

**TOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Planning Commission

**DATE:** October 15, 2015

**FROM:** Jim Moore, Director of Planning & Building Services

**SUBJECT:** Consideration 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/transfers From 1.6 to 1.28 Gallons.

**DISCUSSION**

Marin Municipal Water District (MMWD) Code section 13.02.021(3) B.4 and the California Plumbing Code Chapter 4, Section 403.2.1, both 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 draft Ordinance No. XXX 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/transfers.

**CEQA REVIEW**

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

**RECOMMENDATION**

- 1) Conduct the public hearing
- 2) Adopt a resolution recommending that the Town Council adopt Ordinance No. 15-XX

**FISCAL IMPACTS**

N/A

**ATTACHMENTS**

Attachment A - Resolution No. 15-34  
Attachment B - Draft Ordinance No. 15-XX  
Attachment C – e-mail from owner of Marin Town and County Club

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/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: A 20% savings from the Town's current maximum of 1.6 gallons (e.g., per Chapter 17.132); and

**WHEREAS**, the Town Council would like to amend the Town's Code to reflect these changes; 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:  
NOES:  
ABSENT:

\_\_\_\_\_  
Phil Green, Chair

Attest:

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

**ATTACHMENT **

**ORDINANCE NO. XXX**

**AN ORDINANCE OF THE TOWN COUNCIL 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 SALE/TRANSFERS FROM 1.6 TO 1.28  
GALLONS**

**The Town Council of the Town of Fairfax does hereby ordain as follows:**

**SECTION I: TOWN CODE AMENDED**

The following Sections within Chapter 17.132 of the Town Code are amended to read:

**§17.132.030 shall be 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.

**§17.132.040 shall be 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 prior to the sale or transfer of the property.

**SECTION II: EFFECTIVE DATE**

Copies of the foregoing ordinance shall, within fifteen (15) days after its final passage and adoption, be posted in three public places in the Town of Fairfax, to wit:

- a. Bulletin Board, Fairfax Town Offices, Town Hall;
- b. Bulletin Board, Fairfax Post Office; and
- c. Bulletin Board, Fairfax Women's Club Building.

which said places are hereby designated for that purpose, and shall be in full force and effect thirty (30) days from after its final passage and adoption.

**SECTION III: VOTE**

The foregoing Ordinance No. XXX, amending the Fairfax Town Code, was duly and regularly introduced at a regular meeting of the Town Council of the Town of Fairfax held on November 4, 2015, and was duly passed and adopted at a regular meeting held on December 2, 2015, by the following vote to wit:

AYES:

**ATTACHMENT B**

NOES:

ABSENT:

\_\_\_\_\_  
MAYOR COLER

ATTEST:

\_\_\_\_\_  
Town Clerk, Michele Gardner

## Linda Neal

---

**From:** Marin Town and Country Club <mtcc@classactionlocator.com>  
**Sent:** Friday, October 02, 2015 3:27 PM  
**To:** Linda Neal  
**Subject:** RE: October Planning Commission meeting notice

Dear Linda:

It has been our observation, that the real low flow (1.1-3) gallon toilets require more than one flushing or holding down the handle to avoid clogging. At the end of the day the real low flows appear to consume more water than the 1.5-6. We replaced our all 1.1-25s with 1.3-6. It stopped the calls for clogged sewers and collectively everyone say fewer flushes.

Possibly modifying your ordinance to require those two stage flushing toilets would be better.

Michael

---

**From:** Linda Neal [lneal@townoffairfax.org]  
**Sent:** Friday, October 02, 2015 2:57 PM  
**To:** Linda Neal  
**Subject:** October Planning Commission meeting notice

Attached is the October 15<sup>th</sup>, 2015 meeting notice. The packet and agenda will be available on-line, at Town Hall, and at the Fairfax Library on October 10<sup>th</sup>, 2015.

Linda Neal  
Principal Planner

**ATTACHMENT** C