



**NORTH MARIN
WATER DISTRICT**

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December 17, 2009

Simon Eching
State of California Department of Water Resources
Water Use and Efficiency Branch
PO Box 942836
Sacramento, CA 94236

**Re: AB 1881 Compliance and Adoption of Regional Water Efficient
Landscape Requirements**

Dear Mr. Eching:

In response to AB 1881 and development of the State's Model Landscape Ordinance (State Model), North Marin Water District (NMWD) adopted landscape requirements consistent with and at least as effective as the State Model. These updated landscape requirements were developed through a collaborative effort of regional stakeholders in Marin, Sonoma and Napa counties including landscape contractors, landscape architects/designers, planning officials and water conservation professionals with a goal of creating regional requirements that meet or exceed the State Model. Although NMWD does not have formal land use authority, NMWD works very closely with the City of Novato and Marin County in the planning and permitting process and it is expected that both the City of Novato and Marin County will approve ordinances that require applicable projects within the NMWD service areas to be compliant with the NMWD water efficient landscape requirements and will continue to grant NMWD signatory authority on all applicable permit final inspections.

Attached are complete copies of Regulations 15 and 17 (Enclosures 1 and 2), which contain the Water Efficient Landscape Requirements (see Section F.), along with the accompanying Board memo for your review (Enclosure 3). NMWD has been enforcing very similar landscape requirements since 2002 and it was determined for consistency purposes, that NMWD should keep the requirements in the form of a regulation (Regulation 15/17) instead of adopting a separate Ordinance. NMWD's landscape requirements are imbedded in the District's regulations for condition of water service, and have the same authority as an Ordinance on all applicable landscape projects in our service areas. Some of the key items in the NMWD requirements include:

- ETo adjustment factor of 60% for the water budget calculation;
- Minimum 24" setback of overhead irrigation;
- Maximum turf allowances of 800 square foot for single family residential and a prohibition on new turf for non-residential construction;
- Drip irrigation or point source irrigation for all non-turf areas; and
- Low emission multi-stream rotating sprinkler heads for turf irrigation.

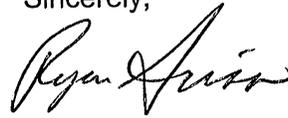
DIRECTORS: JACK BAKER • RICK FRAITES • STEPHEN PETTERLE • DENNIS RODONI • JOHN C. SCHOONOVER

OFFICERS: CHRIS DEGABRIELE, General Manager • RENEE ROBERTS, Secretary • DAVID L. BENTLEY, Auditor-Controller • DREW MCINTYRE, Chief Engineer

Mr. Simon Eching
December 17, 2009
Page 2 of 2

If you have any questions regarding our Water Efficient Landscape Requirements, feel free to contact me at (415) 897-4133, ext. 8421, or ryan@nmwd.com.

Sincerely,



Ryan Grisso
Water Conservation Coordinator

Enclosures:

- 1) Regulation 15
- 2) Regulation 17
- 3) NMWD Board of Director Memo Regarding Revisions to Regulation 15 and 17

cc: Chris DeGabriele, General Manager
Drew McIntyre, Chief Engineer
Tom Lai, County of Marin
Dave Wallace, City of Novato

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NORTH MARIN WATER DISTRICT

REGULATION 15

WATER CONSERVATION - NOVATO SERVICE AREA

A. Purpose

The purpose of this regulation is to assure that water resources available to the District are put to reasonable beneficial use, that the instream values of Novato Creek and the Russian River are preserved to the maximum possible extent and that the benefits of the District's water service extend to the largest number of persons.

B. Waste of Water Prohibited

- (1) Customers shall not permit any water furnished by the District for the following nonessential uses:
 - (a) The washing of sidewalks, walkways, driveways, parking lots and other hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
 - (b) The escape of water through breaks or leaks within the customers' plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the District, is a reasonable time within which to correct such break or leak, or, as a minimum, to stop the flow of water from such break or leak;
 - (c) Irrigation in a manner or to an extent which allows excessive run-off of water or unreasonable over-spray of the areas being watered. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of his/her water use and any run-off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
 - (d) Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle;
 - (e) Water for non-recycling decorative water fountains;
 - (f) Water for new non-recirculating conveyor car wash systems;
 - (g) Water for new non-recirculating industrial clothes wash systems;
 - (h) Water for single pass coolant systems.
- (2) Exempt Water Uses. All water use associated with the operation and maintenance of fire suppression equipment or employed by the District for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water supplied by a private well or from a reclaimed wastewater, gray water or rainwater utilization system is also exempt.
- (3) Variiances. Any customer of the District may make written application for a variance. Said application shall describe in detail why Applicant believes a variance is justified.

- (a) The General Manager of the District may grant variances for use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the Applicant or public; or, cause an unnecessary and undue hardship on Applicant or public, including but not limited to, adverse economic impacts, such as loss of production or jobs.
 - (b) The decision of the General Manager of the District may be appealed to the Board of Directors by submitting a written appeal to the District within fifteen (15) calendar days of the day of the General Manager's decision. Upon granting any appeal, the Board of Directors may impose any conditions it determines to be just and proper. Variances granted by the Board of Directors shall be prepared in writing and the Board of Directors may require the variance be recorded at Applicant's expense.
- (4) Enforcement. Depending on the extent of the water waste, the District may, after written notification to customer and after a reasonable time to correct the violation as solely determined by the District, take some or all of the following actions:
- (a) Telephone the customer to inform of the water waste violation including a specified period of time to correct the violation;
 - (b) Personal contact with the customer at the address of the water service. If personal contact is unsuccessful, written notice of the violation including a date that the violation is to be corrected may be left on the premises with a copy of the notice sent by certified mail to the customer;
 - (c) The District may install a flow-restricting device on the service line;
 - (d) The District may cause termination of water service and the charge for same shall be billed to the customer. Except in cases of extreme emergency as solely determined by the General Manager of the District, service shall not be reinstated until verified by the District that the violation has been corrected and all outstanding charges have been paid.

C. Use of Water Saving Devices

Each customer of the District is urged to install devices to reduce the quantity of water to flush toilets and to reduce the flow rates of showers and interior faucets.

D. Water-Saving Kits

The District will make available, without cost to program participants for use in each residence receiving water service from the District and constructed prior to January 1, 1992, a water-saving kit containing the following:

- (1) A device or devices for reducing shower flow rates;
- (2) A dye tablet or tablets for determining if a toilet tank leaks;
- (3) Other devices from time to time approved by the District;
- (4) Installation and other instructions and information pertinent to conservation of water.

E. Water-Saving Devices and Restrictions for New Development

- (1) Water service will not be furnished to any Applicant unless the water-saving devices

hereinafter described are installed. Applicants for single service installations serving one dwelling unit (d.u.) or one d.u. and an accessory d.u. shall pay a \$1,000 deposit per d.u. to be refunded upon post inspection of the installation of the water-saving devices and restrictions and compliant water efficient landscape (section F) herein. All other projects may be subject to a water conservation deposit with amount and applicability determined by the General Manager on a case-by-case basis.

- (2) All interior plumbing and appliances in new development shall meet the following requirements:
 - (a) Toilets and associated flush valves shall be High Efficiency Toilets (HETs), rated at not more than 1.28 gallons per flush on average, and shall be listed on the approved District HET list;
 - (b) Urinals and associated flush valves shall be rated at not more than 0.125 gallons per flush or be a District approved non-water using urinal;
 - (c) Shower heads shall have a rated flow of 2.0 gallons per minute or less, and only one shower head will be allowed per bathroom;
 - (d) Lavatory faucets and hand-washing sinks shall have aerators or laminar flow devices together with flow control inserts, valves, devices or orifices that restrict flow to a maximum of 1.5 gallons per minute in residential construction and 0.5 gallons per minute in commercial construction. Kitchen faucets shall have a maximum flow of 2.2 gallons per minute in all construction;
 - (e) Laundry facility washing machines shall be front loading horizontal axis models with an Energy Star rating and a modified water factor of 5.5 or less;
 - (f) Dishwashers shall be high efficiency models with an Energy Star rating that use no more than 5 gallons per cycle;

F. Water Efficient Landscape Requirement

- (1) Purpose. Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use. This Regulation protects water supplies through the implementation of a whole systems approach to design, construction, installation and maintenance of the landscape resulting in water conserving climate-appropriate landscapes, improved water quality and the minimization of natural resource inputs.
- (2) Applicability
 - a. Requirements stated herein shall apply to all of the following new and rehabilitated landscape projects that require a Building or Grading Permit, Plan Check, Design Review or water service upgrade:
Commercial, industrial and institutional landscaping, park and greenbelt landscaping, multiple-family residential and single-family residential landscaping.
 - b. Requirements stated herein shall:
 - i. Registered local, state or federal historical landscape area;
 - ii. Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system.

(3) Landscape Design Plan. For each landscape project subject to this Regulation, applicants shall submit a landscape design plan and install a landscape in accordance with the following:

a. Amendments, Mulching and Soil Conditioning

- i. A minimum of 8" of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.
- ii. Incorporate compost or natural fertilizer into the soil to a minimum depth of 8" at a minimum rate of 6 cubic yards per 1000 square feet or per specific amendment recommendations from a soils laboratory report.
- iii. A minimum 3" layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications.

b. Plants

- i. Selected plants shall not cause the Estimated Water Use to exceed the Maximum Applied Water Allowance using 0.6 of evapotranspiration.
- ii. Plants with similar water use needs shall be grouped together in distinct hydrozones and where irrigation is required the distinct hydrozones shall be irrigated with separate valves.
- iii. Low and moderate water use plants can be mixed, but the entire hydrozone will be classified as moderate water use for MAWA calculations.
- iv. High water use plants shall not be mixed with low or moderate water use plants.
- v. All non-turf plants shall be selected, spaced and planted appropriately based upon their adaptability to the climatic, soils, and topographical conditions of the project site.
- vi. Turf shall not be planted in the following conditions:
 1. Slopes exceeding 10%
 2. Planting areas 8 feet wide or less
 3. Street medians, traffic islands, planter strips or bulbouts of any size
- vii. Total turf areas shall not exceed the following
 1. Single Family: 800 square feet
 2. Townhouse/Condominium (THC): 400 square feet
 3. Apartment (APT): 130 feet
 4. Commercial and/or non-residential: 0 square feet
- viii. Invasive plants as listed by the California Invasive Plant Council are prohibited.

c. Water Features

- i. Recirculating water systems shall be used for water features
- ii. Recycled water shall be used when available onsite.

(4) Irrigation Design Plan. For each landscape project subject to this Regulation, applicants shall submit an irrigation design plan that is designed and installed to meet the MAWA irrigation efficiency criteria and in accordance with the following:

- a. Dedicated irrigation meter or private landscape water or submeter for residential must be specified
- b. Irrigation systems with meters 1 ½" or greater require a high-flow sensor that can detect high-flow conditions and have the capabilities to shut off the system.
- c. Isolation valves shall be installed at the point of connection and before each valve or valve manifold.
- d. Weather-based or other sensor based self-adjusting irrigation controllers shall be required.
- e. Rain sensors shall be installed for each irrigation controller
- f. Pressure regulation and/or booster pumps shall be installed so that all components of the irrigation system operate at the manufacturer's recommended optimal pressure.
- g. Irrigation system shall be designed to prevent runoff or overspray onto non-targeted areas.
- h. Point source irrigation is required where plant height at maturity will affect the uniformity of an overhead system.
- i. Minimum 24" setback of overhead irrigation is required where turf is directly adjacent to a continuous hardscape that flows into the curb and gutter.
- j. Slopes greater than 15% shall be irrigated with point source or other low-volume irrigation technology.
- k. A single valve shall not irrigate hydrozones that mix high water use plants with moderate or low water use plants.
- l. Trees shall not be placed on separate valves except when planted in turf areas.
- m. All non-turf landscape areas shall be irrigated with District approved drip irrigation systems or other alternative point source irrigation.
- n. Sprinkler heads, rotors and other emission devices on a valve shall have matched precipitation rates. All spray irrigation systems shall be a brake rotary type and be multi-stream, multi-trajectory, adjustable arc, rotating stream sprinkler with matched precipitation rates. All rotating stream sprinkler units shall be installed in a 40 psi pressure regulated spray head body and provide the highest potential distribution uniformity.
- o. Head-to-head coverage is required unless otherwise directed by the manufacturer's specifications
- p. Swing joints or other riser protection components are required on all risers.
- q. Check valves shall be installed to prevent low-head drainage.

G. Rebate for Energy Star Washing Machines in Residences

District customers in the Novato Service area are eligible for rebate as available from time to time for front loading / horizontal axis, Energy Star washing machines in existing residences. New residential construction in the District's Novato service area are required to be equipped with washing machines in accordance with Section E. (2) (e) of this regulation. District rebates are not available for Energy Star Washing Machines in new residential construction.

H. Rebate for Removing Irrigated Turf from Residential Properties

- (1) The owner of property containing a formal lawn area or areas shall be eligible for a cash rebate from the District if said owner removes all or part of the formal lawn area(s) and replaces same with eligible plant materials and meets the qualification requirements. "Formal lawn area" means an existing lawn in good condition which is irrigated regularly, by an automatic inground irrigation system, with water furnished by the District and mowed regularly.
- (2) Qualification requirements:
 - (a) Application for rebate must be made on District's form prior to removing the formal lawn area(s). All applicable information requested must be supplied;
 - (b) Application for rebate must include a landscape plan or sketch showing the size, in square feet, and location of all formal lawn area(s) on the Applicant's parcel and the location of formal lawn area(s) that will be removed and replaced;
 - (c) The Applicant must utilize only eligible replacement materials for the formal lawn area(s) removed which are to be considered in calculating the rebate. Eligible replacement materials are District approved water-conserving and low water use California native plants or District-approved synthetic turf;
 - (d) If the automatic in-ground irrigation system will continue to serve some remaining formal lawn area(s), Applicant must modify the system so that water is not served to the proposed replacement area;
 - (e) Formal lawn area(s) removed and replanted with eligible replacement materials shall be mulched with material suitably thick to prevent weed growth (minimum three inches) and reduce water loss. Areas shall not be irrigated except for limited supplemental hand-watering or temporary drip irrigation to establish the plant material;
 - (f) The owner of the property must sign a statement promising not to reinstall lawn in formal lawn area(s) where lawn has been removed as long as the owner holds property. The owner may be relieved of this promise at any time by returning the full amount of the District's rebate;
 - (g) The General Manager may at any time halt or suspend acceptance of applications for rebate if the District's funds appropriated for this purpose become exhausted.
- (3) After reviewing the information supplied by the Applicant and making at least one site inspection to assure that qualification conditions have been met, District shall mail a rebate check.
- (4) The amount of the rebate shall be determined by the Board from time-to-time.

Rebates may be available for non-residential property or for hotels, motels, hospitals, government housing or a senior citizen complex on a parcel which is separately owned and assessed. Maximum rebate amount for a non-residential property shall be determined by General Manager on a case-by-case basis.

- (5) Synthetic turf replacements of formal lawn area may be eligible for a higher rebate level to be determined by the General Manager on a case-by-case basis.

I. Landscape Rebate Alternatives

- (1) The District will consider, and may approve, requests to substitute for any of the requirements in section F, well-designed alternatives or innovations that will effect similar significant and continuing reductions of water requirements.
- (2) The District will rebate \$50 for landscape installation in existing dwellings meeting the standards listed in Section H and over 500 square feet in area if the customer has:
 - (a) Removed or killed the lawn area prior to making application for rebate;
 - (b) Replaced the lawn with landscape no more than one month before alerting the District;
 - (c) Re-landscaping a lawn area that was not regularly mowed and irrigated turf.Determination of eligibility shall be at the sole discretion of the General Manager or Designee.

J. High Efficiency Toilet Replacement Program(s)

- (1) A High Efficiency Toilet (HET) is defined as any toilet that is rated at 20% or less water use on average than a standard 1.6 gallon per flush toilet. This includes District approved 1.0 gallons per flush pressure assist toilets or dual flush models.
- (2) Any qualifying customer of the District who removes and recycles all toilets rated to use more than 1.6 gallons per flush and replaces same with a District approved HET may request and receive a cash rebate in an amount established by the Board of Directors from time to time for each such toilet removed, recycled and replaced.
- (3) To qualify for a rebate(s) hereunder, application shall be made on a form available from the District and person signing application shall:
 - (a) Request District make a brief inspection of customer's structure at a time and date approved in advance by customer to identify water conservation measures appropriate and effective for the customer to implement. Should customer refuse access for an inspection, District shall not be under any obligation to make a rebate. Inspection requirements are subject to available staff time;
 - (b) Be a customer of the District and the customer's structure in which the replaced toilet(s) is located shall be served water in the District's Novato Service Area;
 - (c) Provide District with bill of sale or original receipt of sale within the current fiscal year and made out to said customer by person or vendor selling customer the HET or, in lieu thereof, provide District with letter addressed to said customer signed by a licensed plumber or contractor stating that a HET(s) has been installed by said plumber or contractor at the customer's

address;

- (d) Recycle toilets at a predetermined District site with all internal mechanisms, toilet seat and all other wood, metal and plastic removed, if recycling outlet is available.
- (4) If the customer is renting the structure, a rebate will be made provided customer includes with the application a letter from the owner of the property consenting to District making rebate payment to customer for the replacement of a non-water conserving toilet(s).
- (5) Rebates are not available for toilets installed in buildings constructed after January 1, 1992 or for replacement of toilets rated to use 1.6 gallons per flush.
- (6) Free or subsidized HET giveaways may be available to customers from time to time. Eligibility requirements listed in J (3) (a) to (d) apply to this program should it become available.

K. Landscape Water Efficiency Rebate

- (1) Landscape water efficient rebates are available to customers who install District qualified water efficient landscape equipment including:
 - (a) Drip irrigation systems
 - (b) Water pressure-regulating devices
 - (c) Check valves
 - (d) Multi-stream rotating sprinkler nozzles (lawn areas only)
 - (e) Rain shut-off devices
 - (f) Mulch
 - (g) Soil conditioner/amendment
- (2) Rebate amounts will be established by the Board of Directors from time to time depending on customer classification and water savings potential. Customers are allowed only up to the maximum rebate level for the life of the program.
- (3) Applicant shall request and agree to a brief District pre-inspection of customer's property to identify water efficient landscape actions to be taken. District will pre-approve and post inspect to confirm the retrofit installations. Inspections are subject to available staff time.
- (4) Applicant shall provide District with a complete bill of sale or original receipt of sale within the current fiscal year, clearly showing the purchase of the landscape water efficiency installed items noted in the pre-inspection.
- (5) Free or subsidized water efficient landscape items such as rain sensors, and mulch may be available to customers. Eligibility requirements listed in K (1) through (3) apply should items become available.

L. Rebates for District Approved Swimming Pool Covers

District customers are eligible for rebates as available from time to time for purchasing District approved swimming pool covers. Eligible pool covers must be a solar or safety cover with non-netted type material, at least 12 mil in thickness, and at least 450 square feet.

M. Requirement for Installation of Water Conserving Plumbing Fixtures Upon Change of Property Ownership

(1) Definitions.

- (a) "Water Conserving Plumbing Fixtures" means any toilet rated at 1.6 gallons of water per flush or less, urinals that are rated at 1.0 gallons of water per flush, showerheads with a flow rated at 2.0 gallons of water per minute or lavatory faucets that can emit no more than 1.5 gallons of water per minute;
- (b) "Change in Property Ownership" means a transfer of present interest of real property, or a transfer of the right to beneficial use thereof, the value of which is substantially equal to the proportion of ownership interest transferred.
- (c) "Retrofit" means replacing "Existing Plumbing Fixtures" with "Water-Conserving Plumbing Fixtures;"
- (d) "Existing Plumbing Fixtures" means any toilet using more than 1.6 gallons of water per flush, urinals using more than 1.0 gallons of water or more per flush, showerheads with a flow rated more than 2.0 gallons of water per minute or lavatory faucets that emit more than 1.5 gallons of water per minute.
- (e) "Existing Structure" means any structure built and available for use or occupancy on or before January 1, 1992, which is equipped with a toilet using more than 1.6 gallons of water per flush or a urinal using more than 1.0 gallons of water per flush.

(2) Retrofit Upon Change of Property Ownership.

All existing plumbing fixtures in existing structures receiving water from the District's water system shall, at the time of change of ownership, be retrofitted, if not already done, exclusively with water conserving plumbing fixtures as defined in Section m.(1) of this regulation.

(3) Compliance and Penalties

Compliance shall be by the honor system. It shall be the Seller's responsibility to obtain, in addition to any normal permits required by agencies other than the District, from the District a Certificate of Compliance acknowledging that the Seller or title holder has stated that the retrofit installation required by this Regulation has been completed. If the District later determines or finds that the work was not done or was not completed or that water conserving plumbing fixtures are no longer present, the District may assess an annual fee of 20% of the estimated annual water bill as determined by the District until the owner of the property demonstrates that the required retrofit work has in fact been done. A site inspection shall be required in such cases and the owner shall be charged \$35 for each such site

inspection as an added fee on the owner's water bill.

(4) Alternative Compliance Procedure for Transfers of Residential Property

At Seller's option, Seller shall pay the District \$315 per bathroom that does not fully comply with Regulation 15 M. Half bathrooms shall count as one bathroom. The District shall thereupon immediately provide a Certificate of Compliance to Seller. Buyer shall then be responsible for installation of the water conserving plumbing fixtures and Seller shall provide Buyer with a copy of District Regulation 15 M. and shall notify Buyer of this requirement in writing before close of escrow. Buyer shall have one year from the date of close of escrow to install such fixtures. Upon being notified that said fixtures have been installed and making a brief inspection confirming installation, the District shall pay the Buyer an amount equal to the payment made to District by Seller. If after one year, the water conserving plumbing fixtures have not been installed, the District shall use this money for any other Board approved water conservation program and shall be under no obligation to pay said money to Buyer.

(5) Responsibility for Compliance Negotiable

The Seller is responsible for compliance with Regulation 15 M, however responsibility for payment of the deposit specified in Section M(4) may be assumed by the Buyer so long as the agreement is not otherwise inconsistent with the terms of Regulation 15 M. Any such agreement shall be evidenced in a writing signed by both the Buyer and Seller.

N. Weather Based Irrigation Controller Installation Program

- (1) A weather based irrigation controller is defined as any irrigation controller using weather data to create the actual irrigation schedule and which schedule is automatically adjusted by the controller to meet the applied water demand based on actual weather data. Weather based irrigation controllers may either receive "real time" weather data or generate their weather data using an integrated solar radiation sensor.
- (2) District customers using more than an average of 600 gallons per day are eligible for rebates or vouchers as available from time to time for purchasing District approved weather based irrigation controllers. Directly installed weather based irrigation controllers may be available from time to time. Customers receiving weather based irrigation controller rebates or vouchers may be subject to a pre and post installation inspection.

O. Exemptions from Provisions Set Forth in Regulation 15 (A. through N.)

(1) Retrofit Exemptions

The District's General Manager may grant an exemption from section M in the following instances:

- (a) Unavailability of Water Conserving Plumbing Fixtures to either match a well-defined historic architectural style fitted with authentic plumbing fixtures or accommodate existing house plumbing without bathroom alteration;

- (b) Special health circumstances upon submittal of reasonable evidence that demonstrates that specific plumbing fixtures are required by the user that may not meet the Water Conserving Plumbing Fixture criteria defined by this regulation.
- (c) Faucets at kitchen sinks or antique faucets which do not have standard threaded openings for aerators.

(2) Other Exemptions

The District's General Manager may grant exemptions from section A. through N. for purposes of health, safety and sanitation or if Applicant demonstrates an "at least as effective as" water efficiency alternative. The District's General Manager shall have the sole decision of determining whether Applicant has demonstrated an "at least as effective as" water efficiency alternative.

**NORTH MARIN WATER DISTRICT
REGULATION 17
WATER CONSERVATION - WEST MARIN SERVICE AREA**

A. Purpose

The purpose of this regulation is to assure that water resources available to the District are put to reasonable beneficial use, that the in-stream values of Lagunitas Creek are preserved to the maximum possible extent and that the benefits of the District's water service extend to the largest number of persons.

B. Waste of Water Prohibited

- (1) Customers shall not permit any water furnished by the District for the following nonessential uses:
 - (a) The washing of sidewalks, walkways, driveways, parking lots and other hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
 - (b) The escape of water through breaks or leaks within the customers plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the District, is a reasonable time within which to correct such break or leak, or, as a minimum, to stop the flow of water from such break or leak;
 - (c) Irrigation in a manner or to an extent which allows excessive run off of water or unreasonable over spray of the areas being watered. Every customer is deemed to have his water system under control at all times, to know the manner and extent of his water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
 - (d) Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle; and
 - (e) Water for non-recycling decorative water fountains.
 - (f) Water for new non-recirculating conveyor car wash systems; and
 - (g) Water for new non-recirculating industrial clothes wash systems.
 - (h) Water for single pass coolant systems.
- (2) Exempt Water Uses. All water use associated with the operation and maintenance of fire suppression equipment or employed by the District for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water supplied by a private well or from a reclaimed wastewater, gray water or rainwater utilization system is also exempt.

- (3) Variations. Any customer of the District may make written application for a variance. Said application shall describe in detail why applicant believes a variance is justified.
 - (a) The General Manager of the District may grant variances for use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or, cause an unnecessary and undue hardship on applicant or public, including but not limited to, adverse economic impacts, such as loss of production or jobs.
 - (b) The decision of the General Manager of the District may be appealed to the Board of Directors by submitting a written appeal to the District within fifteen (15) calendar days of the day of the General Manager's decision. Upon granting any appeal, the Board of Directors may impose any conditions it determines to be just and proper. Variances granted by the Board of Directors shall be prepared in writing and the Board of Directors may require the variance be recorded at applicant's expense.
- (4) Enforcement. Depending on the extent of the water waste the District may take some or all of the following actions:
 - (a) Telephone the customer to inform of the water waste violation including a specified period of time to correct the violation;
 - (b) Personally contact the customer at the address of the water service. If personal contact is unsuccessful, written notice of the violation including a date that the violation is to be corrected will be sent by certified mail to the customer;
 - (c) Install a flow-restricting device on the service line;
 - (d) Cause termination of water service and the charge for same shall be billed to the customer. Except in cases of extreme emergency as solely determined by the General Manager of the District, service shall not be reinstated until verified by the District that the violation has been corrected and all outstanding charges have been paid.
 - (e) Any customer who fails to repair a significant leak or otherwise eliminate waste of water within twenty days after becoming aware of it or receiving written notice from the District shall pay a penalty charge equal to ten times the commodity charge for the amount of water estimated by the District to have been wasted or \$50 whichever is greater.

C Use of Water Saving Devices

Each customer of the District is urged to install devices to reduce the quantity of water to flush toilets and to reduce the flow rates of showers and faucets.

D. Water-Saving Kits

The District will periodically make available, without cost and for use in residences receiving water service from the District, a water-saving kit containing the following devices for use with non-water conserving fixtures:

- (1) A device or devices for reducing shower flow rate;
- (2) Dye tablets for determining if a toilet tank leaks;

- (3) Other devices from time to time approved by the District;
- (4) Device installation and other instructions and information pertinent to conservation of water.

E. Water-Saving Devices and Restrictions for New Development

- (1) Water service will not be furnished to any Applicant for new or expanded service unless the water-saving devices hereinafter described are installed. Applicants for single service installations serving one dwelling unit (d.u.) or one d.u. and an accessory d.u. shall pay a \$1,000 deposit per d.u. to be refunded upon post inspection of the installation of the water-saving devices and restrictions and compliant water efficient landscape (section F) herein. All other projects may be subject to a water conservation deposit with amount and applicability determined by the General Manager on a case-by-case basis.
- (2) All interior plumbing in new development shall meet the following requirements:
 - (a) Toilets and associated flush valves shall be High Efficiency Toilets (HETs), rated at not more than 1.28 gallons per flush on average and shall be listed on the approved District HET list;
 - (b) Urinals and associated flush valves shall be rated at not more than 0.125 gallons per flush or be a District approved non-water using urinal;
 - (c) Showerheads shall have a rated flow of 2.0 gallons per minute or less, and only one showerhead will be allowed per bathroom;
 - (d) Lavatory faucets and hand-washing sinks shall have aerators or laminar flow devices with flow control inserts, orifices or other devices that restrict flow to a maximum of 1.5 gallons per minute in residential construction and 0.5 gallons per minute in commercial construction. Kitchen faucets shall have a maximum flow of 2.2 gallons per minutes in all construction;
 - (e) Laundry facility washing machines shall be front loading horizontal axis type with an Energy Star rating and a modified water factor of 5.5 or less;
 - (f) Dishwashers shall be high efficiency models with an Energy Star rating that use no more than 5 gallons per cycle.

F. Water Efficient Landscape Requirement

- (1) Purpose. Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use. This Regulation protects water supplies through the implementation of a whole systems approach to design, construction, installation and maintenance of the landscape resulting in water conserving climate-appropriate landscapes, improved water quality and the minimization of natural resource inputs.
- (2) Applicability
 - a. Requirements stated herein shall apply to all of the following new and rehabilitated landscape projects that require a Building or Grading Permit, Plan Check, Design Review or water service upgrade:

Commercial, industrial and institutional landscaping, park and greenbelt landscaping, multiple-family residential and single-family residential landscaping.

- b. Requirements stated herein shall:
 - i. Registered local, state or federal historical landscape area;
 - ii. Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system.
- (3) Landscape Design Plan. For each landscape project subject to this Regulation, applicants shall submit a landscape design plan and install a landscape in accordance with the following:
- a. Amendments, Mulching and Soil Conditioning
 - i. A minimum of 8" of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.
 - ii. Incorporate compost or natural fertilizer into the soil to a minimum depth of 8" at a minimum rate of 6 cubic yards per 1000 square feet or per specific amendment recommendations from a soils laboratory report.
 - iii. A minimum 3" layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications.
 - b. Plants
 - i. Selected plants shall not cause the Estimated Water Use to exceed the Maximum Applied Water Allowance using 0.6 of evapotranspiration.
 - ii. Plants with similar water use needs shall be grouped together in distinct hydrozones and where irrigation is required the distinct hydrozones shall be irrigated with separate valves.
 - iii. Low and moderate water use plants can be mixed, but the entire hydrozone will be classified as moderate water use for MAWA calculations.
 - iv. High water use plants shall not be mixed with low or moderate water use plants.
 - v. All non-turf plants shall be selected, spaced and planted appropriately based upon their adaptability to the climatic, soils, and topographical conditions of the project site.
 - vi. Turf shall not be planted in the following conditions:
 - 1. Slopes exceeding 10%
 - 2. Planting areas 8 feet wide or less
 - 3. Street medians, traffic islands, planter strips or bulbouts of any size
 - vii. Total turf areas shall not exceed the following
 - 1. Single Family: 400 square feet
 - 2. Townhouse/Condominium (THC): 200 square feet
 - 3. Apartment (APT): 50 feet
 - 4. Commercial and/or non-residential: 0 square feet
 - viii. Invasive plants as listed by the California Invasive Plant Council are prohibited.

- c. Water Features
 - i. Recirculating water systems shall be used for water features
 - ii. Recycled water shall be used when available onsite.
- (4) Irrigation Design Plan. For each landscape project subject to this Regulation, applicants shall submit an irrigation design plan that is designed and installed to meet the MAWA irrigation efficiency criteria and in accordance with the following:
- a. Dedicated irrigation meter or for private landscape water submeter for residential must be specified
 - b. Irrigation systems with meters 1 ½" or greater require a high-flow sensor that can detect high-flow conditions and have the capabilities to shut off the system.
 - c. Isolation valves shall be installed at the point of connection and before each valve or valve manifold.
 - d. Weather-based or other sensor based self-adjusting irrigation controllers shall be required.
 - e. Rain sensors shall be installed for each irrigation controller
 - f. Pressure regulation and/or booster pumps shall be installed so that all components of the irrigation system operate at the manufacturer's recommended optimal pressure.
 - g. Irrigation system shall be designed to prevent runoff or overspray onto non-targeted areas.
 - h. Point source irrigation is required where plant height at maturity will affect the uniformity of an overhead system.
 - i. Minimum 24" setback of overhead irrigation is required where turf is directly adjacent to a continuous hardscape that flows into the curb and gutter.
 - j. Slopes greater than 15% shall be irrigated with point source or other low-volume irrigation technology.
 - k. A single valve shall not irrigate hydrozones that mix high water use plants with moderate or low water use plants.
 - l. Trees shall not be placed on separate valves except when planted in turf areas.
 - m. All non-turf landscape areas shall be irrigated with District approved drip irrigation systems or other alternative point source irrigation equipment.
 - n. Sprinkler heads, rotors and other emission devices on a valve shall have matched precipitation rates. All spray irrigation systems shall be a brake rotary type and be multi-stream, multi-trajectory, adjustable arc, rotating stream sprinkler with matched precipitation rates. All rotating stream sprinkler units shall be installed in a 40 psi pressure regulated spray head body and provide the highest potential distribution uniformity.
 - o. Head-to-head coverage is required unless otherwise directed by the manufacturer's specifications
 - p. Swing joints or other riser protection components are required on all risers.
 - q. Check valves shall be installed to prevent low-head drainage.

G. Rebate for Energy Star Washing Machines in Residences

District customers in the West Marin Service area are eligible for rebate as available from time to time for front loading / horizontal axis, Energy Star washing machines in existing residences. New residential construction in the District's West Marin service area are required to be equipped with washing machines in accordance with Section E. (2) (e) of this regulation. District rebates are not available for Energy Star Washing Machines in new residential construction.

H. Rebate for Removing Irrigated Turf from Residential Properties

- (1) The owner of property containing a formal lawn area or areas shall be eligible for a cash rebate from the District if said owner removes all or part of the formal lawn area(s) and replaces same with eligible plant materials and meets the qualification requirements. "Formal lawn area" means an existing lawn in good condition which is irrigated regularly, by an automatic inground irrigation system, with water furnished by the District and mowed regularly.
- (2) Qualification requirements:
 - (a) Application for rebate must be made on District's form prior to removing the formal lawn area(s). All applicable information requested must be supplied.
 - (b) Application for rebate must include a landscape plan or sketch showing the size, in square feet, and location of all formal lawn area(s) on the Applicant's parcel and the location of formal lawn area(s) that will be removed and replaced.
 - (c) The Applicant must utilize only eligible replacement materials for the formal lawn area(s) removed which are to be considered in calculating the rebate. Eligible replacement materials are District-approved water-conserving and low water use California native plants or District-approved synthetic turf.
 - (d) If the automatic inground irrigation system will continue to serve some remaining formal lawn area(s), Applicant must modify the system so that water is not served to the proposed replacement area.
 - (e) Formal lawn area(s) removed and replanted with eligible replacement materials shall be mulched with material suitably thick to prevent weed growth (minimum three inches) and reduce water loss. Areas shall not be irrigated except for limited hand-watering or temporary drip irrigation to establish the plant material.
 - (f) The owner of the property must sign a statement promising not to reinstall lawn in formal lawn area(s) where lawn has been removed as long as the owner holds property. The owner may be relieved of this promise at any time by returning the full amount of the District's rebate.
 - (g) The General Manager may at any time halt or suspend acceptance of applications for rebate if the District's funds appropriated for this purpose become exhausted.
- (3) After reviewing the information supplied by the Applicant and making at least one site inspection to assure that qualification conditions have been met, District shall mail a rebate check.
- (4) The amount of the rebate shall be determined by the Board from time to time.

Rebates may be available for non-residential property or for hotels, motels, hospitals, government housing or a senior citizen complex on a parcel which is separately owned and assessed. Maximum rebate amount for a non-residential property shall be determined by General Manager on a case-by-case basis.

- (5) Synthetic turf replacements of formal lawn area may be eligible for a higher rebate level to be determined by the General Manager on a case-by-case basis.

I. Landscape Rebate Alternatives

- (1) The District will consider, and may approve, requests to substitute for any of the requirements in section F., well-designed alternatives or innovations that will effect similar significant and continuing reductions of water requirements.
- (2) The District will rebate \$50 for landscape installation in existing dwellings meeting the standards listed in Section J. and over 500 square feet in area if the customer has:
 - (a) Removed or killed the lawn area prior to making application for rebate, and
 - (b) Replaced the lawn with landscape no more than one month before alerting the District; or
 - (c) Re-landscaping a lawn area that was not regularly mowed and irrigated.

Determination of eligibility shall be at the sole discretion of the General Manager or Designee.

J. Requirement for Installation of Water Conserving Plumbing Fixtures Upon Change of Property Ownership or Upon Bathroom Alteration

- (1) Definitions.
 - (a) "Water-Conserving Plumbing Fixtures" means any toilet rated at 1.6 gallons of water per flush or less, urinals rated at 1.0 gallons of water per flush, showerheads with a flow rated at 2.0 gallons of water per minute or lavatory faucets that can emit no more than 1.5 gallons of water per minute.
 - (b) "Change in Property Ownership" means a transfer of present interest of real property, or a transfer of the right to beneficial use thereof, the value of which is substantially equal to the proportion of ownership interest transferred.
 - (c) "Bathroom Alteration" means any alteration or addition of a bathroom that includes replacement or addition of any toilet(s).
 - (d) "Retrofit" means replacing "Existing Plumbing Fixtures" with "Water-Conserving Plumbing Fixtures."
 - (e) "Existing Plumbing Fixtures" means any toilet using more than 1.6 gallons of water per flush, urinals using more than 1.0 gallons of water per flush, showerheads with a flow rated more than 2.0 gallons of water per minute or lavatory faucets that emit more than 1.5 gallons of water per minute.
 - (f) "Existing Structure" means any structure built and available for use or occupancy on or before March 1, 1992, which is equipped with a toilet using more than 1.6 gallons of water per flush or a urinal using more than 1.0 gallons of water per flush.

(2) Retrofit Upon Change of Property Ownership.

All Existing Plumbing Fixtures in Existing Structures receiving water from the District's water system, including residential, commercial, industrial and government structures, shall, at the time of Change of Ownership, be Retrofitted, if not already done, exclusively with Water-Conserving Plumbing Fixtures. This requirement shall affect all escrow accounts involving transfer of property opened after February 29, 1992. Escrow accounts opened before March 1, 1992 which close after March 1, 1992 shall not be affected by this requirement.

(3) Retrofit Upon Bathroom Alteration.

Effective March 1, 1992, all structures receiving water from the District's water system, including residential, commercial, industrial and government, shall, upon Bathroom Alteration, be Retrofitted exclusively with Water-Conserving Plumbing Fixtures.

(4) Retrofit Exemptions.

The District's General Manager may grant an exemption in the following instances:

- (a) Unavailability of Water-Conserving Plumbing Fixtures to either match a well-defined historic architectural style fitted with authentic plumbing fixtures or accommodates existing house plumbing without Bathroom Alteration.
- (b) Special health circumstances upon submittal of reasonable evidence that demonstrates that specific plumbing fixtures are required by the user that may not meet the Water Conserving Plumbing Fixture criteria defined by this regulation.
- (c) Faucets at kitchen sinks or antique faucets which do not have standard threaded openings for aerators.

(5) Compliance and Penalties.

Compliance shall be by the honor system. It shall be the Seller's responsibility (in the case of Change of Property Ownership) and the title holder's responsibility (in the case of Bathroom Alteration) to obtain, in addition to any normal permits required by agencies other than the District, to apply for and obtain from the District a Certificate of Compliance acknowledging that the Seller or title holder has stated that the Retrofit installation required by this regulation has been completed. If the District later determines or finds that the work was not done or was not completed or that Water Conserving Plumbing Fixtures are no longer present, the District may assess an annual fee of 20% of the estimated annual water bill as determined by the District until the owner of the property demonstrates that the required Retrofit work has in fact been done. A site inspection shall be required in such cases and the owner shall be charged \$35 for each such site inspection as an added fee on the owner's water bill.

(6) Alternative Compliance Procedure for Transfers of Residential Property

At Seller's option, Seller shall pay the District \$315 per bathroom that does not fully comply with Regulation 17 H. Half bathrooms shall count as one bathroom. The District shall thereupon immediately provide a Certificate of Compliance to Seller. Buyer shall then be responsible for installation of the Water Conserving Plumbing Fixtures and Seller shall provide Buyer with a copy of District Regulation 17 H. and

shall notify Buyer of this requirement in writing before close of escrow. Buyer shall have one year from the date of close of escrow to install such fixtures. Upon being notified that said fixtures have been installed and making a brief inspection confirming installation, the District shall pay the Buyer an amount equal to the payment made to District by Seller. If after one year, the Water Conserving Plumbing Fixtures have not been installed, the District shall use this money for any other Board approved water conservation program and shall be under no obligation to pay said money to Buyer.

(7) Responsibility for Compliance Negotiable

The Seller is responsible for compliance with Regulation 17 J, however responsibility for payment of the deposit specified in Section J (6) may be assumed by the Buyer so long as the agreement is not otherwise inconsistent with the terms of Regulation 17 J. Any such agreement shall be evidenced in a writing signed by both the Buyer and Seller.

K. High Efficiency Toilet Replacement Program(s)

- (1) A High Efficiency Toilet (HET) is defined as any toilet that is rated at 20% or less water use on average than a standard 1.6 gallon per flush toilet. This includes District approved 1.0 gallons per flush pressure assist toilets or dual flush models.
- (2) Any qualifying customer of the District who removes and recycles all toilets rated to use more than 1.6 gallons per flush and replaces same with a District approved HET may request and receive a cash rebate in an amount established by the Board of Directors from time to time for each such toilet removed, recycled and replaced.
- (3) To qualify for a rebate(s) hereunder, application shall be made on a form available from the District and person signing application shall:
 - (a) Request District make a brief inspection of customer's structure at a time and date approved in advance by customer to identify water conservation measures appropriate and effective for the customer to implement. Should customer refuse access for an inspection, District shall not be under any obligation to make a rebate. Inspection requirements are subject to available staff time.
 - (b) Be a customer of the District and the customer's structure in which the replaced toilet(s) is located shall be served water in the District's West Marin Service Area; and
 - (c) Provide District with bill of sale or original receipt of sale within the current fiscal year and made out to said customer by person or vendor selling customer the HET or, in lieu thereof, provide District with letter addressed to said customer signed by a licensed plumber or contractor stating that a HET(s) has been installed by said plumber or contractor at the customer's address; and

- (d) Recycle toilets at a predetermined District site with all internal mechanisms, toilet seat and all other wood, metal and plastic removed, if recycling outlet is available.
 - (4) If the customer is renting the structure, a rebate will be made provided customer includes with the application a letter from the owner of the property consenting to District making rebate payment to customer for the replacement of a non-water conserving toilet(s).
 - (5) Rebates are not available for toilets installed in buildings constructed after January 1, 1992 or for replacement of toilets rated to use 1.6 gallons per flush.
 - (6) Free or subsidized HET giveaways may be available to customers from time to time. Eligibility requirements listed in K (3) (a) to (d) apply to this program should it become available.
- L. Rebates for District Approved Swimming Pool Covers
- District customers are eligible for rebates as available from time to time for purchasing District approved swimming pool covers. Eligible pool covers must be a solar or safety cover with non-netted type material, at least 12 mil in thickness, and at least 450 square feet.
- M. Weather Based Irrigation Controller Installation Program
- (1) A Weather Based Irrigation Controller is defined as any irrigation controller using weather data to create the actual irrigation schedule and which schedule is automatically adjusted by the controller to meet the applied water demand based on actual weather data. Weather Based Irrigation Controllers may either receive "real time" weather data or generate the weather data using an integrated solar radiation sensor.
 - (2) District customers using more than an average of 400 gallons per day are eligible for rebates or vouchers as available from time to time for purchasing District approved Weather Based Irrigation Controllers. Directly installed Weather Based Irrigation Controllers may be available from time to time. Customers receiving Weather Based Irrigation Controller rebates or vouchers may be subject to a pre and post installation inspection.
- N. Landscape Water Efficiency Rebate
- (1) Landscape water efficient rebates are available to customers who install District qualified water efficient landscape equipment including:
 - (a) Drip irrigation systems
 - (b) Water pressure-regulating devices
 - (c) Check valves
 - (d) Multi-stream rotating sprinkler nozzles (lawn areas only)
 - (e) Rain shut-off devices
 - (f) Mulch
 - (g) Soil conditioner/amendment

- (2) Rebate amounts will be established by the Board of Directors from time to time depending on customer classification and water savings potential. Customers are allowed only up to the maximum rebate level for the life of the program.
- (3) Applicant shall request and agree to a brief District pre-inspection of customer's property to identify water efficient landscape actions to be taken. District will pre-approve and post-inspect to confirm the retrofit installations. Inspections are subject to available staff time.
- (4) Applicant shall provide District with a complete bill of sale or original receipt of sale within the current fiscal year, clearly showing the purchase of the landscape water efficiency installed items noted in the pre-inspection.
- (5) Free or subsidized water efficient landscape items such as rain sensors, and mulch may be available to customers. Eligibility requirements listed in N(1) through (3) apply should items become available.

O. Exemptions from Provisions Set Forth in Regulation 17 (A. through M.)

(1) Retrofit Exemptions

The District's General Manager may grant an exemption from section M. in the following instances:

- (a) Unavailability of Water-Conserving Plumbing Fixtures to either match a well-defined historic architectural style fitted with authentic plumbing fixtures or accommodate existing house plumbing without Bathroom Alteration;
- (b) Special health circumstances upon submittal of reasonable evidence that demonstrates that specific plumbing fixtures are required by the user that may not meet the Water Conserving Plumbing Fixture criteria defined by this regulation.
- (c) Faucets at kitchen sinks or antique faucets which do not have standard threaded openings for aerators.

(2) Other Exemptions

The District's General Manager may grant exemptions from section A. through N. only for purposes of health, safety and sanitation or if applicant demonstrates an "at least as effective as" water efficiency alternative. The District's General Manager shall have the sole decision of determining whether applicant has demonstrated an "at least as effective as" water efficiency alternative.

MEMORANDUM

To: Board of Directors
From: Ryan Grisso, Water Conservation Coordinator
Subject: Revision of Water Conservation Regulations 15 and 17

November 25, 2009

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RECOMMENDED ACTION: Approve Revision to Regulations 15 and 17 and approve revised Resolutions 06-01 and 06-02

FINANCIAL IMPACT: None at this time

At the November 17, 2009 Board meeting, staff requested that the Board set a public hearing on December 1, 2009, to discuss proposed changes to Regulation 15 and 17, as shown in Attachments 1 and 2 in underline/strikeout format. The major regulation changes reflect the addition of a landscape water efficiency requirement section for consistency with current State law. In 2006, AB 1881 directed the Department of Water Resources to update the State's Model Landscape Ordinance (Ordinance). The new Ordinance will take effect January 1, 2010, however, local land use authorities can adopt their own version that equals or exceeds State landscaping requirements. The State's new Ordinance is lengthy and not in a readily adaptable format so a working group was formed to create a new Regional Water Efficient Landscape Ordinance. The working group is comprised of local Marin and Sonoma Cities/Agencies, Landscapers, Landscape Architects, Environmentalist, etc. The specifications of the locally developed Ordinance provide regional consistency and will aide in uniform compliance amongst all jurisdictions. Although the District does not have direct land use authority, the District will continue to work closely with the City of Novato (City) and Marin County (County) to enforce these requirements through the planning and building permit process. Staff expects the City and County to adopt similar regional specifications sometime in 2010 or to designate the District's "Water Efficiency Landscape Requirements" as the governing specifications for all applicable City and County permitted projects. In any event, adoption of new landscape requirements will ensure consistency with current State law. If approved, Staff will prepare a letter to the State Department of Water Resources explaining the District's landscape requirements and documenting its consistency with State requirements.

Staff has incorporated the landscape specifications from the Regional Water Efficient Landscape Ordinance into Section F. of Regulations 15 and 17 entitled "Water Efficiency Landscape Requirements". The District currently controls new construction/development requirements through both aforementioned regulations (Regulation 15 is for Novato and Regulation 17 is for West Marin). The incorporated specifications from the Regional Ordinance differ slightly from our current requirements but are equally as strict in water use efficiency and will achieve

the same goal. Staff did make some exceptions to the regional specification and added specific square foot turf limitations and also drip irrigation for non-turf areas.

In addition, staff proposes changes to Section M, to relax the seller's responsibility for the retrofit on resale. Staff has been closely watching the market and compliance levels and has determined that allowing a negotiation between the buyer and seller for responsibility is the best direction for compliance.

Staff is also requesting Board approval of revisions to Resolution 06-01 and Resolution 06-02 (Attachments 3 and 4) setting rebate amounts for the various water conservation programs. Due to potential budget constraints, a change is proposed to the washing machine rebate section to approve rebates for up to \$75. Other utilities participating in the Sonoma-Marín washer program which had previously lowered their rebate to \$75 did not detect a drop in program participation, and staff believes that District participation levels will also not be affected by the proposed rebate reduction. No other rebate changes are proposed at this time.

A public hearing is needed to implement proposed water conservation regulation changes. The proposed changes to the regulations are currently in draft form and will be reviewed by District legal staff before the public hearing.

RECOMMENDATION

Board approve proposed changes to Regulation 15 and 17, as noted in Attachments 1 and 2 and proposed revisions to Resolution 06-01, Attachment 3 and Resolution 06-02, Attachment 4.