

**CHAPTER 11 OF TITLE VI
GENERAL DEVELOPMENT STANDARDS**

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6.11.10 **PURPOSE AND INTENT**

It is the purpose and the intent of the general development standards to ensure that new land uses and development will contribute to and be compatible with existing and future development in the surrounding vicinity in a manner which will enhance the quality of life for City residents, employers and visitors. It is future intended, that all proposed development is consistent with the goals, policies, objectives and implementation programs of the General Plan.

The standards contained in this Chapter apply throughout the City in each district and, as appropriate, for all land uses and development. Rather than repeat these regulations and standards throughout this Title, they have been compiled in this Chapter.

6.11.20 **APPLICABILITY**

The provisions of this Chapter shall apply to any land division or land use application which authorizes, or would authorize by its approval, new construction, new land uses, or the substantial modification of an existing structure or land use. The provisions of this Chapter shall apply in addition to all applicable standards or regulations for the zone district in which the use or structure is located.

6.11.30 **ACCESSORY STRUCTURES**

1. Accessory Structures within Residential Districts

a. Accessory Structure

Except as provided below, all accessory structures, whether attached or detached, shall meet all site development standards applicable to the main structure as required by the zone district in which the main structure is located.

b. Canopies/Patio Covers

Canopies/patio covers or roofs attached to the main building or connecting the main building to an accessory building, may extend into a required rear or interior side yard, provided that the portions of such structures extending into the yard:

- 1) Shall not exceed fifteen (15) feet in height, project closer than thirty (30) inches to an interior side lot line, project closer than thirty (30) inches to a rear lot line where the rear yard setback is five (5) feet, or project closer than five (5) feet to a rear lot line where the rear yard setback is in excess of five (5) feet.

- 2) Shall be entirely open on at least three (3) sides excluding the necessary supporting columns; except that a roof connecting a main building and an accessory building shall be open on two (2) sides.

c. Ground Mounted Mechanical Equipment

Ground mounted equipment, including but not limited to air conditioning compressors, evaporative coolers and pool equipment; if fully enclosed, may be permitted in any rear or interior side yard setback. If fully enclosed, said equipment may project a maximum of four (4) feet into the required rear yard setback, and a maximum of two (2) feet into the required interior side yard setback, but shall be prohibited from projecting into the required front or street side yard setbacks.

d. Roof Mounted Mechanical Equipment

All roof mounted mechanical equipment, including but not limited to air conditioning compressors, evaporative coolers and pool equipment shall be located, when practical, on the rear portion of the roof ridge line in such a manner as to be screened from public streets. On commercial property, said mechanical equipment may be placed forward of a ridge line provided screening for the equipment has been approved. Industrial property is exempt from this provision.

e. Detached Accessory Structures

- 1) A detached accessory structure may be located within an interior side yard or rear yard, provided that when such a structure is located closer than five (5) feet to an interior side or rear lot line, one-hour fire walls shall be installed on the sides located within the setback area. In no case, however, shall an accessory structure be located closer than thirty (30) inches to an interior side property line or to a rear property line.
- 2) Accessory buildings shall have a maximum height of fifteen (15) feet; provided, however, that the accessory building is no higher than the main structure.

f. Projections into Yards

Porches, steps, and other architectural features, such as eaves, awnings, fireplaces, chimneys, balconies, stairways, wing walls, and bay windows may project a maximum of thirty (30) inches into any required front, rear, or side setback area.

2. Accessory Structures: Nonresidential Districts
 - a. In any nonresidential district, accessory structures shall not be located within the “building frontage”, as defined in Section 6.1.190 of this Title.
 - b. In any nonresidential district, accessory structures shall meet all of the setback requirements for the associated main buildings.
 - c. In non-residential zone districts eaves, roof projections, awnings, and similar adjacent architectural features may project into the City right-of-way subject to receiving an approved encroachment permit from the Public Works Director.
 - d. Fireplaces, chimneys, bay windows, balconies, fire escapes, exterior stairs and landings, and similar architectural features may project into required building setback areas a maximum distance of thirty (30) inches, provided that all such features in any one setback shall not occupy more than twenty-five (25) square feet of that required building setback area.
 - e. Flues, chimneys, antennas, elevators and other mechanical equipment, spires, bell towers, or similar architectural, utility, or mechanical features may exceed the height limit of the land use district in which it is located by not more than twenty-five percent (25%), provided that such feature shall not be used for habitable space and appropriate screening is provided for mechanical equipment when possible.
 - f. Ground and wall mounted equipment incidental to industrial, commercial or office development shall be appropriately screened with solid walls and/or landscaping. Such equipment shall not be located in front of a building and any screening provided shall be architecturally compatible with adjacent architecture and materials.
 - g. Roof-mounted equipment shall be used only for the building upon which it is mounted.
 - h. Roof-mounted equipment shall be screened from public view to the extent practicable, as follows:
 - 1) All roof screens must be solid and continuous. Equipment may be covered by continuous grills or louvers provided such grills or louvers are architecturally compatible with the proposed or existing building.

2) Roof screens shall be sheathed in a matching or complimentary material to the exterior building material and may include metal panels, aluminum, copper, ceramic tile, or other surface as approved by the Project Assistance Team.

3) Mechanical plants and distribution networks shall be located in a manner that is compatible with the affected building.

6.11.40 CIRCULATION, TRANSPORTATION, AND TRAILS FACILITIES

1. Purpose and Intent

This Section is intended to ensure that development proposals which include the design and/or construction of new roads, trails, and transit facilities are consistent with the adopted Circulation Element and Open Space/Conservation Element of the General Plan, and contribute to the implementation of the goals and policies of those elements. Further, it is intended to ensure that proposed transportation improvements are consistent with efficient traffic management and good traffic engineering practices.

2 Public Street, Highway, Alleys, Easements

- a. All streets, highways, alleys and ways shall be designed and constructed in accordance with the City's Subdivision & Engineering Design Manual as may be periodically updated by the Public Works Director and City Engineer.
- b. The design of any new street system proposed as part of any new development shall, in the opinion of the Public Works Director and City Engineer, relate to the establishment street pattern in the area adjoining the proposed development.
- c. The proposed street plan shall provide for access and connection for future subdivision or development of adjoining undeveloped property when applicable.
- d. All streets shall be designed, dedicated and constructed in a manner consistent with the Circulation Element of the General Plan and the City's Subdivision & Engineering Design Manual.
- e. Additional rights-of-way or easements shall be provided when the Public Works Director and City Engineer determines that such additional rights-of-way or easements are necessary to accommodate roadway slopes, drainage structures, and other facilities related to improvements required for a development.

- f. No direct access to residential property contiguous to a freeway, highway, or arterial street, as shown on the Circulation Element of the General Plan, shall be permitted except by a frontage road, service road, or street separated from said major thoroughfare by a tier of lots.
- g. The design and construction of new, or the extension of any existing streets, shall be consistent with the surrounding street pattern, the Circulation Element of the General Plan, and the City's Subdivision & Engineering Design Manual. The design and construction of parkways, grade separations, flood control facilities, local drainage facilities and other physical constraints shall be consistent with good engineering practice and shall be subject to approval by the Public Works Director and City Engineer.
- h. Secondary or alternative access shall be provided for all new development whenever deemed necessary by the Public Works Director and City Engineer to protect the public safety.
- i. Within subdivisions and other developments where immediate full improvements are not required, the centerline alignment of the street right-of-way shall be located so that future improvements can be constructed in accordance with the conditions of approval.
- j. The type and placement of required street name signs shall conform to the City's Subdivision & Engineering Design Manual.
- k. All new or reconstructed streets which are not thru streets shall terminate in a cul-de-sac, designed to the specifications of the City's Subdivision & Engineering Design Manual, unless specifically waived by the Public Works Director and City Engineer in favor of some other design alternative.
- l. Street lights shall be installed along the right-of-way of all newly constructed or extended streets within the City, unless this requirement is exempted by City ordinance, resolution, or the City's Subdivision & Engineering Design Manual.
- m. Clear sight triangles shall be maintained at intersections of public roadways, and at intersections of private driveways or alleyways with public roadways in a manner consistent with the City's Subdivision & Engineering Design Manual.

3. Private Streets, Alleys, or Ways
 - a. Private streets, in accordance with the City's Subdivision & Engineering Design Manual, may be permitted when the Public Works Director and City Engineer determine that:
 - 1) There is adequate provision for their construction and continuous maintenance;
 - 2) The access and parking needs of the occupants of the development will be adequately served;
 - 3) The construction, use, and maintenance of private streets will not be detrimental to the public health, safety and general welfare;
 - 4) Occupants of the development are better served by private streets;
 - 5) The type of development proposed is typically served by private streets.
 - b. Private streets may, subject to approval by the Public Works Director and City Engineer, provide for access control by design, posting or gating.
 - c. The intersection of a private street or drive with a public street shall be indicated by posting, gating, or a change of pavement material and color at the entry to the private street, as approved by the Public Works Director and City Engineer.
 - d. Concrete rolled curbs may be permitted in place of standard curbs on private streets upon determination by the Public Works Director and City Engineer that the concrete rolled curbs are in accordance with the specifications of the City's Subdivision & Engineering Design Manual; that the streets are adequate to handle drainage, and that an adequate maintenance program is provided for in the covenants, conditions and restrictions, and/or some other maintenance mechanism approved by the City Attorney.
4. Sidewalks, Walking Paths, Bicycle Paths and Horse Trails
 - a. Sidewalks shall be constructed in conjunction with public and private streets unless they are determined by the Planning Commission to be unnecessary, considering the rural nature of the development and/or pedestrian circulation needs. If, however, the Planning Commission determines that sidewalks are not necessary at the time that determination is made, adequate right-of-way shall be provided for

potential need of any such sidewalks. Sidewalk construction shall be in accordance with the City's Subdivision & Engineering Design Manual.

- b. The City may require dedication of walking paths, equestrian, and/or other trails for public use when such paths are determined to be necessary to further goals and objectives, policies, or programs of the General Plan. In addition, and in conjunction with required street dedications, a project applicant may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the development.

5. Local Transit Facilities

The City may require that dedication or irrevocable offer of dedication of land for local transit facilities such as bus turnouts, benches, shelters, loading pads and similar items. If a subdivision is involved, such requirements shall directly benefit the residents of the subdivisions, and shall apply only if the subdivision as shown on the tentative map has the potential for two hundred (200) dwelling units or more if developed to the maximum density shown on the General Plan and if the City finds that transit services are or will, within a reasonable time, be made available to the subdivision.

6.11.50

CONDOMINIUMS AND CONDOMINIUM CONVERSIONS

1. Purpose and Intent

The purpose of this Section is to establish development standards and special conditions for the protection of the community and purchasers or renters of both new and converted residential and commercial condominiums, community apartment projects and stock cooperatives, and the lessors of cooperative apartment projects and stock cooperatives, and the lessors of cooperative apartments, as well as mobile home park residents in parks proposed for subdivision activity.

2. Applicability

All new or converting residential and commercial condominiums, community apartment projects, stock cooperatives, and cooperative apartments including mobile home park conversions shall be reviewed for conformance with the provisions of this Title under the City's conditional use permit procedure, in addition to any and all requirements for preparation, review, and approval for a subdivision map, pursuant to the Subdivision Map Act and Title 10 of the Municipal Code.

This Section shall also apply to the conversion of mobile home parks to a mobile home subdivision, condominium or cooperative. Conversion of a

mobile home park to any other use, or cessation of use of the land for a mobile home park, shall be subject to Section 65863.7 and 65863.8 of the California Government Code.

3. Minimum Requirements

Except as otherwise provided by law, in approving or conditionally approving any condominium projects, including conversion of apartments or mobile home parks, the following shall be required:

a. Parking

Off-street parking shall be provided in the amount and type pursuant to standards for new construction in Chapter 6.14 of this Title.

b. Yard and Height Requirements

All new condominium projects, including conversions of apartment or conversion of mobile home park developments, shall comply with property development standards for the district in which the project is to be located, except that nothing in this Section shall be construed to prohibit the imposition of more restrictive requirements as a condition of approval by the City when necessary to protect the public health, safety, or general welfare, based upon appropriate findings.

c. Covenants, Conditions, and Restrictions (CC & R's)

The Covenants, Conditions, and Restrictions (CC &R) for the new or converting condominium project, including conversion of apartment and mobile home park projects, shall be reviewed and approved by the Planning Director and shall include an agreement that the following shall be guaranteed by the developer:

- 1) Common are items, including but not limited to; a roof, plumbing, heating, air-conditioning, and electrical systems shall be maintained by the sponsor of the conversion, or the developer, in good condition until one (1) year elapses from the date of the sale of the last individual unit sold.
- 2) Adequate provisions for maintenance, repair, and upkeep of common areas.
- 3) Provisions, that in the event of destruction, reconstruction shall be in accordance with codes in effect at the time of such reconstruction.

- 4) Provisions for dedication of land or establishment of easements for street widening or other public purpose.
 - d. The CC & R's shall provide that individual unit owners have the right to select or change the management group or the homeowner association ninety (90) days after sale or transfer of title of fifty-one percent (51%) of the units. The CC & R's shall provide that subsequent owners agree to make no changes in the CC & R's imposing restrictions on the age, race, national origin, sex, marital status or other similar restrictions of occupants, residents, or owners.
4. Condominium and Mobile Home Park Conversion
- a. Condominium conversions and mobile home park conversions may be approved in the City pursuant to the procedures in Section 6.2.50 of this Title for a conditional use permit and for a tentative map as set forth in Title 10 of the Municipal Code and the California Subdivision Map Act.
 - b. No condominium conversion or mobile home park conversion shall be approved unless and until all of the following conditions have been met by the developer:
 - 1) Tenants have received a Tenant's Notice of Intent to Convert pursuant to the provisions of California Government Code Section 66427.1 (Subdivision Map Act) prior to filing a Notice of Pending Application to Convert with the Planning Director. Such notice shall be given by the applicant, and shall contain information as to tenant's rights under state and local regulations.
 - 2) A Notice of Pending Application to Convert has been filed with the Planning Director, prior to the filing of a tentative subdivision map and conditional use permit application. The notice shall include a copy of the Tenant's Notice of Intent to Convert and a Building Condition and History Report prepared by a building inspection service or similar agency acceptable to the Building Official and Fire Department. The report shall contain information set forth on forms to be provided by the Planning Director, including, but not limited to: date of construction, a list of all repairs and renovations to be made, an analysis of building conditions and any violations of housing, fire, or building codes, a listing of the proposed improvements to be carried out, an estimated time schedule, the present rent schedule including type and length of tenancy, the estimated prices of the converted units and/or lots, a copy of the proposed CC & R's, a Tenant Relocation Assistance Plan indicating the number of tenants interested in the purchasing or relocating and detailed plans for assisting in the

relocation of tenants. The developer shall furnish each prospective buyer with a copy of this report together with the CC & R's.

- 3) The Planning Director shall prepare and deliver to the applicant a staff report including a staff recommendation for approval or denial, a listing of conditions or requirements recommended as a basis for approval, and supportive reasons or justifications for such recommendations.
 - 4) Tenants shall be notified by the developer in writing, of all public hearings in connection with an application for conversions, and all tenants subsequent to the initial notice of intent shall be notified in writing of the pending conversion prior to occupancy.
 - 5) The applicant shall comply with the latest City adopted California Building Code, California Mechanical Code, California International Plumbing Code, California Electrical Code, California Fire Code, and all other applicable codes, ordinances and regulations. The applicant shall further complete such alterations or repairs required by the Building Official prior to the sale of any such units.
 - 6) Written notice shall be given to all residential tenants not less than one (1) year from the date the tentative approval.
- c. For residential conversions, the Planning Commission shall also determine that:
- 1) The conversion is consistent with the General Plan; and
 - 2) The vacancy factor of rental housing units in the City exceeds three (3) percent of the total rental housing inventory. Existing rental units may be approved for conversion regardless of the vacancy factor if the Planning Commission determines that a new rental unit has or will be added to the City's housing inventory for each rental unit removed through conversion; and
 - 3) The developer has complied with all provisions of this Title and all other requirements and conditions as may be imposed by the Planning Commission.

6.11.60**CONVERSION OF RESIDENTIAL STRUCTURES TO NONRESIDENTIAL USE**

Except where a home occupation is involved, no structure originally designed as a residence (including hotels and motels), or as an accessory structure or addition to a

residence, shall be used for any commercial or office use unless the building and site are improved to meet all code requirements for an office or commercial development. This includes, but is not limited to building codes, fire codes, and the requirements of this Title. Such a conversion may be a permitted use or may be subject to a conditional use permit process, depending on the base district use regulations.

6.11.70 DEDICATION REQUIREMENTS

1. General Requirements

The dedication requirements, as specified by this Section, are imposed as provided by Section 66475 of the Subdivision Map Act and shall apply to all final tract and parcel maps, parcel map waivers, lot line adjustments and lot mergers unless exempted from specific dedication requirements by the Subdivision Map Act. In addition, the provisions of this Section may be imposed as necessary on projects not involving a subdivision in order to implement the provisions of the General Plan.

2. Public Streets, Highways, Alleys, Easements

All streets, highways, alleys, ways, easements, rights-of-way, and parcels of land which are shown on the final tract map, parcel map, or development plan, and which are intended for public use shall be offered for dedication for public use by appropriate certificate. All irrevocable offers of dedication shall also be shown by appropriate certificate. If a subdivision is involved, the certificate shall be on the title sheet of the final map. Where lots exist along a public street, highway, alley or easement that does not align with the subject lot, the developer of any such lot shall dedicate to the City such land necessary to assure the continued planned line of improvements along such lot prior to the issuance of a building permit.

When vehicular access rights from any lot or parcel to any highway or street are to be restricted as a requirement of a subdivision, such rights shall be forfeited in favor of the City by an appropriate certificate. A note stating: "VEHICULAR ACCESS RIGHTS DEDICATED TO THE CITY OF TAFT" shall be placed on the final map along the highway or street adjacent to the lots or parcels affected. If a subdivision is not involved, equivalent certificates and notes dedicating such vehicular access rights shall be required in a form approved by the Public Works Director and City Engineer.

3. Utility and Landscape Easements

Any public or private utility and/or landscape easements required by a utility agency or by the City shall be shown on the final tract map, parcel map, or by

the equivalent documentation if a subdivision is not involved. Said easements shall be dedicated to the appropriate party.

4. Drainage Facilities

In the event that a subdivision or development, or any part thereof is determined by the Public Works Director and City Engineer to be traversed by a major watercourse, channel, stream, or creek, the developer shall dedicate an adequate right-of-way for storm drainage purposes if, in the opinion of the Public Works Director and City Engineer, such dedication is necessary. In the event that the natural watercourse does not lie entirely within such dedication, the developer may, as approved by the Public Works Director and City Engineer, either construct an adequate channel within such dedication or delineate the course of such watercourse upon the final map or upon an equivalent document if a subdivision is not involved.

If an artificial drainage facility is necessary for the general use of lot or parcel owners in a subdivision or other development, and is necessary for adequate drainage, as may result from the development and its improvements, the developer may be required to provide such improvements. If required, an adequate right-of-way for the construction and maintenance of such drainage channel shall be dedicated on the final map, if applicable, or granted by separate instrument.

When storm drains are necessary for the general use of lot or parcel owners in a subdivision, or other developments, and such storm drains are not to be installed in the streets, alleys, or ways of such subdivision or development, then the developer shall offer to dedicate upon the final tract map, parcel map, or by separate instrument, the necessary rights-of-way for such facilities.

When property or any portion thereof being subdivided or developed is within the natural or artificially planned drainage path, as indicated in any approved city drainage plan adjoining unsubdivided or undeveloped property, and no street, alley, or way within the subdivision or development is designed to adequately provide for the drainage of such adjoining property, the developer shall dedicate drainage rights-of-way which are adequate to accommodate the flows calculated for such adjoining property based on the full development of said adjoining property.

6.11.80

DEVELOPMENT DENSITY

The maximum allowable development density or intensity of development shall be as specified in the General Plan and as specific in the zone district within which the proposed development is to be located. In determining the allowable number of dwelling units on a development parcel, all remainders of 51 percent (51%) or greater shall be rounded to the next higher whole number.

1. Density Bonuses
 - a. Affordable Housing and Qualifying Residents Projects
 - 1) Granting of a discretionary density bonus or other equivalent financial incentive is governed by Government Code Section 65915 when a developer of a residential project agrees to meet the following requirements:
 - a) Construct at least twenty (20) percent of the total units for lower income households, as defined in Section 50079.5 of the Health and Safety Code; or
 - b) Construct at least ten (10) percent of the total units for very low income households, as defined in Section 50105 of the Health and Safety Code; or
 - c) Construct at least fifty (50) percent of the total units for qualifying residents, as defined in Section 51.3 of the Civil Code; or
 - d) Provide at least thirty (30) percent of the total units within condominium conversions of apartments for low or moderate income households, as defined in Section 50093 of the Health and Safety Code; or
 - e) Provide at least fifteen (15) percent of the total units within condominium conversions of apartments for lower income households, as defined in Section 50079.5 of the Health and Safety Code.
 - 2) A request for a discretionary density bonus and regulatory concessions or incentives shall apply to projects of five (5) or more residential units, shall require the approval of a conditional use permit, and shall be subject to the following provisions:
 - a) Density bonus shall mean up to twenty-five percent (25%) density increase over the maximum allowable base General Plan Land Use density. In calculating the number of units which is equal to the required threshold as identified in Subsection a. (1) (a) through a.(1)(e) of this Section, the density bonus shall not be included in such calculation.
 - b) The policies for achieving a density bonus shall be as follows:

- (1) The City shall approve the density bonus and regulatory concessions and/or incentives only if the following findings can be made:
 - (a) Affordable Housing
 - i. The proposed project is consistent with the goals, policies and strategies of the General Plan; and
 - ii. The proponent has demonstrated that the waiving or modifying of development standards is necessary to insure the economic feasibility of the project; and
 - iii. The target units will be within the income level for those individuals for which the units are proposed to be developed.
 - (b) Qualifying Residents
 - i. The proposed project is consistent with the goals, policies and strategies of the General Plan; and
 - ii. The proponent has demonstrated that the waiving or modifying of development standards is necessary to insure the economic feasibility of the project; and
 - iii. A commitment has been submitted in writing by the developer guaranteeing that the facility or development will be used for qualifying residents.
- 3) Concurrent with the processing of a conditional use permit for an Affordable Housing or Qualifying Residents Project the developer shall enter into an Affordable Housing or Qualifying Residents Agreement for any target dwelling unit for which a bonus density regulatory concessions and/or incentives have been granted as follows:
 - a) The agreement shall be for thirty (30) years or longer, as may be required for any construction or mortgage financing

assistance program, mortgage insurance program, rental subsidy program, or other similar programs unless the City makes a written finding that an additional concession or incentive is not required in order to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code or for rents or equivalent housing payment for the targeted units to be set as specified herein, in which case the agreement shall be for ten (10) years.

In the event that the City Redevelopment Agency provides any assistance, the agreement shall be as follows: (1) no less than the life of the land use restriction of the Redevelopment Plan or (2) such other length of time as approved by the City Redevelopment Agency and/or the City. In any case the provisions of Section 65915 of the Government Code shall govern.

- b) Dwelling units targeted for lower income households, as defined in Section 50079.5 of the Health and Safety code, shall be targeted at a rent or equivalent monthly housing payment not to exceed thirty (30) percent of the eighty (80) percent of Kern County median income as defined by HUD or the State.
- c) Dwelling units targeted for very low income households, as defined in Section 50105 of the Health and Safety code, shall be targeted at a rent or equivalent monthly housing payment not to exceed thirty (30) percent of fifty (50) percent of Kern County median income as defined by HUD or State.
- d) The Covenants, Conditions and Restrictions (CC & R) and the Affordable Housing or Qualifying Residents Agreement shall specify the designated target units which shall be set aside for persons or households of affordable income levels or qualifying residents and shall include a covenant that the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign or otherwise transfer any interest of same which no longer complies with the provisions of the CC & R and Affordable Housing Agreement or Qualifying Residents report shall be submitted by January 31 of each year to the Planning Director confirming that the rent or sales price, or age restrictions for qualifying residents of all target units for the previous calendar year is within the income levels or meets the age restrictions as specified herein.

- 4) In addition to any density bonus provided for the project, the City shall provide at least one of the following concessions or incentives or provide other incentives of equivalent financial values based upon the land cost per dwelling unit to the developer unless the City makes a finding satisfying the requirements of Section 6.11.80 of this Chapter.
- a) A reduction in site development standards or a modification of Zoning Code requirements or architectural design requirements which exceed the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.
 - b) Approval of mixed use zoning in conjunction with housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the areas where the proposed housing project will be located.
 - c) Other regulatory incentives or concessions proposed by the developer and/or City.

In the case of condominium conversions, the City need only grant a density bonus or other incentives of equivalent financial value. The City need not provide a cash transfer payment or other monetary compensation, but may include the reduction or waiver of requirements which the City may apply as conditions of approval.

- 5) Qualifying Residents
- a) Residential occupancy shall be limited to single persons at least 62 years old, or to cohabiting couples of which one person is at least 62 years of age for projects less than 150 units. Such age restriction may be reduced to 55 years old for projects greater than 150 units.
 - b) This Section shall apply to both independent living and congregate care facilities as described below:

- i. Independent Living: Facilities designed to accommodate independent lifestyles shall include individual rooms which, at a minimum, consists of a full bathroom, sleeping area, kitchen, and parking garage.
 - ii. Congregate Care Facilities: Shall provide, at a minimum, a full bathroom, sleeping area, communal kitchen, dining area, and recreational area appropriate for the number of residents.
- 6) Development Design and Facilities
 - a) Lighting

Adequate external lighting shall be provided for security purposes. The lighting shall be directed away from adjacent properties and public right-of-way.
 - b) Laundry Facilities
 - (1) Independent Living. Washer and dryer hookups shall be provided in each dwelling unit or in an attached garage.
 - (2) Congregate Care Facilities. On-site common laundry facilities including installation of washer and dryers shall be provided and may include shared laundry rooms.
 - c) Common Facilities

These may include one or more of the following facilities located on site for the specific use of the residents of the project, if approved by the Planning Agency.

 - (1) Beauty salon and barber shop.
 - (2) Small scale pharmacy.
 - (3) Private common transportation carrier, maintained and operated by the facility.
 - (4) Other similar facilities for the sole enjoyment of the residents.

d) Minimum Unit Size

The minimum floor area for each residential unit shall be as follows:

Notwithstanding the provisions of Table 4.B, Chapter 6.4 of this Title, regulating minimum dwelling unit size, the units provided shall be no less than 415 square feet in floor area for efficiency units, 540 square feet in floor area for one bedroom, and 640 square feet in floor area for two bedroom, or as otherwise approved by the approving authority.

(1) Open Space Requirements

(a) Private Open Space

Notwithstanding the provisions of Section 6.4.30.4.c (4) of this Title, each dwelling unit shall be provided with a usable private open space in the form of a patio or courtyard with a minimum area of one-hundred (100) square feet and a minimum dimension of ten (10) feet or a balcony of eighty (80) square feet and a minimum dimension of eight (8) feet.

(b) Common Open Space

Notwithstanding the provisions of Section 6.4.30.4.c (3) of this Title, two-hundred twenty five (225) square feet of usable common open space per unit shall be provided within the boundaries of all projects. Usable open space shall constitute area(s) readily available, practical and generally acceptable for active and/or passive recreational uses. Up to forty (40) percent of the required common open space may be provided in the form of a common leisure/recreation room.

(2) Parking Security

Parking facilities shall be designed to provide security for residents, guests, employees, shall be integrated into the architecture of the facility, and shall comply with the provisions of Chapter 6.14 of this Title.

(3) Transit Facilities

- (a) A bus turnout and shelter along the street frontage may be required to be dedicated and constructed where the development occurs along an established or planned bus route.
- (b) In lieu of a bus turnout and shelter, the developer may provide a private, on-site taxi, or equivalent service.

b. Additional Residential Conditions

The City may impose additional standards or conditions specific to the project and/or environmental mitigation measures related to the project.

c. Qualifying Non-residential Projects

- 1) Granting of a floor area ratio bonus is governed by Government Code Section 65917.5 when a developer of a commercial or industrial project agrees to meet the following requirements:
 - a) The commercial or industrial project must consist of at least fifty-thousand (50,000) square feet of floor area.
 - b) The developer must agree to set aside at least two thousand (2,000) square feet of floor area and three-thousand (3,000) outdoor square feet to be used for a child care facility.
- 2) Requests for a floor area ratio density bonus shall apply to commercial and industrial projects of fifty-thousand (50,000) square feet or greater shall require approval of a conditional use permit, and shall be subject to the following provisions:
 - a) Floor area ratio bonus means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning and general plan requirements including:
 - (1) A maximum of five (5) square feet of floor area for each one (1) square foot of floor area contained in the child care facilities for existing structures.
 - (2) A maximum of ten (10) square feet of floor area for each one square foot of floor are contained in the child care facilities for new structures.

- (3) Projects constructed under this Section shall conform to height, setback, lot coverage, parking, site plan review, fees, charges and other health, safety and zoning requirements generally applicable construction in the zone in which the property is located except as may be modified in this Chapter.
 - b) The day care facility may be located either on-site or off-site as agreed upon by the developer and the City, and shall be of a size to comply with all state licensing requirements in order to accommodate a minimum of forty (40) children. A consortium with more than one developer may be used in order to achieve the threshold amount for the available floor area ratio density bonus and with each developer's bonus density pro rated based on the percentage participation of each developer.
 - c) The developer may either operate the day care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer must coordinate with a local child care resource and referral network in order to qualify for the floor area ratio bonus.
 - d) Once the child care facility has been established, prior to any closure, change in use, or reduction in the size of the facility, the City Council shall find that the need for child care is no longer present, or is not present to the same degree as it was at the time the day care facility was developed.
- 3) Additional Non-Residential Conditions

The City may impose additional standards or conditions specific to the project and/or environmental mitigation measures related to the project.

6.11.90 FENCES AND WALLS

1. Residential Districts
 - a. In any required front yard or street side yard of a reversed corner lot, a wall or fence shall not exceed forty (40) inches in height.
 - b. A wall or fence not more than six (6) feet in height, as measured from the adjacent grade on the same parcel may be maintained along any interior side yard, rear yard or street side yard provided that such wall

or fence does not extend into the required front yard or the street side yard of a reverse corner lot.

- c. No barbed wire shall be used or maintained as a fence or all, or as any part of a fence or wall when located along a front, side, or rear property line of any lot or within three (3) feet of any such property line; nor shall any sharp wire or points project to the side or above the top of any fence or wall.

2. Non-Residential Districts

- a. Within any required front building setback area, wall or fences shall not exceed forty (40) inches in height. However, walls or fences may be permitted up to a maximum height of five (5) feet provided that the portion of the fence or wall above forty (40) inches in height is ninety (90) percent light-emitting wrought iron or other similar material.
- b. Walls for the purpose of screening commercial and industrial activities from more sensitive land uses, and for sound attenuation, shall be required as a condition of approval for commercial or industrial development. The height, placement and design of such walls shall be determined based on the required sound attenuation and/or need for visual screening to ensure consistency with General Plan policies and performance standards. In some instances, site specific conditions may require a variance to maximum wall height requirements in order to meet the provisions of this paragraph.
- c. In any required rear or interior side building setback area, except as provided by Section 10.90.2.b above, walls and fences shall not exceed six (6) feet in height except with an approved conditional use permit.
- d. No barbed wire shall be used or maintained as a fence or wall, or as any part of a fence or wall, when located along a front, side, or rear property line, or when placed in such a manner as to be visible from a public or private street; not shall any sharp wire or points project above the top of any fence or wall that is either less than six (6) feet in height or is visible from any public or private street in a commercial zone district, however, such barbed wire may be permitted in an industrial zone district.

6.11.100 **GRADING**

Whenever a tentative map or other residential, commercial or industrial development is approved, which will require grading or other preparation of the soil, the City may impose conditions relating to grading on the approval of the development. Such grading conditions shall be in addition to any other provisions of the Building Code applicable to the project. Such conditions shall be included

by the Building Official or Public Works Director and City Engineer in any grading permit thereafter issued. Such conditions may include, but are not limited to, the following:

1. A requirement that lands slope toward rather than away from the street.
2. Requirements for planting and landscaping of slopes.
3. Requirements for the irrigation of slopes.
4. Limitations on the amount of soil to be imported or exported from the site.
5. A designation of the streets over which trucks or equipment may travel for the purpose of importing or exporting soil.
6. A limitation on the periods during which grading operations may occur.
7. Such other conditions as will facilitate an orderly development of the property in accordance with the provisions of the General Plan and the project's approval.

6.11.110**HAZARDOUS MATERIALS MANAGEMENT**

1. Purpose and Intent

In accordance with State law and the adopted Kern County Hazardous Waste Management Plan, the purpose of this Section is to ensure that businesses locating or operating within the City, which utilize, store, transport or dispose of hazardous materials, incorporate available risk management and waste minimization practices into their operations. Furthermore, the intent of this Section is to minimize the risk of exposure to hazardous materials for residents and property within the City.

2. Preliminary Information Requirements

- a. All land use applications submitted for a new business or for expansion, or modification of an existing business shall provide information disclosing the amount and type of hazardous materials used and hazardous waste generated, the business practices for management and reduction of these substances, and emergency response procedures in the event of an accidental release.
- b. A preliminary hazardous waste minimization plan which identifies proposed waste management and reduction efforts shall be submitted to the City with all applications for land uses which are potential hazardous

waste generators, as defined by the Kern County Hazardous Waste Management Plan.

3. Hazardous Materials Notification Requirements
 - a. Any land use which handles or will handle any hazardous material or hazardous waste (as defined by the County Hazardous Waste Management Plan) in excess of fifty-five (55) gallons of liquid, three hundred (300) pounds of solid, two hundred (200) cubic feet of compressed gases, or any combination thereof, unless the federal threshold is lower, shall prepare and submit a Business Plan to the County Department of Environmental Health Services and the City Fire Department prior to final approval of any permits. The contents of said business plan shall be as required by the County Hazardous Waste Management Plan.
 - b. Prior to final approval, a Risk Management and Prevention Program as defined in the County Hazardous Waste Management Plan shall be submitted to the County Department of Environmental Health Services and City Fire Department for review and approval by any new, modified or expanded land use within the City which handles or will handle “acutely hazardous materials” (AHM), as defined in the County Hazardous Waste Management Plan, in amounts greater than fifty-five (55) gallons of liquid, five hundred (500) pounds of solid or two hundred (200) cubic feet of a compressed gas.
 - c. Commercial and industrial uses which propose to locate within the City provide the Fire Department with a list of all hazardous materials used at the site, a description of where and how each is stored, and how each react in a fire.
 - d. Placards or other appropriate signage shall be placed on all buildings or structures which are used for the storage of hazardous materials or wastes.
4. The unlawful discharge of hazardous wastes into the air, land, or water resources within City boundaries is prohibited.

6.11.120**HEIGHT LIMITATIONS**

Unless modified by this Chapter; Chapter 6.12 (Specific Use Development Standards), or Chapter 6.13 (Performance Standards), the maximum allowable height of a structure shall conform to the regulations of the zone district within which the structure is to be located.

6.11.130 **IMPROVEMENT STANDARDS AND PLANS**

1. Improvement Standards
 - a. Standards for the design and improvements of subdivision and other developments shall be in accordance with the applicable Sections of Title 10 of the Municipal Code, the Subdivision Map Act, the General Plan, any specific plans adopted by the City, and such other standards, regulations, or ordinances as may, from time to time, be adopted by the City Council.
 - b. In the absence of a standard for an improvement, the Public Works Director and City Engineer may establish a standard in keeping with good construction and engineering practices.
2. Improvement Plans Required
 - a. All improvements proposed to be constructed or installed in subdivisions or other residential, commercial, or industrial developments shall be in accordance with detailed plans and specifications approved in writing by the Public Works Director and City Engineer prior to commencement of said improvement work.
 - b. Improvement plans in sufficient detail shall be submitted to and shall be approved by the Public Works Director and City Engineer prior to submitting a final subdivision map to the City Council, or if no final subdivision map to the City Council, or if no final subdivision map is required, prior to commencement of construction.
 - c. Required improvement plans shall show the location of all existing improvements, including but not limited to electrical, natural gas, telephone, and any other service facilities adjacent to or potentially affected by the proposed improvements. Specific improvement plan requirements shall be compiled and made available to the public by the Public Works Director and/or the City Engineer. Improvement plans shall be prepared by a professional civil engineer registered in the State of California.
 - d. All improvement plans shall be prepared by a registered civil engineer. Said improvements shall be completed or shall be bonded for, in accordance with adopted city bonding requirements, by each developer, as required by the conditions of approval, prior to acceptance of the final tract map, or the equivalent, if a final subdivision map is not required.
 - e. Improvements which are proposed to be or are required to be located within State highway rights-of-way shall be shown on the improvement

plans and shall be desired to California Department of Transportation standards. Prior to approval by the Public Works Director and City Engineer, the developer shall acquire the Department of Transportation's approval of such improvements.

- f. An encroachment permit shall be obtained prior to commencement of any work done in connection with subdivisions or other residential, commercial, or industrial development projects, within the public right-of-way.

6.11.140 LIGHTING

1. Non-Residential

- a. All outdoor lighting associated with nonresidential uses, excluding recreational uses, shall be shielded and directed away from surrounding residential uses. Such lighting shall not exceed 0.5 foot-candles of illumination beyond the property containing the nonresidential use, and shall not blink, flash, oscillate or be of unusually high intensity of brightness.
- b. Parking areas of five (5) or more spaces shall have an average of one-half (0.5) foot-candles of illumination per square foot of parking area for visibility and security during hours of darkness.
- c. Each parking area of five (5) or more spaces existing prior to the effective date of this Section, which is enlarged, re-constructed, altered or changed from its previous configuration shall be subject to the above illumination requirements.
- d. Wiring for illumination shall be underground.
- e. The following types of outdoor lighting usage shall be prohibited between 10:00 p.m. and dawn:
 - 1) The operation of searchlights for advertising purposes; and
 - 2) The illumination of outdoor public recreational facilities, unless a specific recreational activity requiring the lighting is already in progress. All lighting shall be on a time clock or photo-sensor system.

2. Residential

- a. All single-family, duplex and triplex residential dwelling units shall be equipped with security lighting affixed to the exterior of each garage and above the exterior of each front and rear door.
 - 1) Lights shall be installed and shall be hard-wired into the electrical power source.
 - 2) Lights shall be shielded and directed away from surrounding residential uses and shall not blink, oscillate or be of unusually high intensity.
 - b. Outdoor light poles within residential areas, except for street lighting, shall not exceed twelve (12) feet in height. Such lighting shall be designated to project downward, and shall not create glare on adjacent properties.
3. Recreational
- a. A conditional use permit shall be required for all sport and athletic field, stadium, or major event lighting.

6.11.150 **MINIMUM BUILDING SITES**

Unless otherwise specified in Chapter 6.12 (Specific Use Development Standards), the minimum allowable building site size shall be in accordance with the regulations of the zone district within which the structure is to be located.

6.11.160 **MANUFACTURED HOUSING**

Manufactured housing, fabricated off-site and to be installed on a parcel of land, including mobile homes, manufactured homes, and modular homes, may be permitted on individual lots that permit single family detached housing subject to the following requirements:

1. The manufactured home is permanently attached to a permanent foundation in compliance with all applicable building regulations.
2. If the manufactured home is a mobile home, construction shall be certified under the National Mobilehome Construction and Safety Standards Act of 1974, (42 U.S.C Section 5401 et seq.) pursuant to Section 18551 of the Health and Safety Code. Documentation indicating certification and construction date must be submitted to the building Department in order to secure a valid building permit.

3. The manufactured home is no less than sixteen (16) feet wide and no less than eight hundred and fifty (850) square feet in area.
4. The Planning Director determines that the placement of the manufactured home is compatible with the existing development in the immediate area in which it is being placed, in accordance with the following criteria:
 - a. The design of the manufactured home shall be similar in character and appearance to other dwellings in the immediate vicinity relative to design features including, but not limited to: unit size, roof overhangs, roof materials, roof pitch, and exterior materials; and
 - b. All building setbacks, parking, coverage, height, and sign requirements of the base district shall apply.
5. Manufactured housing shall comply with the following architectural requirements:
 - a. A minimum three (3) in twelve (12) inches vertical to 12 inches horizontal, roof pitch and a minimum of one (1) foot eave around the entire perimeter of the manufactured home, as measured from the vertical wall surface is required.
 - b. Roofing material customarily utilized in the construction of a conventional single family dwelling, such as but not limited to; wood, shingles, tiles, asphalt, or composition shingles is required.
 - c. Only non-reflective or non-glassy siding materials customarily utilized in the construction of conventional single family housing shall be permitted. These materials may include, but are not limited to: brick, stucco, wood or plaster.
 - d. The predominant shape and form of the manufactured home shall be compatible with that of the surrounding neighborhood.
 - e. The design and materials of any enclosed garage, porch, or other structure that is visible from the street, shall be compatible with the requirements and architecture of the main dwelling.
6. Manufactured homes, not meeting installation and architectural requirements specified in this Section, shall be permitted only upon approval of a conditional use permit, pursuant to the provisions of this Title.

6.11.170 MOBILE HOME PARKS

1. Purpose and Intent

The intent and purpose of this Section is to establish standards to be used in the development of mobile home parks within the City. These standards are intended to assure a suitable living environment for those persons residing within mobile home parks and within nearby residential neighborhoods.

2. Objectives

- a. Encourage the use of private streets and the private maintenance thereof.
- b. Provide for recreational amenities and common areas, with controls and maintenance thereof by the mobile home park owner, homeowners association, or common interest group.
- c. Provide a design that is related to and compatible with existing and planned land uses and circulation patterns on adjoining properties.

3. Conditional Use Permit

A conditional use permit, as provided in Section 6.2.50 of this Title, shall be required for development of a new mobile home park and/or for modification or expansion of an existing mobile home park. Whenever a difference occurs between the standards of this Section and an underlying zone district, the standards of this Section shall apply.

4. Site Development Standards

The following standards shall apply to the development of a mobile home park. Additional requirements may be specified in conditions of approval of a conditional use permit.

- a. A mobile home park shall be no less than five (5) acres in size and the minimum area of a mobile home space shall be no less than three thousand five hundred (3,500) square feet.
- b. No more than seven (7) mobile home spaces per gross acre shall be permitted. Rights-of-way of interior streets may be included in the gross acre figure.
- c. The maximum permitted coverage of mobile homes and all necessary buildings and/or structures shall be seventy-five (75) percent of the total area of the individual lot.
- d. Each mobile home space shall comply with the following minimum yard setbacks. There shall be no encroachments on any yard setback.

- 1) Front yard- ten (10) feet.
 - 2) Rear yard- five (5) feet.
 - 3) Side yard- five (5) feet.
- e. Parking within a required access drive is prohibited. Width of access drives shall be determined by the Public Works Director and Planning Director.
- f. Off-street parking.
- 1) Two parking spaces, at least one of which shall be covered, shall be provided on each mobile home space. Each parking space shall be no less than nine (9) feet by nineteen (19) feet in size. No parking space may be located within the front yard setback area; tandem parking may be permitted.
 - 2) One (1) guest parking space shall be provided for each four (4) mobile homes located within the development. Guest parking may be permitted on interior street rights-of-way if the street has been designed to accommodate on-street parking.
- g. Interior streets.
- 1) Private streets within a mobile home park shall be a minimum of twenty-four (24) feet wide with no on-street parking, a minimum of thirty-two (32) feet wide if parking is permitted on one side of the street, and a minimum of forty (40) feet wide if parking is permitted on both sides of the street.
 - 2) A roadway divided into separate one way traffic lanes, by a curbed divider, or similar device, shall be no less than fifteen (15) feet in clear width on each side of the divider. Automobile parking shall be prohibited on a divided roadway except where the unobstructed width of the roadway on the side of the divider used for parking is increased by eight (8) feet for each parking lane.
- h. A minimum of ten (10) percent of the net mobile home park site shall be maintained for permanent open space and recreational facilities. Open space areas shall not include any portion of a mobile home space for exterior perimeter landscaping. Usable open space may be occupied by recreational facilities such as recreation centers, swimming pools, golf courses, tennis, basketball, volleyball, badminton courts, children's play areas, trails, and picnic areas.

- i. All areas within a mobile home park not used for recreational facilities, streets, driveways, parking structures, building and service areas shall be landscaped, shall be provided with an automated irrigation system, and shall be permanently maintained in a manner approved by the Planning Director.
- j. A common storage area, equivalent in size to one-hundred (100) square feet for each mobile home space, shall be provided within the mobile home park. The purpose of this storage is to store such items as recreational vehicles, boats, and trailers. The storage area shall be paved and enclosed by a solid wall or durable view-obscuring fence that is at least six (6) feet in height.
- k. Recreational vehicles, boats, and trailers shall not be permitted on individual mobile home spaces, interior streets, or parking spaces designated for automobile parking.
- l. Each mobile home park shall have a landscaped area, served by an automatic irrigation system, of no less than fifteen (15) feet between the property line and the required perimeter wall if adjoining a public or private street. Where a property line is not adjacent to a public or private street, a perimeter wall shall be provided along said property line.
- m. Except where otherwise required, a perimeter wall shall be no less than six (6) feet in height. Where there is a difference in elevation on opposite sides of a wall, the height shall be measured from the exterior side of said wall. The following design elements shall be incorporated into all perimeter walls:
 - 1) The wall shall consist of concrete, stone, bricks, tile or a similar type of masonry material and shall be at least four (4) inches thick.
 - 2) Berms, if incorporated into the project, shall be constructed of earthen materials, landscaped and provided with an automatic irrigation system.
- n. Perimeter yard walls and landscaping shall be limited to a height of forty (40) inches within five (5) feet on either side of street openings for non-vehicular traffic and within ten (10) feet on either side of street openings for vehicular traffic.
- o. Adjoining streets shall be improved, as required by the Public Works Director and City Engineer, to include all or any of the following: curb, gutters, street paving, sidewalks, and street lighting. This requirement shall include preparation of street improvement plans and any other

engineering deemed necessary by the Public Works Director and City Engineer.

- p. All utility lines, including water, sewer, electric, gas, telephone and television distribution systems, shall be placed underground.
- q. Trash storage areas shall be provided as follows:
 - 1) Every mobile home space shall have individual curb site pick-up, or
 - 2) If common trash facilities are used, they shall be contained within an enclosed masonry structure no less than six (6) feet in height.
- r. Adequate lighting shall be provided throughout a mobile home park to ensure for pedestrian and vehicular safety and to minimize potential security problems.
- s. Each mobile home space shall be numbered, lettered or identified in such a manner as to be clearly visible from the street. A map and directory of the mobile home park shall be installed near the primary access drive. Said map and directory shall be equipped with a lighting system adequate for nighttime visibility.

6.11.180 NOISE HAZARDS

- 1. Intent
 - a. Noise hazard provisions are intended to protect public health and safety by identifying high noise areas in the City and establishing regulations to mitigate those identified high noise levels.
 - b. The noise hazard provisions shall be applied to those areas where the projected Community Noise Equivalency Level (CNEL) is sixty-five (65) decibels (65 dBA) or greater.
- 2. Development Standards
 - a. When a land use application or development permit is proposed within the sixty-five (65) dBA CNEL noise contour and such a proposed use or noise associated with such a use is adjacent to a residential zone district or residential use, the following standards shall apply:
 - 1) Noise levels shall be identified. An acoustical report shall be performed to identify noise impacts and any recommendation for

noise attenuation or other mitigation measures to be incorporated into the design standards or conditions of approval as applicable.

- 2) Interior noise levels in residences dwelling units and educational institutions shall not exceed forty-five (45) dBA CNEL emanating from sources outside the affected building.
 - 3) Exterior noise levels in residential land use areas shall not exceed sixty-five (65) dBA CNEL.
 - 4) Ability to mitigate exterior noises to the levels of sixty-five (65) dBA CNEL shall be considered by the reviewing authority when determining the actual CNEL level with which the land uses must comply.
 - 5) In areas where noise exceeds the noise standard, steps shall be taken to mitigate noise levels. An acoustical report identifying mitigation measures shall be required and reviewed by Environmental Health Services Department prior to issuance of any required development permits or approval of land use applications.
- b. All other structures shall be sound attenuated against the combined input of all present and project exterior noise to not exceed the following criteria.

Typical Uses	12-Hour Equivalent Sound Level (Interior) dB(A) CNEL
Educational Institutions, Libraries, Churches	45 dB(A)
General Office, Reception	50 dB(A)
Retail Stores, Restaurants	55 dB(A)
Other Areas for Manufacturing Assembly, Test, Warehousing	65 dB(A)

- c. In addition, the average of the maximum levels on the loudest of intrusive sounds occurring during a 24-hour period shall not exceed 65 dBA interior.

6.11.190 OFF-SITE IMPROVEMENTS

The City shall require, as a condition of approval, the dedication of improvements such as rights-of-way, easements, and the construction of reasonable off-site improvements when required by any City ordinance, resolution, or standard in conjunction with the parcel(s) being developed or created.

6.11.200 PARK AND RECREATION FACILITIES

The City may, as established by the Open Space and Conservation Element of the General Plan and this Title, require, as a condition of approval for development projects, the payment of fees and/or dedication of land for the provision of neighborhood or community parks and/or recreational facilities. The General Plan establishes the ultimate proportion of three (3) acres of neighborhood park, community park, and recreational facilities per 1,000 persons residing in the City.

1. Definitions

For the purposes of this subsection, the number of actual or potential dwelling units created by a subdivision or development shall be as follows:

- a. One dwelling unit per unit approved.
- b. Where the number of units to be built in a multi-family residential district is unknown, the maximum number of dwelling units allowed under that zone classification shall be used.
- c. For a condominium project, the number of dwelling units created shall be the number of condominium units approved.

2. Exemptions

This Section shall not apply to the following subdivisions:

- a. Commercial or industrial developments.
- b. Condominium projects or stock cooperatives, which consist of the subdivision of air space in an existing apartment building that is more than five (5) years old and in which no new dwelling units have been added by the subdivision.
- c. Subdivisions containing less than five (5) parcels and not used for residential purposes, provided, however, that a condition of approval shall be placed on those maps stating that if a building permit is requested for the construction of a residential structure or structures on one or more of the parcels within four (4) years after recordation of the subdivision map, the fees shall be paid by the owner of each parcel as a condition to the issuance of such permit.

3. Dedication Requirements

- a. Whenever a tentative tract map or other residential project, which is subject to the provisions of this subsection, is submitted to the Planning Department, the submittal shall be accompanied by a written statement from the applicant stating whether the applicant intends to dedicate land and/or pay fees in lieu thereof for park and recreational purposes. If the applicant intends to dedicate land for this purpose, such area shall be shown on the proposed tentative tract map, or site plan. If fees are to be paid, the conditions of approval shall specify the amount of fees to be paid to the City and shall include the schedule for such payment. Dedications of park land shall be reviewed and, if acceptable, approved by the City Council.
- b. Land shall be conveyed fee simple to the City by grant deed, free and clear of all encumbrances except for those encumbrances which will not interfere with the use of the property for its intended purposes and which the City before the approval of the final map, or as required by the final conditions of approval if no final map is required.
- c. Deeds for park land dedications shall be returned to the developer, project applicant or developer, as applicable, upon:
 - 1) Withdrawal of a final map, if a final map is required or
 - 2) Withdrawal of the application for the development permit by the applicant.

Deeds shall be returned under the circumstances described above within a reasonable time period, not to exceed ninety (90) days from date of withdrawal or disapproval, or as otherwise established by City Ordinance.

- d. Deeds shall be recorded by the City upon recordation of the final map or at the discretion of the City Clerk if no final map is recorded.
- e. Deeds shall not be accepted for the dedication of park land unless accompanied by a title insurance policy, secured by and at the expense of the grantor, in an amount equal to the land dedication.
- f. When required, fees shall be paid at such time as established by conditions of approval for a project. Payment may be required prior to approval of a final map if the fees are to reimburse the City for expenditures previously made or for an account which has been

established wherein the City has adopted a proposed construction schedule or plan.

- g. Whenever land has been conveyed or fees paid to the City, as a condition of approval of a subdivision, and a final map for the subject subdivision is not recorded, or, if recorded, the land is thereafter reverted to acreage, the City may, at its option, either reconvey all land dedicated or fees paid to be applied only to a new subdivision on the same property, or make other mutually agreeable arrangements with the developer.

4. Determination of Land Dedication and Payment of Fees

When conditions of approval for a subdivision or other residential development, subject to the provisions of this Section, require dedication of land and/or payment of fees, the conditions shall be based on the following:

- a. The natural features of the area, available access, location, size and shape of the land available for dedication, feasibility of dedication, location of existing and proposed park sites and trailways, and the compatibility of the dedication with the General Plan.
- b. Whenever the actual amount of land to be dedicated is less than the amount of land required to be dedicated, the developer shall pay fees for the value of any additional land that otherwise would have been required to be dedicated.
- c. The amount and location of the land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision or other residential development.
- d. The amount of land to be dedicated or fees paid shall be based on the residential density of the subdivision. The residential density shall be determined by multiplying the number of dwelling units of the subdivision by the number of persons per unit by the ratio which the number of acres of park land is required for each 1,000 persons (i.e., .0025). The average number of persons per unit shall be the most recent such average established by the Department of Finance of the State of California or by Kern Council of Governments.
- e. Whenever land is dedicated pursuant to this subsection, the developer may be required to provide the following for the benefit of the land dedicated:

- 1) Full street improvements and utility connections including, but not limited to: curbs, gutters, sidewalks, relocation or under grounding of existing public utility facilities, street paving, traffic control devices, and street trees.
- 2) Block wall fencing, masonry wall, or some other material approved by the Planning Director.
- 3) Improve drainage through the park site.
- 4) Minimal physical improvements, not including recreational facilities, building or equipment, which the Public Works Director and City Engineer determines are necessary for acceptance of the land for park and recreational purposes.
- 5) Access to the park and recreational facilities from an existing or proposed public street, unless the Public Works Director and City Engineer determines that such access is unnecessary for maintenance of the park areas or use of the park by residents of the area.
- 6) Grading and drainage improvements, irrigation, and planting improvements as required by this Title. All land is to be dedicated and improvements to be made shall be approved by the Public Works Director and City Engineer prior to final approval or disapproval of a subdivision or development plan by the City.
- 7) No grading, drainage, irrigation, planting, street or utility improvements required under this subsection shall be eligible for a credit against the land to be dedicated or fees paid under the provisions of this Ordinance.
- 8) Whenever a fee is to be paid, in lieu of the dedication of land, the following provisions shall apply:
 - a) The fee shall be established by resolution of the City Council. Said fee shall bear a reasonable relationship to the value of land which would otherwise be required if land dedication were being made.
 - b) Whenever fees are paid pursuant to this Section, the City shall deposit them into a separate park fund. All fees paid may be used only for the purpose of developing new or rehabilitating existing neighborhoods, community parks, or recreational facilities to serve the subdivision. The development of new park and recreational facilities includes,

but is not limited to, the acquisition of land for neighborhood or community parks for recreational purposes. Fees shall be expended for use only within the boundaries of the City.

- c) The developer may receive a credit against fees as follows:
- (1) A credit may be given against the requirements for the payment of fees or the dedication of land required by this subsection for the reasonable value of park and recreation improvements provided by the developer, if approved and accepted by the City. The amount of the credit shall be determined prior to the approval or conditional approval of a tentative map or equivalent for other residential projects not involving a subdivision.
 - (2) A credit may be given where private areas for park and recreational purposes are provided in a subdivision or other residential development, when such areas are for active recreational uses, are to be privately owned, and are to be maintained in common by the future owner(s) of the development. Upon approval by the City, such areas may be credited against a maximum fifty (50) percent of the requirement of land dedication or fees. Approval of such credits shall be based on a determination by the City that it is in the public interest to allow such credits, and that all of the following standards have been met or will be met prior to approval of the final map or development permit:
 - (a) That yards, court areas, setbacks, and other open space areas, which are required to be established and maintained by other provisions of this Title, are satisfactorily incorporated into the project design; and
 - (b) That evidence is provided that the private ownership and maintenance of the area will be adequately provided for by record written agreement, covenants or restrictions; and
 - (c) That the use of the private area is restricted to park and recreational purposes by an open space easement or other instrument in favor of or enforceable by the City; and

- (d) That the proposed private area is reasonably adaptable for use for park or recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location; and
 - (e) That the private recreational areas can be utilized by project residents in a manner which would reduce the need for public recreational facilities in proportion to the requested park land credit.
- 9) Land which has been dedicated and accepted by the City may be sold by the City if a developer has not begun substantial construction within two (2) years following recordation of a final map or final approval of a project other than a subdivision, provided the City determines that another site would be more suitable for park or recreational facilities. In that situation, the proceeds from the sale of the dedication land must be used for the purchase or improvement of the more suitable site.
- 10) All fees collected pursuant to this subsection shall be committed by the City to develop park or recreation facilities to serve residents of the subdivision or other residential development if a subdivision is not involved.
- 11) The commitment required by Section 66477 (f) of the Government Code for using fees collected by the City pursuant to this Subsection shall be the applicable annual budget of the City unless the City adopts a separate schedule.

6.11.210 PARKING REQUIREMENTS

Off-street parking facilities shall be provided in accordance with the provisions of Chapter 6.14 of this Title.

6.11.220 PERMITTED OUTDOOR USES

1. When identified as a permitted use or a use permitted subject to an approved conditional use permit in the zone district in which outdoor uses are to be located, the following uses may be permitted outside of an enclosed building, provided they are located entirely on private property. No other uses shall be allowed unless permitted under the express provisions of Section 6.11.220 of this Chapter.
 - a. Drive-in and drive-through restaurants.

- b. Patio tables, chairs, umbrellas, and similar outdoor accessories used in connection with a restaurant business which does not impede pedestrian or vehicular circulation.
 - c. Outdoor vending machines or displays, including weighing scales, when accessory to a business is conducted within a building.
 - d. Lumber/material yard in conjunction with a principal retail store and contractor supply yards provided the outdoor storage is screened from view from a public street as approved by the Planning Department.
 - e. Border materials, flower pots, trellises and the like, provided they are accessory to an established business.
 - f. Automobile dealership sales, leasing, and rental display and automobile storage lots.
 - g. Dealership sales, leasing, and rental display of mobile homes, farm equipment, recreational vehicles, travel trailers, motorcycles, and boats. Additionally, outdoor storage of materials and product is permitted if said storage of materials and product is completely screened from view from the public right-of-way and from adjacent properties. Said screening shall be subject to approval by the Planning Director and shall conform to the provisions of Section 6.2.90 (Design Review) of this Title.
 - h. Temporary Christmas trees sales.
 - i. Recycling facilities.
 - j. Other uses determined by the Planning Commission to be similar to and no more objectionable than those uses listed above in accordance with the provision of Section 6.1.90 of this Title.
2. An outdoor use, which is not specifically listed as a permitted outdoor use in Section 6.11.220.1 of this Chapter and which became a nonconforming use after the effective date of this Title (Zoning Ordinance), shall be removed or made to conform to the provisions of this Chapter.
- a. Within thirty (30) days after the effective date of Section 6.11.220.1 and 6.11.220.0 of this Chapter, the Code Enforcement Officer shall commence giving written notice to the owners of nonconforming outdoor uses informing them of the nature of the nonconformity, their responsibilities, and the City's intent to enforce this subsection. Following such notice, nonconforming outdoor uses shall be removed or

made to conform to the provisions of this subsection within one hundred eighty (180) days.

- b. Enforcement of this subsection shall be in accordance with the provisions of Section 6.1.40 of this Title and the General Penalty imposed in enforcement of this subsection shall be in accordance with the provision of Section 6.1.50 of this Title.

6.11.230 PUBLIC ACCESS TO OPEN SPACE AND RECREATION AREAS

In any subdivision, or other development application, wherein any parcel of land borders a public open space or recreational area, pedestrian access to such areas shall be dedicated or permanently preserved.

6.11.240 RESERVATION OF LANDS FOR PUBLIC FACILITIES

1. The City may require that areas of real property within a subdivision or other residential, commercial, or industrial development be reserved for parks, and recreational facilities, fires stations, libraries, or other public uses such as, but not limited to, domestic water and sewage facilities subject to the following conditions.
 - a. The proposed use of the land reserved is in accordance with General Plan policies and standards, any adopted specific plans, and all provisions of this Title.
 - b. The reserved area is of such size and shapes as to permit the balance of the property, within which the reservation is located, to be developed in an orderly and efficient manner.
 - c. The amount of land reserved will not make development of the remaining land held by the developer economically unfeasible.
2. The City shall, at the time of approval of a final map, parcel map, or approval of other residential, commercial, or industrial development, enter into a binding agreement to acquire such reserved are within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of filing the tentative map, or other development request, plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the developer in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area. If the City fails to enter into such a binding agreement, the requirement of reservation shall automatically terminate.

6.11.250 REFLECTIVE MATERIAL

Roofing materials which will be visible to the public from adjacent streets or property shall be of a non-reflective composition.

6.11.260 **RELOCATED STRUCTURES**

1. Structures may be relocated from one parcel to another subject to the following requirements:
 - a. Upon relocation of a structure to a new parcel, the parcel, including the relocated structure, shall comply with all regulations of this Title including all development standards, regulations, and restrictions for the use and the district in which the structure is to be relocated, including but not limited by this reference to building height, setback, parcel coverage, and unit density requirements.
 - b. The structure proposed to be moved or relocated shall be placed and, if necessary reconstructed, in the district within which it is to be located under all existing standards, regulations and restrictions.
 - c. Construction of residential structures proposed to be moved or replaced shall commence within thirty (30) days, and shall be completed within three hundred sixty-five (365) days, of the date the structure is relocated onto the property.
 - d. Prior to issuance of a building permit, a “Notice of Intent to Relocate” form, approved by the Building Official, shall be posted on the property proposed to contain the relocated structure for a minimum period of one (1) week.

6.11.270 **RIGHT TO FARM PROVISIONS**

1. Intent

It is the intent of this Section to conserve, protect, and encourage the development, improvement, and continued viability of agricultural land and industries for the long-term production of food and other agricultural products; support the economic well-being of the City’s residents; balance the rights of farmers to produce food and other agricultural products with the rights of non-farmers who own, occupy, or use land within or adjacent to agricultural areas; and reduce the loss to the City of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance.

2. Applicability

All agricultural activity, operations, facilities, or appurtenances thereof shall comply with the provisions of this Chapter and with the applicable provisions of the zone district in which the land use is located.

3. Protection from Nuisance
 - a. No agricultural activity, operation, facility, or appurtenances thereof shall be, or become a nuisance if the following standards are met:
 - 1) The agricultural use is conducted or maintained for commercial purposes; and
 - 2) The agricultural use is conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality; and
 - 3) The agricultural use has been in operation for more than three (3) years and was not a nuisance at the time it began.
 - b. This Section shall not invalidate any provision contained in the Government Code of the State of California associated with agricultural activities, operation, facility, or appurtenances thereof, constitutes a nuisance, public or private, as specifically defined or described in any such provision.
 - c. This Section is not to be construed to modify or abridge State law, as set out in the California Civil Code relative to nuisances, but rather to be utilized in the interpretation and enforcement of the provisions of City ordinances and regulations.
4. Notice to Buyers of Land

The Planning Director shall cause the following notice to be included on any proposed land division that lies partly or wholly within three hundred (300) feet of any land zoned for primarily agricultural purposes:

- a. Lot(s) No. ____, as shown on this map, is (are) located partly or wholly within, or within three hundred (300) feet of land zoned primarily for agricultural purposes by the City of Taft. It is the declared policy of the City of Taft that no agricultural activity, operation, facility, or appurtenances thereof, conducted or maintained for commercial purposes within the City of Taft and conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality shall be or become a nuisance, private or public, due to any changed condition in

or about the locality, after the same has been in operation for more than three (3) years, if it was not a nuisance at the time it began. The term “agricultural activity, operation, facility, or appurtenances thereof” includes, but is not limited to: the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity, including apiculture, horticulture, the raising of livestock, fur bearing animals, fish or poultry; and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

- b. The Public Works Director and City Engineer shall cause the notice described in subsection (a) to be included on any final land division proposed for recordation that lies partly or wholly within, or within three hundred (300) feet of any land zoned for agricultural purposes.

6.11.280 SCENIC RESOURCES

1. Intent

The scenic resources regulations are intended to establish development standards which protect, preserve and enhance the aesthetic resources of the City by incorporating design considerations that minimize interference with The preservation of unique natural resources, roadside views and scenic corridors. It is also the intent of the Scenic Resources regulations to implement state and federal programs and regulations regarding scenic highway routes.

2. Location Requirements

The Scenic Resources regulations may be applied to the following areas:

- a. Areas with unique views of mountain and valley areas or any other aesthetic natural land formations.

3. Development Standards

- a. When a land is proposed within a scenic area, the following criteria shall be used to evaluate the project compliance with the intent of the district:

- 1) Building and Structure Placement

The building and structure placement shall be compatible with and shall not detract from the visual setting or obstruct significant views.

2) Setbacks

Intensive land development proposals, including, but not limited to, residential facilities, commercial, and industrial activities shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. The design of such development proposals shall also provide for maintenance of a natural open space parallel to the right-of-way. This represents the visible land area outside the highway right-of-way which may be described as the “view from the road”.

3) Access Drives

Right-of-way access drives shall be minimized. Developments involving concentrations of commercial activities shall be designated to function as an integral unit with common parking and right-of-way access drives when feasible.

4) Roads, Pedestrian Walkways, Parking and Storage Areas

Large scale development shall restrict the number of access points by providing common access roads. Parking and outside storage areas shall be screened from view, to the maximum extent feasible from adjacent scenic or recreational resources by placement of buildings and structures, or by landscaping and plantings.

5) Above Ground Utilities

Utilities shall be constructed and routed underground except in those situations where natural features prevent the underground routing or where safety considerations necessitate above ground construction and routing. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting of the designated area. Where practical, above ground utilities shall be screened from view from adjacent scenic or recreational resources by placement of buildings and structures.

6) Grading

The alteration of the natural topography of the site shall be minimized and shall, to the extent feasible and practical, avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system.

7) Storage Areas

Outside storage areas associated with commercial or industrial activities shall be completely screened, in a manner approved by the Planning Department, from view from the right-of-way with landscaping and plantings.

6.11.290 **SCREENING REQUIREMENTS**

1. Screening of Commercial and Industrial Uses

- a. Wherever any building or structure is erected or enlarged on any property which is zoned for commercial or industrial purposes and abuts a residentially zoned parcel, screening shall be erected and maintained along the property line(s) abutting the residential zone(s).
- b. The screening between commercial or industrial zoned districts and adjacent existing or planned residential uses shall consist of a decorative masonry wall sufficient for sound attenuation, and shall have a minimum height of six (6) feet on the commercial side of the wall, except for front yard or street side yard setback area of the existing or planned residential uses, where it will be reduced to forty (40) inches in height.

2. Screening of Storage Areas

Where permitted, all outdoor storage of materials, wares, crates, bottles, or similar items necessary to, or part of a permitted land use within an industrial, commercial, or special district shall be screened from view on at least three (3) sides by a solid opaque impact-resistant wall not less than five (5) feet in height, and on the fourth side by a solid opaque-resistant gate not less than five (5) feet in height or, alternatively, such other material or design approved by the Planning Director.

3. Screening of Refuse Storage Areas

Outdoor trash receptacles for multiple family and nonresidential uses shall be of sufficient size to accommodate the trash generated by the uses on the parcel(s) being served. All outdoor storage of trash, garbage, refuse, and other items or material intended for discarding or collection shall be screened from public view on at least three (3) sides by a solid decorative wall not less than five (5) feet in height or, alternatively, such other material or design approved by the Planning Director. The fourth side shall contain an opaque gate maintained in working order and shall remain closed except when in use.

6.11.300 **SETBACK REQUIREMENTS**

Unless otherwise specified in this Chapter; Chapter 6.12 (Specific Use Development Standards), or Chapter 6.13 (Performance Standards), front, side, and

rear setbacks for structures shall be maintained in accordance with the regulations of the district within which the structure is located.

6.11.310 **SIGNS**

Unless otherwise specified within Chapter 6.13 (Performance Standards) of this Title, signs shall comply with the provisions of Chapter 6.15 (Sign Requirements) of this Title.

6.11.320 **SOIL REPORTS**

1. A preliminary soils report, prepared by a civil engineer registered in the State of California, based upon adequate test borings, shall be required for every subdivision for which a final tract map is required, and may be required by the Public Works Director and City Engineer for other development applications. The preliminary soils report requirement may be waived if the Public Works Director and City Engineer finds that sufficient knowledge exists as to the quality of the soils located on the development site.
2. In the event the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, could lead to structural defects, a soils investigation of each lot, parcel, or building site in the subdivision or development may be required. Such soils reports must be performed by a civil engineer, registered in the State of California, who shall recommend a corrective action likely to prevent structural damage to each structure proposed to be constructed in the area where such an identified soils problem exists.
3. The subdivision, or other type of development, or any portion thereof where soil problems exist, may be approved by the Public Works Director and City Engineer if it is determined that a recommended action would prevent an occurrence of damage to any structure to be constructed and that the issuance of a building permit be subject to the inclusion of such recommended action(s) for the construction of each structure involved.
4. All soils reports prepared specifically for subdivisions shall be kept on file for public inspection by the City, pursuant to the provisions of Section 66434.5 of the Subdivision Map Act.
5. Final soils reports shall certify that all soils meet engineering requirements prior to issuance of any building permit.

6.11.330 **SOLAR ENERGY DESIGN**

1. Purpose and Intent

These provisions are intended to incorporate, to the extent feasible, passive heating and cooling opportunities into the design or modifications of residential, commercial, and industrial developments. They are further intended to ensure that solar energy systems in residential, commercial, and industrial areas do not detract from the appearance of the surrounding neighborhood.

2. Design Requirements

a. Active Solar Design

Notwithstanding any provisions included in this Title related to screening roof-mounted equipment, the following standards shall apply to the design of all solar energy systems:

- 1) To the extent practical, roof-mounted solar collectors shall be placed in the location least visible from a public right-of-way without significantly reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted solar collectors shall be screened from public view at street level.
- 2) When feasible, collectors shall be integrated into the design of a building. Structural support for the collectors shall be screened in a manner that is compatible with the design of the building.
- 3) Appurtenant equipment, including plumbing and related fixtures, shall be installed in an attic or basement, where feasible.
- 4) Large accessory fixtures which must be exposed (e.g., storage tanks) shall be screened, where possible, through architectural features that harmonize with other design elements of the structure.
- 5) Storage tanks shall not be located in any required front or side yards except as permitted by Section 6.11.30.1.c, and they shall be screened from view from any public right-of-way.
- 6) Exterior collector surfaces shall have a matte finish, and shall be color-coordinated to harmonize with roof materials or other dominant colors of the structure.
- 7) Any pool or spa facilities, other than those intended for a single family detached residence, shall be provided with a solar cover or solar water heating system.

3. Passive Solar Design in accordance with Section 66473.1 of the Subdivision Map Act.

- a. The design of a subdivision for which a tentative map is required pursuant to Section 66426 of the Subdivision Map Act, or other development, shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the development. Examples of passive or natural heating opportunities in subdivision design, or within other development include, but are not limited to:
 - 1) Design of lot size and configuration to permit orientation of structures in an east-west alignment for southern exposure.
 - 2) Design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.
- b. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision or within other residential, commercial, or industrial development for which a subdivision is not involved, consideration shall be given to local climate, contour, configuration of the parcel to be developed, and to other design improvement requirements. However, such provisions shall not result in reducing allowable densities or the applicable planning and zoning regulations in force at the time the tentative map or other development is filed.
- c. The requirements of this Section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures area added.

6.11.340**SOLID WASTE REUSE AND RECYCLING REGULATIONS****1. Purpose and Intent**

Since January, 2000, California Cities must divert fifty percent (50%) of all solid waste through source reduction, recycling, and composting activities, pursuant to Chapter 18, Part 3 of Division 30 of the Public Resources Code (California Solid Waste Reuse and Recycling Access Act of 1991). Diverting fifty percent (50%) of all solid waste requires participation by residential, commercial, industrial, and public sectors.

The lack of adequate areas for collecting and loading recyclable materials that are compatible with surrounding land uses is a significant impediment to diverting solid waste and constitutes an urgent need for state and local agencies to address access to solid waste for source reduction, recycling, and composting activities. This Section has been developed to meet that need.

2. General Requirements

- a. Any new development project for which an application for a building permit is submitted shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.
- b. Any improvements for areas of a public facility used for collecting and loading solid waste shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.
- c. Any existing development project for which an application for a building permit is submitted for a single alteration which is subsequently performed that adds thirty percent (30%) or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.
- d. Any existing development project for which an application for a building permit is submitted for multiple alterations which are conducted within a twelve month period which collectively add thirty percent (30%) or more to the existing floor areas of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.
- e. Any existing development project for which multiple applications for building permits are submitted for multiple alterations that are subsequently performed , and which collectively add thirty percent or more to the existing floor area of the development project, shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.
- f. Any existing development project occupied by multiple tenants, of whom one submits an application for a building permit for a single alteration which is subsequently performed that adds thirty percent (30%) or more to the existing floor area of that portion of the development project which said tenant leases, shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.
- g. Any existing development project occupied by multiple tenants, one of whom submits an application for a building permit for multiple alterations that are conducted within a twelve (12) months period which collectively add thirty percent (30%) or more to the existing floor area of that portion of the development project which said tenant leases, shall provide adequate, accessible, and convenient areas for collecting

and loading recyclable materials. Such recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

- h. Any existing development project occupied by multiple tenants, one of whom submits multiple applications for building permits for multiple alterations which are subsequently performed, that portion of the development project which said tenant leases, shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.
- i. Any costs associated with adding recycling space to existing development projects shall be the responsibility of the party or parties who are responsible for financing the alterations.

3. Guidelines for all Development Projects

- a. Recycling areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation, in accordance with such standards.
- b. The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein.
- c. The design, construction, and location of recycling areas shall not be in conflict with any applicable federal, state, or local laws relating to fire, building, access, transportation, circulation, or safety.
- d. Recycling areas, or bins and/or containers placed therein, must provide protection against adverse environmental conditions, such as rain, which might render the collected materials unmarketable.
- e. Driveways and/or travel aisles shall, at a minimum, conform to local building code requirements for garbage collection access and clearance. In the absence of such building code requirements, driveways and/or travel aisles should provide unobstructed access for collection vehicles and personnel.
- f. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.
- g. Developments and transportation corridors adjacent to recycling areas shall be adequately protected for any adverse impacts such as noise,

odor, vectors, or glare through measure including, but not limited to maintaining adequate separation, fencing, and landscaping.

4. Additional Guidelines for Single Tenant Development Projects
 - a. Areas for recycling shall be adequate in capacity, number, and distribution to serve the development project.
 - b. Dimensions of the recycling area shall accommodate receptacles sufficient to meet the recycling needs of the development project.
 - c. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development project should be located within the recycling area.
5. Additional Guidelines for Multiple Tenant Development Projects
 - a. Recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s).
 - b. Dimensions or recycling areas shall accommodate receptacles sufficient to meet the recycling needs of that portion of the development project by the tenant who submitted an application or applications resulting in the need to provide recycling area(s).
 - c. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the portion of the development project by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area should be located within the recycling area.
6. Location
 - a. Recycling areas shall not be located in any area required to be constructed or maintained as unencumbered, according to any applicable federal, state, or local laws relating to fire, access, building, transportation, circulation, or safety.
 - b. Any and all recycling areas shall be located so they are at least as convenient to those persons who deposit, collect, and load the recyclable materials placed therein as the location(s) where the solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas.

6.11.350 **STORAGE**

The following outdoor storage regulations shall apply in addition to any other standards and requirements of the various districts established by this Title:

1. No sales, rentals, long-term storage, repair work, dismantling, or servicing of any motor vehicle, trailer, airplane, boat, loose rubbish, garbage, junk, or building materials shall be permitted in any front or street side yard of any property, except where such property is an automobile dealership or an automobile rental lot, in which case long term storage for purpose of sale or rental shall be permitted. Repair or servicing of any motor vehicle may occur provided that the work continues for a period not to exceed seventy-two (72) hours. Long-term storage shall mean storage for a period of seventy-two (72) or more consecutive hours.
2. In any residential district, no portion of any vacant or undeveloped parcel, or a parcel where no main building exists, shall be used for storage of the items listed above.
3. Building materials for use on the same parcel or building site may be stored on the parcel or building site during the time that a valid building permit is in effect for construction on the premises.

6.11.360 **STREET LIGHTING AND TREE PLANTING**

1. Street Lighting
 - a. The provision of street lights shall be required for all tentative tract maps and other residential, commercial, or industrial developments. Street lights shall be placed in accordance with improvement standards approved by City Council.
 - b. At a minimum, a developer of a residential, commercial, or industrial development shall construct or enter into an agreement to construct, prior to acceptance and approval of a final map or equivalent approval if a subdivision is not involved, a street lighting system of a utility-owned ornamental system consisting of standard ornamental electroliers customarily furnished by the utility or other design approved by the utility and the Public Works Director; or
 - c. The developer of a residential, commercial, or industrial development shall be liable for and shall pay charges of such utility attributable to such installation.

- d. Installation of street lighting shall be underground and shall be in accordance with plans and specification of or as approved by the serving utility and the Public Works Director and City Engineer.
2. Front Yard Tree Planting
 - a. All land divisions governed by this Section, or by Title X of the Municipal Code, shall be required to plant a minimum of one (1) tree per parcel frontage prior to final building inspection based on the following standards:
 - 1) Trees shall be chosen from the approved City of Taft Street Tree List for trees, shrubs, and ground covers. Each choice should reflect consideration of the geographic zone involved.
 - 2) Trees shall be located a minimum of ten (10) feet from driveways and from any public sidewalk.
 - 3) For corner lots, street trees shall be required on both street frontages, provided such planting does not interfere with sight distances and setbacks.
 - 4) Exceptions to street tree planting may be permitted by the Public Works Director in cul-de-sac and on those lots where proper spacing is not possible. Requests for exception shall be made, in writing, to the Planning Director.
 - b. The proposed location of all street trees shall be indicated on the site plans submitted to the Public Works Director for comment and final approval.
 - c. All trees planted in the public right-of-way or closer than fifteen (15) feet to a public sidewalk, curb and gutter, and street shall require installation of a root barrier as approved by the Public Works Director.

6.11.370 TRANSPORTATION CONTROL MEASURES

1. Intent

It is the intent of this Section, along with other provisions of this Title, to implement the transportation control measures called for in both the latest adopted San Joaquin Air Quality Management Plan and the latest adopted Federal Attainment Plan for Carbon Monoxide and green house gases as defined by the Environmental Protection Agency and the State of California.

2. On-Site Pedestrian Walkways and Bicycle Pathways

All new non-residential and multi-family developments of ten (10) or more units shall provide on-site walkways and bicycle pathways connecting each building to adjacent public streets where feasible.

3. Passenger Loading Facilities

All new non-residential and multiple-family developments of ten (10) or more units with at least one hundred (100) parking spaces shall provide a minimum of one (1) passenger loading area equivalent to five (5) parking spaces in close proximity to the building entrances and located to avoid interference with on-site vehicle circulation.

4. Vanpool Parking Facilities

All new non-residential developments with a minimum of one-hundred (100) spaces shall provide preferential vanpool parking facilities for a minimum of one (1) space which has a minimum vertical clearance of nine (9) feet for each one hundred (100) parking spaces.

5. Transit Improvements

All new non-residential and multiple-family developments, along existing or planned transit routes, shall provide transit improvements such as bus pullouts, bus pads, and bus shelters if determined necessary in consultation with Taft Area Transit, or other locally operated transit systems.

6. Reduced Parking Requirements

Provisions shall be made by the Planning Commission for reduction of on-site parking space requirements for all new non-residential developments on a case by case basis when such developments are linked to other actions which reduce vehicle trips.

7. Country Wide Bicycle Plan

The City shall consider participation in implementation of the Country Wide Bicycle Plan upon its adoption.

6.11.380 UNDERGROUND UTILITIES

1. Requirement for Underground Installation of Utility Lines

All permits dealing with utility lines shall be consistent with all applicable State laws and regulations.

Except as provided in this Title, the following utility lines, existing and proposed, shall be installed underground in conjunction with new development projects. Said undergrounding of utility lines shall include, but not be limited to, all new electrical distribution lines, existing electrical distribution lines of 34,500 Volts (V) or less, telephone, street light service lines, cable television and similar service wires or cable which:

- a. Provides new service to the property being developed;
- b. Are existing and located within the boundaries of the property being developed;
- c. Are existing between property line and the centerline of the peripheral streets of the property being developed; or
- d. Are along the project perimeter boundary.

2. Responsibility for Compliance

Arrangements, including payment for all costs for undergrounding utility lines, shall be made by the developer or owner of the property to be developed with the serving utility company(s). Undergrounding of utility lines and structures may be done by the developer, or owner, with permission from the serving utility.

3. Timing of Compliance

Undergrounding shall be completed:

- a. prior to the inspection approval of related street improvements; or
- b. prior to building occupancy, if no related street improvements are required.

4. General Exceptions

The following exceptions shall apply:

- a. Temporary overhead utility lines including necessary service poles, wires, and cables may be permitted and installed to the satisfaction of the Building Official for the period during which authorized construction is continuing for which valid building permits have been issued. All

temporary overhead utility lines shall be removed prior to the issuance of the Certificate of Occupancy.

- b. Appurtenances and associated equipment including, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system, may be placed above ground and installed to the satisfaction of the Public Works Director and City Engineer.
- c. In established residential areas where overhead utility lines presently exist along or near lot lines and where an in-fill single family dwelling unit is being developed on a single lot, or where an in-fill two family or duplex dwelling unit is being developed on a single lot, overhead utility lines may be permitted and installed to the satisfaction of the Public Works Director and City Engineer.

5. Exceptions Approved by the Public Works Director and City Engineer

The following further exceptions may apply, subject in each case to the specific written approval of the Public Works Director and City Engineer, and then only on the basis of a formal request detailing the reasons therefore:

- a. On developments consisting of three (3) lots or less that do not in total exceed one hundred and fifty feet (150') of frontage for residential, commercial, office professional, business park, public/institutional, or industrial development, the Planning Commission, on recommendation of the Public Works Director and City Engineer, may waive construction of underground utility lines along the peripheral streets or property lines; however, all on-site utility service lines shall be installed underground. In such a situation, the developer or property owner shall deposit the cost, as determined by the Public Works Director and/or City Engineer, for undergrounding utility lines along the peripheral streets or property lines with the City for future undergrounding work to be done by the City.
- b. A new single family residence constructed in rural undeveloped areas where there are no existing utility lines within a quarter (.25) mile radius. However, in such a situation, the developer or property owner shall deposit the cost as determined by the Public Works Director and City Engineer for undergrounding utility lines along the peripheral streets or property lines with the City for future undergrounding work to be done by the City.

6. Non Conforming Structures

Buildings and structures which, on the effective date of this Title or any subsequent amendments thereto, are nonconforming in regard to above ground on-site utility lines and structures, may continue to be used, altered or enlarged in the same manner, as if such nonconforming utility lines did not exist.

7. Appeals

An appeal, along with the appropriate fee, may be submitted to the City Council for the consideration of waiving all or portions of the requirements of this Section due to topographic conditions, soil or other factors that render under grounding unreasonable or impractical. All appeals shall be in writing, and shall state the reason why under grounding is unreasonable or impractical. Appeals shall include a preliminary estimate of cost, in writing, from the serving utility company(s).

6.11.390 WATER EFFICIENT LANDSCAPE REQUIREMENTS (Ord. 778-10)

1. Purpose and Intent

The California State Legislature has found:

- a. That the waters of the state are of limited supply and are subject to ever increasing demands;
- b. That the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
- c. That 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. That 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; and
- e. That landscape design, installation, maintenance and management can and should be water efficient; and
- f. That 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 method of use.

2. Consistent with these legislative findings, the purpose of this ordinance is to:

- of
- a. Promote the values and benefits of landscapes while recognizing the need to invest 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 and rehabilitated projects;
 - c. Establish provisions for water management practices and water waste prevention for existing landscapes;
 - d. 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;
 - e. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
 - f. Encourage the use of economic incentives that promote the efficient use water, such as implementing a tiered-rate structure; and
 - g. Encourage cooperation between the City of Taft and local agencies to implement and enforce of this ordinance.

Note: Authority cited: Section 65593, Government Code. Reference: Sections 65591, 65593, 65596, Government Code.

3. Applicability

- a. After January 1, 2010, this ordinance shall apply to all of the following landscape projects:
 - 1) New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than twenty-five hundred (2,500) square feet requiring a building or landscape permit, plan check, or design review;
 - 2) New construction and rehabilitated landscapes which are developer installed in single-family and multi-family projects with a landscape area equal to or greater than twenty-five hundred (2,500) square feet requiring a building or landscape permit, plan check, or design review;
 - 3) New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family

residential projects with a total project landscape area equal to or greater than five thousand (5,000) square feet requiring a building or landscape permit, plan check, or design review;

- 4) Existing landscapes limited to Sections 22, 23, and 24; and
 - 5) Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Section 22, 23, and 24.
- b. This ordinance does not apply to:
- 1) Registered local, state or federal historical sites;
 - 2) Ecological restoration projects that do not require a permanent irrigation system;
 - 3) Mined-land reclamation projects that do not require a permanent irrigation system; or
 - 4) Plant collections, as part of botanical gardens and arboretums open to the public.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

3. Definitions.

The terms used in this ordinance have the meaning set forth below:

- a. “Applied water” means the portion of water supplied by the irrigation system to the landscape.
- b. “Automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
- c. “Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- d. “Certificate of Completion” means the document required under Section 13.

- e. “Certified irrigation designer” means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s Water Sense irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.
- f. “Certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s Water Sense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.
- g. “Check valve” or “anti-drain valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- h. “Common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- i. “Conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year.
- j. “Drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- k. “Ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- l. “Effective precipitation” or “usable rainfall” (Eppt) means the portion of total precipitation which becomes available for plant growth.
- m. “Emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.
- n. “Established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

- o. “Establishment period of the plants” means the first year after installing the plant in the landscape for the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.
- p. “Estimated Total Water Use” (ETWU) means the total water used for the landscape as described in Section 8.
- q. “ET adjustment factor” (ETAF) means 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 water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is $(0.7) \div (0.5/0.71)$. ETAF for a Special Landscape Area shall not exceed 1.0 ETAF for existing non-rehabilitation landscapes is 0.8.
- r. “Evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.
- s. “Flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
- t. “Hardscapes” means any durable material (pervious and non-pervious).
- u. “Homeowner-provided landscaping” means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.
- v. “Hydro zone” means a portion of the landscaped area having plants with similar water needs. A hydro zone may be irrigated or non-irrigated.
- w. “Infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).
- x. “Invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. “Noxious weeds” means any weed designated by the Weed Control Regulations in the

Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

- y. “Irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution infirmity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.
- z. “Irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.
- aa. “Irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.
- bb. “Irrigation water use analysis” means an analysis of water use data on meter readings and billing data.
- cc. “Landscape architect” means a person who holds a license to practice landscape architecture in the State of California Business and Professions Code, Section 5615.
- dd. “Landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. 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).
- ee. “Landscape contractor” means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- ff. “Landscape Documentation Package” means the documents required under Section 7.

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- gg. “Landscape project” means total area of landscape in a project as in “landscape area” for the purposes of this ordinance, meeting requirements under Section 2.
 - hh. “Lateral line” means the water delivery pipeline that supplies water to emitters or sprinklers from the valve.
 - ii. “Local water purveyor” means any entity, including a public agency, county, or private water company that provides retail water service.
 - jj. “Low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
 - kk. “Main line” means the pressurized pipeline that delivers water from the water source to the valve or outlet.
 - ll. “Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 8. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation 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 ETAF not to exceed 1.0.
 - mm. “Microclimate” means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
 - nn. “Mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
 - oo. “Mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

water

- pp. “New construction” means, for the purpose of this ordinance, a new building with a landscaped for other new landscape, such as a park, playground, or greenbelt without an associated building.
- qq. “Operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- rr. “Overhead sprinkler irrigation systems” means systems that deliver through the air (e.g., spray heads and rotors).
- ss. “Overspray” means the irrigation water which is delivered beyond the target area.
- tt. “Permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
- uu. “Pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.
- vv. “Plant factor” or “plant water use factor” is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resource 2000 publication “Water Use Classification of Landscape Species”.
- ww. “Precipitation rate” means the rate of application of water measured in inches per hour.
- xx. “Project applicant” means the individual or entity submitting a Landscape Documentation Package required under Section 7, to request a permit, plan check, or design review from the City. A project applicant may be the property owner or his or her designee.
- yy. “Rain sensor” or “rain sensing shutoff device” means a component Which automatically suspends an irrigation event when it rains.
- zz. “Record drawing” or “as-builts” means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.
- aaa. “Recreational area” means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

- bbb. “Recycled water”, “reclaimed water”, or “treated sewage effluent 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.
- ccc. “Reference evapotranspiration” or “ET_o” means a standard of environmental parameters which affect the water use of plants. ET_o is expressed in inches per day, month, or year as represented in Appendix A, and is an estimate of the evapotranspiration of a large field of four- to seven-inch (4” -7”) tall, cool-season grass that is well watered. Reference evapotranspiration is used as the bases of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.
- ddd. “Rehabilitated landscape” means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 2, and the modified landscape area is equal to or greater than twenty-five hundred (2,500) square feet, is fifty percent (50%) of the total landscape area, and the modifications are complete within one (1) year.
- eee. “Runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.
- fff. “Soil moisture sensing device” or “soil moisture sensor” means a device that measure the amount of water in the soil. The device may also suspend or initiate an irrigation event.
- ggg. “Soil texture” means the classification of soil based on its percentage of sand, silt, and clay.
- hhh. “Special Landscape Area” (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- iii. “Sprinkler head” means a device which delivers water through a nozzle.
- jjj. “Static water pressure” means the pipeline or municipal water supply pressure when water is not flowing.
- kkk. “Station” means an area served by one valve or by a set of valves that operate simultaneously.

- lll. “Swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.
- mmm. “Turf” means a ground cover surface of mowed grass. Annual bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.
- nnn. “Valve” means a device used to control the flow of water in the irrigation system.
- ooo. “Water conserving plant species” means a plant species identified as having a low plant factor.
- ppp. “Water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydro zone of the landscape area. Constructed wetlands used for on-site wastewater treatment or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation.
- qqq. “Watering window” means the time of day irrigation is allowed.
- rrr. “WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

Note: Authority Cited: Section 65595, Government Code. Reference: Sections 65592, 65596, Government Code.

4. Provisions for New Construction or Rehabilitated Landscapes

- a. The City may designate another agency, such as the West Kern Water District, to implement some or all of the requirements contained in this ordinance. The City may collaborate with water purveyors to define each entity’s specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Governmental Code.

5. Compliance with Landscape Documentation Package
 - a. Prior to construction, the City shall:
 - 1) provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
 - 2) review the Landscape Documentation Package submitted by the project applicant;
 - 3) approve or deny the Landscape Documentation Package;
 - 4) issue a permit or approve the plan check or design review for the project applicant; and
 - 5) upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the West Kern Water District.
 - b. Prior to construction, the project applicant shall:
 - 1) submit a Landscape Documentation Package to the City.
 - c. Upon approval of the Landscape Documentation Package by the City, the project applicant shall:
 - 1) receive a permit or approval of the plan check or design review record the date of the permit in the Certificate of Completion;
 - 2) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and
 - 3) submit a copy of the Water Efficient Landscape Worksheet to the West Kern Water District.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

6. Penalties

The City may establish and administer penalties to the project applicant for non-compliance with the ordinance to the extent permitted by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

7. Elements of the Landscape Documentation Package
 - a. The Landscape Documentation Package shall include the following six (6) elements:
 - 1) Project information;
 - a) date
 - b) project applicant
 - c) project address (if available, parcel and/or lot number(s))
 - d) total landscape area (square feet)
 - e) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - f) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
 - g) checklist of all documents in Landscape Documentation Package
 - h) project contacts to include contact information for the project applicant and property owner
 - i) applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".
 - 2) Water Efficient Landscape Worksheet;
 - a) hydro zone information table
 - b) water budget calculations
 - i. Maximum Applied Water Allowance (MAWA)
 - ii. Estimated Total Water Use (ETWU)
 - 3) soil management report;

- 4) landscape design plan;
 - 5) irrigation design plan; and
 - 6) grading design plan.
8. Water Efficient Landscape Worksheet
- a. A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections (see sample worksheet in Appendix B):
 - 1) a hydro zone information table (see Appendix B, Section A) for the landscape project; and
 - 2) a water budget calculation (see Appendix B, Section B) for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS reference Evapotranspiration Zones Map, Department of Water Resources, 1999.
 - b. Water budget calculations shall adhere to the following requirements:
 - 1) The plant factor used shall be from WUCOLS. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
 - 2) All water features shall be included in the high water use hydro zone and temporarily irrigated areas shall be included in the low water use hydro zone.
 - 3) All Special Landscape Areas shall be identified and their water use calculated as described below.
 - 4) ETAF for Special Landscape Areas shall not exceed 1.0.
 - c. Maximum Applied Water Allowance
- The Maximum Applied Water Allowance shall be calculated using the equation:

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

d. Estimated Total Water Use

The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydro zones shall not exceed MAWA.

$$\text{ETWU} = (\text{ETo})(0.62) \frac{(\text{PF} \times \text{HA})}{\text{IE}} + \text{SLA}$$

Where:

ETWU=Estimated Total Water Use per year (gallons)

ETo =Reference Evapotranspiration (inches)

PF =Plant Factor from WUCOLS (see Section 491)

HA =Hydro zone Area [high, medium, and low water use areas](sq. ft.)

SLA =Special Landscape Area (sq. ft.)

0.62 =Conversion Factor

IE =Irrigation Efficiency (minimum 0.71)

9. Soil Management Report

a. In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

1) Submit soil samples to a laboratory for analysis and recommendations.

a) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

b) The soil analysis may include:

i. soil texture;

ii. infiltration rate determined by laboratory test or soil texture infiltration rate table;

iii. pH;

iv. total soluble salts;

v. sodium;

- vi. percent organic matter; and
 - vii. recommendations.
- 2) The project applicant, or his/her designee, shall comply with one of the following:
 - a) If significant mass grading is not planned, the soil analysis report shall be submitted to the City as part of the Landscape Documentation Package; or
 - b) If significant mass grading is planned, the soil analysis report shall be submitted to the City as part of the Certificate of Completion.
 - 3) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.
 - 4) The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the City with Certification of Completion.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

10. Landscape Design Plan

- a. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.
 - 1) Plant Material
 - a) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. To encourage the efficient use of water, the following is highly recommended:
 - i. protection and preservation of native species and natural vegetation;

water

- ii. selection of water-conserving plant and turf species;
 - iii. selection of plants based on disease and pest resistance;
 - iv. selection of trees based on applicable City tree ordinances or tree shading guidelines; and
 - v. selection of plants from City and regional landscape plant lists.
- b) Each Hydro zone shall have plant materials with similar use, with the exception of hydro zones with plants of mixed water use, as specified in Section 11.a.2.d.
- c) Plants shall be selected and planted appropriately based upon their adaptability to the climate, geologic, topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:
- i. use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - ii. recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and
 - iii. consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
- d) Turf is not allowed on slopes greater than twenty-five percent (25%) where the toe of the slope is adjacent to an Impermeable hardscape and where twenty-five percent (25%) means one (1) foot vertical elevation change for every four (4) feet of horizontal length (rise divided by run x 100= slope percent).
- e) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

- f) The use of invasive and/or noxious plant species is strongly discouraged.
 - g) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.
- 2) Water Features
- a) Recirculation water systems shall be used for water features.
 - b) Where available, recycled water shall be used as a source for decorative water features.
 - c) Surface area of a water feature shall be included in the high water use hydro zone area of the water budget calculation.
 - d) Pool and spa covers are highly recommended.
- 3) Mulch and Amendments
- a) A minimum of two inch (2”) layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
 - b) Stabilizing mulching products shall be used on slopes.
 - c) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
 - d) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 9).
- b. The landscape design plan, at a minimum, shall:
- 1) delineate and label each hydro zone by number, letter, or other method;
 - 2) identify each hydro zone as low, moderate, high water, or mixed water use. Temporary irrigated areas of the landscape shall be

included in the low water use hydro zone for the water budget calculation;

- 3) identify recreational areas;
- 4) identify areas permanently and solely dedicated to edible plants;
- 5) identify areas irrigated with recycled water;
- 6) identify type of mulch and application depth;
- 7) identify soil amendments, type, and quantity;
- 8) identify type and surface area of water features;
- 9) identify hardscapes (pervious and non-pervious);
- 10) identify location and installation details of any applicable storm water best management practices that encourage on-site retention and infiltration of storm water. Storm water best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
 - a) infiltration beds, swales, and basins that allow water to collect and soak into the ground;
 - b) constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
 - c) pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
- 11) identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
- 12) contain the following statement: “I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan”; and
- 13) bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California

Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code and Section 1351, Civil Code.

11. Irrigation Design Plan

- a. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturer's recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

- 1) System

- a) Dedicated landscape water meters are highly recommended on landscape areas smaller than five thousand (5,000) square feet to facilitate water management.
- b) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.
- c) The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
 - i. if the static pressure is above or below the required dynamic pressure for the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
 - ii. static water pressure, dynamic or operating pressure and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

- d) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems as appropriate for local climate conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- e) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
- f) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable City code (i.e., public health) for additional backflow prevention requirements.
- g) High flow sensors that detect and report high flow conditions created by system damage, or malfunction are recommended.
- h) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- i) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- j) The design of the irrigation system shall conform to the hydro zones of the landscape design plan.
- k) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 8 regarding the Maximum Applied Water Allowance.
- l) It is highly recommended that the project applicant or City inquire with the West Kern Water District about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

- m) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- n) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- o) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
- p) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
- q) Check valves or anti-drain valves are required for all irrigation systems.
- r) Narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction, shall be irrigated with subsurface irrigation or low volume irrigation system.
- s) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
 - i. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 - ii. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 - iii. the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 11.a.1.h. Prevention of overspray and runoff must be confirmed during the irrigation audit.
- t) Slopes greater than twenty-five percent (25%) shall not be

irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

2) Hydro zone

- a) Each valve shall irrigate a hydro zone with similar site, slope, sun exposure, soil conditions, and plant material with similar water use.
- b) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydro zone.
- c) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.
- d) Individual hydro zones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
 - i. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
 - ii. the plant factor of the higher water using plant is used for calculations.
- e) Individual hydro zones that mix high and low water use plants shall not be permitted.
- f) On the landscape design plan and irrigation design plan, hydro zone areas shall be designed by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydro Zone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.

b. The irrigation design plan, at a minimum, shall contain:

- 1) location and size of separate water meters for landscape;
- 2) location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler

heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

- 3) static water pressure at the point of connection to the public water supply;
- 4) flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
- 5) recycled water irrigation systems as specified in Section 18;
- 6) the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
- 7) the signature of a licensed architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

12. Grading Design Plan

- a. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other City permits satisfies this requirement.
 - 1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
 - a) height of graded slopes;
 - b) drainage patterns;
 - c) pad elevations;
 - d) finish grade; and

- e) storm water retention improvements, if applicable.
- 2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:
 - a) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
 - b) avoid disruption of natural drainage patterns and undisturbed soil; and
 - c) avoid soil compaction in landscape areas.
 - 3) The grading design plan shall contain the following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan” and shall bear the signature of a licensed professional as authorized by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

13. Certificate of Completion

- a. The Certificate of Completion (see Appendix C for a sample certificate) shall include the following six (6) elements:
 - 1) project information sheet that contains:
 - a) date;
 - b) project name;
 - c) project applicant name, telephone, and mailing address;
 - d) project address and location; and
 - e) property owner name, telephone, and mailing address;
 - 2) certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;

- a) where there have been significant changes made in the field during construction, these “as-built” or record drawings shall be included with the certification;
 - 3) irrigation scheduling parameters used to set the controller (see Section 14);
 - 4) landscape and irrigation maintenance schedule (see Section 15);
 - 5) irrigation audit report (see Section 16); and
 - 6) soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 9).
- b. the project applicant shall:
- 1) submit the signed Certificate of Completion to the City for review;
 - 2) ensure that copies of the approved Certificate of Completion are submitted to the West Kern Water District and property owner or his or her designee.
- c. The City shall:
- 1) receive the signed Certificate of Completion from the project applicant;
 - 2) approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the City shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

14. Irrigation Scheduling

- a. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
 - 1) Irrigation scheduling shall be regulated by automatic irrigation controllers.

- 2) Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless the weather conditions prevent it. If allowable hours of irrigation differ from the City or West Kern Water District, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- 3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
- 4) Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - a) the plant establishment period;
 - b) the established landscape; and
 - c) temporarily irrigated areas.
- 5) Each irrigation schedule shall consider for each station of the following that apply:
 - a) irrigation interval (days between irrigation);
 - b) irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - c) number of cycle starts required for each irrigation event to avoid runoff);
 - d) amount of applied water scheduled to be applied on a monthly basis;
 - e) application rate setting;
 - f) root depth setting;
 - g) plant type setting;
 - h) soil type;

- i) slope factor setting;
- j) shade factor setting; and
- k) irrigation uniformity or efficiency setting.

15. Landscape and Irrigation Maintenance Schedule

- a. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- b. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- c. Repair of all irrigation equipment shall be done with the originally installed components of their equivalents.
- d. A project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

16. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis

- a. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
- b. For new construction and rehabilitation landscape projects installed after January 1, 2010, as described in Section 2:
 - 1) the project applicant shall submit an irrigation audit report with the Certificate of Completion to the City that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule;
 - 2) the City shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation surveys for compliance with the Maximum Applied Water Allowance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

17. Irrigation Efficiency

- a. For the purpose of determining Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

Note. Authority Cited: Section 65595, Government Code. Reference: Section 65596. Government Code.

18. Recycled Water

- a. The installation of recycled water irrigation systems that allow for the current and future use of recycled water, unless a written exemption has been granted as described in Section 18.b.
- b. Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the City and West Kern Water District stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.
- c. All recycled water irrigation systems shall be designed and operated in accordance with all applicable City and State laws.
- d. Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for Special Landscape Areas shall not exceed 1.0.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

19. Storm water Management

- a. Storm water management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing storm water best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encourage.

- b. Project applicants shall refer to the City or Regional Water Quality Control Board for information on any applicable storm water ordinances and storm water management plans.
- c. Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

20. Public Education

- a. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principals of design, installation, management, and maintenance that save water is encouraged in the community.
 - 1) The City or West Kern Water District shall provide information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.
- b. Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscape described in this ordinance.
 - 1) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydro zones, irrigation, equipment, and other that contribute to the overall water efficient theme.
 - 2) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

21. Environmental Review

- a. The City must comply with the California Environmental Quality Act (CEQA), as appropriate.

Note: Authority Cited: Section 21082, Public Resources Code. Reference: Sections 21080, 21082, Public Resources Code.

22. Provisions for Existing Landscapes

- a. The City may designate the West Kern Water District to implement some or all of the requirements contained in this ordinance. The City may collaborate with the West Kern Water District to define each entity's specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

23. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis

- a. This section shall apply to all existing landscapes that were installed before January 1, 2010 and are over one (1) acre in size.
 - 1) For all landscapes in Section 32.a that have a water meter, the City shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (0.8) (ET_o)(LA)(0.62)$
 - 2) For all landscapes in Section 23.a that do not have a meter, the City or the West Kern Water District shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendation as necessary in order to prevent water waste.
- b. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

24. Water Waste Prevention

- a. The City shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.
- b. Restrictions regarding overspray and runoff may be modified if:

- 1) the landscape area is adjacent to permeable surfacing and no runoff occurs; or
- 2) the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

Note. Authority cited: Section 65594, Government Code. Reference: Section 65596, Government Code.

25. Effective Precipitation

- a. The City may consider Effective Precipitation twenty-five percent (25%) of an annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance:

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

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

26. Evaluation of Landscape Plans

- a. All landscape projects shall be evaluated according to an objective system. Points shall be awarded for each water-saving component of the plan as provided in this section. A minimum of eighty (80) points must be attained in the landscape planting category and one hundred twenty (120) points in the irrigation category for a total of two hundred (200) points for landscape project approval and permit issuance.
- b. Notwithstanding other provisions of this Title, for purposes of the approval of landscaping projects submitted pursuant to this section, the following point values which correspond to specific landscaping and irrigation techniques shall apply:

**POINT VALUES FOR
LANDSCAPING & PLANTING**

Landscaping Planting: 120 Points Possible (40%)	Maximum Points
Water Conserving Plants Used:	
25 – 100% of total plant material count*	25 pts
25% or less of total count of water conserving plants used	0 pts
Plant groups by water needs	10 pts
Spacing of Plants based on mature growth	10 pts
Low water turf type	15 pts
Soil amendment (healthy soil, use less water)	10 pts
Deep root water sleeve for trees	10 pts
Turf 30 – 75% of total landscape area**	20 pts
(Turf 100% of total landscape area)	0 pts
Hardscape of 20% total	5 pts
Mulch 25 – 100% of total shrub area*	15 pts
Mulch 25% or less of total shrub area	0 pts
Landscape planting minimum requirements	80 pts

* Points allocated on a percentage basis

** Points allocated on a reserve percentage basis

Irrigation System: 180 Points Possible (60%)	Maximum Points
Low gallonage spray	40 pts
Drip/micro spray/bubbler	35 pts
Automatic controller	10 pts
Scheduling based on C.I.M.I.S. (California Irrigation Management Information System)	15 pts
Soil moisture sensors	15 pts
Rain sensors	15 pts
Sensitivity to slop factors (head spacing and valving)	15 pts
Sensitivity to climatic factors	5 pts
Sensitivity to aspect (orientation N-S-E-W)	10 pts
Check valves	20 pts
Irrigation minimum requirement	120 pts

Appendices

Appendix A. Reference Evapotranspiration (ET_o) Table

County And City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ET _o
KERN													
Taft	1.3	1.8	3.1	4.3	6.2	7.3	8.5	7.3	5.4	3.4	1.7	1.0	51.2

The values in this table were derived from:

- 1) California Irrigation Management Information System (CIMIS);
- 2) Reference Evapotranspiration Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999; and
- 3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources
- 4) (1987) Bulletin 1922,
- 5) Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426

Appendix B-Sample Water Efficient Landscape Worksheet

WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the project applicant and it is a required element of the Documentation Package.

Please complete all section (A and B) of the worksheet.

SECTION A. HYDRO ZONE INFORMATION TABLE

Please complete the hydro zone table(s) for each hydro zone. Use as many tables as necessary to provide the square footage of landscape area per hydro zone.

Hydro zone*	Zone or Valve	Irrigation Method**	Area (Sq. Ft.)	% of Landscape Area
	Total			100%

*Hydro zone
 HW=High Water Use Plants
 MW=Moderate Water Use Plants
 LW=Low Water Use Plants

**Irrigation Method
 MS=Micro-spray
 S=Spray
 R=Rotor
 B=Bubbler
 D=Drip
 O=Other

SECTION B. WATER BUDGET CALCULATION

Section B1. Maximum Applied Water Allowance (MAWA)

The project’s Maximum Applied Water Allowance shall be calculated using this equation:

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

Where:

- MAWA=Maximum Applied Water Allowance (gallons per year)
- ET_o =Reference Evapotranspiration from Appendix A (inches per year)
- 0.7 =ET Adjustment Factor (ETAF)
- LA =Landscaped Area includes Special Landscape Area (square feet)
- 0.62 =Conversion factor (to gallons per square foot)
- SLA =Portion of the landscape area identified as Special Landscape Area (square feet)
- 0.3 =the additional ET Adjustment Factor for Special Landscape Area (1.0-0.7=0.3)

Maximum Applied Water Allowance = _____gallons per year

Show Calculations.

Effective Precipitation (Eppt)

If considering Effective Precipitation, use twenty-five percent (25%) of annual precipitation. Use the following equation to calculate Maximum Applied Water Allowance:

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

Maximum Applied Water Allowance = _____gallons per year

Show calculations.

Section B2. Estimated Total Water Use (ETWU)

The project’s Estimated Total Water Use is calculated using the following formula:

$$ETWU = (ET_o) \times 0.62 \left(\frac{PF \times HA}{IE} + SLA \right)$$

Where:

- ETWU=Estimated total water use per year (gallons per year)
- ET_o =Reference Evapotranspiration (inches per year)
- PF =Plant Factor from WUCOLS (see Definitions)
- HA =Hydro zone Area [high, medium, and low water use areas] (square feet)
- SLA =Special Landscape Area (square feet)
- 0.62 =Conversion Factor (to gallons per square foot)
- IE =Irrigation Efficiency (minimum 0.71)

Hydro zone Table for Calculating ETWU

Please complete the hydro zone table(s). Use as many tables as necessary.

Hydro zone	Plant Water Use Type(s)	Plant Factor (PF)	Area (HA) (square feet)	PR x HA (square feet)
			Sum	
	SLA			

Estimated Total Water Use= _____ gallons

Show Calculations.

Appendix C – Sample Certificate of Completion.

CERTIFICATE OF COMPLETION

This certificate is filled out by the project applicant upon completion of the landscape project.

PART 1. PROJECT INFORMATION SHEET

Date		
Project Name		
Name of Project Applicant	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Project Address and Location:

Name	Parcel, tract or lot number, if available.	
City	Latitude/Longitude (optional)	
State	Zip Code	

Property Owner or his/her designee:

Name	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Property Owner

“I/we certify that I/we have received copies of all the documents within the Landscape Documentation Package and the Certificate of Completion and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule.”

Property Owner Signature Date

Please answer the questions below:

1. Date the Landscape Documentation Package was submitted to the City_____
2. Date the Landscape Documentation Package was approved by the City_____
3. Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to the West Kern Water District_____

**PART 2. CERTIFICATE OF INSTALLATION ACCORDING TO THE
LANDSCAPE DOCUMENTATION PACKAGE**

“I/we certify that based upon periodic site observations, the work has been substantially completed in accordance with the ordinance and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package.”

Signature*	Date	
Name (print)	Telephone No.	
	Fax No.	
Title	Email Address	
License No. or Certification No.		
Company	Street Address	
City	State	Zip Code

*Signer of the landscape design plan, signer of the irrigation plan, or a licensed landscape contractor.

PART 3. IRRIGATION SCHEDULING

Attach parameters for setting the irrigation schedule on controller per ordinances Section 14.

PART 4. SCHEDULE OF LANDSCAPE AND IRRIGATION MAINTENANCE

Attach schedule of Landscape and Irrigation Maintenance per ordinance Section 15.

PART 5. LANDSCAPE IRRIGATION AUDIT REPORT

Attach Landscape and Irrigation Audit Report per ordinance Section 16.

PART 6. SOIL MANAGEMENT REPORT

Attach soil analysis report, if not previously submitted with the Landscape Documentation Package per ordinance Section 9. Attach documentation verifying implementation of recommendations from soil analysis report per ordinance Section 9.

Appendix D. Maximum Allowed Water Allowance (Reference Section 8.c).

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing or planned landscape project. The ETo values used in these calculations are from the Reference Evapotranspiration Table in Appendix A, for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required and shall use current references evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

- 1) Example MAWA calculation: a hypothetical landscape project in Fresno, CA with an irrigated landscape area of 50,000 square feet without any Special Landscape Area (SLA-0, no edible plants, recreational area, or use of recycled water). To calculate MAWA, the annual reference evapotranspiration value for Fresno is 51.1 inches as listed in the Reference Evapotranspiration Table in Appendix A.

$$\begin{aligned} \text{MAWA} &= (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})] \\ \text{MAWA} &= \text{Maximum Applied Water Allowance (gallons per year)} \\ \text{ETo} &= \text{Reference Evapotranspiration (inches per year)} \\ 0.62 &= \text{Conversion Factor (to gallons)} \\ 0.7 &= \text{ET Adjustment Factor (ETAF)} \\ \text{LA} &= \text{Landscape Area including SLA (square feet)} \\ 0.3 &= \text{Additional Water Allowance for SLA} \\ \text{SLA} &= \text{Special Landscape Area (square feet)} \\ \text{MAWA} &= (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 0)] \\ &= 1,108,870 \text{ gallons per year} \\ &\text{To convert from gallons per year to hundred-cubic-feet per year:} \\ &= 1,108,870 / 748 = 1,482 \text{ hundred-cubic-feet per year} \\ &(\text{110 cubic feet} = 748 \text{ gallons}) \end{aligned}$$

- 2) In this next hypothetical example, the landscape project in Fresno, CA has the same ETo value of 51.1 inches and a total landscape area of 50,000 square feet. Within the 50,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a Special Landscape Area.

$$\begin{aligned} \text{MAWA} &= (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})] \\ \text{MAWA} &= (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})] \\ &= 31.68 \times [35,000 + 600] \text{ gallons per year} \\ &= 31.68 \times 35,600 \text{ gallons per year} \\ &= 1,127,808 \text{ gallons per year or } 1,508 \text{ hundred-cubic-feet per year} \end{aligned}$$

Appendix E. Estimated Total Water Use (Reference Section 8.d).

- 1) Example ETWU calculation: landscape area is 50,000 square feet; plant water use type, plant factor, and hydro zone area are shown in the table below. The ETo value is 51.1 inches per year. There are no Special Landscape Areas (recreational area, area permanently and solely dedicated to edible plants, and are irrigated with recycled water) in this example.

Hydro zone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydro zone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	10,000	7,000
3	Medium	0.5	16,000	8,000
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	24,700

WUCOLS

$$ETWU = (51.1)(0.62) \left(\frac{24,700}{0.71} + 0 \right) = 1,102,116 \text{ gallons per year}$$

Compare ETWU with MAWA: For this example MAWA = (51.1)(0.62) [(0.7 x 50,000) + (0.3 x 0)] = 1,108,870 gallons per year. The ETWU (1,102,116 gallons per year) is less than MAWA (1,108,870 gallons per year). In this example, the water budget complies with the MAWA.

2) Example ETWU calculation: total landscape area is 50,000 square feet, 2,000 square feet of which is planted with edible plants. The edible plant area is considered a Special Landscape Area (SLA). The reference evapotranspiration value is 51.1 inches per year. The plant type, plant factor, and hydro zone area are shown in the table below.

Hydro zone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydro zone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	9,000	6,300
3	Medium	0.5	15,000	7,500
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	23,500
6	SLA	1.0	2,000	2,000

WUCOLS

$$ETWU = (51.1)(0.62) \left(\frac{23,500}{0.71} + 2,000 \right) = (31.68) (33,099 + 2,000) = 1,111,936 \text{ gallons per year}$$

Compare ETWU with MAWA. For this example:

$$\text{MAWA} = (51.1)(0.62) [(0.7 \times 50,000) + (0.3 \times 2,000)]$$

$$= 31.68 \times [35,000 + 600]$$

$$= 31.69 \times 35,600$$

$$= 1,127,808 \text{ gallons per year}$$

The ETWU (1,111,936 gallons per year) is less than MAWA (1,127,808 gallons per year). For this example, the water budget complies with the MAWA.