

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING CHAPTER 16.84 OF THE ARROYO GRANDE MUNICIPAL CODE REGARDING RESTRICTIONS ON IRRIGATED TURF AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, in 2006, the State Legislature adopted the "Water Conservation in Landscaping Act" (Assembly Bill 1881), requiring the Department of Water Resources (DWR) to update the State Model Water Efficient Landscape Ordinance (MWELo) to reduce water consumption and waste in landscape irrigation; and

WHEREAS, on June 14, 2011, the City adopted a Water Efficient Landscape Ordinance deemed to be as effective as the State MWELo Ordinance; and

WHEREAS, the MWELo Ordinance was incorporated into the Arroyo Grande Municipal Code (AGMC) as Chapter 16.84; and

WHEREAS, in 2016, AGMC Chapter 16.84 was updated to incorporate the changes to the State's MWELo, by reference; and

WHEREAS, this ordinance amends Chapter 16.84, by adding restrictions on the installation and maintenance on irrigated turf to further the City's water conservation efforts; and

WHEREAS, on October 17, 2023, the Planning Commission conducted a duly noticed public hearing to consider the staff report, recommendations by staff, and public testimony concerning the ordinance. Following the public hearing, the Planning Commission voted to forward the ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on November 14, 2023, the City Council introduced the ordinance and conducted a duly noticed public hearing to consider the ordinance and its changes to Chapter 16.84 of Title 16 of the Arroyo Grande Municipal Code, including: (1) the public testimony and agenda reports prepared in connection with the ordinance; (2) the policy considerations discussed therein; and (3) the consideration and recommendation of the Planning Commission; and

WHEREAS, all legal prerequisites to the adoption of the ordinance have occurred.

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NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Environmental. The City Council finds that this ordinance is exempt from the California Environmental Quality Act ("CEQA") because the ordinance does not qualify as a "project" under CEQA and because the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines section 15060, subd. (c)(2), (3).) Section 15378 of the State CEQA Guidelines defines a project as the whole of an action, which could potentially result in either a direct physical change, or reasonably foreseeable indirect physical change, in the environment. Here, the ordinance will not result in any construction or development, and it will not have any other effect that would physically change the environment. The ordinance therefore does not qualify as a project subject to CEQA.

In the alternative, even if the Ordinance did qualify as a "project" under CEQA, it would be exempt from CEQA under State CEQA Guidelines section 15061(b)(3), which exempts projects from CEQA "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Thus, even if the ordinance could result in some physical change in the environment, the ordinance is exempt from CEQA because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

Finally, the Ordinance is adopted with the intent to protect natural resources and the environment, specifically the City's water resources. This Ordinance will regulate and restrict the installation of irrigated turf for nonresidential, residential, and mixed uses. Accordingly, this Ordinance is categorically exempt under either State CEQA Guidelines section 15307 or 15308.

SECTION 3. Required Findings. In accordance with section 16.16.040(E) of the AGMC, the City Council hereby makes the following findings:

1. *General Plan.* The ordinance's amendments to the AGMC are consistent with the general plan and necessary and desirable to implement the provisions thereof. Specifically, conservation and open space element objective C/OS6 encourage water conservation to support urban development potential. This ordinance effectuates and implements objective C/OS6 by limiting irrigated turf which has very high water needs to be maintained in good condition. For this reason, the ordinance's amendments to the AGMC are consistent with the general plan and necessary and desirable to implement the provisions thereof.

2. *Effect on Public.* The ordinance's amendments to the AGMC will not adversely affect the public health safety, and welfare or result in an illogical land use

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pattern because these updates to the development code will help ensure an adequate supply of water for Arroyo Grande residents.

3. *Purpose and Intent.* The revision to this title is consistent with the purpose and intent of the title since it implements the objectives of the General Plan, protects the vitality and orderly development of the Arroyo Grande community by limiting intensive water uses, and ensures an orderly planning with respect to the community's water resources.

4. *Environmental Impacts.* The proposed amendments will promote positive environmental impacts through water conservation. Irrigated turf is associated with higher levels of water use and these code amendments will restrict or prohibit the use of such turf.

SECTION 4. Code Amendment. The City Council hereby approves the addition of the following Section 16.84.020 in full, amending Arroyo Grande Municipal Code Chapter 16.84, Water Efficient Landscape Requirements as follows:

16.84.020 Irrigated Turf Prohibition

A. Nonresidential and Mixed Uses

1. New nonresidential and mixed-use projects shall be prohibited from installing and maintaining irrigated turf on the property.
2. Proposed remodels or additions constituting fifty percent (50%) or more of the floor area of a property consisting of nonresidential or mixed-uses at the time when a building permit is issued for the remodel shall be required to remove all existing irrigated turf and replace that area with either water wise landscape species or an alternative with a watering requirement that is less than or equal to the water needs of the area landscaped with water wise landscaping. Calculating the area of a remodel shall be done in accordance with the California Building Code.

B. Residential Uses

1. New projects consisting of solely residential uses shall be prohibited from installing and maintaining irrigated turf in the front yard of the property. For purposes of this section, the front yard is defined as the portion of the lot between the structure and the front property line.
2. Turf installations in the rear yard of residential properties is limited to either, whichever is less:
 - a. 500 square feet, or
 - b. Twenty-five percent (25%) of the total rear yard area.
 - c. For purposes of this section, the rear yard is defined as the portion of the lot between the structure and the rear property line.
3. Proposed remodels or additions constituting fifty percent (50%) or more of the floor area of a property consisting of solely residential uses at the time when a

building permit is issued for the residential remodel shall meet the following requirements:

- a. . Removal of all turf in the front yard and a reduction of the amount of turf in the rear yard to 25% of the total yard area. The areas in which turf is required to be removed shall be replaced with either water wise landscape species or an alternative with a watering requirement that is less than or equal to the water needs of the area landscaped with water wise landscaping. Calculating the area of a remodel shall be done in accordance with the California Building Code.
- b. Where installation of turf in the rear yard is infeasible due to lack of available area, solar access, or the presence of existing structures, as determined by the Director of Community Development, irrigated turf may be alternatively installed and maintained in the front yard at no more than twenty-five percent (25%) of the total yard area.

SECTION 6. Publication. A summary of this ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five days prior to the City Council meeting at which the proposed ordinance is to be adopted. A certified copy of the full text of the proposed ordinance shall be posted in the office of the City Clerk. Within 15 days after adoption of the ordinance, the summary with the names of those City Council members voting for and against the ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted ordinance.

SECTION 7. Effective Date. This ordinance shall become effective 30 days after adoption.

SECTION 8. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance, and, to that end, the provisions hereof are severable. The City Council declares that it would have adopted all the provisions of this ordinance that remain valid if any provisions of this ordinance are declared invalid.

SECTION 9. Records. The documents and materials associated with this ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at 300 E. Branch Street, Arroyo Grande, CA 93420. The City Clerk is the custodian of the record of proceedings.

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On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

the foregoing Ordinance was adopted this ____ day of _____, 2023.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

BILL ROBESON, INTERIM CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY