



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: March 1, 2022

Subject: Hearing on a Zoning Text Amendment Replacing the County's Water Conservation Ordinance with a new Water Efficient Landscapes Ordinance

RECOMMENDATION(S):

1. OPEN the public hearing on Ordinance No. 2022-09, RECEIVE testimony, and CLOSE the public hearing;
2. DETERMINE that adoption of Ordinance No. 2022-09 is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061(b)(3) ("General Rule" exemption);
3. FIND that the proposed zoning text amendment is consistent with the County General Plan.
4. ADOPT Ordinance No. 2022-09, which repeals the existing Chapter 82-26 of the County Ordinance Code, Water Conservation Landscaping in New Developments, and replaces it with a new Chapter 82-26, Water Efficient Landscapes for properties in the unincorporated area of the County.
5. DIRECT the Department of Conservation and Development to file a CEQA Notice of Exemption with the County Clerk.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **03/01/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 1, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Jennifer Cruz, (925)
655-2867

cc:

FISCAL IMPACT:

The cost of preparing this ordinance has been funded by the Department of Conservation and Development.

BACKGROUND:

Senate Bill 1383 (SB 1383) was passed in September 2016 to reduce organic waste in landfills. SB 1383 Regulations (14 CCR Section 18989.2) require that a jurisdiction, which is a city, county, or a City and county, adopt an ordinance or other enforceable requirement that requires compliance with Sections 492.6(a)(3)(B) (C), (D), and (G) of the State's Model Water Efficient Landscaping Ordinance as amended on September 15, 2015 ("MWELO SB 1383 Baseline Requirements").

Although Chapter 82-26. (Water Conservation Landscaping in New Developments), of the County's Zoning Code regulates water use for new landscaping, department staff has been implementing the State's Model Water Efficient Landscaping Ordinance for the past several years to comply with State water efficiency and landscaping regulations. The approval of SB 1383 in 2016 required the County and all other jurisdictions in the State to adopt an enforceable ordinance that complies with the State's MWELO regulations.

PROPOSED ZONING CODE TEXT AMENDMENT

The zoning text amendment would repeal and replace Chapter 82-26 of the County Zoning Ordinance. The proposed water efficient landscape ordinance is the Model Water Efficient Landscape Ordinance (MWELO) adopted by the California Department of Water Resources and as set forth in Chapter 2.7 of Division 2, Title 23, of the California Code of Regulations, Sections 490 through 495 and Appendices A through D. The waters of the state are of limited supply and are subject to increasing demands. As such, the purpose of the State's Model Water Efficient Landscape Ordinance is to promote the conservation and efficient use of water and to prevent the waste of this valuable resource.

Changes to the existing Ordinance include the applicability of the new MWELO, landscaping documentation requirements, landscaping design plan and irrigation design plan requirements, and Certificate of Completion requirements. The proposed MWELO will apply to new construction with landscaping more than 500 square feet, rehabilitated landscape projects greater than 2,500 square feet, existing landscapes, and cemeteries. The proposed MWELO provides specific standards related to landscape design and irrigation design, irrigation and maintenance scheduling, and requirements of an irrigation audit. Further, the proposed MWELO requires a local agency to report to the State's Department of Water Resources on the implementation of the adopted Ordinance.

A project involving landscaping will be required to comply with the requirements of the MWELO. Implementation of the Ordinance requires the submittal of the required materials for the review of the Department of Conservation and Development, Community Development Division staff prior to the issuance of a building permit. The

review includes ensuring the proposed landscaping and irrigation are designed appropriately so that the allowed Maximum Applied Water Allowance is not exceeded, and water use is reduced.

The County General Plan *Public Facilities/Services Element* discusses the importance of water conservation efforts due to the droughts experienced in the region and encourages installation of drought resistance landscaping and limiting the amount of lawn areas. The MWELo is also referenced by Title 24, Part 11 CalGreen Building Code. Thus, the proposed zoning text amendment will be consistent with the goals of the County to promote conservation and efficient use of water and to prevent the waste of water.

County Planning Commission Hearing

The County Planning Commission held a public hearing on the draft Ordinance on January 26, 2022. The County Planning Commission opened the hearing, but received no public comment. The County Planning Commission voted 7-0 to recommend that the Board approve the proposed ordinance.

Conclusion and Recommendation

The purpose of the proposed text amendment is to make the County's water efficient landscape ordinance of Contra Costa County the Model Water Efficient Landscape Ordinance adopted by the California Department of Water Resources in order to comply with SB 1383. The proposed amendments would not conflict with the Goals and Policies of the County's General Plan and therefore, staff recommends that the Board of Supervisors adopt Ordinance No. 2022-09.

CONSEQUENCE OF NEGATIVE ACTION:

The existing Water Conservation Landscaping in New Developments Ordinance (Chapter 82-26) would not be amended and thus, would not be compliant with the requirements of Senate Bill 1383.

ATTACHMENTS

Ordinance 2022-09

CPC Staff Report