

Informational Item - Model Water Efficient Landscape Ordinance (MWELO) Regulations



Presenters:

Julie Saare-Edmonds, Sr. ES

Shem Stygar, Sr. WRE

California Water Commission

August 16, 2023

What is MWELO?

- A statewide model for local agencies to enforce minimum water-efficiency standards in landscape design, construction, management, and maintenance.
- Drives water-efficiency through water budgets and thoughtful selection of soil, plants, irrigation, stormwater management, and non-potable water supplies.



MWELO uses a water budget:

- Maximum Applied Water Allowance (MAWA) compared with Estimated Total Water Use (ETWU) based on:
 - Local climate
 - Plant water use
 - Irrigated landscape area
 - Irrigation efficiency
 - Project Type (residential vs. non-residential)
- Two compliance pathways
 - Prescriptive is simpler with less flexibility
 - Only allowed for landscape projects less than 2500 sq ft
 - Performance is more flexible and complex



MWELO compliant landscapes provide many benefits

- Conserves natural resources
- Habitat
- Public health
- Property values
- Recreation
- Soil Health/Carbon Storage
- Rainwater and stormwater infiltration



MWELO implementation:

- Adopted and enforced by local agencies
 - Required of 500 plus land use agencies (cities and counties)
 - Locally adopted Water Efficient Landscape Ordinances (WELO's) can be stricter.
- Applies to:
 - New construction or landscape renovations requiring a building or landscape permit, plan check, or design review
 - Existing landscapes greater than 1 acre: no MAWA required, just a water use analysis
- Local Agencies are required to annually report to DWR



MWELO 3-year Update/Revision cycle

- AB 2515 directs DWR to:
 - Update MWELO every 3 years through regulation OR
 - Make a finding that an update is not a useful or effective means to improve
 - Landscape water use efficiency, or
 - Administration of the ordinance
- Synchronized with the triennial California Green Building Standards Code.
- Department intends to begin rulemaking this year.



Desired Improvements



- MWELO has been correctly implemented by knowledgeable agencies, however:
- General implementation is inconsistent and poor - *Only 258 of 500 plus local agencies reported on MWELO implementation in 2022.*
 - It has ambiguities, which can lead to misinterpretation about what is required.
 - Its organization does not allow for logical progression, understanding of responsibilities and authorities, and leads to misunderstanding and confusion.



MWELO History:

- 1993 – MWELO enacted**
- 2005 – Task Force Report**
- 2010 – MWELO Update**
- 2015 – Expedited MWELO Update
per E.O. B-29-15**
- 2016 – AB 2515 – 3 Year Update /
Revision Cycle**
- 2020 – MWELO Update Deferred**



MWELO Update Status:

- March 20, 2019, DWR deferred an update with the Commission, noting:
 - Updating MWELO would not help without understanding how it is being used.
 - Wanted to understand why implementation and enforcement were not happening.
- Since Nov. 2022 DWR has engaged with the Landscape Statewide Advisory Group (LSAG) on draft MWELO amendments



UC Davis MWELO Barriers to Implementation Report (2021)

- Recommendations include:
- Simplify MWELO for agencies with limited resources
- Clarify what is required by MWELO:
 - What is the process?
 - Who performs oversight and has authority?
 - What needs to be reported (and why), who should report?
- Simplify reporting requirements



LSAG (2019) - Water Budget and Technical Standards Workgroup

- Structural changes
 - Improve water budget: design and layout, and standardization
- Functional changes
 - Improve the methodology of water budgeting including landscape definitions and math of water budgeting



Draft MWELO Amendments

- Simplify the MWELO to:
 - Provide clarity and reduce ambiguities.
 - Improve understanding, workflow, and implementation.
- Does not change existing MWELO requirements
- Not likely to require a Standardized Regulatory Impact Assessment (SRIA) or CEQA
 - Many changes are administrative



Next steps

- Intend to begin rulemaking this year
 - Receive approval to submit to OAL
 - **Public hearing with Commission on draft Regulation Text**
 - Public Comment Period and Public hearing(s)
 - **Public hearing with Commission to adopt final regulation**
 - Submission to OAL and Building Standards Commission



Discussion/Questions

