

MWEO

From: Kristen Crane [KCrane@ci.poway.ca.us]
Sent: Monday, December 29, 2008 4:12 PM
To: MWEO
Subject: Comments from the City of Poway re. Model Water Efficient Landscape Ordinance

Attachments: Poway Letter to DWR - 12-29-08.pdf



Poway Letter to
DWR - 12-29-08...

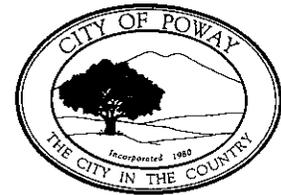
Attached please find a comment letter from the City of Poway regarding the draft model water efficient landscape ordinance.

Thank you!

Kristen Crane

Kristen Mignone Crane
Water Conservation Administrator
City of Poway
858.668.4415

CITY OF POWAY



MICKY CAFAGNA, Mayor
DON HIGGINSON, Deputy Mayor
MERRILEE BOYACK, Councilmember
JIM CUNNINGHAM, Councilmember
BETTY REXFORD, Councilmember

December 29, 2008

Department of Water Resources
Office of Water Use Efficiency and Transfers
Attn: Simon Eching
PO Box 942836
Sacramento, CA 94236-0001

RE: Modifications to the Proposed Model Water Efficient Landscape Ordinance

Dear Mr. Eching:

This letter is on behalf of the City of Poway, located in north San Diego County, regarding modifications to the Department of Water Resources (DWR) proposed model water efficient landscape ordinance.

Background

In addition to the traditional services provided by a municipality, including land use, the City of Poway is also the water agency for this area, serving approximately 14,000 customers. Poway is a semi-rural community that prides itself on being "the City in the Country."

Comment 034.1

Lot sizes in Poway range from 4,500 square feet to 40 acres. Although lot sizes vary dramatically, the average lot is one-acre. Maximum lot coverage varies from 35% to 50%.

Comment 034.2

In the early 1990s, the City of Poway incorporated the requirements of the model water efficient landscape ordinance set forth by AB 325 into its landscape guidelines. Those guidelines remain in effect today and have been uniformly applied to all new development. Additionally, Poway has invested in recycled water infrastructure to serve the landscaped areas in our 900-acre business park.

The San Diego County Water Authority Conservation Action Committee worked for over 18 months to develop a model water efficient landscape ordinance in compliance with AB 1881. Stakeholders include water agencies, local governments, landscape industry professionals, and conservation advocates. **In addition to this letter, the City of Poway supports the comments submitted by the Conservation Action Committee regarding DWR's proposed model ordinance.**

Summary of Concerns

The City of Poway appreciates DWR's efforts to address concerns identified through the initial comment period. The modified ordinance, released in November 2008, is an improvement. However, the City of Poway still has concerns with the ordinance related to:

- **Applicability;**
- **Technical requirements;** and
- **Cost burden** of adhering to the ordinance requirements.

City Hall Located at 13325 Civic Center Drive
Mailing Address: P.O. Box 789, Poway, California 92074-0789 • (858) 668-4400

Applicability

034.3

Comment ~~034.4~~

- Please provide additional clarification within the ordinance language about the types of development projects the ordinance applies to. The City of Poway is concerned that because language in the ordinance is unclear, minor projects would be required to comply with these requirements, though that would be an undue cost burden and not the intent of the original legislation.

Comment ~~034.5~~ 034.4

- Square Footage Requirement – The minimum applicability threshold should be no less than 5,000 square feet of landscaped area, and all single-family properties should be exempt. Some stakeholders may advocate that the square footage requirement should be reduced to 3,000 square feet. The City of Poway strongly disagrees. Since lots in Poway range in size from 4,500 square feet to 40 acres, even at 5,000 square feet, the majority of properties would meet the size threshold, which would be difficult and expensive for both property owners and the City.

Technical Requirements

Comment ~~034.6~~ 034.4

- The definition of a “landscape area” needs to be refined. Only the structure footprints, and perhaps driveways and parking lots, should be excluded from what is considered a landscape area. Any area that could potentially be landscaped should be included. Property owners should not be penalized in the calculation of their water budget if they chose to use pervious hardscapes, mulch, or artificial turf as part of their landscape design.

Comment ~~034.7~~ 034.5

- The definition of “rehabilitated landscapes” needs to be clarified, particularly the intent and applicability. Would this apply to residential properties or only commercial?

Comment 034.6

- The proposed Landscape Documentation Package and post-installation audit requirements remain extremely complicated. Landscape architect review of the required Landscape Documentation Package would necessitate twice as much time as our existing requirements, resulting in increased plan review costs for the applicant. The applicant would also incur additional consultant costs to prepare plans in compliance with these requirements.

Comment 034.7

- *Section 492.6.a.1.D – Limitation on Installation of Turf on Slopes Greater than 25%* - Turf is commonly used as a groundcover for spaces in public parks that function as amphitheaters for public events, for which slopes may exceed 25%. Please allow for an exemption.

Comment 034.8

- The language in *Section 492.7 – Irrigation Design Plan* states very specific irrigation technology requirements. This language is not consistent with the spirit of a “water budget approach” to landscape irrigation management. The City of Poway recommends the ordinance focus on the intent and objectives of the ordinance without over-mandating how a property owner reaches that target. There should be less regulation on the type of irrigation technology used, so long as the property owner meets its water budget.

Comment 034.9

- *Section 492.7.a.1.S – 24” Setback for Overhead Irrigation* – Though the City of Poway appreciates the intent of this provision, this requirement may not always be feasible. For example, public parks commonly feature meandering concrete paths with large lawns on either

side. Requiring some other type of irrigation equipment would present an undue hardship on park maintenance resources, which are already limited.

- **Exemptions**

Comment 034.10

1. Properties that exclusively used groundwater should be exempt from the ordinance. As a local water agency, the City of Poway would have no way of monitoring actual water consumption for customers who rely on well water.

Comment 034.11

2. Stormwater infiltration areas should be exempt from the ordinance. Property owners aiming to meet stormwater management requirements may be unduly burdened by these additional restrictions. At times, the guidelines for stormwater management and water efficient landscaping are inconsistent. The model ordinance should allow flexibility to achieve the intent of both sets of requirements to the extent feasible.

Unfunded Mandate

Comment 034.12

Despite DWR's rejection of previous comments that the requirements of this ordinance are an unfunded mandate for local agencies, the City of Poway remains concerned that the ordinance will be very burdensome for property owners and expensive for the City to implement, administer, and enforce. The City does not have adequate staffing to implement these requirements (particularly the irrigation audits, surveys, and water use analyses), nor any existing employees qualified to perform Landscape Irrigation Audits. Hiring additional staff and/or extensive technical training would be required. Raising fees in an amount sufficient to cover these costs would not be palatable to the public.

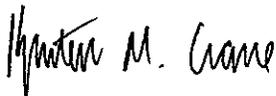
Extension for Local Agency Adoption of Model Ordinance

Comment 034.13

The City of Poway appreciates the constructive manner in which DWR has approached the model water efficient landscape ordinance process. Because of the extra time required to release the second draft for comments and for the State of California to adopt a new model, the deadline for local agencies to adopt the new model water efficient landscape ordinance should be delayed beyond January 2010. Local agencies will need sufficient time for implementation of a quality program, to evaluate what will work in their communities, not just the ordinance language, but other resources, such as systems, staffing, and training.

Thank you for your consideration of the City of Poway's comments, as well as those of the San Diego County Water Authority Conservation Action Committee. If you need clarification regarding Poway's comments, please contact me at (858) 668-4415 or kcrane@ci.poway.ca.us.

Sincerely,



Kristen Mignone Crane
Water Conservation Administrator