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Title: ***BILL NO. B-41 - (Intro. 11/5/15) (For adoption) - Adding Section 11-112 to Article 1, Chapter 11 of the Fresno Municipal Code, entitled "Model Water Efficient Landscape Ordinance."

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Rev Ord FMC 11-112 adopting MWELO 10 22 15 abf (3).pdf, 2. MWELO updated 2015 - Title 23 Official CCR pages (3).pdf

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REPORT TO THE CITY COUNCIL

November 19, 2015

FROM: Jennifer K. Clark, Director
Development and Resource Management

BY: Brian T. Leong, Building and Safety Services Manager
Building and Safety Services Division

SUBJECT

***BILL NO. B-41 - (Intro. 11/5/15) (For adoption) - Adding Section 11-112 to Article 1, Chapter 11 of the Fresno Municipal Code, entitled "Model Water Efficient Landscape Ordinance."

RECOMMENDATION

Staff recommends that Council (1) adopt a finding of Categorical Exemption pursuant to Article 19, Section 15307/Class7 (Actions by regulatory agencies for protection of natural resources) of the California Environmental Quality Act (CEQA) Guidelines, (2) adopt the Model Water Efficient Landscape Ordinance ("MWELO"), as may be amended, in conformance with the requirements of State Assembly Bill 1881 and the Governor's Executive Order (EO B-29-15), and (3) add Section 11-112 to Article 1, Chapter 11 of the Fresno Municipal Code, entitled "Model Water Efficient Landscape Ordinance."

EXECUTIVE SUMMARY

In response to the ongoing drought in California, Governor Brown's Executive Order of April 1, 2015, directed the State's Department of Water Resources ("DWR") to update the State's MWELO to increase conservation efforts in irrigation and plant design. DWR update the MWELO and the California Water Commission adopted the updated MWELO on July 15, 2015. The updated MWELO is applicable to new development projects including landscape areas of 500 sq. ft. or more. The state requires the City adopt the MWELO or a more stringent local ordinance by December 1, 2015, and begin reporting on its implementation of the updated MWELO by December 31, 2015. The Building and Safety Services Division of the City of Fresno currently has in place, policies and procedures which meet the parameters set forth in the 2010 version of the MWELO. Beginning December 1, 2015, it will incorporate the provisions of the updated MWELO as mandated by the state. The proposed ordinance bill merely formalizes those policies and provides new provisions as mandated by the Governor's Executive Order.

BACKGROUND

On September 28, 2008, the Governor signed into law Assembly Bill 1881 which required the State Department of Water Resources ("DWR") to provide guidelines for cities and counties to either adopt the State's MWELO or a local, more stringent, landscape irrigation ordinance. The City adopted the State's MWELO by default in 2010, and has been implementing its requirements in the permitting process since.

The Governor's April 1, 2015, Executive Order directed DWR to update the MWELO to incorporate increased conservation standards. DWR did so and the updated MWELO was approved by the California Water Commission in July. Some changes in the updated MWELO include:

- The size of landscapes subject to the ordinance has been lowered from 2500 sq. ft. to 500 sq. ft. The size threshold applies to residential, commercial, industrial and institutional projects that require a permit, plan check or design review;
- The maximum applied water allowance was lowered from 70% of the reference evapotranspiration (ET_o) to 55% for residential landscape projects, and to 45% of ET_o for non-residential projects;
- Dedicated landscape water meters or submeters are required for residential landscapes over 5,000 square feet and non-residential landscapes over 1000 square feet;
- The minimum width of areas which may be overhead irrigated was increased from 8 feet to 10 feet; and
- Clarification that landscapes less than 2,500 square feet irrigated entirely with graywater or captured rainwater are subject only to the irrigation system requirements of Appendix D of the MWELO, Prescriptive Compliance Option, and that graywater is allowed throughout the state under the California Plumbing Code, Ch. 16.

The state requires the City to adopt the MWELO, or a more stringent local ordinance, by December 1, 2015. The City recommends adopting the State's updated MWELO, as may be amended. The City must begin reporting on its adoption of the updated MWELO by December 31, 2015.

ENVIRONMENTAL FINDINGS

The Projects fall within the Class 7 Categorical Exemption set forth in the California Environmental Quality Act (CEQA) Guidelines, Section 15301(l)(3) (Actions by regulatory agencies for protection of natural resources), which exempts actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment, because adoption of the updated MWELO assures the protection of water resources. Furthermore, none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines Section 15300.2 apply to this ordinance. The Projects will not result in any significant negative effects relating to traffic, noise, air quality or water quality.

LOCAL PREFERENCE

Local preference was not considered because this ordinance does not include a bid or award of a construction or services contract.

FISCAL IMPACT

There is no anticipated fiscal impact as the costs would be recovered through existing building permit fees. The Building and Safety Services Division of the City of Fresno currently has in place, policies and procedures which meet the parameters set forth in the MWELO.

Attachment:
Ordinance Bill
Updated MWELO adopted July 15, 2015