



Legislation Details (With Board Report)

File #: ORD 21-023 **Name:** REF210007 - Water and Energy Efficiency in Landscaping Ordinance

Type: Ordinance **Status:** Passed

File created: 11/29/2021 **In control:** Board of Supervisors

On agenda: 12/7/2021 **Final action:** 12/7/2021

Title: REF210007/WATER AND ENERGY EFFICIENCY IN LANDSCAPING ORDINANCE
a. Adopt an ordinance to add Chapter 16.63 to the Monterey County Code to establish regulations for water-efficient and energy-efficient landscaping in unincorporated Monterey County; and
b. Approve and authorize the Director of HCD to execute a letter to the California Department of Water Resources recommending revisions to the state’s Model Water Efficient Landscape Ordinance.
Location: Countywide
Proposed CEQA Action: Categorical exemption pursuant to Section 15307 and 15308 of the CEQA Guidelines.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A – Ordinance for Water and Energy Efficient Landscapes, 3. Attachment B – Draft letter to California Department of Water Resources, 4. Completed Board Order Item No. 88, 5. Completed Ordinance Item No. 88

Date	Ver.	Action By	Action	Result
12/7/2021	1	Board of Supervisors	adopted	Pass

REF210007/WATER AND ENERGY EFFICIENCY IN LANDSCAPING ORDINANCE
a. Adopt an ordinance to add Chapter 16.63 to the Monterey County Code to establish regulations for water-efficient and energy-efficient landscaping in unincorporated Monterey County; and
b. Approve and authorize the Director of HCD to execute a letter to the California Department of Water Resources recommending revisions to the state’s Model Water Efficient Landscape Ordinance.

Location: Countywide

Proposed CEQA Action: Categorical exemption pursuant to Section 15307 and 15308 of the CEQA Guidelines.

RECOMMENDATION

It is recommended that the Board of Supervisors:

- a. Adopt an ordinance to add Chapter 16.63 to the Monterey County Code to establish regulations for water-efficient and energy-efficient landscaping in unincorporated Monterey County; and
- b. Approve and authorize the Director of HCD to execute a letter to the California Department of Water Resources recommending revisions to the state’s Model Water Efficient Landscape Ordinance.

SUMMARY

On November 16th, 2021, The Board of Supervisors introduced the ordinance and set December 7, 2021 at 10:30 a.m. as the date and time to consider adoption. The Board also directed staff to draft a letter to the California Department of Water Resources, which is attached for the Board’s consideration.

DISCUSSION

The Board of Supervisors directed staff to prepare and submit a letter (Attachment B) to the Department of

Water Resources (DWR) with recommendation for including expanded compliance options for the following: 1) landscape with aggregate areas greater than 2,500 square feet, so that they could qualify as Minor Landscape provided the required landscape plan utilize plants from a pre-approved Plant List; and 2) exempt Major Landscapes from the requirement to provide a Soils Management Report if the Landscape Plan and Irrigation Plan utilize plants from the same pre-approved Plant List. Compliance options that reduce costs for applicants while encouraging water-efficient planting could eliminate a barrier to housing production.

ENVIRONMENTAL REVIEW

Staff recommends that the Board of Supervisors find adoption of the ordinance exempt from environmental review pursuant to Sections 15307 and 15308 of the CEQA Guidelines because the adoption of the ordinance is an action taken by the County, as authorized by state law, to assure the maintenance, restoration or enhancement of natural resources and the environment. The ordinance is designed to result in water and energy conservation in landscaping and, by incorporating the SB 1383 requirements, to reduce the greenhouse gas, methane. A finding for the CEQA exemption is incorporated within the ordinance findings.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed and approved the ordinance as to form.

FINANCING

Funding for staff time associated with preparation of the ordinance is included in the FY21-22 Adopted Budget for the Housing and Community Development Department (HCD), Appropriation Unit HCD002, Unit 8543. Costs for staff time to review landscape projects after implementation of the ordinance will be recovered through the existing fees charged for landscape project review, which are included in the fee schedule adopted by the Board. Two types of landscape projects will require review by staff as a result of implementation of the ordinance: Minor Landscape projects and Major Landscape projects. Staff projects that the average staff time spent on Minor Landscape projects (plan review and final inspection) equates to approximately 1.5 hours while the average staff time spent on Major Landscape project review is project to be approximately 3 hours. Complex landscape projects requiring additional review time beyond the average can be recovered through the re-inspection fee, or a deposit.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES

This action supports the Board of Supervisors' Strategic Initiatives for Administration and Health and Human Services by providing an effective response to our County customers' needs, as well as the protection of the public interest in water conservation. Adoption of these ordinances will result in reduction in water and energy use.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Jaime Scott Guthrie, AICP, Associate Planner, ext. 6414
Reviewed by: Craig Spencer, Chief of Planning
Approved by: Erik V. Lundquist, AICP, Director of HCD

The following attachments on file with the Clerk of the Board:
Attachment A - Ordinance for Water and Energy Efficient Landscapes

Attachment B - Draft letter to California Department of Water Resources

cc: Front Counter Copy; California Coastal Commission; Public Works, Parks, and Facilities (PWPF); Environmental Health Bureau; Monterey County Water Resources Agency; Monterey Peninsula Water Management District; Office of the Agricultural Commissioner; Jonathan Pangburn, Unit Forester, CAL Fire San Benito - Monterey; Anna V. Quenga, AICP, Interim HCD- Principle Planner; Monterey Bay AIA; Michael Waxer; Rob Carver; Lino Beli; Richard Rudesill; Michael Harrington, Frank Pierce; The Open Monterey Project (Molly Erickson); LandWatch (Director); The Refinement Group; Project File REF210007.