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CITY of CHINO

March 26, 2008

Ms. Judy Colvin
Department of Water Resources
Office of Water Use Efficiency and Transfers
901 P Street, Room 313A
Sacramento, CA 95814

Dear Ms. Colvin:

Subject: Comments on the Model Water Efficient Landscape Ordinance

This letter is submitted by the City of Chino to express our concerns regarding the current Model Water Efficient Landscape Ordinance (hereafter Model Ordinance). The City has prepared responses (see attached pages) in the form of questions and/or comments to those portions of the Model Ordinance that were of concern.

The City appreciates the opportunity to comment on the Model Ordinance and looks forward to working with the Department of Water Resources to improve water use efficiency in landscapes. Please contact me at (909) 591-9890 if you have any questions regarding the content of this letter.

Sincerely,

Brent Arnold
City Planner

Enclosures

cc: Chuck Coe, Director of Community Development
Jose Alire, Director of Public Works



§ 490.2. Intent.

The intent of this ordinance is to guide local agencies to:

6. coordinate with the local retail water purveyor to implement a tiered rate structure as an economic incentive for water use efficiency; ...

Response: The City is concerned with having the ordinance suggest that the purveyor would specifically implement tiered rates. Implementation of specific methods to accomplish water conservation should be left to the discretion of the purveyor.

§ 490.3. Applicability.

1. After January 1, 2010, this ordinance shall apply to all of the following landscape projects:

(a) new construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to and greater than 2,500 square feet; requiring a permit, plan check, or design review;

(b) new construction and rehabilitated landscapes which are developer-installed in single-family and multi-family residential projects with a landscape area equal to and greater than 2,500 square feet requiring a permit, plan check, or design review;

(c) new construction and rehabilitated landscapes which are homeowner-provided and/or homeowner-hired landscaping in single-family and multi-family residential projects with a landscape area equal to and greater than 2,500 square feet requiring a permit, plan check, or design review.

Response: City staff is unaware how the 2,500 square feet threshold was established. In addition, City staff believes it is unreasonable for the ordinance to apply to individual homeowners with minor re-landscaping projects greater than 2,500 square feet.

§ 491. Definitions.

8. "certified irrigation designer" means a person certified to design irrigation systems by a professional trade organization or other educational organization.

Response: What does certified mean? And, what amount of time and expense could this represent to the property owner?

§ 491. Definitions.

51. "rehabilitated landscapes" means any re-landscaping project that requires a permit, plan check, or design review and meets the requirements of Section 490.3.

Response: This definition is too broad and would cause individual homeowners with minor re-landscaping projects to be affected by the ordinance. Applicability to rehabilitated landscapes should be established by local agencies.

§492.8. Landscape Design Plan.

For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria and specifications shall be submitted as part of the Landscape Documentation Package.

1. Criteria...

(b) Turf

(1) Turf areas shall be sized and shaped to minimize irrigation overspray and runoff.

(2) Installation of turf on slopes greater than 4:1 (horizontal to vertical) shall not be permitted.

(3) Installation of long, narrow, or irregularly shaped turf areas less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or other low volume irrigation technology.

(4) Irrigated areas (including turf) within 24 inches of non-permeable hardscape shall be irrigated with drip irrigation or subsurface irrigation technology.

Response: These criteria would constrain a property owner's right to implement certain landscape concepts. Landscape area maintained by individual homeowners should be exempt from this requirement because it would be cost prohibitive and impractical for individual homeowners to conduct long-term maintenance of these irrigation technologies.

§492.12. Irrigation Scheduling

For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules meeting the following criteria shall be submitted with the Certificate of Completion...

2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions are unfavorable. If allowable hours of irrigation differ from the local retail water purveyor, the stricter of the two shall apply.

Response: This irrigation schedule does not consider the potential impact to water distribution systems that experience peak demand periods that occur within the specified schedule. City staff recommends the ordinance be revised to allow local agencies to establish overhead irrigation schedules.

§492.14. Landscape Irrigation Audits and Audit Schedules.

4. For new construction and rehabilitated landscape projects installed after January 1, 2010, except for home owner-installed, home owner-provided landscape less than 2500 square feet, the local agency shall fulfill the following requirements for landscape irrigation audits:

(a) annually compare customers' maximum applied water allowances, which are found in the Water Efficient Landscape Worksheet (Section C) submitted as part of the Landscape Documentation Package, to customers' water use and identify customers whose landscapes exceed the maximum applied water allowance for at least one year, to the extent that customer water use information is available to the local agency.

(b) annually conduct landscape irrigation audits on a minimum 20% of the total customer landscapes identified in 492.14 (4) (a).

(1) The local agency shall obtain permission from the project applicant to access the property for the purposes of conducting a landscape irrigation audit.

(2) The local agency's cost of conducting the landscape irrigation audit shall be paid by the project applicant.

Response:

- Single-family detached residences typically have a single water meter to measure both indoor and outdoor water consumption. It would be difficult and imprecise for City staff to identify residential customers who exceed the MAWA, unless separate landscape meters are installed on individual homes that have landscape areas exceeding the threshold of 2,500 square feet.
- Performing annual audits on a minimum of 20% of the total customer landscapes is infeasible due to limited funding and personnel.
- Though the model ordinance does provide for the City to charge a fee to the property owner in order to cover the cost of the audit, the City must obtain permission from the property owner to access the property. This circumstance appears to be self-defeating because property owners would be discouraged from allowing City staff to perform future audits on their property for which they (i.e., property owners) would be charged.

§492.17. Stormwater Management

1. Stormwater management combines practices to minimize runoff and water waste to recharge groundwater, and to improve water quality. Implementing stormwater best management practices into the landscape, irrigation, and grading design plans to minimize runoff, and increase on-site retention and infiltration are highly recommended.

2. Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

Response: A vegetated swale and similar types of BMPs are commonly used in new development projects to comply with NPDES regulations. These BMPs include the installation of grasses (e.g., red fescue) that are considered high water consuming plants. City staff believes there is a potential for projects to exceed the MAWA if these BMPs are incorporated into the landscape design. City staff suggests that the ordinance contain an exemption to the MAWA when projects cannot meet the MAWA without removing these types of BMPs from the landscape.

§493.1. Landscape Irrigation Audits. *For existing landscapes installed before January 1, 2010, the following shall apply; ...*

4. For existing landscapes equal to or greater than 2,500 square feet, the local agency shall fulfill the following irrigation audit requirements:

(a) Annually survey and compare customers' landscape water use to local reference evapotranspiration and identify customers whose landscapes exceed 80% of local reference evapotranspiration for at least one year, to the extent that customer water use information is available to the local agency.

(b) Annually conduct landscape irrigation audits on a minimum 20% of the total customer landscapes identified in Section 493.1.4 (a)

(1) The local agency shall obtain permission from the property owner or his/her designee to access the property for the purposes of conducting a landscape irrigation audit.

(2) The local agency's cost of conducting the landscape irrigation audit shall be paid by the property owner or his/her designee.

Response:

- Existing homes typically have a single water meter to measure both indoor and outdoor water consumption. It would be difficult and imprecise for City staff to identify residential customers who exceed the MAWA, unless separate landscape meters are installed on individual homes that have landscape areas exceeding 2,500 square feet.
- Performing annual audits on a minimum of 20 percent of the total customer landscapes is infeasible due to limited funding and personnel.
- Though the model ordinance does provide for the City to charge a fee to the property owner in order to cover the cost of the audit, the City must obtain permission from the property owner to access the property. This circumstance appears to be self-defeating because property owners would be discouraged from allowing City staff to perform future audits on their property for which they (i.e., property owners) would be charged.