

Attachment A

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ORDINANCE No. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
ADDING CHAPTER 16.63 TO THE MONTEREY COUNTY CODE RELATING TO
WATER CONSERVATION AND ENERGY EFFICIENCY IN LANDSCAPING IN THE
COASTAL ZONE OF UNINCORPORATED MONTEREY COUNTY**

County Counsel Summary

This ordinance adds Chapter 16.63 to Title 16 of the Monterey County Code to address water and energy efficient landscaping in the coastal zone of unincorporated Monterey County. State law requires that the County apply the state's Model Water Efficient Landscape Ordinance or adopt a local ordinance that is at least as effective in conserving water as the state's model ordinance. This ordinance is intended to be at least as effective in conserving water as the state's model ordinance and would govern in lieu of the state's model ordinance. If adopted, this ordinance would govern new landscapes and rehabilitated landscapes for projects where the landscape area exceeds certain square footage thresholds. This ordinance requires these projects to install water efficient planting and irrigation, including energy efficient landscape components and design. This ordinance authorizes the Board of Supervisors to adopt application fees for the processing of landscape projects and also provides for enforcement and penalties for violations of this ordinance. A companion ordinance for the non-coastal unincorporated area of the County is being considered separately.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS.

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey ("County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. Water conservation in landscaping serves the public health, safety, and welfare by minimizing water use, eliminating water waste, and maximizing energy efficiency.

C. Assembly Bill 325 – The Water Conservation in Landscape Act of 1990 ("AB 325") was signed into law on September 29, 1990, requiring the California Department of Water Resources ("DWR") to develop and adopt a State Model Water Efficient Landscape Ordinance with provisions for water efficient landscape design, installation, and maintenance by January 1, 1992.

D. Assembly Bill 1881 – The Water Conservation in Landscaping Act of 2006 ("AB 1881") required DWR to develop and adopt an updated State Model Water Efficient Landscape Ordinance ("MWELO"). Government Code Section 65595 as enacted by AB 1881 mandates

that local governments either adopt the MWELo or a local ordinance that is at least as effective in water conservation by January 1, 2010. If neither has occurred by that date, the local agency is required to enforce the MWELo.

E. On February 5, 2010, the County notified the DWR that the County intends to follow the MWELo.

F. On April 1, 2015, the Governor of the State of California issued Executive Order B-29-15 due to the continued severe drought conditions. This order required DWR to revise the MWELo through expedited regulation to increase water efficiency standards.

G. On July 15, 2015, the California Water Commission approved the revised MWELo. Local governments are required to enforce the revised MWELo as of December 15, 2015, unless the local agency has adopted a local ordinance. The purpose of this ordinance is to adopt a local ordinance that is at least as effective in water conservation as the revised MWELo and accordingly enable the County to apply this ordinance in lieu of the revised MWELo.

H. In accordance with Section 490 of Title 23 of the California Code of Regulations, the purpose of the MWELo is to establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of watershed approach. Subsection "c" further states that such landscapes will make the urban environment resilient in the face of climatic extremes and result in an improved urban setting. Consistent with the state's purpose, this ordinance is intended to govern those types of landscapes that are ornamental in nature and typically found in urban settings. Implementation of this ordinance is not intended to govern agricultural cultivation activities.

I. In accordance with Sections 65595(c)(1) and 65597 of the Government Code, the Board of Supervisors hereby finds that this ordinance is at least as effective in conserving water as the revised MWELo. Pursuant to Section 65596 of the Government Code, specific elements were identified to be included within the revised MWELo. These elements have been incorporated into this ordinance; therefore, it meets the minimum requirements of state law.

J. This ordinance also authorizes the Board of Supervisors to adopt, by separate resolution, a landscape manual entitled the "County of Monterey Landscape Manual – Standards, Guidelines and Specified Performance Requirements for Landscape Water Use and Irrigation" ("Landscape Manual"). The Landscape Manual has been developed to work in conjunction with the ordinance, to explain the regulations and provide technical information, and it could be updated periodically by resolution without requiring amendment to Chapter 16.63.

K. This ordinance applies in the coastal zone of unincorporated Monterey County.

L. This ordinance is consistent with and supportive of other water conservation policies and regulations set forth in the Monterey County Code ("MCC") that apply in the coastal zone.

1. Chapter 18.44 of the Monterey County Code requires low water use landscape material (drought tolerant or native plant material and low precipitation sprinkler heads such as bubblers, drip irrigation systems and timing devices) as part of new construction in areas of the County served by California American Water Service Company. Regulations contained in this ordinance require the use of drought tolerant landscape planting and water efficient irrigation and are therefore consistent with Chapter 18.44. Furthermore, projects exempt from this ordinance, but subject to MCC Chapter 18.44, remain subject to Chapter 18.44.

2. Chapter 18.50 of the MCC is applicable to the North County Planning Area (including the coastal zone). Chapter 18.50 requires that landscape development for new construction include drought tolerant or native plant material, and low precipitation sprinkler heads such as bubblers, drip irrigation systems and timing devices. Regulations contained in this ordinance require the use of drought tolerant landscape planting and water efficient irrigation and are therefore consistent with Chapter 18.50. Furthermore, projects exempt from this ordinance, but subject to MCC Chapter 18.50, remain subject to Chapter 18.50.

3. Regulations contained in this ordinance are consistent with regulations contained within the following Chapters of the Monterey County Code: Chapter 10.46 – Weed Control; Chapter 15.12 – Water Conservation; Chapter 15.16 – Waste Water Use; Chapter 16.12 – Erosion Control; and Chapter 16.14 – Urban Stormwater Quality Management and Discharge Control.

4. This ordinance is consistent with and supportive of water conservation measures codified in the coastal regulations contained in the certified Local Coastal Program and the 1982 Monterey County General Plan. This ordinance incorporates water conservation measures, drought resistant native and native compatible species, and the encouragement of energy savings, all consistent with the 1982 Monterey County General Plan Policy Nos. 6.1.2; 7.2; 13.1; 16.2.9; 26.1.7; 40.2.1; and 53.1.3.

5. The North County Land Use Plan, Big Sur Land Use Plan, Carmel Area Land Use Plan, Del Monte Forest Land Use Plan and accompanying Coastal Implementation Plan contain policies and regulations requiring incorporation of water conserving landscape measures; planting of native, native compatible, and drought resistant vegetation; and the prohibition and eradication of invasive plant species. Regulations contained in this ordinance address these objectives and are therefore consistent with the Land Use Plans. Projects exempt from this ordinance but subject to the Land Use Plans and Coastal Implementation Plan, will not be affected by adoption of this ordinance or approval of the Landscape Manual.

M. Adoption of this ordinance does not require an amendment to the Local Coastal Program (“LCP”) or certification by California Coastal Commission. Correspondence from the California Coastal Commission dated August 7, 2014 states that the “...existing regulations of the LCP appear to adequately cover the issue of water conservation/water efficiency in landscaping without the need to add any references to this new ordinance...” Therefore, the

Board of Supervisors may adopt this ordinance without certification by the California Coastal Commission.

N. The County adopted the 2016 California Green Building Standards Code, also known as CALGreen, with local modifications (Chapter 18.11 of the MCC). The water and energy conservation measures contained in this ordinance and the Landscape Manual are consistent with and support implementation of the County's green building requirements. Water use and energy consumption are inherently linked. Implementation of water conservation measures in new and rehabilitated landscapes will result in secondary energy savings associated with the corresponding reduction in demand, production and transport of water resources.

O. Adoption of the Coastal Water and Energy Efficient Landscape Ordinance is exempt from environmental review pursuant to Sections 15307 and 15308 of the California Environmental Quality Act ("CEQA") Guidelines. Applying landscape requirements to projects will result in improving water and energy efficiency, thereby reducing water and energy consumption through landscape design. Consistent with Sections 15307 and 15308 of the CEQA Guidelines, adoption and implementation of this ordinance is an action taken by the County, as authorized by state law, to assure the maintenance, restoration, or enhancement of a natural resource and the environment (water and energy) through a regulatory process involving procedures (landscape and irrigation design requirements and the submittal and required approval of a Landscape Package) for the protection of the environment.

SECTION 2. Chapter 16.63 is added to the Monterey County Code to read as follows:

**CHAPTER 16.63
STANDARDS FOR LANDSCAPING (COASTAL)**

Sections:

- 16.63.010 – Purpose.**
- 16.63.020 – Definitions.**
- 16.63.030 – Applicability.**
- 16.63.040 – Landscape Manual.**
- 16.63.050 – Submittal Requirements of Landscape Package – Minor Landscapes.**
- 16.63.060 – Submittal Requirements of Landscape Package – Major Landscapes.**
- 16.63.070 – Planting Plan for Major Landscapes.**
- 16.63.080 – Irrigation Design Plan for Major Landscapes.**
- 16.63.090 – Water Efficient Landscape Requirements for Major Landscapes.**
- 16.63.100 – Soils Management Report Requirements for Major Landscapes.**
- 16.63.110 – Certificate of Completion Requirements for Major Landscapes.**
- 16.63.120 – Inspection Requirements.**
- 16.63.130 – Energy Efficiency.**
- 16.63.140 – Application Fee.**
- 16.63.150 – Public Education.**
- 16.63.160 – Amendments.**
- 16.63.170 – Appeals.**
- 16.63.180 – Enforcement and Penalties.**

16.63.010 Purpose.

The purpose of this Chapter is to provide landscape standards that minimize water use, eliminate water waste, and maximize energy efficiency by requiring low water landscape plantings, irrigation methods, and low energy lighting and ornamental landscape features in the coastal areas of unincorporated Monterey County. Pursuant to Government Code Section 65595, this Chapter is intended to be at least as effective in water conservation as the state model water efficient landscape ordinance and is intended to apply in lieu of the state model water efficient landscape ordinance.

16.63.020 Definitions.

The following definitions apply to this Chapter:

- A. "Agricultural cultivation activities" means the production of food and/or fiber.
- B. "Applied water" means the portion of water supplied by the irrigation system to the landscape.
- C. "California Invasive Plant Inventory" means the California Invasive Plant Inventory maintained by the California Invasive Plant Council.
- D. "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 United States Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.
- E. "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 United States Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.
- F. "Chief of Planning" means the Chief of Planning as codified in Section 2.30.020 of the Monterey County Code. For the purposes of this Chapter, the Chief of Planning includes his or her designees.
- G. "Compost" means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.
- H. "Controller" means an automatic timing device used to remotely control valves or heads to operate an irrigation system. A weather-based controller is a controller that utilizes evapotranspiration or weather data to make adjustments to irrigation schedules. A self-adjusting irrigation controller is a controller that uses onsite sensor data (e.g., soil moisture) to adjust irrigation schedules.
- I. "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.
- J. "Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- K. "Energy efficient landscape" means any new or rehabilitated landscape, public or private, that helps a project achieve a minimum fifteen percent (15%) reduction in energy use when compared to the State's mandatory energy efficiency standards.

L. "Energy efficient lighting system" means any outdoor landscape lighting system consisting of at least ninety percent (90%) ENERGY STAR qualified hard-wired fixtures, solar powered lighting, and/or systems that employ programmable photocontrol or astronomical time-switch controls that automatically switch off when daylight is available.

M. "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.

N. "Estimated Total Water Use" means the total water used for the landscape.

O. "ET adjustment factor" means, except for Special Landscape Areas, a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency.

P. "Evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

Q. "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.

R. "Graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. Graywater includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

S. "Hardscapes" means any durable surface material (pervious or impervious).

T. "High water use plant" means any plant categorized as high water need by the Water Use Classification of Landscape Species guide ("WUCOLS").

U. "Hydrozone" means a portion of the landscaped area having plants with similar water needs and rooting depths served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated.

V. "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).

W. "Invasive plant" means a species of plants not historically found in California that spreads outside cultivated areas and can damage environmental or economic resources and is listed as an invasive plant in either the California Invasive Plant Inventory; USDA invasive, noxious weeds database; or the Landscape Manual.

X. "Irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit shall include, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency "Watersense" labeled auditing program.

Y. "Irrigation design plan" means a plan that is consistent with the requirements outlined in Section 16.63.080 of this Chapter.

Z. "Irrigation efficiency" 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

irrigation efficiency for purposes of this ordinance is 0.75 for overhead spray devices and 0.81 for drip systems.

AA. "Irrigation meter" means a separate meter that measures the amount of water used for items such as lawns, washing exterior surfaces, washing vehicles, or filling pools.

BB. "Landscape architect" means a person who holds a license to practice landscape architecture in the State of California (California Business and Professions Code Section 5615).

CC. "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. Planted areas dedicated to agricultural cultivation and private vegetable gardens and orchards are not included. 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).

DD. "Landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

EE. "Landscape Manual" means the "County of Monterey Landscape Manual – Standards and Specified Performance Requirements for Landscape Water Use and Irrigation," adopted pursuant to this Chapter and Chapter 16.64 of the Monterey County Code.

FF. "Landscape Package application" means the landscape materials required to be submitted for review and approval by the Chief of Planning pursuant to Sections 16.63.050 and 16.63.060 of this Chapter.

GG. "Lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

HH. "Local water purveyor" means any entity, including a public agency, city, county or private water company that provides retail water service.

II. "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.

JJ. "Low water use plant" means any plant categorized as low water need by the Water Use Classification of Landscape Species ("WUCOLS") guide.

KK. "Major Landscape project" means landscape projects subject to Chapter 16.63 with an aggregate landscape area greater than two thousand five hundred (2,500) square feet.

LL. "Maximum Applied Water Allowance" means the upper limit of annual applied water for the established landscaped area. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area.

MM. "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.

NN. "Minor Landscape project" means landscape projects subject to Chapter 16.63 with an aggregate landscape area less than or equal to two thousand five hundred (2,500) square feet.

OO. "Moderate water use plant" means any plant categorized as moderate water need by the Water Use Classification of Landscape Species ("WUCOLS") guide.

PP. "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.

QQ. "Non-residential landscape" means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

RR. "Operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

SS. "Overhead irrigation systems" means systems that deliver water through the air (for example pop-ups, impulse sprinklers, spray heads, rotors, and micro-sprays).

TT. "Overspray" means the irrigation water that is delivered beyond the landscape area, wetting pavements, walks, structures, or other non-landscaped areas.

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 value, when multiplied by "reference evapotranspiration," as defined below, that estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use plants is less than 0.1, the plant factor range for low water use plants is 0.1 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 publication "Water Use Classification of Landscape Species." Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources.

WW. "Planting Plan" is a plan that is consistent with the requirements outlined in Section 16.63.060 of this Chapter.

XX. "Rain sensor" or "rain sensing shutoff device" means a component which automatically suspends an irrigation event when it rains.

YY. "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.

ZZ. "Recreational area" means areas, excluding private single family residential areas, designated for active play, recreation or public assembly in as parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.

AAA. "Reference evapotranspiration" means a standard measurement of environmental parameters which affect the water use of plants. Evapotranspiration is expressed in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of four to seven inches tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

BBB. "Rehabilitated landscape" means any re-landscaping of existing landscapes where the modified landscape area is equal to or greater than two thousand five hundred (2,500) square feet.

CCC. "Residential landscape" means landscape surrounding single or multifamily homes.

DDD. "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.

EEE. "Soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

FFF. "Special Landscape Area" means an area of the landscape 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.

GGG. "Sprinkler head" means a device which delivers water through a nozzle.

HHH. "Stormwater control facility" means a structural feature intended to control or reduce stormwater runoff and associated pollutants, to induce or control the infiltration or groundwater recharge of stormwater, or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

III. "Stormwater control measure" means any structural or non-structural strategy, practice, technology, process, program or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater, or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances. Stormwater control measures include stormwater control facilities.

JJJ. "Turf" means a ground cover surface of mowed grass and does not include artificial turf surfaces. For example, Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses and Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

KKK. "Valve" means a device used to control the flow of water in the irrigation system.

LLL. "Water conserving plant species" means a plant species identified as having a low plant factor.

MMM. "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 hydrozone of the landscape area. Constructed facilities used for onsite wastewater treatment or stormwater control measures that are not irrigated and used solely for water treatment or stormwater retention are not considered water features.

NNN. "Weather-based self-adjusting irrigation controller" means a system component that uses local weather and landscape conditions to adjust irrigation schedules automatically to actual conditions on the site or historical weather data.

OOO. "WUCOLS" means the Water Use Classification of Landscape Species guide published by the University of California Cooperative Extension and the California Department of Water Resources 2014, as may be periodically updated.

16.63.030 Applicability.

A. The provisions of this Chapter shall apply to all of the following categories of landscaping in all zoning districts:

1. New construction projects requiring a grading permit, building permit or design approval with an associated new aggregate landscape area equal to or greater than five hundred (500) square feet;

2. New landscapes requiring a grading permit, building permit or design approval with an aggregate landscape area equal to or greater than five hundred (500) square feet;

3. Construction projects requiring a grading permit, building permit or design approval with associated rehabilitated landscapes having an aggregate landscape area equal to or greater than two thousand five hundred (2,500) square feet; and

4. Rehabilitated landscapes requiring a grading permit, building permit, or design approval with an aggregate landscape area equal to or greater than two thousand five hundred (2,500) square feet.

B. Applicable landscapes with an aggregate landscape area of two thousand five hundred (2,500) square feet or less are considered Minor Landscape projects and shall comply with the submittal requirements set forth in Section 16.63.050 of this Chapter.

1. Minor Landscape projects using treated or untreated graywater or rainwater captured onsite to irrigate the entire landscape area shall be subject to the approval of the County's Environmental Health Bureau and for the purposes of this Chapter, are not subject to Subsections 16.63.050.C.1 through 16.63.050.C.4 of this Chapter.

C. Applicable landscapes with an aggregate landscape area greater than two thousand five hundred (2,500) square feet are considered Major Landscape projects and shall comply with the submittal requirements set forth in Section 16.63.060 of this Chapter.

D. Exceptions. This Chapter does not apply to:

1. Local, state or federal historical sites listed in either the County's Local Official Register of Historic Resources, the California Register of Historic Places, or the National Register of Historic Places;

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;

4. Plant collections, as part of botanical gardens and arboretums open to the public;

5. Agricultural cultivation activities;

6. Construction of structures that do not include changes in existing landscape;

7. Changes in use of an existing structure that do not include changes to existing landscape;

8. Private edible plant gardens and/or orchards for personal and individual consumption;

9. Constructed wetlands or other landscaped areas that are not irrigated and used solely for onsite wastewater treatment;

10. New, existing or rehabilitated stormwater quality projects that are not irrigated and used solely for the purpose of improving runoff quality and/or retaining runoff for onsite infiltration;

11. Natural areas including, but not limited to: open space, native vegetative areas, and pervious or non-pervious hardscapes that do not require a permanent irrigation system;

12. Erosion control activities that do not require permanent irrigation systems such as hydroseeding; and

13. Existing landscapes as defined in Section 16.63.150.B of this Chapter; however, such existing landscapes are strongly encouraged to reduce water consumption pursuant to Section 16.63.150.

E. New cemeteries are exempt from the specific requirements of this Chapter but are required to engage in landscape maintenance practices that foster long-term water conservation, such as performing routine repair and adjustment of irrigation systems, conducting audits of water use, and prescribing the amount of water applied per landscaped acre.

F. Landscape projects that are within the California American Water Company service area, as defined in Chapter 18.44 of the Monterey County Code, are subject to Chapter 18.44. Chapter 16.63 is intended to work in conjunction with other County regulations pertaining to water conservation; however, if any provision of Chapter 16.63 is inconsistent with Chapter 18.44, then the provisions of Chapter 16.63 shall prevail.

G. Landscape projects that are within the North County Land Use Plan (coastal) area as shown in Chapter 18.50 of the Monterey County Code are subject to Chapter 18.50. Chapter 16.63 is intended to work in conjunction with other County regulations pertaining to water conservation; however, if any provision of Chapter 16.63 is inconsistent with Chapter 18.50, then the provisions of Chapter 16.63 shall prevail.

16.63.040 Landscape Manual.

The Board of Supervisors may by resolution adopt, and may from time to time amend, the "County of Monterey Landscape Manual – Standards, Guidelines and Specified Performance Requirements for Landscape Water Use and Irrigation" to establish guidelines to explain and implement this Chapter and Chapter 16.64 of the Monterey County Code. The Landscape Manual shall explain the specific procedures and technical requirements of this Chapter. The Landscape Manual shall include the elements of the Landscape Package for Minor and Major Landscape projects, Water Efficient Landscape Worksheet, Soils Management Report, Planting Design Plan, Irrigation Design Plan, grading information, Minor Certificate of Completion, and Certificate of Completion. If any provisions of the Landscape Manual conflict with any provisions of this Chapter, the provisions of this Chapter shall prevail.

16.63.050 Submittal Requirements of Landscape Package – Minor Landscapes.

A. Prior to County issuance of a grading permit, building permit, or design approval associated with Minor Landscape projects subject to this Chapter, the applicant shall submit a Minor Landscape Package to the Chief of Planning for review and approval. The Minor Landscape Package shall contain all information and documentation, in sufficient detail, as specified in this section and the Landscape Manual. The Chief of Planning shall approve the package once he or she has verified that the proposed Minor Landscape project complies with the provisions of this Chapter, the provisions of the Landscape Manual, applicable requirements of the Monterey County Code and conditions of any applicable land use permit or other entitlement. The approved Landscape Package submittal form as provided in the Landscape Manual must be used.

1. If the Chief of Planning denies the Minor Landscape Package application, the County shall provide information to the project applicant regarding resubmittal with the appropriate information or right of appeal.

B. The Minor Landscape Package shall include general project information such as the date prepared, project applicant and contact information, name of and authorization by property owner if different than project applicant, project location, project type (i.e. residential, non-residential, rehabilitated landscape), total square footage of landscape area including a breakdown of turf, and other plant material and water supply or water purveyor.

C. Planting and irrigation plans submitted as part of the Minor Landscape Package are not required to be drawn by licensed architect or contractor. However, the plans shall include and demonstrate how the landscaping is consistent with the following information:

1. The landscape design shall incorporate compost at a rate of at least four (4) cubic yards per one thousand (1,000) square feet to a depth of six (6) inches into the landscape area, unless contra-indicated by a Soils Management Report.

2. Residential projects shall include installation of climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for seventy-five percent (75%) of the plant area, excluding areas solely dedicated to edible plants and areas using recycled water.

3. Non-residential projects shall include installation of climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for one hundred percent (100%) of the plant area, excluding areas solely dedicated to edible plants and areas using recycled water.

4. Turf shall be limited to twenty percent (20%) of the landscape area or up to one thousand five hundred (1,500) square feet, whichever is less, for residential projects. Planting of turf shall be prohibited in the following conditions:

- a. Non-residential Minor Landscape projects;
- b. Slopes exceeding ten percent (10%);
- c. Planting areas eight (8) feet wide or less; and
- d. Street medians, traffic islands, planter strips, or bulb-outs of any size.

5. Inefficient landscape irrigation resulting in water waste is prohibited. Therefore, irrigation systems shall comply with the following requirements:

a. Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and a rain sensor.

b. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range.

c. Manual shutoff valves shall be installed as close as possible to the point of connection of the water supply.

d. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produce no runoff or overspray.

e. Non-residential Minor Landscape projects served by a public water system with landscape areas of one thousand (1,000) square feet or greater shall require installation of a private submeter(s) to measure landscape water use.

D. The Minor Landscape Package shall contain the following statement: "I _____ agree to comply with the Monterey County Minor Landscape requirements including, but not limited to, the use of native, drought tolerant, non-invasive species, and limited turf." The verification shall be signed and dated by the project applicant and also signed and dated by the property owner if different than the project applicant.

E. Upon completion of installation of the Minor Landscape project, but prior to occupancy or final of associated grading or building permits, the permit applicant shall provide the property owner and the Chief of Planning with a Minor Landscape Certificate of Completion. The Minor Landscape Certificate of Completion shall comply with the requirements of this section and all applicable sections of the Landscape Manual.

1. The Minor Landscape Certificate of Completion shall include all of the following: project information, a certificate of installation, an irrigation schedule, and a landscape and irrigation maintenance schedule.

2. The approved form for the Minor Landscape Certificate of Completion as provided in the Landscape Manual must be used.

3. A Minor Landscape Certificate of Completion shall not be accepted by the Chief of Planning unless it is complete and meets all the requirements of this section.

4. The Chief of Planning shall approve or deny the Minor Landscape Certificate of Completion. If the Minor Landscape Certificate of Completion is denied, the County shall provide information to the project applicant regarding resubmittal with the appropriate information, amendment to the approved landscape package, or right of appeal.

F. Prior to County final of grading or building permits associated with a Minor Landscape project subject to this Chapter, the Minor Landscape project shall pass a final inspection by the Chief of Planning as set forth in Section 16.63.120 of this Chapter.

G. Obligations of Assignees and Successors.

1. The project applicant and the property owner, if different from the project applicant, and their successors and assignees shall comply with the approved Minor Landscape Package.

2. All required landscaping shall be reasonably maintained for the life of the project in healthy condition, free from disease, pests, weeds, and trash.

3. Replacement planting with different species is acceptable without amendment to the approved Minor Landscape Package provided that the water use is lower or remains the same as that which was previously approved. Modifications to landscaping that would result in higher water use than approved in the Minor Landscape Package shall require an amendment as required by Section 16.63.160.B of this Chapter.

16.63.060 Submittal Requirements of Landscape Package – Major Landscapes.

A. Prior to County issuance of a grading permit, building permit, or design approval associated with Major Landscape projects subject to this Chapter, the applicant shall submit a Major Landscape Package to the Chief of Planning for review and approval. The Major Landscape Package shall contain all information and documentation, in sufficient detail, as specified in this section and the Landscape Manual. The Chief of Planning shall approve the package once he or she has verified that the proposed landscape project complies with the provisions of this Chapter, the provisions of the Landscape Manual, applicable requirements of the Monterey County Code, and conditions of any applicable land use permit or other entitlement. The approved Landscape Package application submittal form as provided in the Landscape Manual must be used.

1. If the Chief of Planning denies the Major Landscape Package application, the County shall provide information to the project applicant regarding resubmittal with the appropriate information or right of appeal.

B. The Major Landscape Package shall include general project information such as the date prepared, project applicant and contact information, name of and authorization by the property owner if different than project applicant, project location, project type (i.e. residential, non-residential, rehabilitated landscape), total square footage of landscape area including a breakdown of turf and other plant material, and water supply or water purveyor.

C. A Planting Plan shall be submitted by the applicant as part of the Major Landscape Package meeting the requirements set forth in Section 16.63.070 of this Chapter.

D. An Irrigation Design Plan shall be submitted by the applicant as part of the Major Landscape Package meeting the requirements set forth in Section 16.63.080 of this Chapter.

E. Major Landscape projects shall meet the Water Efficient Landscape Requirements set forth in Section 16.63.090 of this Chapter.

F. A Soils Management Report containing information set forth in Section 16.63.100 of this Chapter shall be submitted as part of the Major Landscape Package.

G. Upon completion of the major landscape project, a Certificate of Completion shall be submitted to the Chief of Planning consistent with Section 16.63.110 of this Chapter.

H. Prior to County final of grading permit or building permits for a Major Landscape project subject to this Chapter, the Major Landscape project shall pass a final inspection by the Chief of Planning as set forth in Section 16.63.120 of this Chapter.

I. The Major Landscape Package shall contain the following statement: "I _____ agree to comply with the Monterey County Major Landscape requirements including, but not limited to, the use of native, drought tolerant, non-invasive species, and limited turf." The verification shall be signed and dated by the project applicant and also signed and dated by the property owner if different than the project applicant.

J. Obligations of Assignees and Successors.

1. The project applicant and the property owner, if different from the project applicant, and their successors and assignees shall comply with the approved Major Landscape Package.

2. All required landscaping shall be reasonably maintained for the life of the project in healthy condition, free from disease, pests, weeds, and trash.

3. Replacement planting with different species is acceptable without amendment to the approved Major Landscape Package provided that the water use is lower or remains the same as that which was previously approved. Modifications to landscaping that would result in higher water use than approved in the Major Landscape Package shall require an amendment as required by Section 16.63.160.B of this Chapter.

16.63.070 Planting Plans for Major Landscapes.

A. For the efficient use of water, Planting Plans for Major Landscape projects shall meet all the requirements, shown in sufficient detail, listed in this section, the Landscape Manual, applicable requirements of the Monterey County Code, and conditions of approval for any applicable land use permit or other entitlement.

B. The Planting Plan shall meet the following requirements:

1. The Planting Plan shall be drawn by a licensed architect, a licensed contractor, or any other person authorized to design a landscape.

2. The Planting Plan shall include grading design that minimizes soil erosion, runoff, and water waste.

3. Turf shall be limited to twenty percent (20%) of the landscape area or up to one thousand five hundred (1,500) square feet, whichever is less, unless the turf area is designated as a Special Landscape Area and is dedicated as a recreational area. Planting of turf is prohibited in the following conditions:

- a. Slopes exceeding ten percent (10%);
 - b. Planting areas eight (8) feet wide or less; and
 - c. Street medians, traffic islands, planter strips, or bulb-outs of any size.
4. All non-turf plants shall be selected, spaced, and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.
5. Invasive plants are strictly prohibited and eradication of invasive plants in the landscape area is highly encouraged.
6. Selected plants shall include the use of native and/or native compatible species.
7. Landscape planting shall include the use of drought resistant species.
8. Landscape planting shall include the use of fire resistant plant species and shall be consistent with fire safe landscaping required by the designated fire district and Chapter 18.56 (Wildfire Protection Standards in State Responsibility Areas) of the Monterey County Code.
9. Plants with similar water use needs shall be grouped together in distinct hydrozones. Where irrigation is required, the distinct hydrozones shall be irrigated with separate valves.
10. Plants with low and high water use shall not be included in the same hydrozone.
- C. Plants with high water use shall be prohibited in street medians.
- D. Planting Plans shall include soil preparation methods, mulch and amendments recommended in the Soils Management Report.
- E. Planting Plans shall contain the following statement: "I _____ certify that this planting plan complies with all Monterey County landscaping requirements including, but not limited to, the use of native drought tolerant, non-invasive species, and limited turf." The verification shall be signed by a licensed landscape architect, a licensed landscape contractor, or any other person authorized to design a landscape.

16.63.080 Irrigation Design Plans for Major Landscapes.

A. For the efficient use of water, an automated irrigation system for Major Landscape projects shall meet all the requirements, shown in sufficient detail, listed in this section, the Landscape Manual, applicable requirements of the Monterey County Code, and conditions of approval of any applicable land use permit or other entitlement.

B. All irrigation design and specifications included in the Irrigation Design Plan shall meet the following requirements:

1. The Irrigation Design Plan shall be drawn by a licensed architect, a licensed contractor, a certified irrigation designer, or any other person authorized to design a landscape.
2. All irrigation systems 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 properties, hardscapes, roadways, or structures.
3. The irrigation system shall comply with the applicable manufacturer's recommendations.
4. The irrigation system and its related components shall be planned and designed to allow for proper installation, management and maintenance.

5. The design of the irrigation system shall conform to the hydrozones delineated in the Planting Plans. Separate valves shall be used to irrigate hydrozones with high water use plants and moderate or low water use plants.

6. All irrigation systems shall be designed and installed to meet irrigation efficiency criteria as described in the Maximum Applied Water Allowance and subject to the requirements listed in 16.63.090 of this Chapter.

7. Irrigation system features and design shall be consistent with the Landscape Manual.

C. Inefficient landscape irrigation resulting in water waste is prohibited. Accordingly, runoff 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 is prohibited. Restrictions regarding overspray and runoff may be modified for individual projects only if the applicant demonstrates to the satisfaction of the Chief of Planning that:

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.

D. The following statement shall be included within the Irrigation Design Plans: "I _____ certify that this irrigation plan complies with all Monterey County landscaping requirements including, but not limited to, the use of low flow and water conserving irrigation fixtures." The verification shall be signed by a licensed landscape architect, a licensed landscape contractor, or any other person authorized to design an irrigation plan.

16.63.090 Water Efficient Landscape Requirements for Major Landscapes.

A. To ensure Major Landscape projects conserve water to the maximum extent possible, information included within the Water Efficient Landscape Worksheet shall be consistent with the requirements listed in this section, the Landscape Manual, applicable requirements of the Monterey County Code, and conditions of approval of any applicable land use permit or other entitlement.

B. Water budget calculations shall meet the following requirements:

1. The surface area of all water features shall be calculated as high water use and incorporated within a high water use hydrozone.

2. Temporarily irrigated areas shall be calculated as low water use and incorporated within a low water use hydrozone.

3. Water budget calculations for the Maximum Applied Water Allowance shall be calculated using the formula found in the Landscape Manual. Special Landscape Areas, as defined in this Chapter, and areas irrigated with recycled water, are subject to Maximum Applied Water Allowance with an Evapotranspiration Adjustment Factor not to exceed 1.0.

4. The calculation of a project's Estimated Total Water Use shall be performed using the formula found in the Landscape Manual.

C. For calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, the project applicant shall use the annual evapotranspiration values contained within the Landscape Manual.

D. Landscape projects subject to this section shall not apply water to the landscape in excess of the maximum amount of water allowed. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance.

E. Rain gardens, cisterns and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended. Rainwater catchment systems shall meet the requirements of the County's Environmental Health Bureau.

F. To promote the efficient use of water, the use of graywater systems for irrigation is recommended. Graywater systems shall meet the requirements of the California Plumbing Code, including any modifications adopted by the County, and are subject to approval by the County's Environmental Health Bureau.

G. Landscape projects subject to this section shall incorporate the use of recycled water for irrigation and meet the three regulations set forth below when, in the determination of the County, recycled water is available and connection to recycled water is feasible.

1. All recycled water irrigation systems shall be designed and operated in accordance with all State and County laws and regulations related to recycled water use.

2. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted pursuant to this subdivision G.

3. Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the local water purveyor stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.

H. 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. The irrigation schedule shall be consistent with the requirements of this section, the applicable sections of the Landscape Manual, and include the following:

1. The irrigation schedule shall be developed by a landscape architect, landscape contractor, or any other person authorized to install irrigation equipment.

2. The irrigation schedule shall factor irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that the applied water meets the Estimated Total Water Use.

3. The irrigation schedule shall be submitted with the landscape Certificate of Completion pursuant to Section 16.63.110 of this Chapter.

I. In order to maintain plant health and functioning irrigation equipment, a landscape planting and irrigation maintenance schedule shall be developed incorporating the requirements of this section, the applicable sections of the Landscape Manual, and include the following:

1. A regular maintenance schedule shall be developed by a landscape architect, landscape contractor, or any other person authorized to design and maintain landscape planting and irrigation.

2. A regular maintenance schedule shall include, but is not limited to, routine inspection, adjustment, and repair of the irrigation system and its components.

3. A note shall be included stating that any replacement plants shall not exceed the water use for the hydrozone.

4. A regular maintenance schedule shall make provisions for irrigation inspections, systems tune-up, and system tests with distribution uniformity preventing overspray or run off that causes overland flow.

5. A regular maintenance schedule shall be submitted with the landscape Certificate of Completion consistent with Section 16.63.110 of this Chapter.

16.63.100 Soils Management Report Requirements for Major Landscapes.

A. A Soils Management Report shall be completed by the applicant and submitted with the Major Landscape Package. In order to promote healthy plant growth and prevent excessive erosion and runoff, the Soils Management Report shall be consistent with the required information outlined in this section and the applicable sections of the Landscape Manual.

B. The Soils Management Report shall be prepared by a certified laboratory and evaluate soils relative to horticulture.

C. The soil analysis shall include: soil texture, infiltration rate, pH, total soluble salts, sodium, and percentage of organic matter.

D. Soil samples shall be from the site and analyzed to identify quality top soil, soil limitations, and soil composition information necessary for planting.

1. Projects with multiple landscape installation (i.e. subdivisions) a soil sampling rate of one (1) in seven (7) lots or approximately fifteen percent (15%) will satisfy this requirement.

2. Projects with large landscape areas shall have a soil sample at a rate fifteen percent (15%).

E. The Soils Management Report shall include recommendations for soil amendments based on the conditions of the site and the intended planting.

F. The Soils Management Report shall be used in conjunction with the preparation of the planting and irrigation plans.

16.63.110 Certificate of Completion Requirements for Major Landscapes.

A. Upon completion of installation of a Major Landscape project, but prior to occupancy or final of the associated grading or building permits, the permit applicant shall provide the property owner and the Chief of Planning with a Certificate of Completion. The Certificate of Completion shall comply with the requirements of this section and all applicable sections of the Landscape Manual.

B. Certificate of Completion – Form and Content.

1. The Certificate of Completion shall include all of the following: project information; certification for installation of the landscape planting and irrigation; the proposed irrigation schedule; an irrigation audit; the proposed schedule for landscape planting and irrigation maintenance; and verification of implementing recommendations of the Soils Management Report.

a. Irrigation audits shall not be conducted by the person who designed and/or installed the landscape.

b. The Certificate of Completion shall be signed by either the person or entity who signed the Planting Plan, the person or entity who signed the Irrigation Design Plan, or the licensed landscape contractor who installed the landscape.

2. If minor changes were made during installation, as-built plans shall be included with the certification. As-built plans must be in conformance with Sections 16.63.070, 16.63.080, 16.63.090, and 16.63.130 of this Chapter.

3. If significant changes were made during installation, the project shall require an amendment to the approved Major Landscape Package as required by Section 16.63.160 of this Chapter.

4. A copy of the approved form for the Certificate of Completion can be found in the Landscape Manual.

C. A Certificate of Completion shall not be accepted by the Chief of Planning unless it is complete and meets all the requirements of this section.

D. The Chief of Planning shall approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the County shall provide information to the project applicant regarding resubmittal with the appropriate information, an amendment to the approved landscape package, or right of appeal.

16.63.120 Inspection Requirements.

A. Prior to the final of grading or building permits associated with Major and Minor Landscape projects subject to the provisions of this Chapter, inspection by the Chief of Planning to verify compliance with the approved Landscape Package shall be required.

B. No applicant shall be deemed to have complied with the provisions for Major or Minor Landscape projects found in this Chapter until the Chief of Planning has completed a final inspection of the work and verified compliance with the approved Landscape Package.

C. Landscape inspections pursuant to this Chapter shall not be construed as approving a violation of the provisions of the Monterey County Code.

16.63.130 Energy Efficiency.

Energy use and conservation measures shall be incorporated within a landscape project. Landscape lighting shall be designed for energy efficiency and utilize one or both of the following:

A. ENERGY STAR qualified hard-wired fixtures. All hard-wired lighting shall employ programmable photocontrol or astronomical time-switch controls that automatically switch off when daylight is available.

B. Solar powered lighting systems.

16.63.140 Application Fees.

A. The Board of Supervisors may establish a schedule of fees for the processing of Landscape Package applications.

B. No Landscape Package application shall be deemed complete and processing shall not commence on any Landscape Package application until all application required fees and/or deposits have been paid.

16.63.150 Public Education.

A. The purpose of this section is to encourage reduction of excessive water use in landscapes through public education.

B. Existing landscapes installed prior to the enactment of Chapter 16.63 are strongly encouraged to reduce water consumption through participation in water conservation programs, including but not limited to those listed in this section. "Existing landscapes" means landscapes installed in any development in the coastal zone in the unincorporated County prior to the effective date of this Chapter 16.63, if no changes that would trigger application of this Chapter are proposed.

1. Existing landscapes located within the Monterey Peninsula Water Management District are strongly encouraged to participate in applicable landscape rebate programs, landscape water audit/budget analysis and/or any other available water conservation programs to the greatest extent feasible.

2. Existing landscapes located within the jurisdictional boundaries of the Pajaro Valley Water Management Agency are strongly encouraged to participate in the Local Residential Water Conservation rebate programs to the greatest extent feasible.

3. Existing landscapes served by a Small Water System shall be consistent with the conservation measures identified in the system's Urban Water Conservation Plan.

4. Existing landscapes served by private wells in the unincorporated areas of Monterey County shall employ the water conservation measures found within this Chapter and the Landscape Manual to the greatest extent feasible.

C. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Chapter.

1. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, use of native plants, graywater systems and rainwater catchment systems to demonstrate low water use approaches and techniques in landscaping.

2. Information relative to designing, installing, managing and maintaining water efficient landscapes shall be provided to homebuyers.

D. The Landscape Manual shall contain information promoting the efficient use of water in landscapes, and the benefits of doing so. The Landscape Manual shall include information for owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes. Information about available water conservation programs listed in Section 16.63.150.B above shall also be included in the Landscape Manual to encourage participation.

16.63.160 Amendments.

A. Proposed amendments to an approved Minor Landscape Package shall be submitted to the Chief of Planning for review and approval. The amendment shall be in writing, in sufficient detail to adequately address the nature of the amendment and demonstrate consistency with the requirements of Sections 16.63.050.B, 16.63.050.C, and 16.63.050.E of this Chapter. Amendments shall be processed in the same manner as the landscape package application.

B. Proposed amendments to an approved Major Landscape Package shall be submitted to the Chief of Planning for review and approval. The amendment shall be in writing, in sufficient detail to adequately address the nature of the amendment and demonstrate consistency with the requirements of Sections 16.63.070, 16.63.080, 16.63.090, and 16.63.130 of

this Chapter. Amendments shall be processed in the same manner as the landscape package application.

16.63.170 Appeals.

Any denial by the Chief of Planning of a Minor or Major Landscape Package, Minor Landscape Certificate of Completion, or Certificate of Completion pursuant to this Chapter may be appealed by the applicant to the Monterey County Board of Supervisors. Said appeal shall be filed with the Clerk of the Board of Supervisors within ten (10) days of mailing by the County of the notice of denial. The appeal shall be filed on such form as prescribed by the County and accompanied by such appeal fees as the Board of Supervisors may adopt. The appeal shall be brought to hearing within sixty (60) days of the Clerk's acceptance of the appeal. The Board of Supervisors may grant or deny the appeal in whole or in part. The decision of the Board of Supervisors shall be final.

16.63.180 Enforcement and Penalties.

A. The Chief of Planning may enforce the provisions of this Chapter. All departments, officials and public employees vested with the duty or authority to issue permits or licenses shall not issue a permit or license for uses, buildings or purposes in conflict with the provisions of this Chapter, and any such permit or license issued in conflict with the provisions of this Chapter shall be null and void. The Chief of Planning may delegate enforcement responsibilities to other County employees.

B. Any landscaping that is installed, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Chapter, or failure to comply with any of the conditions of a permit or variance granted to implement this Chapter, is declared to be unlawful and shall be subject to enforcement under the Monterey County Code, including but not limited to Chapters 1.20 (Enforcement of Code) and 1.22 (Administrative Remedies for Code Enforcement) of the Monterey County Code. The County may, in its discretion, in addition to all other remedies, take such enforcement action as is authorized under the Monterey County Code and/or any other action authorized by law to enforce this Chapter.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 20 __, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Luis A. Alejo, Chair
Monterey County Board of Supervisors

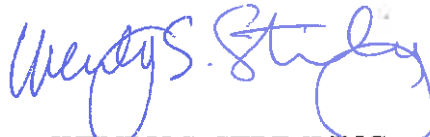
A T T E S T:

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____

Deputy

APPROVED AS TO FORM:



WENDY S. STRIMLING
Senior Deputy County Counsel