



City of Encinitas

Planning and Building Department

Current Planning Division

505 S. Vulcan Avenue, Encinitas, California 92024-3633

March 25, 2008

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

Regarding: Comments on the Model Water Efficiency landscape Ordinance.

Dear Ms. Colvin:

The purpose of this letter is to provide comments on the Model Water Efficient Landscape Ordinance released for public review by the Department of Water Resources. The City also supports the comments submitted by the San Diego Region's Conservation Action Committee on the draft State Model Landscape ordinance.

The City of Encinitas has been working with the San Diego County Water Authority to develop a regional model landscape ordinance to increase water use efficiency in landscape irrigation in San Diego County. The San Dieguito Water District is a subsidiary agency of our City, and our Planning Department and Water District staffs have participated in developing our comments on the proposed ordinance.

Overall, we believe the Model Ordinance is too burdensome for local jurisdictions to implement and creates an unfunded mandate which will be especially burdensome at the time when city revenues are declining. The regulatory burden and cost to implement the ordinance would be extensive for cities. This would most likely result in cities not fully implementing the ordinance due to inadequate resources (staff and costs).

The following comments are provided:

Scope. The scope of the ordinance is extensive, applying to single-family homes of 2,500 square feet of landscaped area. The ordinance ties this size of landscape area for both new and existing development to annual audits conducted by a city. This is too broad and creates a burdensome process. See comments under audit.

Definitions. The definition of "landscape area" creates a disincentive to conserve water. It only allows for 10% of the landscape area to include non-irrigated planting areas. This is counter productive. Non-irrigated planting areas should be encouraged. We recommend that there be no limitation of non-irrigated planting areas in the definition of "landscape area."

Recycled Water. Requiring recycled water to meet the standards of the ordinance is unnecessary. Recycled water already meets many of the principles of the Model Ordinance relative to minimizing water waste. Using recycled water conserves potable water, which is one of the overall goals of the ordinance. Recycled water is already subject to significant regulatory requirements. Consumers using recycled water should be exempt from the provisions of the model landscape ordinance.

Audits. The ordinance requires local agencies to conduct audits for properties having landscape areas between 2,500 square feet to one acre. This would require cities to determine the landscape area for each customer, obtain water use data, and complete audits for each site. Those cities that are not water providers do not have access to water use. Cities do not have landscape area information for existing landscapes to determine whether or not the property is subject to the audit requirements. Local jurisdictions do not have the resources or financial capacity to handle this substantial increase in workload.

Audits can cost between \$500 and \$1,500 depending on the landscape area. The ordinance requires annual audits for a minimum of 20% of the existing landscape areas over 2,500 square feet. It further states that the local agency's cost for the audit shall be paid by the property owner. It is unreasonable to expect that a local jurisdiction will be able to recover their costs for an audit from a property owner that did not request the audit. The ordinance does not state what you do with the information once the audit is completed. (Sections 492.14(4) 493.1(4))

It is recommended that the audit requirement be deleted in its current form. See comment letter from the San Diego Region's Conservation Action Committee for some alternatives.

Certification / Inspections. The requirement for a final field inspection of the project by the city is unnecessary. The landscape architect is required to provide a certificate of completion; this should be adequate.

The City of Encinitas and San Dieguito Water District fully support water conservation. To get results and truly conserve water cities need an ordinance that they can implement. We look forward to reviewing any changes made to the Model Landscape Ordinance. Should you have any questions, please contact me at 760/633-2696 or pmurphy@ci.encinitas.ca.us. Thank you for considering our comments.

Sincerely,


Patrick Murphy
Director of Planning and Building

Cc: City Manager
San Dieguito Water District
Public Works Director
Director of Engineering Services
Director of Parks