



City of Port Hueneme

"The Friendly City By The Sea"

January 6, 2010

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

SUBJECT: WATER EFFICIENT LANDSCAPE ORDINANCE

Attached is copy of Ordinance No. 696 containing the Water Efficient Landscape Ordinance for the City of Port Hueneme including required findings.

Should you have any questions regarding the Ordinance, do not hesitate to call me at (805) 986-6553.

Sincerely,

Greg C. Brown
Community Development Director

ORDINANCE NO. 696

**AN ORDINANCE OF THE CITY OF PORT HUENEME
AMENDING ARTICLE VII OF THE PORT HUENEME MUNICIPAL
CODE TO ADD A NEW CHAPTER 8 (LANDSCAPE WATER
CONSERVATION STANDARDS)**

**THE CITY COUNCIL OF THE CITY OF PORT HUENEME, CALIFORNIA,
DOES ORDAIN AS FOLLOWS:**

SECTION 1: ORDINANCE. A new Chapter 8 commencing with Section 7600 is hereby added to Article VII of the Port Hueneme Municipal Code to read as follows:

“Chapter 8

LANDSCAPE WATER CONSERVATION STANDARDS

Sections:

- 7600 Purpose.**
- 7601 Applicability.**
- 7602 Definitions.**
- 7603 Compliance Requirements.**
- 7604 Exceptions.**
- 7605 Submittals.**
- 7606 Determination of Conforming Installation.**
- 7607 Compliance Verification.**

7600 Purpose.

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

These Landscape Water Conservation Standards must be used in conjunction with the City of Port Hueneme Land Development Provisions for Landscaping commencing with §10302. Where conflicts in language may exist between these Landscape Water Conservation Standards and the City’s Land Development Provisions for Landscaping, the more restrictive water conserving language prevails.

7601 Applicability.

Compliance with these Landscape Water Conservation Standards is mandatory for all new or altered landscaping proposed as a part of a development project that is subject to discretionary review by the City of Port Hueneme. These standards are not

mandatory for local, state, or federal historical sites; ecological restoration projects; public botanical or arboretum collections; or individual private rear yards, enclosed by a wall/fence of single-family residences, planned residential groups, and other individual and multi-family residences with a private walled/fenced yard or patio areas, unless required by a discretionary permit.

Cemeteries are exempt from compliance with all provisions of this Chapter, except § 7603(D).

7602 Definitions

A. Landscape Area: All planting areas where new or altered landscaping is proposed as a part of a new development proposal.

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

C. ETo: Reference Evapotranspiration is the approximation of water loss expressed in inches per year from a field of 4-to-7-inch-tall cool season grass that is not water stressed.

D. 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.

E. Plant Factor: A factor that when multiplied by the ETo, estimates the amount of water used by a given plant species.

F. 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

Other sources of water wise plant classifications may be used if approved by the City’s Director of Community Development.

G. Turf: A groundcover surface of mowed grass with an irrigation water need of greater than 30% of the ETo.

H. Weather Based Irrigation Controller: An irrigation controller that automatically adjusts the irrigation schedule based on changes in the weather.

I. Landscape Plan: Design plans with a planting plan, irrigation plan, and plans with supporting detail sheets to include notes and/or specifications.

J. Water Budget Calculation: The Maximum Annual Applied Water Allowance must be calculated using this formula:

$$\text{MAWA} = (\text{ETo}) (0.62) [0.70 \times \text{LA} + 0.30 \times \text{SLA}]$$

MAWA= Maximum Applied Water Allowance (maximum gallons per year available for the project).

ETo = Reference Evapotranspiration (43.5 inches per year for Port Hueneme).

0.62= Conversion Factor (inches to gallons).

0.70 = ET Adjustment Factor (as designated by the State of California).

LA = Landscape Area (square feet, including SLA).

SLA = Special Landscape Area (square feet).

0.30 = The additional ET Adjustment Factor for the Special Landscape Area.

K. Special Landscape Area: Including park and recreational areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ET adjustment factor not to exceed 1.0.

L. New Development: Means a new building on a vacant site, an addition to an existing building on a site, a new building on a developed site, or a change in land use type any of which requires a discretionary permit from the City.

7603 Compliance Requirements.

Applicants for New Development 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 § 7604.

A. Landscape Plan: Applicants must submit a detailed Landscape Plan together with the New Development construction and engineering plans including a horticultural soils report based upon soil samples from the Landscape Site with laboratory recommendations for all soil preparation and maintenance fertilization. The Landscape Plan must incorporate recommendations of the soil analysis report and depict the landscaped area and all existing landscaping to remain on the lot as determined by the Department of Community Development. Any plant may be selected providing that the Landscape Area be designed to be irrigated at no more than 0.70 of the reference evapotranspiration (ETo) and cannot exceed the MAWA. The City reserves the right to modify 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 exclusively commercial or industrial uses must 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 or areas adjacent to pedestrian traffic where walking travel or crossings are expected such as at corner lot locations or linear areas located along pedestrian routes.

2. Turf is the appropriate choice in parkways where vehicle parking is permitted adjacent to the parkway curb. The term "Parkway" is defined in § 6040(c). The parkway may include one (1) or a maximum of two (2) non-permanent hardscape areas per lot frontage 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 Director of Public Works 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 any 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 must be designed using 100% water wise plants.

4. The landscape area of single family residential, multi-family residential, mixed use, 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 wall/fence separate from any other residence's rear yard or common area, the area to be used in the calculation of "landscape area" shall only include the front yards and any side yard outside the individual dwelling unit's privacy area (typically, a fenced or walled area). 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 the City of Port Hueneme 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_o).

C. Mulch: The landscape area, except those portions of the landscaped area planted in turf, must 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 proposed as part of a development proposal must incorporate the following requirements in their design, installation, and maintenance:

1. Irrigation systems must be designed and installed to avoid overspray and runoff. Valves shall be separated for individual hydrozones based on plant water needs and sun/shade requirements.
2. Water Budget Calculations set forth in § 7602(J) above must be shown on Irrigation Plans.
3. An automatic irrigation system is required and must include a weather based irrigation controller with a rain shut off sensor.
4. Areas less than eight feet wide are a particular challenge and must be irrigated with appropriately selected equipment that provides the proper amount of water coverage without causing overspray on to paved surfaces.
5. All sprinklers must have matched precipitation rates within each valve and circuit. All irrigation systems must be designed to include optimum distribution uniformity, head to head spacing, and setbacks from walkways and pavement.
6. All irrigation systems must provide check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines.
7. Pressure regulators may be required on the irrigation system as determined by the Public Works Department.

7604 Exceptions.

Exceptions to these Landscape Water Conservation Standards may be granted by the Community Development Director upon finding that the exceptions will promote equivalent or greater water conservation than is provided for in these standards. Requests for exceptions must be in writing and submitted to the Community Development Director at the time the application is submitted to the City for review. Requests for exceptions must be accompanied by documentation demonstrating that the finding of equivalent or greater water conservation can be made.

7605 Submittals.

A. Applicants must provide all relevant information on the landscape plan including botanical names for plants and turf species; container sizes; 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 must be indicated on the landscape plan.

B. The landscape plan must 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 §§ 5641. et seq.).

- C. The landscape plan must include a "Statement of Compliance" in a form approved by the Community Development Director certifying that the landscape design complies with the mandatory elements of these Landscape Water Conservation Standards. The person who prepared the plans must sign the Statement of Compliance.

7606 Determination of Conforming Installation.

The person who prepared the landscape plan must inspect the installation of the landscaping and any irrigation system included in the plan and certify in writing to the Department of Community Development that the installation substantially conforms to the approved Landscape Plan before a final City landscape inspection or occupancy being requested.

7607 Compliance Verification.

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

A. No building permit can be issued unless the Statement of Compliance required by §7605(C) is included on the final landscape plan submitted for plan check approval.

B. No building permit can be given a final landscape inspection or issued a permanent certificate of occupancy until the Department of Community Development receives a written determination of conforming installation as required by § 7606 above."

SECTION 2: CEQA. The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated there under (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines") because it enacts regulations that are applicable to new or altered landscape projects subject to project specific discretionary review. Therefore, it can be seen with certainty that there is no possibility that this ordinance will cause a direct physical change in the environment, and therefore the adoption of this ordinance is not considered a project per section 21065 of CEQA. In addition, this ordinance is an action being taken for enhanced protection of the environment that does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt in accordance with CEQA Guidelines §§ 15305 as a minor alteration in land use limitations which do not result in any changes in land use or density; and 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

SECTION 3: FINDINGS. The City's findings and evidence in the record that this water efficient landscape ordinance is at least as effective in conserving water as the California Department of Water Resource's updated Model Water Efficient Landscape Ordinance is as follows:

- A. The ordinance is applicable to all new or altered development subject to discretionary review by the City.
- B. Under the ordinance, landscaping shall be designed and irrigated so not to exceed 70% of the local evapotranspiration rate (ET_o) established by the California Department of Water Resources for the City of Port Hueneme.
- C. Under the ordinance, landscape areas for commercial and industrial projects must use 100% water wise plants without turf (some exceptions).
- D. Under the ordinance, landscape areas for residential, mixed use, and institutional type projects shall be designed with less than 40% in turf and non-water wise plant materials.
- E. Under the ordinance, automatic irrigation systems are required and shall be designed to avoid overspray and runoff with optimum distribution uniformity and setbacks from pavement and employ a weather based irrigation controller with a rain shut off sensor and check valves at the end of each line to hold water in the system to prevent unwanted drainage from sprinkler heads.
- F. Exceptions to the ordinance standards are allowed upon a finding that alternative design will promote equivalent or greater water conservation.
- G. Under the ordinance, installation and compliance verifications are required of the landscape designer.
- H. Under the ordinance, the maximum annual applied water allowance calculation matches the California Department of Water Resource's formula in its Model Water Efficient Landscape Ordinance.
- I. Under the ordinance, the identification of water wise plants matches that used by the California Department of Water Resources in its Model Water Efficient Landscape Ordinance; namely, the "Water Use Classification of Landscape Species" prepared by the University of California Cooperative Extension.
- J. The typical single-family residential lot sizes in the beach and coastal community of the City of Port Hueneme range from 4,000-6,000 square feet wherein the typical individual private rear yards, enclosed by a wall/fence, are less than 2,500 square feet in size. The typical individual private walled/fenced yard or patio area of multi-family residential town home, condominium, or similar lots in the City of Port Hueneme are less in size than the typical single-family private yard areas. Accordingly, the typical single-family and multi-family private yard/patio areas enclosed by a wall/fence fall below the 2,500 square foot threshold subject to landscape water conservation standards set forth in the Department of Water Resource's updated Model Water Efficient Landscape Ordinance.

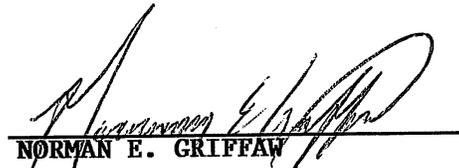
SECTION 4: SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portion thereof be declared invalid or unconstitutional.

SECTION 5: SUMMARY. Pursuant to Government Code § 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.

SECTION 6: PUBLICATION. The City Clerk must 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 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 § 36993, for the City of Port Hueneme.

SECTION 7: EFFECTIVE DATE. This ordinance goes into effect and shall be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this 7th day of December, 2009.



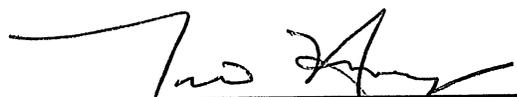
NORMAN E. GRIFFAW
MAYOR

ATTEST:



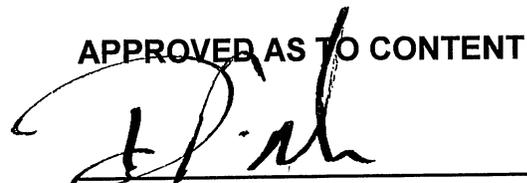
MICHELLE ASCENCION, CMC
DEPUTY CITY CLERK

APPROVED AS TO FORM:



MARK D. HENSLEY
CITY ATTORNEY

APPROVED AS TO CONTENT:



DAVID J. NORMAN
CITY MANAGER



City of Port Hueneme

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS:
CITY OF PORT HUENEME)

I, MICHELLE ASCENCION, duly appointed and qualified Deputy City Clerk of the City of Port Hueneme, do hereby certify that the foregoing **Ordinance No. 696** is a true and correct copy passed and adopted at the Regular City Council Meeting of December 7, 2009 by the City Council of the City of Port Hueneme by the following vote:

AYES: Council Members Douglas A. Breeze, Maricela P. Morales,
Jonathan Sharkey, Mayor Pro Tem Sylvia Muñoz Schnopp,
Mayor Norman E. Griffaw

NOES: None

ABSTAINING: None

ABSENT: None


Michelle Ascencion, CMC, Deputy City
Clerk of the City of Port Hueneme and
ex-officio Clerk of the Council

Dated: December 8, 2009