



# TOWN OF FAIRFAX

## STAFF REPORT

### November 4, 2015

**TO:** Mayor and Town Council

**FROM:** Jim Moore, Director of Planning and Building Services *GT*

**SUBJECT:** Introduction and first reading by title only of an Ordinance of the Town of Fairfax Amending Town Code Chapter 17.132, Water Conservation, Reducing the Effective Flush Volumes for Newly Installed Toilets and for Toilets on Properties Involved in Sales or Transfers from 1.6 to 1.28 Gallons

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#### **RECOMMENDATION**

1. Open/close public hearing
2. Introduce and waive first reading and read by title only Ordinance No. 796, an Ordinance of the Town of Fairfax amending Town Code Chapter 17.132, Water Conservation, reducing the effective flush volumes for newly installed toilets and for toilets on properties involved in sales or transfers from 1.6 to 1.28 gallons.

#### **BACKGROUND**

Both the Marin Municipal Water District (MMWD) Code section 13.02.021(3) B.4 and the California Plumbing Code (CPC) Chapter 4, Section 403.2.1, require toilets that flush with 1.28 gallons or less. A 20% savings from the Town's current maximum of 1.6 gallons (e.g., per Chapter 17.132). Therefore, the attached Ordinance No. 796 revises sections 17.132.030 and 17.132.040 where it reads "1.6" gallons per flush to "1.28" gallons per flush for newly installed toilets and for toilets on properties involved in sales or transfers.

#### **DISCUSSION**

On October 15, 2015, the Planning Commission adopted Resolution No. 15-34 (attached), after holding a duly-noticed public hearing, recommending the Town Council adopt the Amendments to Town Code Chapter 17.132, Water Conservation.

The Commission sent the Ordinance forward as proposed, but asked that prior to the Town Council introducing the ordinance, that language be added to the Ordinance to reflect further reductions in the CPC or by the MMWD. Language has been added to the proposed Ordinance that will reflect further reductions in the CPC. In the future, if MMWD modifies the 1.28 standard and the Town Council would like to modify Chapter 17.132 in keeping with those modifications, Chapter 17.132 may be brought back to the Council at that time.

#### **CEQA REVIEW**

The adoption of Ordinance No. 796 is exempt from the California Environmental Quality Act per 14 C.C.R. § 15061(b)(3), and 14 C.C.R. § 15308.

#### **FISCAL IMPACT**

None

#### **ATTACHMENTS**

Planning Commission Resolution No. 15-34  
Ordinance No. 796

AGENDA ITEM # 11

RESOLUTION NO. 15-34

**A RESOLUTION OF THE TOWN OF FAIRFAX PLANNING COMMISSION  
RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN ORDINANCE  
REDUCING THE EFFECTIVE FLUSH VOLUMES FOR NEWLY INSTALLED TOILETS  
ON PROPERTIES INVOLVED IN SALES OR TRANSFERS FROM 1.6 TO 1.28  
GALLONS MAXIMUM**

**WHEREAS**, the Marin Municipal Water District (MMWD) Code section 13.02.021(3) B.4 and the California Plumbing Code (CPC) Chapter 4, Section 403.2.1, both now require toilets that flush with 1.28 gallons or less; and

**WHEREAS**, the Town Council would like to amend the Town's Code to reflect these changes, a 20% savings from the Town's current maximum of 1.6 gallons (per Town Code § 17.132.040); and

**WHEREAS**, any Ordinance Changes requires review by the Town's Planning Commission first; and

**WHEREAS**, the Planning Department has prepared a draft Ordinance, a true and correct copy of which is attached hereto, to make amendments to the Zoning Ordinance in order to bring the Town's code into compliance with these most recent standards contained in both the MMWD and the California Plumbing Codes.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Fairfax as follows:

**SECTION 1.** The Planning Commission has reviewed the proposed Ordinance and finds that it conforms to the Fairfax 2010-2030 General Plan Conservation Element Program 'CON-4.1.1.3 Review, update, and expand Fairfax Town Code, Water Conservation Chapter 17.132, to achieve water reduction policies'.

**SECTION 2.** In light of the foregoing, the Planning Commission recommends that the Town Council adopt the Ordinance.

The forgoing Resolution was duly passed and adopted at a regular meeting of the Planning Commission of the Town of Fairfax held in said Town on the 15<sup>th</sup> day of October 2015 by the following vote, to wit:

AYES: Fragoso, Gonzalez-Parber, Hamilton, Newton, Chair Green

NOES: None

ABSENT: Ackerman, Kehrlein

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Phil Green, Chair

Attest:

\_\_\_\_\_  
Jim Moore, Planning Director

**ATTACHMENT**     A

**ORDINANCE NO. 796**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING  
FAIRFAX TOWN CODE CHAPTER 17.132, WATER CONSERVATION:  
REDUCING THE EFFECTIVE FLUSH VOLUMES FOR NEWLY INSTALLED TOILETS AND  
FOR TOILETS ON PROPERTIES INVOLVED IN SALE OR TRANSFERS  
FROM 1.6 TO 1.28 GALLONS**

**WHEREAS**, the Town Council wishes to implement certain water conservation policies set by the Fairfax 2010-2030 General Plan; and

**WHEREAS**, the Marin Municipal Water District (MMWD) Code section 13.02.021(3) B.4 and the California Plumbing Code (CPC) Chapter 4, Section 403.2.1, both now require toilets that flush with 1.28 gallons or less; and

**WHEREAS**, the Town Council desires to amend the Town's Code to reflect these changes, a 20% savings from the Town's current maximum of 1.6 gallons (per Town Code § 17.132.040);

**NOW, THEREFORE**, The Town Council of the Town of Fairfax does ordain as follows:

**SECTION 1:** Section 17.132.030 of the Fairfax Town Code is hereby amended to read as follows:

"Whenever a toilet (water closet) is replaced, added, or moved under a plumbing permit issued by the town, the rated water usage on the new toilet shall not exceed 1.28 gallons per flush or as required by the CPC as amended and adopted by the Town Council."

**SECTION 2:** Section 17.132.040 of the Town Code is hereby amended to read as follows:

"All structures in Fairfax, in all zoning districts, shall have all of their toilets (water closets) whose rated water usage exceeds 1.28 gallons per flush, replaced with water conserving toilets not exceeding 1.28 gallons per flush, or as required by the CPC as amended and adopted by the Town Council, prior to the sale or transfer of the property."

**SECTION 3:** This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 4th day of November 2015, and duly adopted at the next regular meeting of the Town Council on the \_\_\_ day of \_\_\_\_\_, 2015, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Barbara Coler, Mayor

Attest: \_\_\_\_\_  
Michele Gardner, Town Clerk                      Date \_\_\_\_\_

**ATTACHMENT B**