

Attachment B

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MONTEREY COUNTY

HOUSING AND COMMUNITY DEVELOPMENT

Erik V. Lundquist, AICP, Director



HOUSING | PLANNING | BUILDING | ENGINEERING | ENVIRONMENTAL SERVICES
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December 8, 2021

Julie Saare Edmonds, Senior Environmental Scientist, QWEL
California Department of Water Resources
Landscape Program Water Use and Efficiency Branch
PO Box 942836
Sacramento, CA 94236-0001

Subject: Monterey County Water and Energy Efficient Landscape Ordinance

Dear Ms. Saare Edmonds

On December 7, 2021, the Monterey County Board of Supervisors adopted a Water and Energy Efficient Landscape Ordinance (WEELO), Ordinance No. _____, enacting Chapter 16.63 of the Monterey County Code. A copy is attached. In accordance with Government Code section 65595, the Ordinance includes findings that the WEELO is at least as effective as the State Model Water Efficient Landscape Ordinance (MWELO) at water conservation. Projects subject to the requirements of Chapter 16.63 are development projects that require a grading permit, building permit, or design approval from the County of Monterey and include either of the following: 1) new construction or landscape; or 2) rehabilitated landscape with an aggregate landscape area of 2,500 square feet or greater.

The County's WEELO requires submittal of a Landscape Package that includes a Water Efficient Landscape Worksheet, Soils Management Report, Landscape Design Plan, Irrigation Design Plan, and Grading Design Plan for a new or rehabilitated landscape of an aggregate area greater than 2,500 square feet ("Major Landscape") for projects subject to Chapter 16.63. This is analogous to the requirement in state law for submittal of a Landscape Documentation Package that includes the same documents, reports, and plans to comply with the MWELO through the Performance pathway.

The Prescriptive pathway to comply with the MWELO is called "Minor Landscape" in the WEELO, which applies to new landscape of an aggregate area 2,500 square feet or less for projects subject to Chapter 16.63. For Minor Landscape, compliance with the Ordinance requires submittal of a landscape plan that meets certain requirements, including but not limited to the following:

- 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 "Special Landscape Areas."
- 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.
- Incorporate compost at a rate of at least four cubic yards per one thousand (1,000) square feet to a depth of six inches into the landscape area, unless contra-indicated by a Soils Management Report. Soils with greater than six percent (6%) organic matter in the top six inches of soil are exempt from adding compost and tilling.

- Apply a minimum three-inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five percent (5%) of the landscape area may be left without mulch. Designated habitat for beneficial insects or other wildlife must be included in the landscape design as such.
- 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 feet wide or less; and
 - d. Street medians, traffic islands, planter strips, or bulb-outs of any size.
- 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 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.
- The Minor Landscape Package shall contain the following statement: "I _____ agree to comply with the Monterey County landscaping requirements including, but not limited to, the use of native, drought tolerant, non-invasive species, limited turf, and incorporation of compost and organic mulch material." 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.
- The Minor Landscape Certificate of Completion shall include the following: project information, a certificate of installation, an irrigation schedule, and a landscape and irrigation maintenance schedule.
- 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.
- All required landscaping shall be reasonably maintained for the life of the project in healthy condition, free from disease, pests, weeds, and trash

Although the Monterey County Board of Supervisors has adopted the WELO, the Board urges the Department of Water Resources to revise the MWELo to make it simpler and less costly to implement. Due to the existing housing crisis in the State of California and the global inflationary increase of costs for materials and services, the Board of Supervisors suggests that the following MWELo requirements be suspended, eliminated, or revised:

- *Ceiling of 2,500 square feet for Prescriptive Compliance.* For counties such as Monterey County that have semi-rural areas characterized by large lots and rare opportunity for urban infill, the threshold of 2,500 square feet set in state regulation for Prescriptive Compliance is too low and should be more flexible. The soils comprising larger undisturbed lots in the County tend to be native with infrequent occurrence of foreign soil content. Therefore, soils

appropriate and climate adapted planting material for new landscape projects on these larger lots could be anticipated with a prescriptive plant list. Performance of a landscape greater than 2,500 square feet could be as effective at water conservation through Minor Landscape compliance with a plant palette limited to a prescribed Plant List. The Plant List would identify plants from the Water Use Classification of Landscape Species (WUCOLS), published by the University of California Cooperative Extension and the Department of Water Resources 2014, with an average WUCOLS plant factor no greater than 0.3 and pre-approved for each area of the unincorporated County. If landscape of any size adheres to the pre-approved Plant List consisting of plants with an average WUCOLS plant factor no greater than 0.3, new landscape of an aggregate area greater than 2,500 square feet should be allowed to qualify as Minor Landscape.

- *Requirement that Performance Compliance include submittal of a Soils Management Report.* The time and budgetary cost of technical report preparation, like a Soils Management Report, is onerous and prohibitive for parcel owners. Preparation of this technical report requires the expertise of a soils engineer. Along with being an exacting cost burden in an inflationary economic cycle, the delays associated with being added to the queue of a soils engineer's workload serve as an inappropriate barrier to housing production, and render moderate- and low-income individual parcel owners at a disadvantage. Delays further constrain developers that are already thwarted by the high and rising costs of construction materials and backlog in the supply chain, which frustrates efforts by the County to build affordable housing. Utilizing the pre-approved Plant List could provide applicants an alternative to the requirement for submittal of the Soils Management Report.

Therefore, the Board of Supervisors respectfully requests the Department of Water Resources eliminate, suspend, or revise, as explained above, the 2,500 square feet threshold to distinguish between Prescriptive ("Minor Landscape" in the WELO) and Performance ("Major Landscape" in the WELO) compliance in the MWEL, and the requirement of a Soils Management Report for Performance compliance. Budgetary savings from compliance as Minor Landscape and an alternative option to including a Soils Management Report for compliance as Major Landscape could incentivize applicants with projects greater than an aggregate 2,500 square feet to build housing notwithstanding the underlying costs of development.

Please feel free to contact Jaime Scott Guthrie, project planner, with any questions at 831.796.6414 or email guthriejs@co.monterey.ca.us

Sincerely,

Jaime Scott Guthrie, AICP, for

Erik V. Lundquist, AICP, Director
Housing and Community Development

cc: File REF210007

Attachment: Ordinance No. _____, Water and Energy Efficient Landscape Ordinance

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