

Colvin, Judith

From: mweo-bounces@water.ca.gov on behalf of linda flournoy [sustainableworld1@earthlink.net]
Sent: Thursday, March 27, 2008 4:45 PM
To: Judy Colvin
Subject: [MWEO] Comments on Proposed DWR Model Water Conservation Ordinance

Attachments: 080327 CAC+LF CovLet to DWR re Landscape Ord.doc; SD_Reg_Comments-MAR08-V1(2) LF.xls



080327 CAC+LF SD_Reg_Comments
CovLet to DWR re...-MAR08-V1(2) LF...

Please find cover letter and comments attached.

Please respond to this email, to verify that it has been received.

Thank you,

Linda Flournoy
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Department of Water Resources
Office of Water Use Efficiency and Transfers
Attention: Judy Colvin
P.O. Box 942836
Sacramento, CA 94236-0001

March 26, 2008

RE: CONSENSUS COMMENTS FROM SAN DIEGO REGION'S CONSERVATION ACTION COMMITTEE ON THE DRAFT LANDSCAPE MODEL ORDINANCE UPDATE

Dear Ms. Colvin:

As a member of our local Model Ordinance Working Group (MOWG), I would like to be on the record as supporting comments submitted by the Conservation Action Committee (CAC) on the draft State Model Landscape Ordinance (MO) submitted to the Department of Water Resources on March 26, 2008 with its attached table of detailed comments. I support the efforts of the CAC and the San Diego County Water Authority to develop a regional model landscape ordinance that increases water use efficiency in landscape irrigation in San Diego County, that is supported by local jurisdictions and the landscape industry, and that can be effectively implemented by local jurisdictions. Having a State Model Landscape Ordinance that can be implemented in a reasonable manner, and therefore have a chance to be truly effective, will increase the active involvement and enforcement by local jurisdictions in the landscape requirements. Therefore, I encourage you to consider the comments provided by the CAC.

Additionally, I am attaching a few more comments, mostly with respect to the significant impacts on water retention rates of: 1) ongoing soil management, 2) macro and micro landform design (Grading Plan), and 3) incorporation into overall landscape design (by sufficient explicit reference) of the new State and Regional WQCB Stormwater Permit regulations (which require inclusion of Low Impact Development (LID) or other stormwater infiltration methods on individual sites). These comments, while widely supported within the CAC MOWG, were removed at the strong insistence of only one member, in the building industry. As a 30yr+ builder, designer and engineer myself (and editor on our local LID Handbook), I have found this ongoing resistance frustrating, yet understandable, as they have not yet, in general, tried incorporating LID from the beginning of planning and design, only later on as expensive add-ons. However, there is strong local agreement that these three areas are of primary importance, and local civil engineers are beginning to show an active interest in learning LID design (our first LID training sold out at 200 people), so I believe that a little time and education will readily dissolve this one industry representative's insistence that we not explicitly put "coordination of grading design with possible onsite stormwater infiltration" into the MO. My experience suggests that explicitly specifying this coordination is necessary to change the habit of "positive drainage only", and will not only save significant water, but also considerable time and money for all concerned.

Sincerely,

Linda Flournoy, Sustainability Consultant
PLE4Sustain
(Planning and Engineering for Sustainability)
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DETAILED COMMENTS TO THE DRAFT LANDSCAPE MODEL ORDINANCE

San Diego Region Conservation Action Committee

Section	Title	Comments
490	Purpose	<p>It is not clear if the legislative intent was to apply to all existing landscapes or just place ongoing requirements where a landscape permit has been issued.</p> <p>Given that new landscapes are likely to be a very small percentage in this region (estimates range around 5% +/- 2%) and therefore not have significant overall impact on water conservation, I support finding a way to include existing landscapes. Therefore the language needs to clearly distinguish between several categories: a) new / rehab requiring a permit by current development rules; b) new / rehab not requiring a permit by current rules, but requiring a permit by new Model Ordinance rules; c) new / rehab, but not requiring a permit by either, d) existing landscapes; e) exempt landscapes. I also believe it is very important that ALL landscapes, even those not directly under the Ordinance, be explicitly and strongly encouraged to follow the Ordinance as a guideline for proper design, installation and maintenance.</p>
490.2	Intent	<p>The current draft is overly prescriptive in its enforcement provisions. DWR needs to provide a clear delineation of requirements on agencies that will develop a local ordinance. Procedures for compliance by applicants are best delegated to local agencies. Please look for a more performance-oriented approach, so that we may accomplish the goal of saving water.</p>
490.3	Applicability	<p>The range of sites subject to the ordinance is too broad to be effectively implemented without a phased approach. DWR needs to raise the coverage area threshold from 2,500 to 5,000 sq. ft., and to delegate to local agencies the development of compliance protocols for applicants. Many of us support a phased approach, and if the requirements on Local Agencies are Performance Oriented, they can determine how quickly and for which customers it is most effective to apply the Ordinance. Some jurisdictions may even contain more small properties than large, such that a smaller threshold is necessary.</p>
492.7	Soil Management Plan	<p>A Soil Management plan should include regular (every 6 mos at least) re-application of min 2" of appropriate compost or mulch in order to maintain soil porosity, health, temperature, water retention ability, etc., and this should be included in any landscape inspection or audit; especially, given that the care of SO many landscapes is turned over to unlicensed day workers, who have somehow been ingrained with the idea of "limpia": that bare naked soil is a good thing. Such an ongoing soil management requirement might help begin to curb this damaging practice.</p>
492.8	Landscape Design Plan	<p>1. The design criteria calls for no sprinklers within 24 inches of hardscape. I support this requirement and do not find it difficult to implement.</p>
492.10	Grading Design Plan	<p>The ordinance requires a grading design plan to be submitted with the landscape design package. It should be clarified that a copy of the project's grading plan prepared by a civil engineer will meet the requirements and that a grading design plan is not required for projects where a grading permit would not normally be required. It should be clearly stated that, grading plan or not, the project MUST comply with the new Stormwater Permit regulations and use Low Impact Development (LID) methods to capture as much stormwater as it is possible and practical for the site to either infiltrate or retain for future irrigation - in this area, properly designed, it can reduce watering by 10-30% (or more) in a normal rainfall year on a water conserving garden.</p>
492.12	Irrigation Scheduling	<p>The ordinance should recognize that irrigation schedules will change over time as plants, water pressure, and irrigation system components are changed and that the ultimate goal is to meet the MAWA. Because the regulation requires smart controllers, in lieu of conventional scheduling requirements, a full set of the data used for the initial programming should be documented.</p>

DETAILED COMMENTS TO THE DRAFT LANDSCAPE MODEL ORDINANCE

San Diego Region Conservation Action Committee

Section	Title	Comments
492.13	Landscape and Irrigation Maintenance Schedule	The ordinance requires a "regular" maintenance schedule to be submitted with the certificate of completion. It should be clear that "regular" is determined on a case by case basis for each site. The following wording is recommended, "A regular maintenance schedule, consistent with the specific site needs, shall be submitted with the Certificate of Completion."
492.14	Landscape Irrigation Audits and Audit Schedules, Cont.	should say "the WORST 20%".
492.14	Landscape Irrigation Audits and Audit Schedules, Cont.	Designing TO a current MAWA (the way it will be used) may prove to be problematic in later years if Climate change causes more drought. I believe we should ask for the starting point for design to be, say 80% of MAWA, otherwise, everyone will be designing to the max from the start.
492.16	Recycled Water	1. Use of recycled water on sites less than one acre may not be practical. The wording should be changed to say "Irrigation systems shall make use of recycled water unless a written exemption has been granted by the local water agency." 2. Consumers using recycled water should be exempt from the restrictive provisions of the model landscape ordinance. Recycled water is already subject to significant regulatory requirements by the Regional Water Quality Control Board and Department of Public Health and a MAWA requirement is not necessary where ample recycled water capacity exists. 3. The 2,000 mg/L TDS exception is irrelevant since irrigation with water at 2,000 TDS is not practical. Any adjustment for TDS should apply equally to all sources high in TDS.
492.18	Public Education	It is not clear in the ordinance if the public education requirement applies only to homeowners of new homes with over 2,500 square feet of landscape area or to all new homeowners. It should be revised to state "A local agency shall provide information to all owners of NEW and EXISTING single family residential homes regarding the design, installation, management and maintenance of water efficient landscapes." It should also include a provision allowing the local agency to require the developer to provide the mandatory educational materials to the homeowner.
493.2	Water Waste Prohibition	Water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, overspray, over-irrigation above a maximum applied water allowance, etc. is prohibited. Conditions where water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures are also prohibited. Penalties for violations may include warning letters, citations, monetary penalties, fines. First time violators may receive an audit and technical assistance in lieu of paying a fine. Persistent violators shall be mandated to obtain an audit and make necessary repairs.