



City of Hemet

445 E. FLORIDA AVE • HEMET, CALIFORNIA 92543 • (951) 765-2375

PLANNING DEPARTMENT

January 4, 2011

Mr. Simon Eching
California Department of Water Resource
Water Use and Efficiency Branch
Post Office Box 942836
Sacramento, California 94236-0001

RE: Water Efficient Landscape Ordinance

Dear Mr. Eching:

The Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird) requires cities and counties to adopt a landscape water conservation ordinance or the Updated Model Water Efficient Landscape Ordinance by January 1, 2010. The City of Hemet adopted Ordinance No. 1784 (Water Efficient Landscaping) on July 23, 2007.

Recent changes and refinements in the State Model Ordinance have caused staff and the City attorney to revisit our existing ordinance and provide some technical updates. The City is aware that the current ordinance was not as effective as the Updated Model Water Efficient Landscape Ordinance and adopted a revised ordinance in March of 2010. The revisions to the City's ordinance are in compliance with Assembly Bill 1881 and are as effective as the Updated Model Water Efficient Landscape Ordinance. A copy of the revised ordinance is included as an attachment.

Should you have any questions, please do not hesitate to contact me at (951) 765-2375.

Sincerely,

Carole L. Kendrick
Assistant Planner

Attachments: Ordinance No. 1827



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**CITY OF HEMET
Hemet, California
ORDINANCE NO. 1827**

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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF HEMET, CALIFORNIA ADOPTING ZONING
ORDINANCE AMENDMENT NO. 09-004 TO AMEND
ARTICLE XLVIII CHAPTER 90 OF THE HEMET
MUNICIPAL CODE PERTAINING TO WATER EFFICIENT
LANDSCAPING**

11 **WHEREAS**, the City Council has determined that water efficient landscaping is
12 an integral part of beautifying the City; and,

13 **WHEREAS**, the City Council has determined that an amendment to the Hemet
14 Municipal Code relating to water efficient landscaping is essential to protect water
resources; and,

15 **WHEREAS**, on January 21, 2010 the City gave public notice by advertising in
16 the Press Enterprise – a newspaper of General Circulation, of the holding of a public
17 hearing at which the amendment to the City's zoning ordinances would be
considered; and,

18 **WHEREAS**, on February 2, 2010, the Planning Commission held the noticed
19 public hearing at which interested persons had an opportunity to testify in support of,
20 or opposition to, the Zoning Ordinance Amendment and at which the Planning
Commission considered the Zoning Ordinance Amendment; and

21 **WHEREAS**, on February 2, 2010, the Planning Commission continued the
22 public hearing to March 2, 2010; and,

23 **WHEREAS**, on March 2, 2010, the Planning Commission held the noticed
24 public hearing at which interested persons had an opportunity to testify in support of,
25 or opposition to, the Zoning Ordinance Amendment and at which the Planning
Commission considered the Zoning Ordinance Amendment and has recommended
approval to the City Council; and

1 because pursuant to State CEQA Regulation 15307 (14 Cal. Code
2 Regs., §15307), this Ordinance is covered by the CEQA Categorical
3 Exemption for actions taken to assure the maintenance, restoration,
4 enhancement, or protection of a natural resource where the regulatory
5 process involves procedures for protection of the environment. The
6 adoption of this ordinance will result in the enhancement and protection
7 of water resources in the City, and will not result in cumulative adverse
8 environment impacts. It is therefore exempt from the provisions of
9 CEQA.

10 **SECTION 3. Zoning Ordinance Amendment Findings.** According to Hemet
11 Municipal Code section 90-41.5(a), the City Council makes the following findings
12 with respect to this zoning ordinance amendment:

- 13 1. That the zoning ordinance amendment is in conformance with the latest
14 adopted general plan for the city.

15 The proposed zoning ordinance amendment further facilitates the goals
16 and policies of the general plan by ensuring the availability of water to
17 support future growth in the City of Hemet through water conservation
18 and water reuse. In addition, the proposed zoning amendment will
19 continue to encourage drought tolerant landscape as contained in the
20 General Plan Community Vision, Section 6, Resource Management, e.
21 Water Resources Goals and General Concepts.

- 22 2. That the zoning ordinance amendment will protect the public health,
23 safety and welfare.

24 By including provisions for water efficient landscape, the City will
25 effectively protect the public health, safety and welfare by ensuring
26 drought tolerant landscaping, public education and sensible water
27 management. In addition, the zoning ordinance amendment minimizes
28 impacts of overspray and runoff in the project's setting, including the
public health, safety, and welfare.

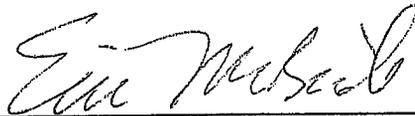
SECTION 4: The City Clerk is authorized and directed to cause this Ordinance to
be published within fifteen (15) days after its passage in a newspaper of general
circulation and circulated within the City in accordance with Government Code Section
36933(a) or, to cause this Ordinance to be published in the manner required by law
using the alternative summary and pasting procedure authorized under Government
Code Section 39633(c).

SECTION 5: If any section, subsection, subdivision, sentence, clause, phrase,
or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by

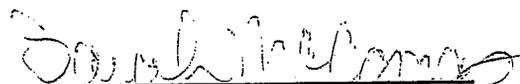
1 the decision of any court of competent jurisdiction, such decision shall not affect the
2 validity of the remaining portions of this Ordinance. The City Council hereby declares
3 that it would have adopted this Ordinance, and each section, subsection, subdivision,
4 sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or
more sections, subsections, subdivisions, sentences, clauses, phrases, or portions
thereof be declared invalid or unconstitutional.

5 **INTRODUCED** at the regular meeting of Hemet City Council on March 23, 2010.

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7 **APPROVED AND ADOPTED** this 13th day of April, 2010.

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9 _____
10 **Eric McBride, Mayor**

11 **ATTEST:**

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13 _____
14 **Sarah McComas, City Clerk**

11 **APPROVED AS TO FORM:**

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13 _____
14 **Eric S. Vail, City Attorney**

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1 State of California)
2 County of Riverside)
3 City of Hemet)

4 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing
5 Ordinance was introduced and first read on the 23rd day of March 2010, and had its
6 second reading at the regular meeting of the Hemet City Council on the 13th day of
7 April, 2010, and was passed by the following vote:

8 **AYES:** Council Members Foreman, Lowe and Youssef, Vice Mayor
Franchville and Mayor McBride

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

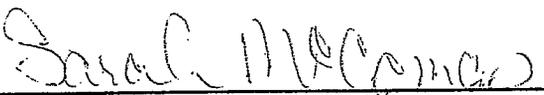
12 
13 Sarah McComas, City Clerk

Exhibit A

Landscaping & Irrigation Ordinance

ARTICLE XLVIII

Landscaping and Irrigation Ordinance

Sec. 90-1700. Purpose of ordinance.

The purpose of this chapter is to establish water efficient landscape regulations that are "at least as effective in conserving water as" the State Model Water Efficient Landscape Ordinance ("Government Code section 65591 et. seq.) in the context of conditions in the City in order to ensure that landscapes are planned, designed, installed, maintained, and managed in a manner that uses water efficiently, encourages water conservation, and prevents water waste.

It is the intent of the city council to promote water conservation through climate appropriate plant material and efficient irrigation as well as to create a city landscape theme through enhancing and improving the physical and natural environment.

The provisions of this article are supplementary and additional to the subdivision and zoning regulation of this code and shall be read and construed as an integral part of the regulations and controls established thereby.

Sec. 90-1701. Definitions.

For the purpose of carrying out the intent of this article and the Guidelines referenced herein that implement this article the following terms are defined:

- A. **Applicant** means the person submitting a landscape documentation package. The Applicants can be the property owner or the owner's designee.
- B. **Applied water** means the portion of water supplied by the irrigation system to the landscape.
- C. **Automatic controller (weather based)** shall mean a mechanical or solid state timer that evaluates on-site weather measurements, capable of operation valve stations to set the days and length of time of a water application. Automatic controllers utilize "real-time" data as well as multi-year regional data regarding the effects of temperature, humidity, sunlight and wind on the water usage of plants and soil to accurately determine the current irrigation needs.

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D. **Conversion factor (0.62)** shall mean a number that converts the maximum applied water allowance from acre-inches per acre per year to gallons per square foot per year. The conversion factor is calculated as follows:

$(325,851 \text{ gallons}/43,560 \text{ square feet})/12 \text{ inches} = (0.62)$
325,851 gallons = one acre-foot
43,560 square feet = one acre
12 inches = one foot

E. **Development projects** shall mean the application for approval of a specific plan, subdivision, conditional use permit, site plan review, tentative tract map, parcel map or any other discretionary development permit or entitlement application or ministerial permit which has been filed with and is pending consideration by the City.

F. **Ecological restoration project** shall mean a project wherever the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

G. **Establishment period** shall mean the first year after installing the plant into the landscape.

H. **Estimated water use** shall mean the quantity of supplemental water that will be required in order to maintain the landscape in healthy condition.

I. **ET adjustment factor** shall mean a factor of 0.7 that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of supplemental water that needs to be applied to the landscape. A combined plan mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. The irrigation efficiency for purposes of the ET adjustment factor is 0.71. Therefore, ET adjustment factor $(0.7) = (0.5/0.71)$.

J. **Evapotranspiration** shall mean the quantity of water evaporated from adjacent soil surfaces and transpired by plant during a specific time.

K. **Flow rate** shall mean the rate at which water flows through pipes and valves (gallons or cubic feet per second).

L. **Guidelines** refer to the Guidelines for Implementation of the Water Efficient Landscape Ordinance, as approved by the City, which describes procedures, calculations, and requirements for landscape projects subject to this chapter.

- 1 M. **Hardscapes** means any durable material or feature (pervious or non-pervious)
2 installed in or around a landscaped area, such as pavement or walls. Pools
3 or other water features are considered part of the landscaped area and are
4 not considered hardscapes.
- 5 N. **Homeowner-installed** means any landscaping either installed by a licensed
6 contractor hired and paid directly by a homeowner. A homeowner, for
7 purposes of this chapter, is a person who occupies the dwelling he or she
8 owns. This definition excludes speculative homes, which are not owner-
9 occupied dwellings and which are subject under this chapter to the
10 requirements applicable to developer-installed residential landscape projects.
- 11 O. **Hydrozone shall** mean a portion of the landscaped area in a zonal planting
12 having plants with similar water needs that are served by a valve or set of
13 valves with the same schedule. A hydrozone may be irrigated or nonirrigated.
14 For example, a naturalized area planted with native plant materials that does
15 not need supplemental irrigation once established is a nonirrigated
16 hydrozone.
- 17 P. **Irrigation Efficiency or IE** means the measurement of the amount of water
18 beneficially used divided by the amount of water applied to the landscaped
19 area. Irrigation efficiency is derived from measurements and estimates of
20 irrigation system characteristics and management practices. The minimum
21 average irrigation efficiency can be expected from well-designed and
22 maintained systems.
- 23 Q. **Landscaped area** means all the planting areas, turf areas, and water
24 features in a landscape design plan subject to the Maximum Applied Water
25 Allowance and Estimated Applied Water Use calculations. The landscaped
26 area does not include footprints of buildings or structures, sidewalks,
27 driveways, parking lots, decks, patios, gravel or stone walks, other pervious
28 or non-pervious hardscapes, and other non-irrigated areas designated for
non-development (e.g., open spaces and existing native vegetation).
- R. **Landscape Documentation Package** means the documents required to be
provided to the City for review and approval of landscape projects subject to
this chapter, as described in the Guidelines.
- S. **Landscape rehabilitation** means any re-landscaping project that meets the
applicability criteria of Section 90-1702 of this chapter, where the modified
landscape area is greater than 2,500 square feet or where the cumulative
modified area is greater than 2,500 square feet if the modifications are
planned to occur incrementally within one year.

ZONING ORDINANCE AMENDMENT NO. 09-004
Water Efficient Landscaping

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- T. **Land use entitlement** shall mean any legislative, discretionary or quasi-judicial review that requires city approval.
- U. **Local Water Purveyor** means any entity, including a city, county, public agency, or private water company that provides retail water service.
- V. **Maximum Applied Water Allowance (MAWA)** means the upper limit of annual water for the landscaped area as specified in Section 2.2 of the Guidelines. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. The Estimated Applied Water Use may not exceed the MAWA.
- W. **Moisture sensing device** shall mean a device that measures the moisture conditions of the soil in a variety of ways.
- X. **New Landscape** means, for the purposes of this chapter, a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building
- Y. **Permit** means an authorizing document issued by a local agency for new construction or rehabilitated landscape.
- Z. **Rain shut off valve** measures rainfall and automatically shuts off the irrigation system when water reaches a certain level.
- AA. **Recycled water or reclaimed water** means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.
- BB. **Reference evapotranspiration or ETo** means a standard measurement of environmental parameters which affect the water use of plants. ETo is given expressed in inches per day, month, or year as represented in the Guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances.
- CC. **Turf** shall mean any grass, as listed below, which is applied by sod or hydroseed:
 - 1. Cool-season grasses;
 - 2. Warm-season grasses;
 - 3. Annual Bluegrass;
 - 4. Bermuda Grass;
 - 5. Kentucky Bluegrass;
 - 6. Kikuyu Grass;

ZONING ORDINANCE AMENDMENT NO. 09-004
Water Efficient Landscaping

- 1 7. Perennial Ryegrass;
- 2 8. Seashore Paspalum;
- 3 9. Red Fescue;
- 4 10. St. Augustine Grass;
- 5 11. Tall Fescue;
- 6 12. Zoysia Grass;
- 7 13. Buffalo Grass

8 **DD. Water conservation concept statement** shall mean a written declaration by
9 a California registered landscape architect or landscape contractor, a certified
10 irrigation designer or other licensed or landscape and irrigation design. This
11 statement must be an integral part of the landscape and irrigation plans
12 subject to review and approval by the city.

13 **EE. Water Feature** means a design element where open water performs an
14 aesthetic or recreational function. Water features include ponds, lakes,
15 waterfalls, fountains, artificial streams, spas, and swimming pools (where
16 water is artificially supplied). The surface area of water features is included in
17 the high water use hydrozone of the landscaped area. Constructed wetlands
18 used for on-site wastewater treatment, habitat protection or storm water best
19 management practices that are not irrigated and used solely for water
20 treatment or storm water retention are not water features and, therefore, are
21 not subject to the water budget calculation.

22 **FF. Valve** shall mean a device used to control the flow of water in the irrigation
23 system.

24 **Sec. 90-1702. Applicability.**

25 This article applies to:

- 26 A. New landscape installations or projects by public agencies or private non-
27 residential developers, except for cemeteries, which are subject to building
28 permit, landscape permit, grading permit, plan check, or design review.
- 29 B. New landscape installations by developers or property managers (not
30 homeowner-installed or homeowner-hired) of single-family and multi-family
31 residential projects or complexes which are subject to building permit,
32 landscape permit, grading permit, plan check or design review.
- 33 C. New landscape installations that are homeowner-installed, including
34 homeowner-hired, in single-family or multi-family residential lots with a total
35 project landscaped area equal to or greater than 5,000 square feet, and which
36 are subject to building permit, landscape permit, grading permit, plan check,
37 or design review.

1 D. Landscape rehabilitation projects by public agencies, private developers
2 (except for cemeteries) or property managers of commercial, industrial,
3 institutional, single-family and multi-family residential projects or complexes
4 with a landscaped area, equal to or greater than 2,500 square feet, and which
5 are subject to a building permit, landscape permit, grading permit, plan
6 check, or design review.

7 **Sec. 90-1703. Exemptions.**

- 8 A. This chapter does not apply to:
- 9 1. Registered local, state or federal historical sites or as determined
10 by the city council;
 - 11 2. Mined-land reclamation projects that do not require a permanent
12 irrigation system;
 - 13 3. Ecological restoration projects that do not require a permanent
14 irrigation system; or
 - 15 4. Plant collections, as part of botanical gardens and arboretums open
16 to the public.
- 17 B. The requirements of this chapter may be partially or wholly waived at the
18 discretion of the Planning Director for landscape rehabilitation projects that
19 are limited to replacement of plantings with equal or lower water needs and
20 where any modifications to the irrigation system do not require ministerial
21 permits and the irrigation system is found to be designed, operable, and
22 programmed consistent with minimizing water waste in accordance with City
23 and local water purveyor regulations.

24 **Sec. 90-1704. General Provisions.**

- 25 A. All landscape plan approvals are subject to and dependent upon the applicant
26 complying with all applicable city ordinances, codes, regulations and adopted
27 policies.
- 28 B. Should any provision of this article conflict with any other provisions already
established by the city, the provisions of this article shall apply.
- C. If the water purveyor for a proposed project has adopted water-efficient
landscaping requirements, all landscaping and irrigation plans submitted shall
comply with the water purveyor's requirements. Said plans shall be
accompanied by a written document from the water purveyor delineating each
requirement.

1 D. Landscape design shall facilitate the implementation of landscape
2 maintenance practices, which foster long-term water conservation. Said
3 practices may include, but not be limited to, scheduling irrigation based on
4 established industry standards, conducting water audits and establishing a
5 water budget to limit the amount of water applied per landscape acre.

6 **Sec. 90-1705. Procedures.**

7 A. The submittal, review, revision and approval of all required landscape and
8 irrigation plans shall be in compliance with already established city
9 procedures for land use entitlements. The requirements of this article shall be
10 submitted jointly along with the required applications, plans and fees required
11 for land use entitlement as required by the Director of Planning and on file in
12 the Planning Department.

13 B. A Landscape Documentation Package is required to be submitted to the City
14 for review and approval prior to the issuance of permits and prior to the start
15 of construction. Any Landscape Documentation Package submitted to the
16 City must comply with provisions of this chapter and the Guidelines.

17 C. The Landscape Documentation Package must include a certification by a
18 landscape professional stating that the landscape design plan, soil
19 management report, irrigation design plan, and water calculations have been
20 prepared by or under the supervision of the landscape professional and are
21 certified to be in compliance with the provisions of this chapter.

22 a. Landscape and irrigation plans must be submitted to the City for
23 review and approval with appropriate water use calculations. Water
24 use calculations must be consistent with calculations contained in
25 the Guidelines.

26 b. A Certification of Completion is required to verify compliance with
27 the approved plans and must be obtained in conjunction with a
28 Certificate of Use and Occupancy or a Permit Final, as provided in
the Guidelines.

Sec. 90-1706. Landscape Water Use Standards.

A. Plant types shall be selected and grouped together in regards to their water,
soil, sun, and shade requirement pursuant to the Guidelines. Trees for shade
shall be provided for residential, commercial, and industrial buildings, parking
lots and open space areas. These trees can be deciduous or evergreen and
are to be incorporated to provide natural cooling opportunities for the purpose
of energy and water conservation.

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- B. For new landscape or landscape rehabilitation projects subject to Section 90-1702 of this chapter, the Estimated Applied Water Use allowed for the landscaped area may not exceed the MAWA calculated using an ET adjustment factor of 0.7, except for the portion of the MAWA applicable to any special landscaped areas within the landscape project, which may be calculated using an ETAF of 1.0. Where the design of the landscaped area can be otherwise shown to be equivalently water efficient, the applicant may submit alternative or abbreviated information supporting the demonstration that the annual EAWU is less than the MAWA, at the discretion of and review and approval of the City.
- C. Irrigation of all landscaped areas, including existing landscaped areas, must be conducted in a manner conforming to the rules and requirements regarding water waste in Article III, Division 3 of the City of Hemet Municipal Code.
- D. Nothing in this article impacts the obligation of applicants or owners of existing landscapes from having to comply with rules and requirements for water conservation and water waste as may be in place and implemented by a local water purveyor.
- E. Water systems for common open space areas shall be capable of utilizing non-potable water, if approved facilities are made available by the water purveyor. Provisions for the conversion to a non-potable water system shall be provided within the landscape documentation package. Water systems designed to utilize non-potable water shall be designed to meet all applicable standards of the California Regional Water Quality Control Board.

Sec. 90-1707. Compliance.

The applicant's landscape architect or the party responsible for preparing the landscaping and irrigation plans shall provide a compliance letter to the Planning Department, the Public Work's Department and the Department of Building and Safety verifying that the landscape and the irrigation system have been installed in compliance with the approved Landscape Documentation Package. A Certificate of Completion shall be submitted in accordance with the Guidelines prior to final inspection of the structure or issuance of occupancy permits, whichever occurs first.