

ORDINANCE NO. 674

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING CHAPTER 16.84 OF THE ARROYO GRANDE MUNICIPAL CODE ADOPTING BY REFERENCE THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE OF THE STATE OF CALIFORNIA AS CONTAINED IN THE CALIFORNIA CODE OF REGULATIONS TITLE 23 WATERS, DIVISION 2, DEPARTMENT OF WATER RESOURCES, CHAPTER 2.7, MODEL WATER EFFICIENT LANDSCAPE ORDINANCE, SECTIONS 490 ET. SEQ.,

WHEREAS, on January 17, 2014, the Governor of the State of California declared a state of emergency due to record dry conditions and concerns over the State's dwindling water supplies, and on April 25, 2014, the Governor declared a continued state of emergency due to the persistent drought conditions and the need for additional expedited actions; and

WHEREAS, on April 1, 2015, Governor Brown issued Executive Order B-29-15, which ordered the State Water Resources Control Board to impose significant new water use restrictions, including directing that the Department of Water Resources revise the existing Model Efficient Landscape Ordinance contained in California Code of Regulations Title 23, Division 2, Chapter 2.7, Sections 490 et. seq. through expedited regulations; and

WHEREAS, on July 15, 2015 the new Model Efficient Landscape Ordinance was adopted by the California Water Commission, and State law requires that all land-use agencies adopt a water-efficient landscape ordinance that is at least as efficient as the Model Ordinance prepared by the Department of Water Resources; and

WHEREAS, Government Code Section 50022.1 et seq. provides that ordinances and codes of the Federal, State or any agency of either of them, may be adopted by reference, provided that prior to such adoption by reference a noticed public hearing has been held; and

WHEREAS, at its meeting of January 12, 2016 the City Council of the City of Arroyo Grande conducted a duly noticed public hearing on the matter of adopting the State's Model Water Efficient Landscape Ordinance by amending Chapter 16.84 of the Arroyo Grande Municipal Code.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Arroyo Grande as follows:

SECTION 1. Chapter 16.84 of the Arroyo Grande Municipal Code is hereby repealed and amended in its entirety to read as follows:

“Chapter 16.84 – WATER EFFICIENT LANDSCAPE REQUIREMENTS

16.84.010 Adoption of the Model Water Efficient Landscape Ordinance

The “Model Water Efficient Landscape Ordinance” of the State of California, as contained in California Code of Regulations Title 23 Waters, Division 2 Department of Water Resources, Chapter 2.7 Model Water Efficient Landscape Ordinance, Sections 490 et. seq. is hereby adopted by reference as the water efficient landscape ordinance of the City of Arroyo Grande, as the same may be amended from time to time, as if set out in full in this Chapter. A copy of the Model Water Efficient Landscape Ordinance of the State of California shall be maintained in the City of Arroyo Grande Community Development Department office and shall be made available for public inspection while this ordinance is in force. “Local agency” in the Model Water Efficient Landscape Ordinance shall mean the City of Arroyo Grande.”

SECTION 2. This Ordinance has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15307 of the State CEQA Guidelines for actions by regulatory agencies for protection of natural resources. The Model Water Efficient Landscape Ordinance addresses the protection of statewide water resources by requiring certain landscaping projects to analyze their water budget. There is no evidence that the proposed project may have a potentially significant effect on the environment. As such, the project qualifies for exemption pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

SECTION 4. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) 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 fifteen (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 5. This Ordinance shall take effect thirty (30) days after its adoption.

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

AYES: Council Members Guthrie, Harmon, and Barneich

NOES: Council Member Brown

ABSENT: Mayor Hill

the foregoing Ordinance was adopted this 12th day of 2016.

/s/ JIM HILL, MAYOR

ATTEST:

/s/ KELLY WETMORE, CITY CLERK