



January 12, 2009

Honorable Lester Snow, Director
Department of Water Resources
State of California
1416 9th Street
Sacramento, CA 95814

RE: **Proposed Update of the Model Landscape Ordinance**

Dear Director Snow:

We, the undersigned, are advised that notwithstanding the serious problems that remain unresolved with regard to the proposed Model Water Efficient Landscape Ordinance ("Model Ordinance"), the Department of Water Resources intends to move forward with the new regulation. This letter is to request you reconsider that action and, instead, convene a working group that can work with you and your staff to iron out these remaining serious issues.

We, the undersigned, are among the strongest supporters of the Governor's vision to improve water supply conditions in California. Indeed, we not only back his efforts to increase the state's capacity to store water but his other "supply" strategies which include a goal to reduce water per-capita use by 20 percent by 2020. With the Governor's water policy clearly in mind, it's hard to see how the stringent new conservation requirements in the Model Ordinance, that effectively target new development, help California achieve the Governor's goals.

At the same time, based on the analysis of experts in landscaping and irrigation, the new requirements yield little water savings for a great deal of cost that will break the back of the already struggling residential and commercial development sectors of the state's economy. For example, the proposed Model Ordinance limits the use of certain irrigation systems in such a way that it unnecessarily adds significant costs to new housing and commercial development.

To illustrate, the Model Ordinance requires drip irrigation in certain areas and creates high costs that far outweigh the benefits. Because of this limitation a 50,000 square-foot slope area with a drip system would cost \$83,000 more than a conventional rotor system, currently allowed today, and would save the property owner a mere \$200 a year in water costs.

The Model Ordinance also requires:

- A new, overly complicated and detailed “documentation package” that includes excessive and duplicative information regarding grading and soil content.
- An unnecessary new governmental and bureaucratic process whereby
 - the state ultimately decides whether or not shopping centers and new housing projects can be built;
 - multiple field audits must be conducted – before, during and after construction – to ensure compliance; and
 - local governments are obligated to hire hundreds of new, technically proficient personnel to meet the new compliance process.
- The imposition of new, untested plumbing standards that have not yet been approved by the state’s building standards authority and rule-making body. Indeed, this building standard requirement appears to violate the requirement in Health and Safety Code Section 18930, which says “any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification.”

It doesn’t appear to us that the underlying law, AB 1881, requires this level of prescription, cost or bureaucracy. Nor are we aware of anything – published locally or by the state – that shows a profound failure of existing procedures for landscape-based water conservation to support the state’s conservation goals.

On the contrary, what the last 15 years shows is significant development and use of water-saving designs and building technologies that demonstrate homebuilding and commercial building’s contribution to the state’s water conservation goals.

Moreover, the Model Ordinance is so prescriptive that it may leave little room for regions to adopt their own local ordinance that reflect local climate, development patterns, and professional input.

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Therefore, our recommendation is that you bring in the practitioners and their technical advisors who are responsible for these successes – particularly representatives of local government and the development community – to help you produce a meaningful but workable Model Ordinance that can be broadly embraced and used in the future.

Sincerely,

California Building Industry Association
California Business Properties Association
California Chamber of Commerce
California Apartment Association
American Council of Engineering Companies *California*
California Manufacturing & Technology Association
California Retailers Association
Western Electrical Contractors Association, Inc.
Orange County Business Council
American Society of Irrigation Consultants
American Society of Landscape Architects, Southern California Chapter