

## MWEO

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**From:** Koller, Garth [GKoller@ci.san-marcos.ca.us]  
**Sent:** Wednesday, December 24, 2008 12:05 PM  
**To:** MWEO  
**Cc:** Backoff, Jerry; Koller, Garth  
**Subject:** Comments to draft Model Water Efficient Landscape Ordinance  
**Attachments:** Comments to Model Water Efficient Landscape Ordinance.doc

Dear Mr. Simon Eching:

Please accept these comments from the City of San Marcos and we look forward to your responses to each comment. Keep us informed on any future meetings or changes to the draft Model Water Efficient Landscape Ordinance.

Sincerely,

Garth Koller  
Principal Planner  
San Marcos Planning Department

<<Comments to Model Water Efficient Landscape Ordinance.doc>>

**Comments to:**

**California Code of Regulations  
Title 23. Waters  
Division 2. Department of Water Resources  
Chapter 2.7. Model Water Efficient Landscape Ordinance**

**Page 3**

Comment 026.1

**Section 490 Purpose**

(6) encourage local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered rate structure; and

**Staff's comment**

San Marcos has (4) water purveyors or agencies within our city limits: Vallecitos Water District, Vista Irrigation Water District, Olivenhain Municipal Water District, & Rincon Del Diablo Municipal Water District. The economic incentives, if possible, need to be established and administered by the water purveyors who have the data and equipment to monitor water use.

Comment 026.2

**§ 491. Definitions.**

The words *terms* used in this ordinance have the meaning set forth below:

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~~(7.)~~ (f) “certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited educational institution or a professional trade organization or other educational organization.

**Staff's comment**

It would be difficult for agencies to verify if the individual is a certified landscape irrigation auditor if that individual is not listed on the Irrigation Association Directory. This list represents qualified individual with the necessary credentials and this list is updated annually. It would make it easier for agencies to verify if the individual has some form of proof to present that their certification is current/up to date and verification they are on Irrigation Association Directory.

Comment 026.3

~~(8.)~~ (g) “certified irrigation designer” means a person certified to design irrigation systems by an academic institution or a professional trade organization or other educational organization.

**Staff's comment**

The applicant that initially hires the designer will not realized that designer may not be certified from a recognized institution. Same comment above for the certified landscape irrigation auditor who needs proof of their credentials.

Comment 026.4

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(x) “irrigation audit” means an in depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution

uniformity and verification of minimal overspray or run off that causes overland flow; and preparation of an irrigation schedule.

**Staff's comment**

The City adamantly opposes the suggestion of an on-going irrigation audit unless there is a commitment from the (4) water purveyors or agencies within our city limits: Vallecitos Water District, Vista Irrigation Water District, Olivenhain Municipal Water District, & Rincon Del Diablo Municipal Water District.

Comment 026.5

(aa) "irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

**Staff's comment**

The City of San Marcos will not have that data. Vallecitos Water District, Vista Irrigation Water District, Olivenhain Municipal Water District, & Rincon Del Diablo Municipal Water District have the data to monitor water use. This should be a responsibility of the various water agencies. As new projects come forward subject to this ordinance, the City should forward the MAWA data to the appropriate water purveyor to establish a data base.

Comment 026.6

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(33.) (hh) "local agency" means a city or county, including a charter city or charter county, that is responsible for adopting and implementing the ordinance. ~~A local agency is the entity responsible for the approval of a permit, plan check, and design review for a project.~~ The local agency is also responsible for the enforcement of this ordinance, including but not limited to, approval of a permit and plan check or design review of a project."

**Staff's comment**

The City will be adopting its first landscape ordinance in 2009, which will include the required Sections of the Model Water Efficient Landscape Ordinance. The challenge will be establishing an enforcement network that will inevitably rely on participation with Vallecitos Water District, Vista Irrigation Water District, Olivenhain Municipal Water District, & Rincon Del Diablo Municipal Water District.

Comment 026.7

(34.) (ii) "local water purveyor" means any entity, including a public agency, city, county or private water company that provides retail water service.

**Staff's comment**

San Marcos does not own or oversee a water purveyor, However, there are four (4) water purveyors or agencies within our city limits which are: Vallecitos Water District, Vista Irrigation Water District, Olivenhain Municipal Water District, & Rincon Del Diablo Municipal Water District. This may create significant challenges in coordinating efforts to implement this ordinance.

~~(51)~~ (ccc) “rehabilitated landscapes” means any re-landscaping project that requires a permit, plan check, or design review, ~~and meets the requirements of Section 490.3~~ 490.1, the modified landscape area is greater than 50% of the total landscape area and the modification occurs within one year

**Staff’s comment**

It will be difficult to monitor individual homeowners that decide to change their landscape in their yards.

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**§492. Provisions for New Construction or Rehabilitated Landscapes.**

~~Landscape projects under Section 490.3.1 (a), (b), and (c) are subject to all of the provisions in Section 492. New or rehabilitated cemetery landscape projects under Section 490.3.1 (e) are only subject to Sections 492.6, 492.13, 492.14 and 492.18. (a) A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entities specific responsibilities relating to this ordinance.~~

**Staff’s comment**

Again with (4) water purveyors or agencies: Vallecitos Water District, Vista Irrigation Water District, Olivenhain Municipal Water District, & Rincon Del Diablo Municipal Water District in the San Marcos City limits, this Section is assuming that all four water purveyors will be willing to accept certain responsibilities. If the data is not readily available to the City the MAWA will be extremely difficult to monitor and enforce.

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~~§492.3. Waivers and Variances.~~

~~A local agency may administratively waive or modify one or more requirements of the ordinance when unusual difficulties make their strict application impossible, and upon a determination that the waiver or variance is consistent with the purpose and intent of the ordinance.~~

~~Note: Authority Cited: Sections 65595, Gov. Code. Reference: Sections 65593, 65595, 65596, 65599, Gov. Code.~~

**Staff’s comment**

The City intends to keep this wording in our Ordinance

**§492.4. §492.2. Penalties.**

(a) A local agency may establish and administer penalties to the project applicant for noncompliance with the ordinance , ~~including, but not limited to:~~ to the extent permitted by law.

~~1. deny Certificate of Occupaney or equivalent until the Certificate of Completion has been submitted, reviewed, and approved by the local agency;~~

~~2. issue warning letters or citations;~~

~~3. impose and collect monetary penalties or fines;~~

~~4. administer an appeals process or equivalent, or;~~  
~~5. terminate water service.~~

**Staff's comment**

This will be difficult to accomplish without the cooperation & coordination of all the independent water purveyors within the city boundary. The City needs to discuss Section with all water purveyors.

Comment 026.12

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~~§492.6.~~ **§492.4. Water Efficient Landscape Worksheet.**

**Staff's comment**

The "Water Efficient Landscape Worksheet" on page 44 has been 99% stricken out of the suggested information. It is assumed that the agency is obligated to establish a format. This is a critical sheet of information that would be provided to the water purveyors. It would be helpful to see samples of other Cities that have already implemented this. Can you recommend good examples?

Comment 026.13

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D) Installation of turf on slopes greater than 25% shall not be permitted where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

**Staff's comment**

This makes sense however; it should not apply to screening design consisting of landscape berms.

Comment 026.14

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**§492.9. §492.7. Irrigation Design Plan.**

~~(A)~~ (A) Dedicated (separate) landscape water meters shall be installed for all projects greater than 5,000 square feet, except for single family residences ~~(Authority Cited: Statutes of 2006, AB 1881, Chapter 559, Article 44.5, Section 535).~~ Dedicated landscape water meters are highly recommended on landscape areas ~~less~~ smaller than 5,000 square feet to facilitate water management.

**Staff's comment**

If this is even possible, all water meters are issued and monitored by the water purveyor, not the City. Would this affect or cause a limit on the quantity of waters meters issued affecting overall development?

Comment 026.15

(T) Non-turf areas on slopes greater than 25% shall be irrigated with drip irrigation or other low volume irrigation technology.

**Staff's comment**

This makes no sense. As an example, there have been projects where the grading created significant cuts into slopes. Through proper design and the installation of rotor heads, an irrigation schedule and maintenance plan was established to ensure landscape coverage,

irrigation uniformity, and erosion control. Once the landscape was established it allows a reduction in water use while remaining on a on-going monitoring. This should be considered on a case-by-case basis. Limiting the irrigation to drip or low volume irrigation is poor design and problematic and would prolong coverage as well as increase potential erosion damage.

Comment 026.16

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### **§493. Provisions for Existing Landscapes.**

(a) A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each “entities” specific responsibilities relating to this ordinance.

#### **Staff’s comment**

Existing landscape installed prior to the adoption of our new ordinance will not required retrofit of the landscape design unless a landscape modification is proposed. The City shall involve each applicable water purveyor with only new or modified projects applicable to the adopted ordinance.

Comment 026.17

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### **§493.1. Landscape Irrigation Audits, Irrigation Survey, and Irrigation Water Use Analysis.**

~~For existing landscapes installed before January 1, 2010, the following shall apply:~~

~~1. At a minimum, all landscape irrigation audits shall be in accordance with the “Irrigation Association Certified Landscape Irrigation Auditor Training Manual (2004)” in Section 492.14.~~

(a) 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.

(1) For all existing landscapes installed before January 1, 2010 without a meter that are one acre or more, the local agency shall administer programs that may include, but not be limited to irrigation surveys and irrigation audits to meet the existing landscape MAWA.

(b) Maximum Applied Water Use Allowance (MAWA) for existing landscapes shall be calculated as:  $MAWA = (0.8)(ET_o)(LA)(0.62)$ .

(c) The audit shall be comply with the Irrigation Association Certified Landscape Irrigation Auditor Training Manual (2004) or the most current edition.

2. (d) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

~~3. For existing landscapes equal to or greater than one acre (43,560 square feet), the property owner or his/her designee of the landscape project shall fulfill the following requirements for landscape irrigation audits:~~

~~(a) Submit a landscape irrigation audit report every 5 years to the local agency.~~

~~(b) Implement the water management and maintenance recommendations from the landscape irrigation audit report.  
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.  
(3) A local agency that is not the local retail water purveyor shall make a good faith effort to obtain necessary water use information from the local retail water purveyor.~~

**Staff's comment**

Existing landscape installed prior to the adoption of our new ordinance will not require retrofit of the existing landscape design, irrigation water use analyses, irrigation surveys, or irrigation audits unless a landscape modification is proposed under the new ordinance that requires these items. The City shall involve each applicable water purveyor with only new or modified projects applicable to the adopted ordinance.