



Legislation Details (With Board Report)

File #: ORD 16-005 **Name:** Water & Energy Landscape Ordinance
Type: Ordinance **Status:** Scheduled AM
File created: 2/11/2016 **In control:** Board of Supervisors
On agenda: 2/23/2016 **Final action:**

Title: a. Introduce, waive reading, and consider an ordinance to add Chapter 16.63 to the Monterey County Code to establish regulations for water-efficient and energy-efficient landscaping in the unincorporated coastal area of Monterey County;
b. Introduce, waive reading, and consider an ordinance to add Chapter 16.64 to the Monterey County Code to establish regulations for water-efficient and energy-efficient landscaping in the unincorporated inland area of Monterey County;
c. Consider the proposed Monterey County Landscape Manual - Standards, Guidelines and Specified Performance Requirements for Landscape Water Use and Irrigation;
d. Consider finding the actions categorically exempt pursuant to CEQA Guidelines Sections 15307 and 15308; and
e. Set March 8, 2016 at 10:30 a.m. (consent agenda) as the date and time to consider adoption of the ordinances and Landscape Manual.
(Water and Energy Efficient Landscape Ordinance - REF110056, County-wide)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Discussion, 3. Attachment B - Draft Ordinance for Coastal Water, 4. Attachment C - Draft Ordinance for Inland Water, 5. Attachment D - Draft Monterey County Landscape Manual, 6. Attachment E - PC Reso No. 15-027, 7. Completed Board Order - Revised

Date	Ver.	Action By	Action	Result
2/23/2016	1	Board of Supervisors	continued	Pass

a. Introduce, waive reading, and consider an ordinance to add Chapter 16.63 to the Monterey County Code to establish regulations for water-efficient and energy-efficient landscaping in the unincorporated coastal area of Monterey County;
b. Introduce, waive reading, and consider an ordinance to add Chapter 16.64 to the Monterey County Code to establish regulations for water-efficient and energy-efficient landscaping in the unincorporated inland area of Monterey County;
c. Consider the proposed Monterey County Landscape Manual - Standards, Guidelines and Specified Performance Requirements for Landscape Water Use and Irrigation;
d. Consider finding the actions categorically exempt pursuant to CEQA Guidelines Sections 15307 and 15308; and
e. Set March 8, 2016 at 10:30 a.m. (consent agenda) as the date and time to consider adoption of the ordinances and Landscape Manual.
(Water and Energy Efficient Landscape Ordinance - REF110056, County-wide)

RECOMMENDATION:

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

- a. Introduce, waive reading, and consider an ordinance to add Chapter 16.63 to the Monterey County Code to establish regulations for water-efficient and energy-efficient landscaping in the unincorporated

coastal area of Monterey County;

- b. Introduce, waive reading, and consider an ordinance to add Chapter 16.64 to the Monterey County Code to establish regulations for water-efficient and energy-efficient landscaping in the unincorporated inland area of Monterey County;
- c. Consider the proposed Monterey County Landscape Manual - Standards, Guidelines and Specified Performance Requirements for Landscape Water Use and Irrigation;
- d. Consider finding the actions categorically exempt pursuant to CEQA Guidelines Sections 15307 and 15308; and
- e. Set March 8, 2016 at 10:30 a.m. (consent agenda) as the date and time to consider adoption of the ordinances and Landscape Manual.

SUMMARY:

In an effort to reduce water waste and increase water conservation throughout California, state law requires local agencies to adopt the state's updated Model Water Efficient Landscape Ordinance (MWELo) or a local ordinance that is at least as effective in water conservation. It is proposed that the County adopt local landscape ordinances meeting the requirements of state law while implementing regulations that meet specific needs of the County. Implementation of these regulations will result in a reduction of water and energy use in landscape projects. See further discussion in **Attachment A**.

The proposed ordinances would amend Title 16 of the Monterey County Code and add two new chapters for the coastal and inland areas respectively (see **Attachments B and C**). The regulations contained within the proposed ordinances are consistent with existing County regulations for water conservation in landscapes and are at least as effective as conserving water as the MWELo.

Applicability thresholds for the proposed ordinances are identical to those contained in the MWELo. The proposed ordinances will be applicable to projects with either a new landscape area of 500 square feet or a rehabilitated landscape area of 2,500 square feet. Once a project is identified to be subject to the ordinances, then it must be determined if the project qualifies as a Minor Landscape or Major Landscape project. Minor Landscape projects are new landscapes with an aggregate landscape area between 500 to 2,500 square feet or a rehabilitated landscape of at least 2,500 square feet. Major Landscape projects are new or rehabilitated landscapes with an aggregate landscape area greater than 2,500 square feet.

Adoption of a Landscape Manual (**Attachment D**) is also proposed. This manual will work in conjunction with the coastal and inland ordinances to help explain the regulations, the permit process for landscape projects, and technical information on planting and irrigation. The manual also contains the necessary submittal forms for documentation.

Public outreach was conducted through Planning Commission workshops, presentation at various committee meetings, and stakeholder involvement. No major issues were identified, and suggestions were incorporated where appropriate.

The ordinances require two readings at the Board. Staff proposes that the Board consider the ordinances and manual at its meeting on February 23 and set March 8, 2016 as the meeting date for adoption of the ordinances. California Coastal Commission staff has notified the County that adoption of Chapter 16.63 and approval of the Landscape Manual (as it relates to the coastal areas) will not require certification by the California Coastal Commission. The Board can take action to adopt the Landscape Manual by resolution at the same time as the

ordinances are presented for adoption on March 8, 2016.

Staff recommends that the Board of Supervisors find adoption of the ordinances and Landscape Manual exempt from environmental review pursuant to Sections 15307 and 15308 of the CEQA Guidelines because their adoption and implementation 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. The ordinances and manual are designed to result in water and energy conservation in landscaping. A finding for CEQA exemption has been incorporated within the coastal and inland ordinance findings.

OTHER AGENCY INVOLVEMENT:

On March 25, 2015, the Planning Commission recommended the Board of Supervisors adopt the Coastal Landscape Ordinance; the Inland Landscape Ordinance; and the Landscape Manual and promote water conservation and prevent water waste through landscape design.

The following agencies have reviewed the documents:

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services
- CAL Fire San Benito - Monterey
- Monterey County Regional Fire District
- Office of the Agricultural Commissioner

County Counsel has approved the ordinances as to form.

FINANCING:

Funding for staff time associated with preparation of the ordinances and manual is included in the Adopted Budget for RMA-Planning. Costs for staff time to review landscape projects after implementation of the ordinances will be recovered through the existing fees charged for landscape project review. The Monterey County Land Use Fee Schedule lists three fees for landscape plan review: \$265.43 for “Landscape/Fuel Management Review, Residential” (equal to 1.5 hours of staff time), \$530.86 for “Landscape/Fuel Management Review, Commercial” (equal to 3 hours of staff time), and \$176.95 for “Landscape/Fuel Management Re-inspection of Commercial and Residential” (charged by the hour). The new ordinances will require two types of landscape review: Minor Landscape projects and Major Landscape projects and will implement two levels of fees. Staff projects that the average staff time spent on Minor Landscape projects (plan review and final inspection) equates to approximately 1.5 hours. It is also projected that average staff time spent on Major Landscape project review will be approximately 3 hours. Complex landscape projects requiring additional review time beyond the average can be recovered through the re-inspection fee. RMA staff has been tasked with updating the land use fees and anticipates Board consideration by the end of this fiscal year. Although current data suggest that it will not be necessary to increase or decrease the existing landscape review fees, staff will recommend the fee titles be modified to match the permit type.

Prepared by: Anna V. Quenga, Associate Planner, ext. 5175

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

Carl P. Holm, Acting Director Resource Management Agency, ext. 5103

This report was reviewed by Jacqueline R. Onciano, RMA Services Manager.

The following attachments on file with the Clerk of the Board:

Attachment A Discussion
Attachment B Draft Ordinance for Coastal Water and Energy Efficient Landscapes
Attachment C Draft Ordinance for Inland Water and Energy Efficient Landscapes
Attachment D Draft Monterey County Landscape Manual - Standards, Guidelines and Specified Performance Requirements for Landscape Water Use and Irrigation
Attachment E Planning Commission Resolution No. 15-027, March 25, 2015

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); The Refinement Group; Project File REF110056.