



Meeting Date: 1/26/10

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Study Session

Prepared By: Anthony Emmert, Water Resources Manager Agenda Item No. L-7

Reviewed By: City Manager \_\_\_\_\_ City Attorney SMP Finance [Signature] Dev Svcs \_\_\_\_\_ Public Works [Signature]

**DATE:** January 15, 2010

**TO:** City Council

**FROM:** Mark S. Norris, Assistant Public Works Director  
Public Works Department, Utilities Services Branch [Signature]

Sue Martin, AICP, Planning Manager  
Development Services Department [Signature]

**SUBJECT:** **Adopt a Water Efficient Landscape Ordinance and Associated Landscape Water Conservation Standards as Required by Assembly Bill 1881**

**RECOMMENDATION**

That City Council:

1. Approve the first reading by title only and subsequent adoption of the Water Efficient Landscape Ordinance and Associated Landscape Water Conservation Standards.
2. Designate the City Clerk to prepare and publish a summary of this ordinance, and post a certified copy of it in the Office of the City Clerk a minimum of five days before the meeting at which the City Council will consider final adoption of the ordinance.

**BACKGROUND**

In 1992, the State of California enacted the Water Conservation in Landscaping Act (AB 325) requiring the adoption of water efficient landscape ordinances by cities and counties throughout the state. To assist local agencies, the California Department of Water Resources (DWR) developed a Model Water Efficient Landscape Ordinance (MWELo) that established water efficient landscape design standards for urban landscapes. At that time the City determined no action was required, as its landscape standards were congruent with the water efficient design standards outlined in the MWELo.

In 2006, Governor Schwarzenegger signed Assembly Bill 1881 amending the Water Conservation in Landscaping Act. The bill required two new things: 1) DWR to update the original MWELo; and 2) cities and counties to update local Landscape Ordinances by January 1, 2010 so that they are "at least as effective as" DWR's updated MWELo. The updated MWELo was approved by the Office of Administrative Law on September 10, 2009 and became effective on that date.

## **DISCUSSION**

### **Approach**

The Development Services and the Public Works Departments partnered to develop a locally-crafted Water Efficient Landscape Ordinance that is “at least as effective as” the State’s MWELO, yet minimizes the complexity and cost of compliance with the landscape water efficiency requirements.

### **“At Least as Effective As” Justification**

AB 1881 requires cities to include information in the record for any ordinance approval that designates the locally-approved alternative to the MWELO as “equally effective.” This staff report provides justification that the City’s Water Efficient Landscape Ordinance is “at least as effective as” the MWELO.

The intent of the State’s MWELO is to encourage the efficient use of water in both private and publicly-owned landscapes to reduce water waste and stretch the State’s limited water supplies. In Oxnard’s warm, dry climate it is estimated that approximately 44% of the City’s water supplies are used for landscape irrigation. Both the MWELO and the City’s Water Efficient Landscape Ordinance promote the efficient use of water and improve irrigation efficiency in new and existing landscapes by the incorporation of the following:

- makes the issuance of building permits and permanent certificates of occupancy for commercial, industrial, and residential construction projects contingent upon compliance with the provisions of the Water Efficient Landscape Ordinance for projects that include new or altered landscape areas
- requires all landscape and irrigation plans to be designed by a California licensed architect or a California licensed landscape architect
- requires the use of a water budget approach and inclusion of the water budget “maximum applied water allowance” calculation on the landscape plans
- requires that all water budget calculations use an evapotranspiration (ET) adjustment factor of 0.7
- requires the submittal of an irrigation schedule specific to the proposed landscape and irrigation design plans
- requires the landscape architect or architect responsible for the landscape and irrigation design to sign a statement of compliance certifying that the project was designed and installed in a manner that complies with the ordinance provisions

Consistent with the intent of the MWELO to improve landscape water use efficiency, the City added several additional provisions specific to Oxnard’s water supply and development situation, including:

- Turf restrictions. Prohibits or limits the planting of turf in certain settings where it does not serve a functional purpose, as in creating a playing surface.
- Recycled water ET adjustment factor. Landscapes watered with recycled water must be designed using a water budget based on a 0.7 ET adjustment factor, rather than the 1.0 ET adjustment factor required in the MWELO.

## **Water Efficient Landscape Ordinance**

January 26, 2010

Page 3

- Landscape Irrigation Water Budget Program. Projects with a dedicated landscape irrigation meter must enroll in the City's Landscape Irrigation Water Budget Program, which promotes ongoing effective management of landscape irrigation water. Landscape irrigation water budget programs are an effective method for ensuring ongoing appropriate water use in established landscapes, and are one of the California Urban Water Conservation Council's (CUWCC) best management practices.

In addition, the City of Oxnard maintains an active water conservation program since becoming a member of the CUWCC in 2005. Many of the City's water conservation programs further promote landscape water use efficiency and prohibit water waste in the landscape.

### **Effects of Ordinance Implementation**

The water efficient landscape ordinance has been designed to minimize the burden it will place on both the City and the landscape designer while still effectively reducing the amount of water required by new and/or significantly altered landscapes. Additional documentation by the landscape designer, including the water budget calculation and self-certification, are required. In addition, landscapes must include an increased number of water wise plants and a weather-based irrigation controller to satisfy the water budget requirements.

To ensure smooth implementation of the Water Efficient Landscape Ordinance the Development Services Department and the Public Works Department developed a public outreach strategy that includes creation of the following products:

- A handout to explain the provisions of the ordinance. This handout will be made available at the Development Services customer service counter at the effective date of the ordinance.
- A letter explaining the ordinance requirements will be mailed to Planning Division applicants with active development applications soon after the effective date of the ordinance.
- A brochure explaining the benefits of and care for water efficient landscapes to new home owners within three months of the effective date of the ordinance.

### **FINANCIAL IMPACT**

No financial impact is anticipated. The self-certification process provides a cost effective method for City staff to review the plans without increasing the demand on staff time. In addition, the Landscape Irrigation Water Budget program is already funded and will require no additional funding in association with the ordinance.

MSN:drc:joh

Attachment #1 – AB 1881

Attachment #2 – State Model Efficient Landscape Ordinance (MWELo)

Attachment #3 – City of Oxnard Water Efficient Landscape Ordinance

Attachment #4 – City of Oxnard Landscape Water Conservation Standards

Note: Attachment #2 has been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting and in the City Clerk's Office after 8:00 a.m. on Monday prior to the Council meeting.

**Assembly Bill No. 1881**

**CHAPTER 559**

An act to add Section 1353.8 to the Civil Code, to repeal and add Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code, to add Section 25401.9 to the Public Resources Code, and to add Article 4.5 (commencing with Section 535) to Chapter 8 of Division 1 of the Water Code, relating to water conservation.

[Approved by Governor September 28, 2006. Filed with  
Secretary of State September 28, 2006.]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1881, Laird. Water conservation.

(1) Existing law, the Davis-Sterling Common Interest Development Act, defines and regulates common interest developments, which include community apartment projects, condominium projects, planned developments, and stock cooperatives.

This bill would provide that the architectural guidelines of a common interest development shall not prohibit or include conditions that have the effect of prohibiting the use of low water-using plants as a group.

(2) The Water Conservation in Landscaping Act requires the Department of Water Resources to appoint an advisory task force to work with the department to draft a model local water efficient landscape ordinance that local agencies may adopt, requires the task force to submit the ordinance to the department on or before May 1, 1991, and requires the task force to cease to exist on the date the department adopts the model ordinance or January 1, 1992, whichever occurs first. The act requires the department, not later than January 1, 1992, to adopt a model local water efficient landscape ordinance which each local agency may adopt. The act makes the model local water efficient landscape ordinance adopted by the department applicable within the jurisdiction of a local agency if that local agency, by January 1, 1993, has not adopted a water efficient landscape ordinance or has not adopted certain findings that the adoption of the ordinance is unnecessary.

This bill would specify that the provision making the model ordinance applicable to a local agency on and after January 1, 1993, does not apply to chartered cities. The bill would require the department, to the extent funds are appropriated, not later than January 1, 2009, by regulation, to update the model ordinance in accordance with specified requirements. The bill would require the department to prepare and submit to the Legislature a prescribed report before the adoption of the updated model ordinance. The bill would require a local agency, not later than January 1, 2010, to adopt the updated model ordinance or other water efficient

landscape ordinance that is at least as effective in conserving water as the updated model ordinance. The bill would make the updated model ordinance applicable within the jurisdiction of a local agency, including a chartered city, if, by January 1, 2010, the local agency has not adopted its own water efficient landscape ordinance or the updated model ordinance. The bill would require each local agency, not later than January 31, 2010, to notify the department as to whether the local agency is subject to the department's updated model ordinance and, if not, to submit to the department a copy of the water efficient landscape ordinance adopted by the local agency, among other documents. The bill would require the department, to the extent funds are appropriated, not later than January 31, 2011, to prepare and submit a report to the Legislature relating to the status of water efficient landscape ordinances adopted by local agencies.

By imposing requirements on local agencies in connection with the adoption of water efficient landscape ordinances, the bill would impose a state-mandated local program.

(3) Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission), after one or more public hearings, to take specified action to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy. Existing law requires the Energy Commission, by January 1, 2004, to amend specified regulations to require that residential clothes washers manufactured on or after January 1, 2007, be at least as water efficient as commercial clothes washers, and to take certain other related action.

This bill would require the Energy Commission, in consultation with the department, to adopt, to the extent funds are available, by regulation performance standards and labeling requirements for landscape irrigation equipment, including irrigation controllers, moisture sensors, emission devices, and valves to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy or water. The bill would require the Energy Commission to adopt those requirements for landscape irrigation controllers and moisture sensors by January 1, 2010, and, on and after January 1, 2012, would prohibit the sale or installation of an irrigation controller or moisture sensor for landscape use unless the controller or sensor meets those adopted requirements. The bill would require the Energy Commission, on or before January 1, 2010, to prepare and submit to the Legislature a report that sets forth a proposed schedule for adopting performance standards and labeling requirements for emission devices and valves.

(4) Existing law generally requires an urban water supplier to install water meters on all municipal and industrial service connections located within its service area on or before January 1, 2025.

This bill would require a water purveyor as defined, to require as a condition of new retail water service on and after January 1, 2008, the installation of separate water meters to measure the volume of water used exclusively for landscape purposes. The bill would make this requirement applicable to specified service connections.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1353.8 is added to the Civil Code, to read:

1353.8. The architectural guidelines of a common interest development shall not prohibit or include conditions that have the effect of prohibiting the use of low water-using plants as a group.

SEC. 2. Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code is repealed.

SEC. 3. Article 10.8 (commencing with Section 65591) is added to Chapter 3 of Division 1 of Title 7 of the Government Code, to read:

Article 10.8. Water Conservation in Landscaping

65591. This article shall be known and may be cited as the Water Conservation in Landscaping Act.

65592. Unless the context requires otherwise, the following definitions govern the construction of this article:

(a) "Department" means the Department of Water Resources.

(b) "Local agency" means any city, county, or city and county, including a charter city or charter county.

(c) "Water efficient landscape ordinance" means an ordinance or resolution adopted by a local agency, or prepared by the department, to address the efficient use of water in landscaping.

65593. The Legislature finds and declares all of the following:

(a) The waters of the state are of limited supply and are subject to ever increasing demands.

(b) The continuation of California's economic prosperity is dependent on adequate supplies of water being available for future uses.

(c) 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.

(d) 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.

(e) Landscape design, installation, maintenance, and management can and should be water efficient.

(f) Section 2 of Article X 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 use or unreasonable method of use.

(g) (1) The Legislature, pursuant to Chapter 682 of the Statutes of 2004, requested the California Urban Water Conservation Council to convene a stakeholders work group to develop recommendations for improving the efficiency of water use in urban irrigated landscapes.

(2) The work group report includes a recommendation to update the model water efficient landscape ordinance adopted by the department pursuant to Chapter 1145 of the Statutes of 1990.

(3) It is the intent of the Legislature that the department promote the use of this updated model ordinance.

(h) Notwithstanding Article 13 (commencing with Section 65700), this article addresses a matter that is of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Accordingly, it is the intent of the Legislature that this article, except as provided in Section 65594, apply to all cities and counties, including charter cities and charter counties.

65594. (a) Except as provided in Section 65595, if by January 1, 1993, a local agency did not adopt a water efficient landscape ordinance and did not adopt findings based on climatic, geological, or topographical conditions, or water availability that state that a water efficient landscape ordinance is unnecessary, the model water efficient landscape ordinance adopted by the department pursuant to Chapter 1145 of the Statutes of 1990 shall apply within the jurisdiction of the local agency as of that date, shall be enforced by the local agency, and shall have the same force and effect as if adopted by the local agency.

(b) Notwithstanding subdivision (b) of Section 65592, subdivision (a) does not apply to chartered cities.

(c) This section shall apply only until the department updates the model ordinance.

65595. (a) (1) To the extent funds are appropriated, not later than January 1, 2009, by regulation, the department shall update the model water efficient landscape ordinance adopted pursuant to Chapter 1145 of the Statutes of 1990, after holding one or more public hearings. The updated model ordinance shall be based on the recommendations set forth in the report prepared pursuant to Chapter 682 of the Statutes of 2004 and shall meet the requirements of Section 65596.

(2) Before the adoption of the updated model ordinance pursuant to paragraph (1), the department shall prepare and submit to the Legislature a report relating to both of the following:

(A) The extent to which local agencies have complied with the model water efficient landscape ordinance adopted pursuant to Chapter 1145 of the Statutes of 1990.

(B) The department's recommendations regarding the landscape water budget component of the updated model ordinance described in subdivision (b) of Section 65596.

(b) Not later than January 31, 2009, the department shall distribute the updated model ordinance adopted pursuant to subdivision (a) to all local agencies and other interested parties.

(c) On or before January 1, 2010, a local agency shall adopt one of the following:

(1) A water efficient landscape ordinance that is, based on evidence in the record, at least as effective in conserving water as the updated model ordinance adopted by the department pursuant to subdivision (a).

(2) The updated model ordinance described in paragraph (1).

(d) If the local agency has not adopted, on or before January 1, 2010, a water efficient landscape ordinance pursuant to subdivision (c), the updated model ordinance adopted by the department pursuant to subdivision (a) shall apply within the jurisdiction of the local agency as of that date, shall be enforced by the local agency, and shall have the same force and effect as if adopted by the local agency.

(e) Nothing in this article shall be construed to require the local agency's water efficient landscape ordinance to duplicate, or to conflict with, a water efficiency program or measure implemented by a public water system, as defined in Section 116275 of the Health and Safety Code, within the jurisdictional boundaries of the local agency.

65596. The updated model ordinance adopted pursuant to Section 65595 shall do all the following in order to reduce water use:

(a) Include provisions for water conservation and the appropriate use and groupings of plants that are well-adapted to particular sites and to particular climatic, soil, or topographic conditions. The model ordinance shall not prohibit or require specific plant species, but it may include conditions for the use of plant species or encourage water conserving plants. However, the model ordinance shall not include conditions that have the effect of prohibiting or requiring specific plant species.

(b) Include a landscape water budget component that establishes the maximum amount of water to be applied through the irrigation system, based on climate, landscape size, irrigation efficiency, and plant needs.

(c) Promote the benefits of consistent local ordinances in neighboring areas.

(d) Encourage the capture and retention of stormwater onsite to improve water use efficiency or water quality.

(e) Include provisions for the use of automatic irrigation systems and irrigation schedules based on climatic conditions, specific terrains and soil types, and other environmental conditions. The model ordinance shall include references to local, state, and federal laws and regulations regarding standards for water-conserving irrigation equipment. The model ordinance may include climate information for irrigation scheduling based on the California Irrigation Management Information System.

(f) Include provisions for onsite soil assessment and soil management plans that include grading and drainage to promote healthy plant growth and to prevent excessive erosion and runoff, and the use of mulches in shrub areas, garden beds, and landscaped areas where appropriate.

(g) Promote the use of recycled water consistent with Article 4 (commencing with Section 13520) of Chapter 7 of Division 7 of the Water Code.

(h) Seek to educate water users on the efficient use of water and the benefits of doing so.

(i) Address regional differences, including fire prevention needs.

(j) Exempt landscaping that is part of a registered historical site.

(k) Encourage the use of economic incentives to promote the efficient use of water.

(l) Include provisions for landscape maintenance practices that foster long-term landscape water conservation. Landscape maintenance practices may include, but are not limited to, performing routine irrigation system repair and adjustments, conducting water audits, and prescribing the amount of water applied per landscaped acre.

(m) Include provisions to minimize landscape irrigation overspray and runoff.

65597. Not later than January 31, 2010, each local agency shall notify the department as to whether the local agency is subject to the department's updated model ordinance adopted pursuant to Section 65595, and if not, shall submit to the department a copy of the water efficient landscape ordinance adopted by the local agency, and a copy of the local agency's findings and evidence in the record that its water efficient landscape ordinance is at least as effective in conserving water as the department's updated model ordinance. Not later than January 31, 2011, the department shall, to the extent funds are appropriated, prepare and submit a report to the Legislature summarizing the status of water efficient landscape ordinances adopted by local agencies.

65598. Any model ordinance adopted pursuant to this article shall exempt cemeteries from all provisions of the ordinance except those set forth in subdivisions (h), (k), and (l) of Section 65596. In adopting language specific to cemeteries, the department shall recognize the special landscape management needs of cemeteries.

65599. Any actions or proceedings to attach, review, set aside, void, or annul the act, decision, or findings of a local agency on the ground of noncompliance with this article shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

SEC. 4. Section 25401.9 is added to the Public Resources Code, to read:

25401.9. (a) To the extent that funds are available, the commission, in consultation with the Department of Water Resources, shall adopt by regulation, after holding one or more public hearings, performance standards and labeling requirements for landscape irrigation equipment, including, but not limited to, irrigation controllers, moisture sensors, emission devices, and valves, for the purpose of reducing the wasteful, uneconomic, inefficient, or unnecessary consumption of energy or water.

(b) For the purposes of complying with subdivision (a), the commission shall do all of the following:

(1) Adopt performance standards and labeling requirements for landscape irrigation controllers and moisture sensors on or before January 1, 2010.

(2) Consider the Irrigation Association’s Smart Water Application Technology Program testing protocols when adopting performance standards for landscape irrigation equipment, including, but not limited to, irrigation controllers, moisture sensors, emission devices, and valves.

(3) Prepare and submit a report to the Legislature, on or before January 1, 2010, that sets forth on a proposed schedule for adopting performance standards and labeling requirements for emission devices and valves.

(c) On and after January 1, 2012, an irrigation controller or moisture sensor for landscape irrigation uses may not be sold or installed in the state unless the controller or sensor meets the performance standards and labeling requirements established pursuant to this section.

SEC. 5. Article 4.5 (commencing with Section 535) is added to Chapter 8 of Division 1 of the Water Code, to read:

Article 4.5. Irrigated Landscape

535. (a) A water purveyor shall require as a condition of new retail water service on and after January 1, 2008, the installation of separate water meters to measure the volume of water used exclusively for landscape purposes.

(b) Subdivision (a) does not apply to either of the following:

(1) Single-family residential connections.

(2) Connections used to supply water for the commercial production of agricultural crops or livestock.

(c) Subdivision (a) applies only to a service connection for which both of the following apply:

(1) The connection serves property with more than 5,000 square feet of irrigated landscape.

(2) The connection is supplied by a water purveyor that serves 15 or more service connections.

(d) For the purposes of this section, “new retail water service” means the installation of a new water meter where water service has not been previously provided, and does not include applications for new water service submitted before January 1, 2007.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

AN UNCODIFIED ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADOPTING  
WATER EFFICIENT LANDSCAPING STANDARDS

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 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; and

WHEREAS, The City hereby finds that:

- (1) Incentive-based water use efficiency programs are actively implemented within the City of Oxnard;
- (2) Current local design practices in new landscapes typically achieve the State Model Water Efficient Landscape Ordinance water use goals;
- (3) All water services within the City of Oxnard are metered;
- (4) Landscape plan submittal and review has been a long standing practice in the City of Oxnard; and

WHEREAS, The City, as the local water purveyor, is implementing enforcement of water waste prohibitions for all existing metered landscaped areas within its jurisdiction.

WHEREAS, Consistent with these findings, the purpose of the City's Water Efficient Landscape Ordinance is to establish an alternative model acceptable under California Assembly Bill AB 1881 as being at least as effective as the State Model Water Efficient Landscape Ordinance in the context of conditions in the City in order to:

- (1) promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- (2) establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- (3) 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.

WHEREAS, the California Environmental Quality Act (CEQA) does not apply to this project pursuant to the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, section 15061(b)(3). Since there is no possibility that the proposed project may have a significant effect on the environment this project is exempt.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. The City adopts and incorporates herein the Landscape Water Conservation Standards attached hereto as water conservation standards to be applied in the City. These standards may be enforced by any means provided for in the City Code.

Part 2. The City Council finds and determines that such standards are at least as effective in providing water conservation as the standards of the Model Water Efficient Landscape Ordinance set forth in California Code of Regulations, title 23, section 490 et seq. This finding is based upon facts set forth in the staff report.

Part 3. Pursuant to Government Code Section 36933(c)(1), the City Clerk was designated to prepare and has published a summary of this ordinance, and a certified copy of it was posted in the Office of the City Clerk a minimum of five days before the City Council's public hearing to consider adoption of the ordinance.

Part 4. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36993. Ordinance No. \_\_\_\_\_ was first read on \*\*\*\*\*, 2010, and finally adopted on \*\*\*\*\*, 2010, to become effective thirty days thereafter.

AYES:

NOES:

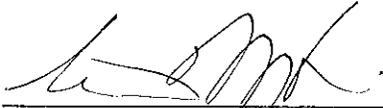
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

  
Alan Holmberg, City Attorney

## City of Oxnard

### LANDSCAPE WATER CONSERVATION STANDARDS

Adopted \_\_\_\_\_, 2010

#### I. Introduction

It is the policy of the City of Oxnard to promote water conservation. These Landscape Water Conservation Standards are intended to promote water conservation while allowing the maximum possible flexibility in designing attractive and cost effective water efficient landscapes.

These Landscape Water Conservation Standards are to be used in conjunction with the adopted City of Oxnard Landscape Standards. Where conflicts in language may exist between these Landscape Water Conservation Standards and the City of Oxnard Landscape Standards, the more restrictive language shall prevail.

#### II. Applicability

Compliance with these landscape water conservation standards is mandatory for all new or altered landscaping with commercial and industrial construction projects and residential construction projects that are subject to review by the Planning Division and or Building and Engineering Services. Any project deemed complete by the Planning Division after the effective date of this ordinance is subject to the requirements herein. Any project submitted to Building and Engineering Services, which was not deemed complete by the Planning Division prior to the adoption of this ordinance, after the adoption of this ordinance is subject to the requirements herein. These standards shall not be mandatory for individual private rear yards, enclosed by a fence, of single family residences, planned residential groups, and/or other individual residences with a private fenced back yard, unless required by a discretionary permit.

#### III. Definitions

- A. Evapotranspiration (ET): is the approximate summation of water losses through evaporation from soil and transpiration from the plants during a specified period of time.

- B. Evapotranspiration (ET )Adjustment Factor: A factor used to set an efficiency goal, that when applied to ETo adjusts for plant factor and irrigation efficiency, two of the major influences upon the amount of water that needs to be applied to a landscape.
- C. Landscape Area (LA): All planting areas, turf areas, and water features where new or altered landscaping is proposed as a part of a development proposal. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non pervious hardscapes, and other non irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).
- D. Landscape Plan: Design plans with a planting plan, irrigation plan, and plans with supporting detail sheets to include notes and/or specifications.
- E. Plant Factor: A factor that when multiplied by the ETo, estimates the amount of water used by a given plant species.
- F. Reference Evapotranspiration (ETo): is the approximation of water loss from a field of 4-to-7-inch-tall cool season grass that is not water stressed.
- G. Special Landscape Area (SLA): An area of the landscape dedicated permanently and solely to edible plants, such as orchards and vegetable gardens and areas dedicated to active play where turf provides a playing surface, such as parks, sport fields, golf courses are subject to the MAWA with an ET adjustment factor not to exceed 1.0.
- H. Turf: A groundcover surface of mowed grass with an irrigation water need of greater than 30% of the ETo.
- I. Weather Based Irrigation Controller: An irrigation controller that automatically adjusts the irrigation schedule based on changes in the weather.
- J. Water Budget Calculation: The Maximum Applied Water Allowance (MAWA) shall be calculated using this formula:

$$\text{MAWA} = (\text{ETo}) (0.62) [0.7 \times \text{LA} + 0.3 \times \text{SLA}]$$

- MAWA = Maximum Applied Water Allowance (maximum gallons per year available for the project)
- ETo = Reference Evapotranspiration (42.3) inches per year for Oxnard)
- 0.7 = ET Adjustment Factor (as designated by the state of California)
- LA = Landscape Area (square feet, including SLA)
- 0.62 = Conversion Factor (to gallons)

SLA = Special Landscape Area (square feet)  
0.3 = The additional ET Adjustment Factor for the Special Landscape Area

K. Water Wise Plants: Those plants that are evaluated as needing “moderate”(40-60% of ETo), “low” (10-30% of ETo) and “very low” (< 10% of ETo) amounts of water as defined and listed by Water Use Classifications of Landscape Species (WUCOLS) available at:

Department of Water Resources  
Bulletins and Reports  
P.O. Box 942836  
Sacramento, California 94236-0001  
(916) 653-1097

Other sources of water wise plant classifications may be used if approved by the City of Oxnard.

#### **IV. Compliance Requirements**

Applicants proposing new or altered landscaping shall comply with each of the following requirements in the design, installation, and maintenance of the landscaped area unless an exception is granted pursuant to Section V.

##### **A. Landscape Plan:**

Applicants shall submit a Landscape Plan depicting the landscaped area and all existing landscaping to remain on the lot as determined by the Development Services Department. Landscaping shall be designed to be irrigated at no more than 0.7 of the reference evapotranspiration (ETo) and shall not exceed the MAWA. The City reserves the right to require modifications to plans in quantity and quality of the landscape to meet the Landscape Water Conservation Standards requirements.

##### **B. Use of Turf and Water Wise Plants:**

1. The landscape area of projects proposing commercial or industrial uses shall be designed without the use of turf and with 100% water wise plants. The exception to this is where a turf type is specified for any required bio-swale or bio-filter systems.
2. Turf is the appropriate choice in parkways where vehicle parking is permitted adjacent to the parkway curb. The parkways may include a maximum of two (2) non permanent hardscape areas where space permits. The non permanent hardscape area can be pervious pavers, decomposed granite, brick on sand, concrete pavers or other materials approved by the

Development Services Director or designee and may serve as a pedestrian landing between the parkway curb and the sidewalk. Each non permanent hardscape area may be no larger than 4'-0" in width and be installed and sized in such a manner that it can be easily removed should the City or utility company need to do work in the parkway in the future. The pedestrian landing area must be a minimum of 5'-0" away from the street tree and 3'-0" away from any meter boxes, cable boxes, transformers, street lights, or other objects that may be in the parkway.

3. Where parking is not permitted adjacent to the parkway curb, the parkway shall be designed using 100% water wise plants.
4. The landscape area of single family residential, multi-family residential, and institutional type of projects shall be designed with no more than 40% of the landscaped area in turf or plants that are not water wise plants. In the case of single family residences and other residences with a rear yard that is enclosed by a fence separate from any other residence's rear yard or common area, the area to be used in the calculation of the "landscape area" shall only include the front yards and any side yard outside the individual dwelling unit's private area (typically, a rear yard). Approved turf parkways are not a part of the 40% turf limitation.
5. Turf is not permitted in medians or parking lot landscape finger planters.
6. Turf shall not be used on slopes of 20% (5:1) or greater within the landscape area.
7. Notwithstanding requirements 1 and 2 above, additional turf areas may be approved by Development Services Director or designee for areas designed and used for outdoor sporting and recreational activities or for an approved functional use. Approved turf areas may be watered at 1.0 of the reference evapotranspiration (ET<sub>o</sub>).

C. Mulch:

The landscape area, except those portions of the landscaped area planted in turf shall be covered with mulch material to an average thickness of at least 3 inches throughout. In areas with groundcovers planted from flats, mulch shall be installed to an average thickness of 1 ½ inches. Additional mulch material shall be added from time to time as necessary in order to maintain the required depth of mulch.

D. Irrigation:

All new or altered irrigation systems which require a planning or building permit, whether or not new or altered landscaping is proposed, shall

incorporate the following requirements in their design, installation and maintenance:

1. Irrigation systems shall be designed and installed to avoid overspray and runoff.
2. Valves shall be separated for individual hydrozones based on plant water needs and sun/shade requirements.
3. Water Budget Calculations (III J above) shall be shown on Irrigation Plans.
4. An automatic irrigation system is required and shall include a weather based irrigation controller with a rain shut off sensor.
5. Areas less than eight feet wide are a particular challenge and shall be irrigated with appropriately selected equipment that provides the proper amount of water coverage without causing overspray on to paved surfaces.
6. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing and setbacks from walkways and pavement.
7. All irrigation systems shall provide check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines.
8. Pressure regulators may be required on the irrigation system as determined by the Development Services Director or designee.
9. Irrigation systems shall be installed and irrigation controllers shall be programmed to comply with current City Code regarding water conservation and/or water waste.
10. All landscaping serviced by a dedicated landscape irrigation account shall be enrolled in the City's Landscape Water Budget Program. This program promotes ongoing effective management of irrigation water in new and existing landscapes by providing a periodic comparison of actual water used to a designated water budget.

## **V. Exceptions**

Adopted and implemented Specific Plans including Mandalay Bay, McInnes Ranch, Northwest Community, Northfield Seagate, Northeast Community,

Northwest Golf Course, RiverPark, and Rose-Santa Clara need not comply with these standards. However, if the properties within the specific plan area would like to voluntarily comply with the standards they may do so as long as the streetscape section maintains a cohesive, harmonious appearance (i.e. if all parkways currently have turf, one property may not elect to put groundcover in the parkway adjacent to their property), as determined by the Development Services Director or designee.

Exceptions to these Landscape Water Conservation Standards may be granted by the City of Oxnard upon finding that the exceptions will promote equivalent or greater water conservation than is provided for in these standards. Requests for exceptions shall be in writing and shall be submitted to the Development Services Director or designee at the time the application is submitted to either the Planning Division or Building and Engineering Department. Requests for exceptions must be accompanied by documentation demonstrating that the finding of equivalent or greater water conservation can be made.

## **VI. Building and Engineering Plan Check Submittals**

- A. Applicants shall provide all relevant information on the landscape plan, including botanical names for plants and turf species, percentage calculations of allowable areas of turf, low, medium or high water use plants, and water-wise plants, water budget calculations, monthly irrigation schedule and specific requests for any exceptions to the requirements of these Landscape Water Conservation Standards. Areas of existing landscaping to remain unaltered shall be indicated on the landscape plan.
- B. The landscape plan shall be prepared in accordance with the provisions of the California Business and Professions Code relating to the practice of landscape architecture (Business and Professional Code Section 5641 et seq.)
- C. The landscape plan shall include a "Statement of Compliance" in a form approved by the City certifying that the landscape design complies with the mandatory elements of these Landscape Water Conservation Standards. The Statement of Compliance shall be signed by the California Licensed Landscape Architect or the California licensed Architect who prepared the plans.

## **VII. Determination of Conforming Installation:**

The California licensed Landscape Architect or the California Licensed Architect who prepared the landscape plan shall inspect the installation of the landscaping and any irrigation system included in the plan and shall certify in writing that the installation substantially conforms to the approved Landscape

Plan and that the irrigation controller is programmed appropriately. This shall be done prior to a permanent certificate of occupancy being issued.

- A. At the discretion of the City, an irrigation audit shall be performed to verify that the irrigation system is performing at an efficient level consistent with the approved plans.

#### **VIII. Compliance Verification:**

Verification of compliance with the Landscape Water Conservation Standards, as applicable, shall be made by the Development Services Department in accordance with the following requirements:

- A. No building permit shall be issued unless the statement of compliance required by Section VI(C) above has been included on the final landscape plan submitted to Building and Engineering Services for plan check approval.
- B. No building permit shall be given a final landscape inspection or issued a permanent certificate of occupancy until the Development Services inspector or designee receives a written certification of conforming installation as required by Section VII above.