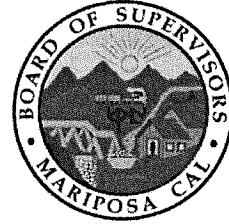




MARIPOSA COUNTY

Health • (209) 966-3689



ORDINANCE 2014-1108

MEETING: October 28, 2014

TO: The Board of Supervisors

FROM: Charles Mosher, Health Officer

RE: Waive 2ND Reading & Adopt an Ordinance Amending Chapter 13.10
Entitled "Greywater Use"

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the Second Reading and Adopt an Ordinance Amending Sections 13.10.020, 13.10.030 and 13.10.080 of Chapter 13.10 of the Mariposa County Code Entitled "Greywater Use" and find the action is not subject to the California Environmental Quality Act (CEQA) pursuant to Categorical Exemptions established by CEQA Guidelines Section 15307 and 15308.

The State wrote regulations more prohibitive than the County Ordinance on Greywater. Recently, the State has modified its position on Greywater to be nearly identical to that of Ordinance 809 Sec. I, with the exception of minor details. These are addressed in this recommended action.

Since new State regulations allow Greywater installation on a commercial scale (a "complex system" of over 250 gallons a day) impact to staff time on such a system would be considerable. Therefore, the Health Department recommends assessing a fee for Complex Systems only.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The ordinance was introduced on October 14, 2014.

In 1991, in response to a drought condition, the Health Department recommended and Board of Supervisors adopted Ordinance 809 Sec. I.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Water saving technology of Greywater will be limited in County due to conflicts between State and County Code.

ATTACHMENTS:

Amending Greywater Use Ordinance Chapter 13.10 2nd reading (DOCX)
Notice of Exemption - Greywater Amendments (DOC)

CAO RECOMMENDATION

Requested Action Recommended

Mary Hodson

Mary Hodson, Interim CAO 10/8/2014

RESULT: ADOPTED [UNANIMOUS]
MOVER: Janet Bibby, District III Supervisor
SECONDER: John Carrier, District V Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier

MARIPOSA COUNTY ORDINANCE NO. 1108

**AN ORDINANCE AMENDING SECTIONS 13.10.020, 13.10.030 AND 13.10.080
OF CHAPTER 13.10 OF THE MARIPOSA COUNTY CODE**

WHEREAS, the Board of Supervisors desire to amend Sections 13.10.020, 13.10.030 and 13.10.080 of Chapter 13.10 of the Mariposa County Code; and

WHEREAS, this amendment will add language to Sections 13.10.020 and 13.10.030 to be consistent with current State regulations; and

WHEREAS, this amendment will update the language to Section 13.10.080 procedure process for establishing fees for Greywater permits; and

WHEREAS, this ordinance amending Chapters 13.10 of the Mariposa County Code is found to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15307 and 15308 as the project is an amendment to current County Code regulations for greywater use; the regulations contain procedures for protection of the environment and for assurance of the maintenance of natural resources by the County Health Department as authorized by state law.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Section 13.10.020 of Chapter 13.10 of the Mariposa County Code is hereby amended to add the following:

13.10.020 Greywater Use Permitted.

Greywater may be utilized for purposes of irrigation of plants if the owner of the building has in his possession a current valid greywater discharge permit from the County consistent with current state regulations. Such a permit is revocable for noncompliance with standards of greywater use as outlined in this chapter.

SECTION II: Section 13.10.030 of Chapter 13.10 of the Mariposa County Code is hereby amended to add the following:

13.10.030 Standards of Greywater Use.

C. 1. Distribution through a drip irrigation system under the pressure of gravity alone beneath two inches of mulch, rock or soil.

C. 2. Distribution through a drip irrigation system under pressure generated by a pump, pressure tank, or elevated holding tank beneath two inches of mulch, rock or soil.

D. 6. Application which results in discharge to storm drain or body of water.

SECTION III: Section 13.10.080 of Chapter 13.10 of the Mariposa County Code is hereby amended to add the following:

13.10.080 Permit Fees.

Fees for a greywater discharge permit may be set by the Board of Supervisors from time to time by resolution.

SECTION IV: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 28th day of October, 2014, by the following vote:

AYES: STETSON, JONES, BIBBY, CANN, CARRIER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



KEVIN CANN, Chair
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



RENÉ LaROCHE, Clerk of the Board



STEVEN W. DAHLEM, County Counsel



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER


DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DR. MOSHER, Health Officer

FROM: RENE' LaROCHE, Clerk of the Board 

SUBJECT: **Waive First Reading and Introduce Ordinance Amending Sections 13.10.020, 13.10.030 and 13.10.080 of Chapter 13.10 of the Mariposa County Code Entitled "Greywater Use"**

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on ~~October 14, 2014~~

ACTION AND VOTE:

3. Health (ID # 4051)

Waive First Reading and Introduce Ordinance Amending Sections 13.10.020, 13.10.030 and 13.10.080 of Chapter 13.10 of the Mariposa County Code Entitled "Greywater Use"

Dr. Charles Mosher/County Health Officer gave a PowerPoint presentation, with Dave Conway/Environmental Health Manager in attendance; and updated the Board on drought planning, noting that they have been working on locating funding sources for people in need to address well issues. Dr. Mosher also noted that the Planning Department has advised them that the Board will need to declare a Notice of Exemption from CEQA; noted that a Notice of Exemption has been provided to the Board; and remarked that if the Board finds that what is recommended here is protective of the environment and that the ordinance is consistent with state regulations, then the recommendation is to find this project is exempt from CEQA pursuant to that Notice of Exemption.

Supervisor Bibby required clarification of D.6 regarding discharge into storm drain or body of water. Dr. Mosher responded, noting that Section D of the current ordinance reads: "the following application methods will not be allowed," and the language in question will be added under that section. Supervisor Cann required clarification whether fees would be charged on discharges over 250 gallons per day, or whether it would be just from commercial establishments. Dr. Mosher responded, noting that most discharges over 250 gallons per day are going to be larger and probably commercial use. Dr. Mosher also explained that there are three tiers to the regulation: 1) the clothes washing machine going directly outside to greywater which is fairly simple; 2) a simple system which discharges less than 250 gallons per day which would be most households, and he noted that his recommendation is to not charge a fee in this instance because they want to encourage people; and 3) a complex system discharging more than 250 gallons per day which would most likely be commercial, and it would be this particular type of

greywater system for which they would propose fees. Supervisor Jones recounted having a contractor come to his home to see what would be required to change over for a greywater system, and discussed his surprise to find out how much could be changed; and he urged anyone wanting to pursue a greywater system to get the appropriate permits. Dr. Mosher also noted that even if someone has a greywater system in their home, they will still need to have a septic system capable of handling all of the water.

No public comment.

Supervisor Carrier inquired where people should go for the permits. Dr. Mosher responded that they can start at the Health Department, but that it will also involve the Building Department.

RESULT: INTRODUCED [UNANIMOUS] Next: 10/28/2014 9:00 AM

MOVER: John Carrier, District V Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

FILED

**MARIPOSA COUNTY
NOTICE OF EXEMPTION**

OCT 15 2014
KEITH M. WILLIAMS
MARIPOSA COUNTY CLERK

Karen M. Williams
County Clerk

**TO: County Clerk
County of Mariposa
P.O. Box 247
Mariposa, CA 95338**

**FROM: Mariposa County
Board of Supervisors
P.O. Box 784
Mariposa, CA 95338**

Project Title: An Ordinance Amending Sections 13.10.020, 13.10.030 and 13.10.080 of Mariposa County Code Chapter 13.10, entitled Greywater Use.

Project Location: Amendment is of county-wide significance, amending current county-wide code provisions for Greywater Use.

Description of Project: This project amends current greywater use regulations and provisions in County Code to require consistency of the regulations with current state regulations, to specify greywater distribution requirements, and to modify the process by which fees for a greywater discharge permit are established. Other provisions in Chapter 13.10 are unchanged.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors


Name of Person/Agency Carrying Out Project: Mariposa County Board of Supervisors

Exempt Status: Categorical Exemption Class 7 CEQA Guidelines Section 15307 and Class 8 CEQA Guidelines Section 15308

Reason Why Project Is Exempt: This project is not subject to the California Environmental Quality Act (CEQA) pursuant Categorical Exemptions established by CEQA Guidelines Section 15307 and Section 15308. This is an amendment to current County Code regulations for greywater use. The regulations contain procedures for protection of the environment and for assurance of the maintenance of natural resources by the County Health Department as authorized by state law. The amendments ensure that county code requirements for greywater use are consistent with state regulations for greywater use.

Lead Agency Contact Person: Charles B. Mosher, MD, MPH, County Health Officer (project)
Eileen Collins, Assistant Planner (CEQA Determination)

Phone Number: (209) 966-2220 or (209) 966-5151



Sarah Williams
Planning Director

10/14/14
Date