MWEO

From: Nancy Palmer [npalmer@ci.laguna-niguel.ca.us]
Sent: Friday, December 19, 2008 3:11 PM
To: MWEO
Subject: Comments on Model Water Efficient Landscape Ordinance

Attachments: AB 1881 water conserv ordinance ltr Dec 08.doc

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Please see attached comment letter on the Modified Model Water Efficient Landscape Ordinance.

Nancy R. Palmer, A.S.L.A.
Sr. Landscape Architect/Urban Runoff Program Manager City of Laguna Niguel
949-362-4384

December 19, 2008

Department of Water Resources
Office of Water Use Efficiency and Transfers
Attn: Simon Eching
P.O. Box 942836
Sacramento CA 94235-0001

MODEL WATER EFFICIENT LANDSCAPE ORDINANCE - COMMENTS ON PROPOSED REGULATION, TITLE 23 SECTION 490-495

Dear Mr. Eching:

We appreciate this opportunity to comment on the Modified Text of Proposed Regulation, Model Water Efficient Landscape Ordinance, distributed for public review for the period between November 26 and December 30, 2008. As directed, our comments are restricted to sections that were modified for the current draft, and do not re-address issues to which DWR has already responded.

Comment 016.1

1. S. 65596(d) of the Government Code includes the following A.B. 1881 language: The model ordinance shall "encourage the capture and retention of stormwater onsite to improve water use efficiency or water quality." The draft ordinance does incorporate an option for incorporating Effective Precipitation into the MAWA that accounts for rainwater falling directly onto the landscaped area. However, the intent of the legislation appears to be to encourage the capture and use of additional stormwater – i.e., rain falling onto rooftops or paved areas within an entire site, rather than directly onto the landscaped area only. An option for calculating the MAWA in a way that promotes rainwater capture from on-site (or even off-site) hardscape and rooftops, and storage for later use in landscape irrigation, should be included. Along these same lines, promoting graywater re-use for landscape irrigation should also be encouraged as an additional water conservation measure. We request that the following language [underlined] be inserted directly below the Model Ordinance S.492.4(c) paragraph on Effective Precipitation:

> *"….A local agency may modify the MAWA calculation to acknowledge and promote the contribution of rainwater and/or graywater harvesting for re-use for landscape irrigation systems."*

Comment 016.2 We also request that the language of the Model Ordinance at S492.15(a) (Stormwater Management) be modified as follows [proposed modifications are underlined]:

> *"Stormwater management practices will minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration, and/or to harvest rainwater runoff from rooftops or paved areas for storage and later re-use for landscape irrigation, are highly recommended. Stormwater storage practices implemented for this purpose shall be designed to minimize vector control problems associated with standing water. "*

Comment 016.3 2. S. 65595c(1) of the Government Code includes the following A.B. 1881 language: The local agency shall adopt "a water efficient landscape ordinance that is, based on evidence in the record, at least as effective in conserving water as the updated model ordinance opted by the department." S. 65596(k) further specifies that the model ordinance shall "encourage the use of economic incentives to promote the efficient use of water." Other than the "Purpose" statement under S.490(a)(6), there does not appear to be any other provision within the model ordinance for "encouraging the use of economic incentives", or addressing the likelihood that economic incentives – which can affect all landscaped areas, not just those that are newly developed or of a certain size - may be the most cost-effective and least labor-intensive way for local agencies to achieve water savings in their communities. We request that the following language be added to the Model Ordinance at S.493.1(a) (Irrigation Audits):

> *"For all existing landscapes installed before January 1, 2010 with a dedicated or mixed use water meter that are one acre or more, including golf courses, green belts, common areas, multifamily housing, schools, businesses, parks, cemeteries and publicly owned landscapes, the local agency shall administer programs that may include, but not be limited to irrigation water use analyses, irrigation surveys and irrigation audits to meet the existing landscape MAWA. Economic incentives, such as tiered rate structures, that are demonstrably at least as effective in conserving water on existing landscapes community-wide are encouraged."*

Comment 016.4 3. Section **492.7(1)(m)** of the Model Ordinance specifies that "*in mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone."* Section **492.7(1)(t)** requires that "*non-turf areas on slopes greater than 25% shall be irrigated with drip irrigation or other low volume irrigation technology*." The Definitions section (491(jj) defines "low volume irrigation" as "*the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters, such as drip, drip lines and bubblers."* While it is reasonable that mulched or sloped planting areas that are irregular and narrower than 8' in width should be irrigated with low-volume irrigation [as specified in 492.7(1)(r)], in cases such as iceplant or similar species closely-planted on large areas or large slopes, a *low-*

precipitation-rate overhead spray system (such as stream rotors or mp-rotator-type nozzles) is much more practical and less costly. Its proper operation is more easily observable and its individual spray heads are more accessible than drip emitters hidden under dense shrubbery, so problems are more easily spotted and it is more easily maintained. We request that clauses be added to the ends of both 492.7(1)(M) and 492.7(1)(T) as follows:

> *"…. In large areas with closely-space plants, where not adjacent to pavements, low-precipitation-rate overhead spray systems scheduled and operated to apply water more slowly than it infiltrates into the soil, may be utilized."*

Thank you for your consideration of these comments. Please feel free to contact me at (949)362-4384 or npalmer@ci.laguna-niguel.ca.us for further discussion or clarification.

Sincerely,

Nancy R. Palmer, A.S.L.A.
Senior Landscape Architect/Urban Runoff Program Manager
City of Laguna Niguel