



Monterey County

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Board Report

Legistar File Number: ORD 16-017

April 19, 2016

Introduced: 4/4/2016

Current Status: Agenda Ready

Version: 1

Matter Type: Ordinance

- a. Receive a status report on the outcome of public discussions regarding the proposed water and energy efficient landscape regulations;
- b. Consider the recommended solutions for addressing the public's concerns; and
- c. Provide direction to staff regarding modifications to the proposed water and energy efficient landscape regulations.

(Water and Energy Efficient Landscape Ordinance - REF110056, County-wide)

RECOMMENDATION:

It is recommended that the Board of Supervisors consider the following actions:

1. Accept a status report on the outcome of public discussions regarding the proposed water and energy efficient landscape ordinances;
2. Consider the recommended solutions for addressing the public's concerns; and
3. Provide direction to staff regarding modifications to the proposed water and energy efficient landscape regulations.

SUMMARY:

On February 23, 2016, staff introduced the proposed Coastal and Inland Water and Energy Efficient Landscape ordinances before the Board of Supervisors. During the hearing, correspondence from Michael Waxer, representing American Institute of Architects (AIA) Monterey Bay Chapter, was distributed and Pam Silkwood, representing the Refinement Group, was present requesting the Board of Supervisors postpone consideration of the ordinances to allow additional time for review. The Board directed staff to meet with Mr. Waxer and Ms. Silkwood to discuss the regulations contained in the proposed ordinance and return back before the Board of Supervisors at a later date.

On March 1, 2015, staff met with Mr. Waxer and Ms. Silkwood to discuss the proposed landscape regulations, receive comments, and identify potential solutions for addressing their concerns. The following list provides a summary of that discussion:

Area of Concern: Agricultural Cultivation Exception

Proposed Solution: Clearly distinguish between ornamental and agricultural planting.

Proposed Modification: Modify Section 1 of coastal and inland ordinances to add an intent finding, 16.63.030.D.5 and 16.64.030.D.5.

Area of Concern: Definition of Rehabilitated Landscapes

Proposed Solution: No change.

Proposed Modification: N/A

Area of Concern: Native Vegetation Exception

Proposed Solution: Clarify meaning of natural areas that are not counted toward landscape area. Exempt native planting with temporary irrigation and define native as specific plant species for an area (e.g. Monterey pine forest), not just California native or drought tolerant.

Proposed Modification: Modify the landscape manual to add language further explaining the difference between “restoring” natural areas with native plants and the use of native plants in the landscape area.

Area of Concern: Temporary v. Permanent Irrigation

Proposed Solution: No change.

Proposed Modification: N/A

Area Concern: Maintenance of Landscape

Proposed Solution: Add reasonableness standard.

Proposed Modification: Modify Sections 16.63.050.G.2, 16.63.060.J.2, 16.64.050.G.2, 16.64.060.J.2, and landscape manual.

Attachment A includes a more in depth discussion of these concerns and proposed solutions. Since the proposed regulations are being generated in response to State law, staff is trying to find a balance that meets the intent of that law. Staff believes that the state law was drafted for more urbanized settings and the intent is to limit ornamental planting that is water dependent (e.g., requires irrigation). **Attachment B** includes a flow chart that provides a quick glance of how potential landscape projects would be subject to the proposed regulations.

Staff recommends that the Board of Supervisors receive this report, consider the solutions presented by staff and provide direction on modifying the landscape regulations, as necessary, to address the public’s concerns.

OTHER AGENCY INVOLVEMENT:

Review and discussions with stakeholders relative to the proposed landscape regulations did not involve other County agencies.

FINANCING:

Funding for staff time associated with review and discussions with the public relative to the proposed landscape regulations is included in the Fiscal Year 2015-2016 Adopted Budget for RMA-Planning.

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Approved by: Carl P. Holm, Resource Management Agency Director

This report was reviewed by Wendy Strimling, Senior Deputy County Counsel.

The following Attachments are on file with the Clerk of the Board:

Attachment A	Discussion
Attachment B	Flow Chart

cc: Front Counter Copy; California Coastal Commission; RMA-Public Works; Parks Department; Environmental Health Bureau; Monterey County Water Resources Agency; Monterey Peninsula Water Management District; Christina McGinnis, Office of the Agricultural Commissioner; Hannah Wallis, Office of the Agricultural Commissioner; Jonathan Pangburn, Unit Forester, CAL Fire San Benito - Monterey; Jacqueline R. Onciano, RMA Services Manager; Anna V. Quenga, Project Planner; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Michael Waxer, Director of AIA Monterey Bay Chapter; Pam Silkwood, The Refinement Group; Project File REF110056.