

City of



Sustainable Fresno Division
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Planning and Development Department

John M. Dugan, AICP
Director

February 22, 2010

Simon Eching
Water Use Efficiency
Department of Water Resources
901 P Street, Ste 301
Sacramento, CA 95814

SUBJECT: MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWEL0)

On January 1, 2010, the City of Fresno allowed the state Model Water Efficient Landscape Ordinance to take effect without a formal adoption process. The City has an ordinance on record titled, Water Efficient Landscape Standards, which is located in the Fresno Municipal Code (FMC), Chapter 12, Article 3, Section 12-306-N23. It is unlikely that this ordinance would be considered "at least as effective" as the state MWEL0 though a comparative study has not been done.

Representatives from the Planning and Development Department (P&DD), the Department of Public Utilities (DPU), and the Department of Public Works (DPW) are reviewing and approving projects that are normally under their purview. For example, DPW is addressing new projects in the public Right-of-Way, P&DD is addressing new projects on sites which require building permits, and DPU is addressing existing landscapes. For projects subject to P&DD review and approval, applicants are notified of MWEL0 at the entitlement stage upon submittal of a conceptual site plan. The actual implementation of the state mandated ordinance occurs at the building permit stage of development.

The City of Fresno, Planning and Development Department, is currently working on the Fresno Green Development Code which is a comprehensive update of the City's zoning and property development codes. Part of the process includes exploring sustainability elements for water conservation tailored specifically to the needs of Fresno. In the near future, a review of the City's Water Efficient Landscape Standards, the state MWEL0, and the 2010 California Green Building Standards Code will be conducted to determine whether a more effective plan is appropriate for our City.

If the City of Fresno adopts a new water efficient landscape ordinance that is "at least as effective" as the state Model, then the City will submit to the Department of Water Resources (DWR) this new ordinance with "Evidence in Record" to justify how it is more effective. This submission to DWR would occur prior to January 1, 2011, in order to meet the January 31, 2011, date that DWR is required to submit a report to the legislature on the status of adopting ordinances by local agencies. This would put the City on record with the legislature as having a more effective ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Dugan".

JOHN M. DUGAN, AICP, Director
Planning and Development Department