

ORDINANCE NO. 10-OR0412-1

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

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

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

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

ARTICLE VII. WATER EFFICIENT LANDSCAPE REGULATIONS

SEC. 37.114. Purpose.

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

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

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

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

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

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

6 **SEC. 37.115. Findings.**

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

15 **SEC. 37.116. Definitions.**

16 The following definitions shall apply to this Article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (o) "Irrigation audit" means an inspection which includes an in depth evaluation of
2 the performance of an irrigation system conducted by a certified landscape irrigation auditor.
3 An irrigation audit may include, but is not limited to, inspection, system tune up, system test
4 with distribution uniformity or emission uniformity, reporting overspray or runoff that causes
5 overland flow and preparation of an irrigation schedule.

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

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

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

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

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

24 (u) "Low head drainage" means a sprinkler head or other irrigation device that
25 continues to emit water after the water to the zone in which the device is located has shut off.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **SEC. 37.117. Applicability.**

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

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

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

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

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

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

25 (6) A rehabilitated landscape for an existing industrial, commercial,
26 institutional, public agency, or multifamily use where a building permit or
27 discretionary permit is being issued and the applicant is installing or modifying
28 2,500 square feet or more of landscaping.

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

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

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

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

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

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

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

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

SEC. 37.118. Landscape Approval – Project Entitlement Phase

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **SEC. 37.121. Soil Management Report**

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

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

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

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

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

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

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

6 (ii) Stabilizing mulch shall be applied on slopes.

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

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

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

11 **SEC. 37.122. Planting and Irrigation Plans**

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

15 (1) Include the MAWA for the plans, including the calculations used to
16 determine the MAWA. The calculations shall be based on the formula in Section
17 37.126.

18 (2) Include the ETWU for the plans, including the calculations used to
19 determine the ETWU. The calculations shall be based on the formula in Section
20 37.127.

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

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

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

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

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

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

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

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

24 (5) All plants shall be grouped in hydrozones and the irrigation shall be
25 designed to deliver water to hydrozones based on the moisture requirements of
26 the plant grouping. A hydrozone may mix plants of moderate and low water use
27 or mix plants of high water use with plants of moderate water use. No high water
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1 use plants shall be allowed in a low water use hydrozone. The plan shall also
2 demonstrate how the plant groupings accomplish the most efficient use of water.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **SEC. 37.123. Water Efficient Landscape Worksheet**

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

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

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

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

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

21 (1) The plant factor used shall be from WUCOLS III. The plant factor shall be
22 0.1 for very low water use plants 0.3 for low water use plants, 0.5 for moderate
23 water use plants and 0.8 for high water use plants. A plan that mixes plants in a
24 hydrozone that require a different amount of water shall use the plant factor for
25 the highest water using plant in the hydrozone.

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

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

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

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

7 **SEC. 37.124. Grading Design Plan**

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

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

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

16 **SEC. 37.125. Irrigation Schedule**

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

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

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

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

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

27 (1) The plant establishment period.

28 (2) Established landscaping.

- 1 (3) Temporarily irrigated areas.
- 2 (4) Different seasons during the year.
- 3 (e) The consideration used for each station for the following factors:
- 4 (1) The days between irrigation.
- 5 (2) Station run time in minutes for each irrigation event, designed to avoid
- 6 runoff.
- 7 (3) Number of cycle starts required for each irrigation event, designed to avoid
- 8 runoff.
- 9 (4) Amount of water to be applied on a monthly basis.
- 10 (5) The root depth setting.
- 11 (6) The plant type setting.
- 12 (7) The soil type.
- 13 (8) The slope factor.
- 14 (9) The shade factor.

15 **SEC. 37.126. Maximum Applied Water Use**

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

18 $MAWA = (ET_o)(0.62)[0.7 \times LA + 0.3 \times SLA]$

- 19 (b) The abbreviations used in the equation have the following meanings:
- 20 (1) MAWA = Maximum Applied Water Allowance in gallons per year.
 - 21 (2) ET_o = Evapotranspiration in inches per year.
 - 22 (3) 0.62 = Conversion factor to gallons per square foot.
 - 23 (4) 0.7 = ET adjustment factor for plant factors and irrigation efficiency.
 - 24 (5) LA = Landscaped area includes special landscaped area in square feet.
 - 25 (6) 0.3 = the additional ET adjustment factor for a special landscaped area (1.0
 - 26 - 0.7 = 0.3)
 - 27 (7) SLA = Portion of the landscaped area identified as a special landscaped
 - 28 area in square feet.

1 **SEC. 37.127. Estimated Total Water Use**

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

4 (1) $ETWU = (ETo)(0.62)(PF \times HA / IE + SLA)$

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

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

7 (2) ETo = Evapotranspiration in inches per year.

8 (3) 0.62 = Conversion factor to gallons per square foot.

9 (4) PF = Plant factor from WUCOLS

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

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

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

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

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

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

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

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

27 **SEC. 37.130. Cemeteries**

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

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

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

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

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

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

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

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

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

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

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

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

20 **SEC. 37.132. Projects With Model Homes**

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

1 **SEC.37.133. Recycled Water**

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

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

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

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

11 **SEC. 37.134. Landscaping and Irrigation Installation**

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

15 **SEC. 37.135. Landscaping and Irrigation Maintenance**

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

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

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

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

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

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

10 **SEC. 37.136. Certificate of Completion**

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

15 (a) The certificate of completion shall:

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

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

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

24 (b) The final submittal shall include:

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

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

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

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

6 **SEC. 37.137. Waste Water Prevention**

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

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

12 **SEC. 37.138. Enforcement**

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

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

18 **SEC. 37.139. Fees**

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

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

26 The City Council hereby declares that it would have passed this ordinance and adopted
27 this Article and each section, sentence, clause or phrase thereof, irrespective of the fact that any
28

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

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

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

9 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
10 California held on the 21st day of April, 2010, and thereafter,

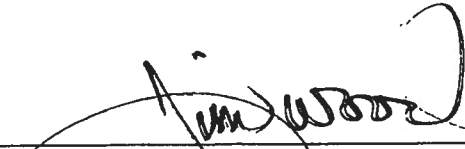
11
12 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
13 this 26th day of May, 2010, by the following vote:

14
15 AYES: WOOD, FELLER, KERN, SANCHEZ

16 NAYS: NONE

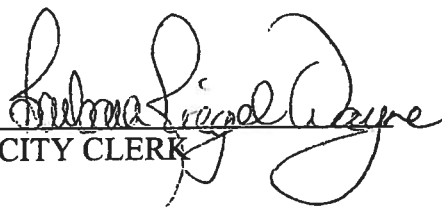
17 ABSENT: NONE

18 ABSTAIN: NONE

19
20
21 
22 MAYOR OF THE CITY OF OCEANSIDE

23
24 ATTEST:

25 APPROVED AS TO FORM:

26 
27 CITY CLERK

28 
CITY ATTORNEY