STAFF REPORT

ITEM NO. 15

CITY OF OCEANSIDE

DATE: April 21, 2010

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department
Water Utilities Department

SUBJECT: **ADOPTION OF A NEW ORDINANCE TITLED ARTICLE 7 – LANDSCAPE WATER USE, UNDER CHAPTER 37 – WATER, OF THE CITY CODE WHICH IS RELATING TO WATER CONSERVATION AND ADOPTING REGULATIONS RELATING TO WATER CONSERVATION IN LANDSCAPING**

SYNOPSIS

Staff recommends that the City Council introduce an ordinance amending Chapter 37, Water, of the Oceanside City Code by the addition of Article 7, Landscape Water Use, to implement water restrictions throughout the City, to make the City Landscape Regulations consistent with state requirements and to meet the landscape water conservation measures of Assembly Bill 1881.

This Article 7 – Landscape Water Use, will include the following items:

- Establish a water budget, as defined by state law, for new landscape projects.
- Amend the submittal and approval requirements for landscape projects.
- Incorporate new irrigation requirements.
- Develop a process to approve landscape plans associated with building permits for single-family residences.
- Add new $50 fee for processing small, residential landscapes. Processing includes a review of the form for compliance and accuracy to the new standards as well as transfer to the Water Department for record keeping.

Affected Regulations Include:

- City Code

BACKGROUND

The State of California adopted the Water Conservation in Landscaping Act, Government Code sections 65590 et seq. in 1990. The Act required the State Department of Water Resources to adopt a model water-efficient landscape Ordinance by January 1, 1992. The Act further provided that if a local agency had not by January 1, 1993, either: adopted findings based on climatic, geological or topographical

conditions or water availability stating a water-efficient landscape ordinance is unnecessary or adopted a water-efficient landscape ordinance, then the model water-efficient landscape ordinance adopted by the Department of Water Resources would take effect within the local jurisdiction and be enforced by the local agency. The County amended the County Zoning Ordinance adopting water efficient landscape regulations before the January 1, 1993 deadline.

In 2006, the State repealed the Water Conservation in Landscaping Act and adopted a new Water Conservation in Landscaping Act, Government Code sections 65591 et seq. The new Act requires the Department of Water Resources to update the previously adopted model water efficient landscape ordinance that provides for greater efforts at water conservation and more efficient use of water in landscaping. The model ordinance is required to include provisions for:

1. water conservation by the appropriate use and groupings of plants that are well adapted to particular sites and local conditions;
2. a landscape water budget that establishes the maximum amount of water to be applied through the irrigation system;
3. automatic irrigation systems and irrigation schedules based on climatic conditions;
4. terrains and soil types and other environmental conditions;
5. on-site soil assessment and soil management plans that include grading and drainage to promote healthy plant growth and prevent excessive erosion and runoff; and
6. promoting the use of recycled water for landscaping when it is available and the use is consistent with State law.

Government Code section 65595 requires that on or before January 1, 2010, a local agency shall adopt a water-efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance, or adopt the model ordinance. If a local agency does not adopt a water-efficient landscape ordinance by the deadline, the updated model ordinance shall apply within the local agency's jurisdiction and shall be enforced by the local agency.

The water-efficient landscape regulations in the City of Oceanside Zoning Ordinance are not as effective in conserving water as the updated model ordinance and need to be enhanced by more comprehensive regulations.

This ordinance adopts water efficient landscape regulations for the City of Oceanside as referenced in 1-6, above.

This ordinance is based on a model which was developed through the San Diego County Water Authority (SDCWA) by the Conservation Action Committee (CAC) ordinance working group. The CAC was co-chaired by a landscape architect and a Building Industry Association (BIA) representative. The ordinance was created over the course of two years with input from multiple cities, the County of San Diego, several

water purveyors, landscape architects, the BIA, and the SDCWA. The intent of the ordinance was to provide the development community with a similar ordinance from jurisdiction-to-jurisdiction.

This model has currently been adopted by several cities, and an attachment of the adoption progress for the San Diego area is attached.

This ordinance will apply to the following projects which require a building permit or a discretionary permit such as:

- All non-single-family residential projects requiring new or rehabilitated landscaping of 2,500 square feet or greater with limited exceptions.
- All developer installed residential and common area landscapes where the total landscaped area for the development is greater than or equal to 2,500 square feet.
- All single-family residential projects (single lots) requiring landscaping of 2,500 square feet or greater.

Applicable review fees for the above are being examined in the departmental fee study, which is now underway.

Single family residential projects with 5,000 square feet or less of landscape area will be eligible to apply for a waiver. A new, $50 fee for this waiver is recommended to cover the cost of service of the waiver review and issuance.

This ordinance will increase water use efficiency by establishing and monitoring water budgets, promoting installation and maintenance of efficient irrigation systems and encouraging use of plants that use water efficiently based on climate, soil type and site features, and reduce water waste that occurs from irrigation runoff and overspray.

This ordinance is consistent with the findings and declarations the State Legislature made when adopting the new Water Conservation in Landscaping Act and is as effective as the State's updated model water-efficient landscape ordinance.

ANALYSIS

There are currently water conservation measures in place throughout the City which are related to drought conditions at different stages to achieve water rationing. At this time the focus of this new ordinance when added to the City's code targets new development pertaining to the permitting process only.

The adoption of this ordinance shall bring the City of Oceanside into alignment with the State of California requirements for water use in the landscape. This ordinance will also define the processes which are to take place to bring development in the City of Oceanside into compliance with the State of California's landscape water use requirements.

FISCAL IMPACT

This ordinance which is being directed from the Legislature of the State of California will require oversight and attention from staff to review the landscape plans, both conceptual and final, in a more in-depth fashion than is currently required. There is a larger submittal package to review as well as other certification to be attained by the applicant prior to final approval.

An applicant for a project subject to this ordinance shall include with the application all fees established by the Oceanside City Council to cover the City's costs to review an application, any required landscape documentation package and any other documents the City reviews pursuant to the requirements of this chapter.

Single-family residential projects with limited landscaping will be able to apply for a waiver from the landscape documentation review package and supply the City with a designated short form and a minor fee of $50 to cover the reviewer's time for processing the information. Because this ordinance contemplates a new, $50 fee, Resolution No. R91-74, which includes landscape review fees, must be amended. This fee resolution amendment will be provided to the City Council at the second reading of the ordinance.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council introduce an ordinance amending Chapter 37, Water, of the Oceanside City Code by the addition of Article 7, Landscape Water Use, to implement water restrictions throughout the City, to make the City Landscape Regulations consistent with state requirements and to meet the landscape water conservation measures of Assembly Bill 1881.

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Attachments:

Ordinance

San Diego Area Progress of Water Efficient Landscape Ordinance – March 2010

San Diego Area Progress on the Implementation of the Water Efficient Landscape Ordinance – March 2010

Status	Agency	Placement of the Ordinance
PASSED	City of San Diego	Appears in the landscaping section of the municipal code. It did not require zoning ordinance. Went through CEQA. The water conservation regulations were adopted by ordinance and are part of the landscape regulations in chapter 14 of the Municipal Code. The project has gone through CEQA and received an exemption. It was determined that it did not require certification by the CCC.
PASSED	County of San Diego	The ordinance became part of the County Regulatory Code (not the Zoning Ordinance). The unincorporated county does not have any lands under the jurisdiction of the Coastal Commission.
PASSED	City of Encinitas	This falls into our Building and Construction, Title 23 of our code. Chapter 23.26 was already titled Water Efficient Landscape Program and was adopted in the early 1990's to address the previous legislation. We just replaced the old regulations under Chapter 23.26 with the new ones. It is not part of the City's Zoning code or the LCP. It was exempt, but not sure if we made a specific determination.
PASSED	City of Poway	This went into the Zoning Ordinance, Title 17, and used the CEQA exemption. It doesn't tie back to any water ordinance and MAWA will only be stored in the Planning Dept. with the project file. Poway used a lower threshold than the County and they require a MAWA of 10% less that the regional model. There Council wanted to be proactive and is also requiring additional plumbing retrofits prior to mandatory implementation of the new plumbing code in 2014/2015.
PASSED	City of El Cajon	In El Cajon, the Planning Division is responsible for implementing and enforcing the water efficient landscape ordinance but our water purveyors also play an important role by monitoring water use, billing with a tiered rate structure, and providing technical and educational assistance to the rate payers. The ordinance was added as a chapter to our existing zoning ordinance and we utilized the category 7 exemption in the CEQA process.
PASSED	City of La Mesa	The ordinance falls into Title 14 of our Municipal Code: Building Regulations. It was not added to our zoning ordinance. A CEQA exemption was prepared and it was declared in the CC report that it was a Class 7 exemption.
PASSED	City of Santee	It was added to the Zoning Ordinance as a Landscape and Irrigation Regulations section. We used a Class 8 exemption.
PASSED	National City	It falls under planning since the planning department reviews landscape plans. It has been added to the zoning ordinance. We did not take it before the Coastal Commission. The City's LCP requires that landscaping must conform to the City's standards and the water efficient landscape ordinance does not modify that requirement. We went through CEQA and claimed category 7 exemption.
PASSED	City of Escondido	The ordinance falls under planning regulations and modifies an existing article of the zoning code regarding landscape standards. We filed a CEQA Notice of Exemption under Section 15307.
PASSED	City of Lemon Grove	
PASSED	City of Chula Vista	
PASSED	City of San Marcos	

http://www.waterconservationsummit.com/OrdinanceWorkGroup.html

	City of Carlsbad	City of Carlsbad Code of Ordinances – Title 18 – Building Codes and Regulations. They will add a new chapter to Title 18 called 18.50 – Outdoor Efficient Water Use. Due to the many potential hang ups, they did not add this to their zoning ordinance.
	City of Oceanside	Currently working on implementing a modified version of the regional model. It will be part of the municipal code.
	City of Solana Beach	In the process of reviewing the regional model.
	City of Vista	Will look at it this Spring.
	Del Mar	No response
	Coronado	No response
	Imperial Beach	No response

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, AMENDING CHAPTER 37 OF THE OCEANSIDE CITY CODE BY ADDING A NEW ARTICLE VII PERTAINING TO WATER EFFICIENT LANDSCAPING

WHEREAS, Government Code section 65595 requires local agencies to adopt a water efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance described in subsection (a) of said Government Code section.

Now, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Chapter 37 of the Oceanside City Code is hereby amended by adding a new Article VII, as follows:

ARTICLE VII. WATER EFFICIENT LANDSCAPE REGULATIONS

SEC. 37.114. Purpose.

The State Legislature determined in the Water Conservation in Landscaping Act (the "Act"), Government Code sections 65591 et seq., that the State's water resources are in limited supply. The Legislature also recognized that while landscaping is essential to the quality of life in California, landscape design, installation, maintenance and management must be water efficient. The general purpose of this Article is to establish water use standards for landscaping in the City of Oceanside that implement the 2006 development landscape design requirements established by the Act. Consistent with the Legislature's findings, the purpose of this ordinance is to:

(a) Promote the values and benefits of landscapes while recognizing the need to utilize water and other resources as efficiently as possible.

(b) Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction.

(c) Promote the use, when available, of tertiary treated recycled water, for irrigating landscaping.

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(d) Use water efficiently without waste by setting a Maximum Applied Water Allowance (MAWA) as an upper limit for water use and reduce water use for landscaping to the lowest practical amount.

(e) Encourage water users of existing landscapes to use water efficiently and without waste.

SEC. 37.115. Findings.

This Article implements the Water Conservation in Landscaping Act. The requirements of this Article reduce water use associated with irrigation of outdoor landscaping by setting a maximum amount of water to be applied to landscaping and by designing, installing and maintaining water efficient landscapes consistent with the water allowance. The provisions of this ordinance are equivalent to and at least as effective as the provisions of the state Model Water Efficient Landscape Ordinance because the calculation of MAWA and the resulting restrictions on irrigation and process are similar, though tailored to the City of Oceanside's existing regulatory procedures.

SEC. 37.116. Definitions.

The following definitions shall apply to this Article:

(a) "Automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers shall schedule irrigation events using either evapotranspiration (ETo) (weather-based) or moisture sensor data.

(b) "Building permit" means a permit to engage in a certain type of construction on a specific location.

(c) Certified landscape irrigation auditor means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other accredited certification program.

(d) "Developer" means a person who seeks or receives permits for or who undertakes land development activities' who is not a single-family homeowner. Developer includes a developer's partner, associate, employee, consultant, trustee or agent.

(e) "Director" means the person designated by the City Manager to direct the activities of the Development Services Department including planning, building, and engineering services or anyone to whom the Director has designated or hired to administer or enforce this Article.

(f) "Discretionary permit" means any permit requiring a decision making body to exercise judgment prior to its approval, conditional approval or denial.

(g) "Estimated total water use" (ETWU) means the estimated total water use in gallons per year for a landscaped area.

(h) "ET adjustment factor" (ETAF) means a factor that when applied to reference ETo, adjusts for plant water requirements and irrigation efficiency, two major influences on the amount of water that is required for a healthy landscape.

(i) "Evapotranspiration" (ETo) means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time period. "Reference evapotranspiration" means a standard measurement of environmental parameters which affect the water use of plants. ETo is given in inches per day, month, or year and is an estimate of the ETo of a large field of four-inches to seven-inches tall, cool season turf that is well watered. Reference ETo is used as the basis of determining the MAWA so that regional differences in climate can be accommodated.

(j) "Grading" means any importation, excavation, movement, loosening or compaction of soil or rock.

(k) "Hardscape" means any durable surface material, pervious or non-pervious.

(l) "Homeowner-provided landscaping" means landscaping installed either by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner.

(m) "Hydrozone" means a portion of the landscape area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

(n) "Invasive species" means species of plants not historically found in California that spread outside cultivated areas and may damage environmental or economic resources.

(o) "Irrigation audit" means an inspection which includes an in depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit may include, 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.

(p) "Irrigation efficiency" means the measurement of the amount of water beneficially used divided by the water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

(q) "Landscaped area" means an area with outdoor plants, turf and other vegetation. A landscaped area includes a water feature either in an area with vegetation or that stands alone. A landscaped area may also include design features adjacent to an area with vegetation when allowed under Section 37.128. A landscaped area does not include the footprint of a building, decks, patio, sidewalk, driveway, parking lot or other hardscape that does not meet the criteria in Section 37.128. A landscaped area also does not include an area without irrigation designated for non-development such as designated open space or area with existing native vegetation.

(r) "Landscape Design Manual" means the manual, approved by the City of Oceanside that establishes specific design criteria and guidance to implement the requirements of this Article.

(s) "Landscape Development Manual" means the manual, approved by the City of Oceanside that establishes specific design criteria, guidance, and construction details to implement the requirements of this Article and development within the City of Oceanside.

(t) "Licensed" means licensed by the State of California

(u) "Lo*w he*ad drainage" means a sprinkler head or other irrigation device that continues to emit water after the water to the zone in which the device is located has shut off.

(v) "Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip lines or bubblers.

(w) "Mass grading" means the movement of soil per the grading ordinance.

(x) "Maximum Applied Water Allowance" (MAWA) means the maximum allowed annual water use for a specific landscaped area based on the square footage of the area, the ETAF and the reference ETo.

(y) "Mulch" means an organic material such as leaves, bark, straw or inorganic mineral materials such as rocks, gravel or decomposed granite left loose and applied to the soil surface to reduce evaporation, suppress weeds, moderate soil temperature or prevent soil erosion.

(z) "Overspray" means the water from irrigation that is delivered outside an area targeted for the irrigation and makes contact with a surface not intended to be irrigated.

(aa) "Pervious" means any surface or material that allows the passage of water through the material and into underlying soil.

(bb) "Plant factor" means a factor when multiplied by the ETo, estimates the amount of water a plant needs.

(cc) "Public water purveyor" means a public utility, municipal water district, municipal irrigation district or municipality that delivers water to customers.

(dd) "Recycled water" means waste water that has been treated at the highest level required by the California Department of Health Services for water not intended for human consumption. "Tertiary treated recycled water," means water that has been through three levels of treatment including filtration and disinfection.

(ee) "Runoff" means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area.

(dd) "Special landscaped area" means an area of the landscape dedicated to edible plants, an area irrigated with recycled water, or an area dedicated as turf area within a park, sports field or golf course where turf provides a passive or active recreational surface.

(ee) "Subsurface irrigation" means an irrigation device with a delivery line and water emitters installed below the soil surface that slowly and frequently emit small amounts of water into the soil to irrigate plant roots.

(ff) "Transitional area" means a portion of a landscaped area that is adjacent to a natural or undisturbed area and is designated to ensure that the natural area remains unaffected by plantings and irrigation installed on the property.

(gg) "Turf" means a groundcover surface of mowed grass.

(hh) "Water feature" means a design element where open water performs an aesthetic or recreational function. A water feature includes a pond, lake, waterfall, fountain, artificial streams, spa and swimming pool. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices are not water features.

(ii) "WUCOLS III" means Water Use Classification of Landscape Species and refers to the Department of Water Resources 1999 publication or the most current version.

SEC. 37.117. Applicability.

(a) This Article shall apply to the following projects which require a building permit or a discretionary permit:

(1) A project for an industrial, commercial, institutional, or multi-family residential use where the landscaped area is greater than or equal to 2,500 square feet.

(2) Developer installed residential and common area landscapes where the total landscaped area for the development is greater than or equal to 2,500 square feet.

(3) A new single-family residence with homeowner provided landscaping where the landscaped area is greater than or equal to 5,000 square feet.

(4) A model home that includes a landscaped area greater than or equal to 2,500 square feet.

(5) A public agency project that contains a landscaped area 2,500 square feet or more.

(6) A rehabilitated landscape for an existing industrial, commercial, institutional, public agency, or multifamily use where a building permit or discretionary permit is being issued and the applicant is installing or modifying 2,500 square feet or more of landscaping.

(7) A cemetery under limited requirements in Section 37.130.

(8) A new single-family residence with homeowner provided landscaping, where the landscape area is less than 5,000 square feet, under limited requirements in Section 37.129.

(b) This Article shall not apply to the following:

(1) A registered local, State or federal historical site.

(2) An ecological restoration project that does not require a permanent irrigation system.

(3) A mined land reclamation project that does not require a permanent irrigation system.

(4) A botanical garden or arboretum, open to the public.

(5) Any single-family residence that is being rebuilt after it was destroyed due to a natural disaster, such as a fire, earthquake, hurricane or tornado.

SEC. 37.118. Landscape Approval – Project Entitlement Phase

(a) No person shall install landscaping for a project subject to this Article without the review and approval required by this Article.

(b) A person constructing a project subject to the requirements of this Article shall obtain approval for the landscaped area as follows:

(1) A person applying for a building permit for a single-family residence shall obtain an approval of the landscaping from the City of Oceanside as part of the permitting process.

(2) A person applying for a discretionary permit described in section 37.117:

(i) Shall submit a landscape concept plan a required by the discretionary permit application. The concept plan shall include representation of the site features, proposed planting areas and the proposed method and type of irrigation.

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(ii) Shall obtain approval for landscaping as part of the permitting process for each building permit for each project segment that requires installation of a water meter or connection to an existing water meter.

(iii) May use "typical" plans for Developer-installed landscaping for Single-family homes.

SEC. 37.119. Administration, Landscape Design and Development Manual.

(a) The Director shall administer and enforce this Article.

(b) The Director shall prepare a landscape design manual or may designate the current County of San Diego Landscape Design Manual as the City of Oceanside's Landscape Design Manual to provide guidance to applicants on how to comply with the requirements of this Article.

(c) The Director shall enforce the construction and installation of landscape items to be subject to the City of Oceanside guidelines and specifications for landscape development and in accordance with the current Landscape Development Manual.

SEC. 37.120. Landscape Documentation Package – Final Landscape Improvement Plans.

(a) Except as provided in subsection (b), building permit applications for projects subject to Section 37.117 shall include a landscape documentation package that complies with the provisions of this Article, with the Landscape Design Manual and the current City of Oceanside Landscape Development Manual.

(b) An applicant for a building permit for a single family residence with a landscaped area less than 5,000 square feet is not required to submit a landscape documentation package with the permit application, but shall comply with Section 37.129. An applicant for a permit for a cemetery is not required to submit a landscape documentation package, but shall comply with Section 37.130.

(c) The landscape documentation package required by subsection (a) shall contain the following:

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(1) A soil management report and plan that complies with Section 37.121 that analyzes the soil within each landscaped area of the project and makes recommendations regarding soil additives.

(2) Planting and irrigation plans that comply with Section 37.122 that describe the landscaping and irrigation for the project.

(3) A water efficient landscape worksheet that complies with Section 37.123 that calculates the MAWA and the ETWU for the project.

(4) A grading design plan that complies with Section 37.124 that describes the grading of the project. If the project applicant has submitted a grading plan with the application for the project, the Director may accept that grading plan in lieu of the grading design plan required by this subsection if the grading plan complies with Section 37.124.

SEC. 37.121. Soil Management Report

(a) The soil management report required by Section 37.120 shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional licensed by the state to do this work and shall contain the following information:

(1) An analysis of the soil for the proposed landscaped areas of the project that includes information about the soil texture, soil infiltration rate, pH, total soluble salts, sodium, and percent organic matter.

(2) Recommendations about soil amendments that may be necessary to foster plant growth and plant survival in the landscaped area using efficient irrigation techniques.

(b) When a project involves mass grading of a site the applicant shall submit the soil management report that complies with subsection (a) above with the certificate of completion required by Section 37.136.

(c) The soil management report shall include information regarding proposed soil amendments and mulch:

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(1) The report shall identify the type and amount of mulch for each area where mulch is applied. Mulch shall be used as follows:

(i) A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces in each landscaped area except in turf areas, creeping or rooting ground covers or direct seeding applications where mulch is contraindicated.

(ii) Stabilizing mulch shall be applied on slopes.

(iii) The mulching portion of seed/mulch slurry in hydro-seeded applications shall comply with subsection (a) above.

(iv) Highly flammable mulch material shall not be used.

(2) The report shall identify any soil amendments and their type and quantity.

SEC. 37.122. Planting and Irrigation Plans

(a) The planting and irrigation plans required by Section 37.120 shall be prepared by a licensed landscape architect, or other professional licensed by the state to do this work. The plans shall:

(1) Include the MAWA for the plans, including the calculations used to determine the MAWA. The calculations shall be based on the formula in Section 37.126.

(2) Include the ETWU for the plans, including the calculations used to determine the ETWU. The calculations shall be based on the formula in Section 37.127.

(3) Include a statement signed under penalty of perjury by the person who prepared the plan that provides, "I am familiar with the requirements for landscape and irrigation plans contained in the City of Oceanside's Water Efficient Landscape Regulations. I have prepared this plan in compliance with those regulations, the Landscape Design Manual and the current City of Oceanside Landscape Development Manual. I certify that the plan implements those regulations to provide efficient use of water."

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(4) Demonstrate compliance with best management practices required by (*Watershed Protection, Stormwater Management and Discharge Control regulations*).

(5) Address fire safety issues and demonstrate compliance with applicable requirements for defensible space around buildings and structures and shall avoid the use of fire prone vegetation.

(b) The planting plan shall meet the following requirements:

(1) The plan shall include a list of all vegetation by common and botanical plant name, which exists in the proposed landscaped area. The plan shall state what vegetation will be retained and what will be removed.

(2) The plan shall include a list of all vegetation by common and botanical plant name, which will be added to each landscaped area. No invasive plant species shall be added to a landscaped area. The plan shall include the total quantities by container size and species. If the applicant intends to plant seeds, the plan shall describe the seed mixes, applicable purity, germination specifications, slurry mix specification and tackifier information.

(3) The plan shall include a detailed description of each water feature that will be included in the landscaped area.

(4) The plan shall be accompanied by a drawing showing on a page or pages, the specific location of all vegetation, retained or planted, the plant spacing and plant size, natural features, water features, and hardscape areas. The drawing shall include a legend listing the common and botanical plant name of each plant shown on the drawing.

(5) All plants shall be grouped in hydrozones and the irrigation shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping. A hydrozone may mix plants of moderate and low water use or mix plants of high water use with plants of moderate water use. No high water

use plants shall be allowed in a low water use hydrozone. The plan shall also demonstrate how the plant groupings accomplish the most efficient use of water.

(6) The plan shall identify areas permanently and solely dedicated to edible plants.

(7) The plan shall demonstrate that landscaping when installed and at maturity will be positioned to avoid obstructing motorists' views of pedestrian crossings, driveways, roadways and other vehicular travel ways. If the landscaping will require maintenance to avoid obstructing motorist's views, the plan shall describe the maintenance and the frequency of the proposed maintenance.

(8) The plan shall avoid the use of landscaping with known surface root problems adjacent to a paved area, unless the plan provides for installation of root control barriers or other appropriate devices to control surface roots.

(9) Plants in a transitional area shall consist of a combination of site adaptive and compatible native and/or non-native species. No invasive species shall be introduced or tolerated in a transitional area. The irrigation in a transitional area shall be designed so that no overspray or runoff shall enter an adjacent area that is not irrigated.

(10) On a project other than a single-family residence, the plan shall identify passive and active recreational areas.

(c) The Irrigation Plan shall meet the following requirements:

(1) The plan shall show the location, type and size of all components of the irrigation system that will provide water to the landscaped area, including the controller, water lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices.

(2) The plan shall show the static water pressure at the point of connection to the public water supply and the flow rate in gallons, the application rate in inches per hour and the design operating pressure in pressure per square inch for each station.

(3) The irrigation system shall be designed to prevent runoff, overspray, low-head drainage and other similar conditions where irrigation water flows or sprays onto areas not intended for irrigation. The plan shall also demonstrate how grading and drainage techniques promote healthy plant growth and prevent erosion and runoff.

(4) The plan shall identify each area irrigated with recycled water.

(5) The plan shall provide that any slope greater than 25 percent will be irrigated with an irrigation system with a precipitation rate of .75 inches per hour or less to prevent runoff and erosion. As used in this Article, 25 percent grade means one foot of vertical elevation change for every four feet of horizontal length. An applicant may employ an alternative design if the plan demonstrates that no runoff or erosion will occur.

(6) The plan shall provide that all wiring and piping under a paved area that a vehicle may use, such as a parking area, driveway or roadway, will be installed inside a PVC conduit.

(7) The plan shall provide that irrigation piping and irrigation devices that deliver water, such as sprinkler heads, shall be installed below grade if they are within 24 inches of a vehicle or pedestrian use area. The Director may allow on-grade piping where landform constraints make below grade piping infeasible.

(8) The plan shall provide that only low volume or subsurface irrigation shall be used to irrigate any vegetation within 24 inches of an impermeable surface unless the adjacent impermeable surfaces are designed and constructed to cause water to drain entirely into a landscaped area.

(9) The irrigation system shall provide for the installation of a manual shutoff valve as close as possible to the water supply. Additional manual shutoff valves shall be installed between each zone of the irrigation system and the water supply.

(10) The irrigation system shall provide that irrigation for any landscaped area will be regulated by an automatic irrigation controller.

(11) The irrigation system shall be designed with a landscape irrigation efficiency necessary to meet the MAWA.

(12) The plan shall describe each automatic irrigation controller the system uses to regulate the irrigation schedule and whether it is a weather based system or moisture detection system. The plan shall depict the location of electrical service for the automatic irrigation controller or describe the use of batteries or solar power that will power valves or a smart controller.

SEC. 37.123. Water Efficient Landscape Worksheet

The water efficient landscape worksheet required by Section 37.120 shall be prepared by a licensed landscape architect, or other professional licensed by the state to do this work and shall contain the following:

(a) A hydrozone information table that contains a list of each hydrozone in the landscaped area of the project and complies with the following requirements:

(1) For each hydrozone listed, the table shall identify the plant types and water features in the hydrozone, the irrigation methods used, the square footage and the percentage of the total landscaped area of the project that the hydrozone represents.

(2) The plant types shall be categorized as turf, high water use, moderate water use or low water use.

(b) Water budget calculations, which shall meet the following requirements:

(1) The plant factor used shall be from WUCOLS III. The plant factor shall be 0.1 for very low water use plants 0.3 for low water use plants, 0.5 for moderate water use plants and 0.8 for high water use plants. A plan that mixes plants in a hydrozone that require a different amount of water shall use the plant factor for the highest water using plant in the hydrozone.

(2) Temporarily irrigated areas shall be included in the low water use hydrozone. Temporarily irrigated as used in this Article means the period of time when plantings only receive water until they become established.

(3) The surface area of a water feature, including swimming pools, shall be included in a high water use hydrozone.

(4) The calculations shall use the formula for the MAWA in Section 37.126 and for the ETWU in Section 37.127.

(5) Each special landscaped area shall be identified on the worksheet and the area's water use calculated using an ETAF of 1.0.

SEC. 37.124. Grading Design Plan

The grading design plan required by Section 37.120 shall be prepared by a California licensed civil engineer, or other professional licensed by the state to do this work and shall comply with following requirements:

(a) The grading on the project site shall be designed for the efficient use of water by minimizing soil erosion, runoff and water waste, resulting from precipitation and irrigation.

(b) The plan shall show the finished configurations and elevations of each landscaped area including the height of graded slopes, the drainage pattern, pad elevations, finish grade and any stormwater retention improvements.

SEC. 37.125. Irrigation Schedule

The irrigation schedule required by Section 37.120, shall be prepared by a licensed landscape architect, or other professional licensed by the state to do this work and provide the following information:

(a) A description of the automatic irrigation system that will be used for the project.

(b) The ETo data relied on to develop the irrigation schedule, including the source of the data.

(c) The time period when overhead irrigation will be scheduled and confirm that no overhead irrigation shall be used between 10:00 a.m. and 6:00 p.m.

(d) The parameters used for setting the irrigation system controller for watering times for:

(1) The plant establishment period.

(2) Established landscaping.

(3) Temporarily irrigated areas.

(4) Different seasons during the year.

(e) The consideration used for each station for the following factors:

(1) The days between irrigation.

(2) Station run time in minutes for each irrigation event, designed to avoid runoff.

(3) Number of cycle starts required for each irrigation event, designed to avoid runoff.

(4) Amount of water to be applied on a monthly basis.

(5) The root depth setting.

(6) The plant type setting.

(7) The soil type.

(8) The slope factor.

(9) The shade factor.

SEC. 37.126. Maximum Applied Water Use

(a) A landscape project subject to this Article shall not exceed the MAWA. The MAWA for a landscape project shall be determined by the following calculation:

MAWA = (ETo)(0.62)[0.7 x LA + 0.3 x SLA]

(b) The abbreviations used in the equation have the following meanings:

(1) MAWA = Maximum Applied Water Allowance in gallons per year.

(2) ETo = Evapotranspiration in inches per year.

(3) 0.62 = Conversion factor to gallons per square foot.

(4) 0.7= ET adjustment factor for plant factors and irrigation efficiency.

(5) LA = Landscaped area includes special landscaped area in square feet.

(6) 0.3 = the additional ET adjustment factor for a special landscaped area (1.0 - 0.7 = 0.3)

(7) SLA = Portion of the landscaped area identified as a special landscaped area in square feet.

SEC. 37.127. Estimated Total Water Use

(a) An applicant for a project subject to this Article shall calculate the ETWU for each landscaped area and the entire project using the following equation:

(1) ETWU = (ETo)(0.62)(PF x HA / IE + SLA)

(b) The abbreviations used in the equation have the following meanings:

(1) ETWU = Estimated total water use in gallons per year.

(2) ETo = Evapotranspiration in inches per year.

(3) 0.62 = Conversion factor to gallons per square foot.

(4) PF = Plant factor from WUCOLS

(5) HA = Hydrozone Area in square feet. Each HA shall be classified based upon the data included in the landscape and irrigation plan as high, medium or low water use.

(6) IE = Irrigation Efficiency of the irrigation method used in the hydrozone.

(7) SLA = Special landscaped area in square feet.

(c) The ETWU for a proposed project shall not exceed the MAWA.

SEC. 37.128. Adjustment to Landscaped Area For Non-Vegetated Area

Rock and stone or pervious design features, such as decomposed granite ground cover that are adjacent to a vegetated area may be included in the calculation of the MAWA and ETWU provided the features are integrated into the design of the landscape area and the primary purpose of the feature is decorative.

SEC. 37.129. New Single Family Residential Projects With Limited Landscaping

An applicant for a building permit for a new single-family residence subject to this Article where the landscaped area of the project is less than 5,000 square feet shall, as a condition of obtaining a building permit, submit an application (short form) to establish a MAWA and/or a best landscape design practices checklist for the property on the form approved by the Director.

SEC. 37.130. Cemeteries

(a) A person submitting an application for a cemetery shall include the following:

(1) A concept plan, as described in Section 37.118.

(2) A water efficient irrigation worksheet that calculated the MAWA for the project with the application that complies with Section 37.123.

(3) A landscape irrigation and maintenance schedule that complies with Section 37.135.

SEC. 37.131. Regulations Applicable to Use of Turf on Landscaped Areas

The following regulations shall apply to the use of turf on a project subject to this Article:

(a) Only low volume or subsurface irrigation shall be used for turf in a landscaped area:

(1) On a slope greater than 25 percent grade where the toe of the slope is adjacent to an impermeable hardscape.

(2) Where any dimension of the landscaped area is less than six feet wide.

(b) On a commercial, industrial, institutional or multi-family project, no turf shall be allowed on a center island median strip or on a parking lot island.

(c) A ball field, park, golf course, cemetery and other similar use shall be designed to limit turf in any portion of a landscaped area not essential for the operation of the facility.

(d) No turf shall be allowed in a landscaped area that cannot be efficiently irrigated, such as avoiding runoff or overspray.

SEC. 37.132. Projects With Model Homes

A person who obtains a permit to construct a single-family residential development that contains a model home or homes shall provide a summary of this Article to each adult visitor who visits a model home. If an adult visitor is accompanied by one or more adults during the visit, only one set of written materials is required to be provided. Each model home shall provide an educational sign in the front yard of the model home visible and readable from the roadway that the home faces that states in capital black lettering at least two inches high on a white sign, "THIS MODEL HOME USES WATER EFFICIENT LANDSCAPING AND IRRIGATION."

SEC.37.133. Recycled Water

(a) A person who obtains a permit for a project that is subject to this Article shall use recycled water for irrigation when tertiary treated recycled water is available from the water purveyor who supplies water to the property for which the City of Oceanside issues a permit.

(b) A person using recycled water shall install a dual distribution system for water received from a public water purveyor. Pipes carrying recycled water shall be purple.

(c) A person who uses recycled water under this section shall be entitled to an ETAF of 1.0.

(d) This section does not excuse a person using recycled water from complying with all State and local laws and regulations related to recycled water use.

SEC. 37.134. Landscaping and Irrigation Installation

A person issued a landscape approval for a project, other than a single-family residence where the landscaped area of the project is less than 5,000 square feet, shall install the approved landscaping and irrigation system before final inspection of the project.

SEC. 37.135. Landscaping and Irrigation Maintenance

(a) A property owner using water on property subject to a landscape approval other than a single-family residence with a total landscaped area less than 5,000 square feet, shall prepare a maintenance schedule for the landscaping and irrigation system on the project. The schedule shall provide for (1) routine inspection to guard against runoff and erosion and to detect plant or irrigation system failure, (2) replacement of dead, dying and diseased vegetation, (3) eradication of invasive species, (4) repairing the irrigation system and its components, (5) replenishing mulch, (6) soil amendment when necessary to support and maintain healthy plant growth, (7) fertilizing, pruning and weeding and maintaining turf areas, and (8) maintenance to avoid obstruction of motorists' view. The schedule shall also identify who will be responsible for maintenance.

(b) After approval of a landscape plan, the owner is required to:

(1) Maintain and operate the landscaping and irrigation system on the property consistent with the MAWA.

(2) Maintain the irrigation system to meet or exceed an irrigation efficiency necessary to meet MAWA.

(3) Replace broken or malfunctioning irrigation system components with components of the same materials and specifications, their equivalent or better.

(4) Ensure that when vegetation is replaced, replacement plantings are representative of the hydrozone in which the plants were removed and are typical of the water use requirements of the plants removed, provided that the replaced vegetation does not result in mixing high water use plants with low water use plants in the same hydrozone.

SEC. 37.136. Certificate of Completion

Prior to receiving final approval for completion of the project, each applicant, other than for a single family residence with a total landscaped area less than 5,000 square feet, shall submit a signed certificate of completion and final documentation for the project under penalty of perjury within 10 days after installation.

(a) The certificate of completion shall:

(1) Be submitted on a form provided by the City of Oceanside.

(2) Include a statement verifying that the landscaping and irrigation were installed as allowed in the approved landscape and irrigation plan, all approved soil amendments were implemented, the installed irrigation system is functioning as designed and approved, the irrigation control system was properly programmed in accordance with the irrigation schedule, and the person operating the system has received all required maintenance and irrigation plans, and

(3) Be signed by the professional of record for the landscape design.

(b) The final submittal shall include:

(1) Irrigation schedule that complies with Section 37.125, that describes the irrigation times and water usage for the project

(2) A landscaping and irrigation system maintenance schedule that complies with Section 37.135, and

(3) A soil management report that complies with Section 37.121, if the applicant did not submit the report with the landscape documentation package.

(4) Final "as built" plans, submitted by the professional of record, where there have been significant changes to the landscape plan during the installation of landscaping or irrigation devices or irrigation system components.

SEC. 37.137. Waste Water Prevention

(a) No person shall use water for irrigation that due to runoff, low head drainage, overspray or other similar condition, water flows onto adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas.

(b) No person whose landscape is subject to a landscape approval pursuant to this Article shall apply water to the landscape in excess of the MAWA.

SEC. 37.138. Enforcement

(a) The City Manager shall administer and enforce the provisions of this Article. Any City authorized personnel or enforcement officer may exercise any enforcement powers as set forth in the Code.

(b) The City may delegate to or enter into a contract with a local agency or other person to implement and administer any of the provisions of this Article on behalf of the City.

SEC. 37.139. Fees

An applicant for a project subject to this Article shall include with the application, all fees established by the City of Oceanside to cover the City of Oceanside's cost to review an application, any required landscape documentation package and any other documents the City of Oceanside reviews pursuant to the requirements of this Article.

SECTION 2. If any section, sentence, clause or phrase of this Article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article.

The City Council hereby declares that it would have passed this ordinance and adopted this Article and each section, sentence, clause or phrase thereof, irrespective of the fact that any

one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its passage in the North County Times, a newspaper of general circulation published in the City of Oceanside.

SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California held on the _____day of _____, 2010, and thereafter,

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____day of _____, 2010, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

Barbara Hamilton, ABST.
CITY ATTORNEY