attachment 2), declaring a state of emergency proclamation under the California Emergency Services Act, determining that statewide drought conditions will likely continue for the foreseeable future, and requiring additional actions by the State Water Resources Control Board (SWRCB) and local water suppliers to further promote water conservation and achieve water demand reductions throughout the state.

On June 6, 2022, the SWRCB submitted Emergency Regulation File No. 2022-0606-003(E) (Attachment 3) to the Office of Administrative Law (OAL) to adopt Subsection 996 in Title 23 of the California Code of Regulations pertaining to drought emergency water

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conservation. Emergency Regulation No. 2022-0606-03(E) is effective from June 10, 2022, through June 10, 2023, and requires the following:

- Urban water suppliers must submit preliminary supply and demand assessments to the Department of Water Resources (DWR) by June 1, 2022;
- Urban water suppliers must implement all conservation actions in their locally adopted plans meant to address at least a water shortage level of 10% to 20% (level two) by June 10, 2022;
- Owners and managers of commercial, industrial, and institutional properties must not use potable water for irrigating non-functional turf.

The ban on use of potable water for irrigating non-functional turf only applies to irrigation of non-functional turf in the commercial, industrial, and institutional sectors. It does not apply to residential lawns or any turf that is regularly used for human recreational purposes, such as community spaces, sports fields and other turf spaces used for recreation or events. The regulation does not ban the irrigation of trees or other non-turf plantings.

There is an exemption process available for certain low water-using turf species and irrigation approaches. To be exempt from the ban, an owner or manager must provide evidence that they have met two requirements:

- 1) The user must certify that the turf species needs low levels of water (a plant factor of 0.3 or less; “plant factor” is a factor used to estimate the amount of water needed by plants); and
- 2) The user must demonstrate that the turf is irrigated in a way that uses low levels of water (less than 40 percent of reference evapotranspiration).

Discussion:

The City has an extensive water conservation program, which includes prohibitions and restrictions on the use of water, defined in LMC Section 13.04.060. The City first adopted its prohibitions and restrictions on the use of water in 1990 and has amended the code numerous times as state requirements have changed since then.

The City’s level one demand reduction percentage adopted in its water shortage contingency plan complies with the State of California’s level two demand reduction percentage. City staff provided the City’s preliminary supply and demand assessment to the DWR before the June 1, 2022, deadline and submitted a final assessment to DWR on June 29th, 2022. The water shortage assessment submitted to the DWR provided data explaining that the City is exceeding its requirement by implementing level one actions.

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Staff recommends amending in LMC Section 13.04.060 in response to Emergency Regulation No. 2022-0606-03(E) to include the ban on the use of potable water for irrigating non-functional turf in commercial, industrial and institutional sectors. This amendment to LMC Section 13.04.060 will ensure that the City of Lompoc's local regulations reflect the regulations in Emergency Regulation No. 2022-0606-03(E).

Additionally, staff recommends amending LMC Subsection 13.04.060 (F) to clarify that violations of LMC Section 13.04.060 are punishable by administrative citation in addition to being infractions. The use of the administrative citation process defined in Chapter 1.36 of the LMC to enforce severe and ongoing water-wasting violations, and for those that willfully disregard actions listed in LMC Section 13.04.060, provides a more cost effective means of enforcement than utilizing the City Attorney's Office to prosecute infractions in court.

Proposed Ordinance No. 1697(22) is an urgency ordinance that will take effect immediately, without requiring a second reading, if the City Council finds the ordinance is for the immediate preservation of the public peace, health or safety and approves the Ordinance by a 4/5 vote. The proposed Ordinance contains a finding that it is to protect the supply of water for human consumption, sanitation and fire protection, and is therefore necessary for the immediate preservation of public peace, health, and safety.

Fiscal Impact:

There is no direct impact to the City's General Fund due to the adoption of Ordinance No. 1697(22). There are also no additional direct fiscal impacts to the City's Water Utility Fund because all expenditures related to the enforcement of LMC Section 13.04.060 have been approved and budgeted.

Conclusion:

The adoption of Urgency Ordinance No. 1697(22) will ensure the City's local regulations are consistent with the regulations in the State's Emergency Regulation No. 2022-0606-03(E), in order to assist towards Governor Newsom's goal to achieve water demand reductions throughout the state and ensure ample water supply will be available for Lompoc residents and businesses in the foreseeable future. The City is not currently experiencing a water shortage and staff is working with other stakeholders of the Lompoc Plain Basin to ensure the sustainability of Lompoc's groundwater.

Respectfully submitted,

Steven Valle, Utility Conservation Coordinator

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APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Shaun Ryan, Acting Utility Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Dean Albro, City Manager

- Attachments:
- 1) Urgency Ordinance No. 1697(22)
 - 2) Executive Order N-7-22
 - 3) Emergency Regulation File No. 2022-0606-03(E)