

Colvin, Judith

From: mweo-bounces@water.ca.gov on behalf of Scott Murphy [smurphy@ci.ontario.ca.us]
Sent: Wednesday, March 26, 2008 8:20 AM
To: mweo@water.ca.gov
Cc: Brad Buller; Elizabeth Hurst
Subject: [MWEO] Model Water Efficient Landscape Ordinance Comments
Attachments: ontario_model_ordinance_letter.pdf

Ms. Colvin,

Attached for your consideration are comments from the City of Ontario regarding the proposed model ordinance. Please feel free to call or e-mail with any questions.

Thanks,

Scott Murphy

Assistant Planning Director
City of Ontario
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March 26, 2008

Judy Colvin
Office of Water Use Efficiency & Transfers
California Department of Water Resources
P.O. Box 94236-0001
Sacramento, CA 94236-0001

SUBJECT: MODEL WATER EFFICIENT LANDSCAPE ORDINANCE

Dear Ms. Colvin:

Thank you for the opportunity to review and comment on the draft model ordinance. Like the Department of Water Resources, the City of Ontario recognizes the tremendous demands that will be placed on water resources and the need to find long term solutions to the serve projected growth for the state. And while the model ordinance proposes many good ideas, there are several areas of concern to the City of Ontario:

1. The technical nature of the model ordinance makes understanding the requirements extremely difficult. In order to gain greater acceptance of and compliance with the ordinance, the ordinance should be drafted in a more simplistic fashion.
2. There is a major philosophical issue that is revealed through the review of the model ordinance. The model ordinance places a higher burden on water conservation for developing areas than it does for established areas. With the annexation of a portion of the former San Bernardino County Agricultural Preserve, the City of Ontario is in a unique position of having significant land area nearing buildout and, at the same time, having significant land area designated for new development. Under the model ordinance, new development would be required to comply with the requirements while a development of comparable size and characteristics would not need to comply, thereby allowing potential water usage at a higher level without controls.

3. One of the stated goals of AB1881 is to “promote the use of recycled water.” The City of Ontario is making significant investments in our recycled water infrastructure to provide for both new development and retrofitting existing development. The model ordinance, however, does not distinguish between the use of potable or recycled water. In order to promote and encourage continued recycled water use, the ordinance should provide incentives for recycled water use.
4. As currently written, the model ordinance requirement is placed on local agencies. While the City of Ontario is the primary water purveyor for the city, there are pockets of land that fall under the jurisdiction of a local water purveyor. As we understand it, the local purveyor would not be subject to the model ordinance nor can they share information with the City. This leaves the City in the position of requiring compliance without the benefit of the water usage information. Local water purveyors should be subject to the model ordinance or be required to share information with the local jurisdiction responsible for implementing the ordinance.
5. The City of Ontario believes that the design features of the model ordinance can be readily incorporated into our existing requirements. The maintenance and auditing components, however, will place additional, significant financial burdens on the City. Full time personnel will be necessary to properly maintain the irrigation system and conduct irrigation audits on new development every five years. All of this comes at a time when local jurisdictions are facing serious budgets issues and decreases in funds provided through the State. While user fees can be raised to cover the additional costs of the services, this only works for local jurisdictions that are also the water purveyor. There is, however, a question of the Nexus for raising fees to pay for the services on those who are not subject to the services.
6. Requiring audits every five years can be an expensive and time consuming proposition. Rather than requiring every system to be audited, water usage thresholds should be established to determine for each development type. Should the threshold be exceeded, a site audit can then be conducted to determine the problem and identify possible solutions.
7. The model ordinance states that the rehabilitation of sites in excess of 2,500 square feet of landscaped area should be subject to the requirements of the ordinance. Enforcement of this regulation is problematic at best. There is currently no permit required to re-landscape a yard nor is there a certificate of occupancy issued by the City for existing development. Establishing a permit process will not insure compliance and, in fact, result in individuals by-passing the process to avoid the additional requirements imposed by the model ordinance.
8. Limitation on water usage could impact the ability of developers “to go green.” A common approach to a LEED building is providing a green (planted) roof. This requires additional water above and beyond the typical landscape approach. Building green helps in addressing the long term conservation of the earth’s resources.

9. Section 493.1 of the model ordinance is confusing. The ordinance applies to landscaped areas in excess of 2,500 square feet in area installed, presumably, after the effective date of the ordinance. This section, however, requires surveys and audits to be conducted on existing landscapes installed prior to January 1, 2010. Why would audits and surveys be necessary on landscapes not subject to the ordinance?

As water resources become more and more valuable, greater efforts will be required on all fronts to provide for the continued growth and economic vitality of the State. The City appreciates the opportunity to review the draft model ordinance and looks forward to working with the State to provide an ordinance that will be a benefit to all.

Should you have any questions, please do not hesitate to contact me at (909) 395-2419 or smurphy@ci.ontario.ca.us.

Sincerely,



Scott Murphy
Assistant Planning Director