



STAFF REPORT

Meeting Type: Planning Committee/Board of Directors
Title: Water Efficient Landscape District Code Changes and Local Jurisdiction MOU
From: Paul Sellier, Water Resource Division Manager
Through: Ben Horenstein, General Manager
Meeting Date: November 13, 2025

TYPE OF ITEM: Approve X Review and Comment

RECOMMENDATION: Review and comment on proposed updates to the District's Water Efficient Landscape Code provisions to reflect the 2025 changes to the State Model Water Efficient Landscape Ordinance (MWELo), adopt the State required language from Assembly Bill (AB) 1572 regarding prohibitions on the irrigation of non-functional turf, and extend the memorandum of understanding (MOU) with local jurisdictions to collaborate on MWELo implementation

SUMMARY: To align with recent changes to the State's Model Water Efficient Landscape Ordinance (MWELo), staff will discuss proposed modifications to the District's current Water Efficient Landscape Code provisions. While making changes to the District's Water Efficient Landscape Code, staff also recommends incorporating non-functional turf language, required by Assembly Bill (AB 1572) to be added to the District Code.

Staff will also review the MOU the District developed in 2021 to review landscape plans on behalf of the towns and cities in the District's service area for compliance with MWELo, and discuss proposed minor updates to the MOU including extending the term of the MOU, which is currently set to expire in December 2025.

DISCUSSION: In January 2025, the Department of Water Resources (DWR) released an updated version of the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo establishes standards for efficient landscape design, installation, management and maintenance, in both new and retrofitted landscapes that require a building permit, plan check or design review by local jurisdictions. All local agencies throughout the State must adopt, implement, and enforce MWELo, or adopt a local Water Efficient Landscape Ordinance (WELO) that is at least as effective as the State Ordinance.

The 2025 revisions to the MWELo were done with the goal of providing overall clarity, revising definitions and reordering sections to allow for easier interpretation and implementation of the requirements. DWR worked with local agencies, water suppliers, including District staff, landscape industry groups and interested parties for input on the regulatory changes. Following discussions on how to best align the District's Water Efficient Landscape Code with these new State MWELo revisions,

and as a way of keeping pace with future revisions to MWELo, staff recommends adopting the the State's MWELo by reference as an alternative to fully embedding the State MWELo text into the District's Water Efficient Landscape code (or WELo), while also maintaining and preserving some of the more progressive requirements adopted by the District in an effort to conserve additional water.

State Non-Functional Turf Regulation- AB 1572

In October 2023, the State of California passed AB 1572, which established a timeline for implementation of the prohibition of the use of potable water to irrigate nonfunctional turf on all non-residential properties, including homeowner association (HOA) common areas. The State has cascading implementation timelines for properties beginning in January 2027 with properties owned by public entities followed by commercial sites in 2028, and HOA common areas in 2029. The law includes some exceptions for the use of potable water to ensure the health of trees and other perennial plantings, or when necessary to address an immediate health and safety need. AB 1572 requires that public water systems, such as the District, revise their regulations, ordinances and policies to include these requirements and communicate such requirements to customers on or before January 1, 2027. Staff propose to incorporate the requirements of AB 1572 into the proposed District Code changes to ensure the District's compliance.

MOU with the Local Jurisdictions

In 2021, the District and the 11 local jurisdictions within its service area signed a Memorandum of Understanding memorializing the roles of the District and the local jurisdictions related to water efficient landscape requirements. As part of the MOU, local jurisdictions agreed to notify their applicants of the District's requirements and, in return, Marin Water agreed to perform landscape plan review on behalf of these agencies ensuring consistency and that landscape projects are complying with MWELo and more stringent District standards. In addition, the District agreed to report completed projects' details to the State annually on behalf of the local jurisdictions. The current MOU expires on December 31, 2025.

Staff has worked with the local jurisdictions to develop an updated MOU which reflects the proposed changes to the District Code related to Landscape Plan Review and adds Cross Connection Control (Backflow) Requirements and use of Recycled Water. As a result of the proposed changes to the MOU, District requirements will be communicated to applicants by the local towns and cities as early as possible, leading to clarity of process and improved outcomes for applicants. The new MOU, once approved, would be in place through December 31, 2030.

ENVIRONMENTAL REVIEW: Not Applicable.

FISCAL IMPACT: None.

ATTACHMENT(S):

1. Draft Ordinance No. 470
2. Local Jurisdiction MOU