



## Staff Report

### July 11, 2023

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**TO:** Honorable Mayor and Members of the Town Council  
**FROM:** Merrill Buck, Town Engineer  
**DATE:** June 27, 2023  
**RE:** Waive the Final Reading and Adopt an Ordinance of the Town Council of the Town of Loomis to Add Chapter 10.12.075 Model Water Efficient Landscaping Ordinance (MWELo) Requirements to the Loomis Municipal Code

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#### **Recommendation**

It is recommended that the Town Council waive the final reading and adopt Ordinance 294 (Attachment A), adding Chapter 10.12.075 Model Water Efficient Landscaping Ordinance (MWELo) Requirements to the Loomis Municipal Code.

#### **Issue Statement and Discussion**

On June 13, 2023, after public comment and deliberations, the Town Council voted 5-0 to introduce and read by title only, an ordinance adding 10.12.075 Model Water Efficient Landscaping Ordinance (MWELo) Requirements to the Loomis Municipal Code. (See Attachment A).

The ordinance is largely responsive to Senate Bill (SB) 1383 which requires jurisdictions to adopt an ordinance or other enforceable requirement that mandates compliance with Sections 492.6(a)(3)(B) (C), (D), and (G) of the Model Water Efficient Landscape Ordinance (MWELo), Title 23, Division 2, Chapter 2.7 of the California Code of Regulations as amended September 15, 2015. While those sections are related to the application of mulch and compost on regulated landscaping projects, the Town will enforce all MWELo requirements as the Town is adopting by reference the California State MWELo. The MWELo promotes the conservation and efficient use of water by setting standards intended to minimize the use of water and maximize the healthfulness of landscapes while promoting drought-tolerant landscaping and prudent water use. As a local jurisdiction, the Town of Loomis is required to adopt and enforce an ordinance that requires compliance with these Sections of the MWELo.

This staff report represents the second and final reading for the ordinance. Should it be adopted by Council, staff will pursue the following next steps.

### Provide Outreach and Education

The Town will provide outreach and education materials to landscaping permit applicants informing them of the new MWELO requirements.

### Develop Internal Process for Program Implementation

The Town is required to review building permits through the plan review process to determine applicability of the code and verify that the landscaping project has met the requirements of the MWELO after the project is completed. An internal process will be developed and implemented using the Compliance Pathway Flowchart (Attachment B) to ensure MWELO compliance.

### Perform Recordkeeping and Reporting

The Town is required to maintain records of projects subject to the MWELO and report this information to CalRecycle on an annual basis via CalRecycle's Electronic Annual Reporting system and to the Department of Water Resources. The Town will develop a recordkeeping protocol for this purpose.

### **CEQA Requirements**

The Town hereby finds that this Ordinance is categorically exempt in accordance with Section 15307 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of natural resources; and in accordance with Section 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

### **Financial and/or Policy Implications**

Costs associated with administering the requirements in the ordinance, if adopted, would be the Town's responsibility and include additional building plan review for applicability, inspection for compliance, and enforcement. This will have a minor fiscal impact on the Town, which the Town can consider for cost recovery as part of its next fee schedule update.

### **Attachments**

- A. Ordinance 294 – Adding Chapter 10.12.075 Model Water Efficient Landscaping Ordinance (MWELO) Requirements
- B. MWELO Compliance Review Process Flowchart

**TOWN OF LOOMIS  
ORDINANCE NO. 294**

**AN ORDINANCE OF THE TOWN OF LOOMIS ADDING CHAPTER 10.12.075  
" MODEL WATER EFFICIENT LANDSCAPING ORDINANCE (MWELo)  
REQUIREMENTS" TO THE LOOMIS MUNICIPAL CODE**

WHEREAS, in 2015 the State adopted a Model Water Efficient Landscape Ordinance (MWELo), codified in Title 23, Division 2, Chapter 2.7 of the California Code of Regulations, starting with Section 490, to further its policy of promoting the conservation and efficient use of water; and

WHEREAS, the MWELo establishes the maximum evapotranspiration adjustment factor (ETAF) for certain new residential and non-residential developments that have more than 500 square feet of landscaped area and the means by which local agencies must calculate the ETAF to ensure project compliance; and

WHEREAS, State law requires that local agency adopt a Water Efficient Landscaping Ordinance, and Senate Bill 1383 requires that the ordinance require the use of soil amendments, compost and recycled organic mulch; and

WHEREAS, a local agency may adopt their own Water Efficient Landscaping Ordinance with the same or more stringent requirements, or adopt the MWELo by reference; and

WHEREAS the Town desires to adopt the MWELo by reference and administer the ordinance's requirements through the Planning and Building Department.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOOMIS HEREBY ORDAINS AS FOLLOWS:**

**Section 1. Purpose and Authority.**

The Town of Loomis is required to enforce the State's Model Water Efficient Landscaping Ordinance (MWELo) through the Building Permit plan review process. MWELo establishes many landscape and irrigation water conservation techniques. This Chapter is intended to promote economic development and enhance the health, safety, and welfare of its residents, workers, and visitors through the integration of environmentally sustainable water strategies in landscapes in the Town of Loomis. The minimum standards in the MWELo are intended to minimize the use of water and maximize the healthfulness of landscapes and promote drought-tolerant landscaping and prudent water use.

**Section 2. Findings.** The recitals are true and correct as set forth above and are hereby incorporated by reference.

**Section 3. Enactment.** Chapter 10.12.075 of the Loomis Municipal Code is hereby added to read as follows:

10.12.075 Model Water Efficient Landscaping Ordinance (MWELo) Requirements

A. The Town adopts by reference the California State Model Water Efficient Landscaping Ordinance, as contained in the California Code of Regulations Title 23, Waters, Division 2, Department of Water Resources, Chapter 2.7, and any amendments thereto, as the law of the Town. One copy of the California State Model Water Efficient Landscaping Ordinance has been,

and is now, filed in the office of the Planning Director, and the ordinance is adopted by reference as if incorporated and set out in full in this chapter.

B. Applications required to be submitted to the Town pursuant to the California State Model Water Efficiency Landscaping Ordinance shall be submitted to and reviewed by the Planning Director or his or her designee.

C. Any person or entity that is in violation of this section and/or the California State Model Water Efficient Landscaping Ordinance shall be given a written notification of their noncompliance. If the violation is not satisfactorily resolved following the issuance of the notice, such violation shall become an infraction punishable pursuant to Chapter 1.16.010 of this code.

D. The Town may impose fees to offset its costs in processing applications submitted pursuant to the California State Model Water Efficient Landscaping Ordinance. Such fees shall be nonrefundable and paid by the applicant at the time the application is submitted

E. Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the Town, who are constructing a new (single-family, multi-family, public, institutional, or commercial) project with a landscape area greater than five hundred (500) square feet, or rehabilitating an existing landscape with a total landscape area greater than two thousand five hundred (2,500) square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO, including sections related to use of compost and mulch as delineated in this Section 10.12.075.

F The following compost and mulch use requirements that are part of the MWELO are now also included as requirements of this Chapter.

G. Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 10.12.075. E. above shall:

1. Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:

a. For landscape installations, compost at a rate of a minimum of four (4) cubic yards per one thousand (1,000) square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six (6) percent organic matter in the top six (6) inches of soil are exempt from adding compost and tilling.

b. For landscape installations, a minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five (5) percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

c. Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.

2. The MWELO compliance items listed in this Section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the

threshold for MWELo compliance outlined in Section 10.12.075. E. above shall consult the full MWELo for all requirements.

D. If, after the adoption of this Chapter, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo September 15, 2015 requirements in a manner that requires the Town to incorporate the requirements of an updated MWELo in a local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

**Section 4. CEQA**

The Town hereby finds that this Ordinance is categorically exempt in accordance with Section 15307 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of natural resources; and in accordance with Section 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

**Section 5. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The Town Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**Section 6. Effective Date and Publication.**

This ordinance shall take effect thirty (30) days after its adoption. The Town Clerk is hereby directed to publish a summary of this ordinance within fifteen (15) days after its passage in an adjudicated, published newspaper of general circulation serving the Town of Loomis residents.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on \_\_\_\_\_, 2023, and was ADOPTED AND ORDERED published and posted at a meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

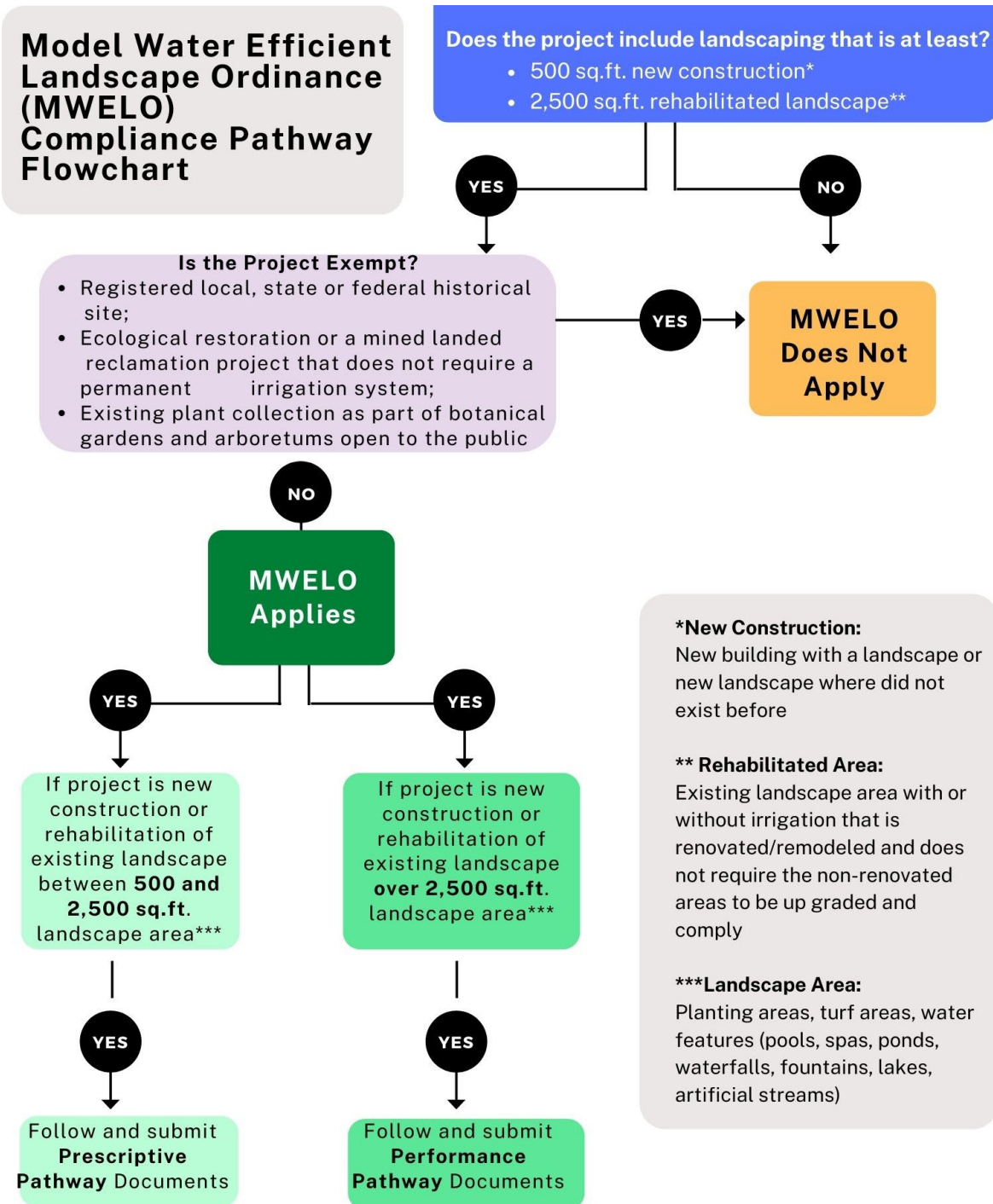
By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Deputy Town Clerk

# Item 8 Attachment B

## Sample Model Water Efficient Landscape Ordinance (MWELO) Compliance Pathway Flowchart



**Note:** Local agencies can require new or rehabilitated landscapes to follow the Performance Pathway even if the size is 500 to 2,500 sq.ft.

**Note:** Local agencies may choose not to adopt Prescriptive Pathway (MWELO Appendix D)