

ORDINANCE NO. 640
AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON REPEALING CHAPTER 15.48 REGARDING WATER-
EFFICIENT LANDSCAPING AND REPLACING IT WITH A NEW
CHAPTER 15.48 TITLED WATER-EFFICIENT LANDSCAPING AND
ADOPTING BY REFERENCE CHAPTER 2.7. MODEL WATER
EFFICIENT LANDSCAPE ORDINANCE AS SET FORTH IN CALIFORNIA
CODE OF REGULATIONS TITLE 23, §§ 490 THROUGH 497.3

WHEREAS, the California Code of Regulations (CCR), Title 23, Chapter 2.7, sections 490-497.3 establish a model ordinance regarding Water Efficient Landscape methods and requirements; and

WHEREAS, the provisions of Chapter 2.7 became effective on or about December 1, 2015 in accordance with Executive Order No. B-29-15; and

WHEREAS, the Town wishes to formally adopt the provisions of Chapter 2.7 and to make certain revisions and additions to that ordinance as it applies to the Town of Atherton; and

WHEREAS, the City Council wishes to ratify Chapter 2.7 as amended herein as codified in Chapter 15.48 of the Atherton Municipal Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES ORDAIN AS FOLLOWS:

Section 1. Findings

The City Council finds and determines that:

A. The Town of Atherton has had in effect an ordinance establishing policies and procedures with respect to requiring water-efficient landscape, design, installation and maintenance since at least 1994. The State of California through Title 23, Chapter 2.7 has required adoption of a local ordinance that complies

B. The adoption of these codes is exempt from the California Environmental Quality Act under Section 15061(b)(3) of Title 14 of the California Code of Regulations because it will not have a significant effect on the environment.

C. This ordinance is adopted pursuant to CCR Ch. 23 § 490.1.

Section 2. WATER-EFFICIENT LANDSCAPING GUIDELINES AND REQUIREMENTS, Chapter 15.48.

A new Chapter 15.48 is added to the Atherton Municipal code to read as follows:

“Chapter 15.48. WATER-EFFICIENT LANDSCAPING GUIDELINES AND REQUIREMENTS.

15.48.010. Chapter 2.7, Title 23 of the California Code of Regulations is hereby adopted and ratified herein by reference, including sections 490 through 497.3 as if set forth herein in its entirety.

15.48.020. The following amendments to Chapter 2.7 are hereby adopted, and the amendments set forth in the following sections shall be added to those contained in 15.48.010 in the places and manner set forth below:

§491. Definitions

(ffff) "Green Infrastructure" means a range of natural and built approaches to stormwater management that mimics natural systems by cleaning stormwater and letting it absorb back into the ground. Green Infrastructure could reduce the amount of runoff that enters the traditional piped stormwater system below ground and could prevent overflows that pollute nearby water bodies.

(gggg) "Drought Tolerant" means plants that are able to grow with or tolerate periods of minimal irrigation or rainfall.

§492.3. (a) Elements of the Landscape Documentation Package:

The Landscape Documentation Package shall add the following seventh element:

(7) Green stormwater infrastructure plan if not provided on other plans.

§492.6(a)(1) Landscape Design Plan, Plant Material, add new I:

(I) Plant material in green infrastructure facilities should be selected to be viable with periodic inundation and saturated or highly draining soils as specific to the application, and drought tolerant.

§492.6(a)(3) Soil Preparation, Mulch and Amendments, add new B:

(B) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected and to the function of the landscape if green infrastructure (see Section 492.5).

§492.7 Irrigation Design Plan, add new (b)(8):

(8) Identification of green infrastructure facilities, including low impact development and site design measures.

§492.11(b) Landscape and Irrigation Maintenance Schedule – Revise to read as follows:

(b) A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, correcting erosion and grading issues, and removing obstructions to emission and overflow/outlet devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

§492.16 (b) and (d) Stormwater Management and Rainwater Retention – Revise to read as follows:

(b) Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater technical requirements including the current Municipal Regional Stormwater Permit and the Town's Green Infrastructure Plan.

(d) It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: the one inch, 24-hour rain event or (2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation including the current Municipal Regional Stormwater Permit and the Town's Green Infrastructure Plan.

Section 3. Except as hereby amended, said Atherton Municipal Code as amended shall be and remain in full force and effect.

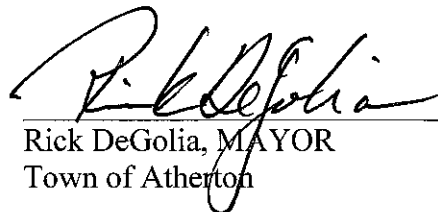
Section 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. This Ordinance shall be posted as required by law within the Town of Atherton and shall be effective on January 1, 2020.

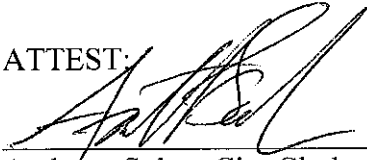
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*I hereby certify that a public hearing of the foregoing ordinance was held at a regular meeting of the City Council of the Town of Atherton held on **November 13, 2019**, and was adopted by said City Council at a regular meeting held on **December 18, 2019**, by the following roll call vote:*

AYES: 5 Council Members: Wiest, Widmer, Lempres, Lewis, DeGolia
NOES: 0 Council Members:
ABSENT: 0 Council Members:
ABSTAIN: 0 Council Members:


Rick DeGolia, MAYOR
Town of Atherton

ATTEST:



Anthony Suber, City Clerk

APPROVED AS TO FORM:



Mona G. Ebrahimi, City Attorney