



County of San Diego

MARK WARDLAW
DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

DARREN GRETLER
ASSISTANT DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

VIA EMAIL: julie.saare-edmonds@water.ca.gov

Julie Saare-Edmonds, Sr. Environmental Specialist
California Department of Water Resources
1419 Ninth Street
Sacramento, CA 95814

Re: Comments on Model Water Efficient Landscape Ordinance

Dear Ms. Saare-Edmonds:

The County of San Diego ("County") appreciates the opportunity to comment on amendments to the Model Water Efficient Landscape Ordinance, 23 CCR §§ 490-495 ("Model Ordinance"), proposed by the California Department of Water Resources ("DWR") to implement Section 11 of the Governor's Executive Order B-29-15. The County agrees it is appropriate in light of the current drought to reevaluate standards like those contained in the Model Ordinance to identify ways to achieve water savings through better landscape design. The County does not agree with proposed amendments to the Model Ordinance that would permanently require costly and ongoing water conservation measures for landscapes as small as 500 sq. feet when effective water conservation measures have already been implemented by the State Water Resources Control Board ("Water Board"). The County also has some concerns with specific provisions of the Model Ordinance proposed to be amended by DWR.

Duration of Regulations: On May 5, 2015 the Water Board adopted Drought Emergency Water Conservation Regulations, 23 CCR §§ 863-866, that seek to achieve a statewide reduction in potable urban water use of twenty-five percent (25%) through February 2016. In response to action taken by the Water Board, the San Diego County Water Authority and local water purveyors throughout San Diego County imposed a limitation on the irrigation of ornamental landscapes of two days per week, five minutes per irrigation zone. These and other water conservation measures are built into tiered drought response plans so that if drought conditions continue or worsen additional water conservation measures, including additional restrictions on landscape watering, will be implemented by the region's water suppliers. These kinds of measured, temporary responses to a drought emergency make sense.

The County would also agree that it is prudent to take measures to ensure the region is prepared for future droughts. The County by Board Policy and Ordinance has required water conservation measures be included in public and private development projects since at least 1986. The County isn't philosophically opposed to DWR exploring amendments to the Model Ordinance to find reasonable ways to conserve water through water efficient landscape design and generally supports changes that would restrict the use of turf. The County does not agree

with proposed amendments to Sections 490.1(a) and 492.7(a)(1) of the Model Ordinance that would permanently subject property owners with landscapes as small as 500 sq. feet to substantial water conservation and reporting requirements and require separate landscape meters for landscapes as small as 1,000 sq. feet.

Requiring professionally prepared landscape plans and expensive system improvements for extremely small landscapes in response to a drought emergency will impose a permanent cost on property owners that achieves little to no water savings in light of the water conservation already mandated by the Water Board. It similarly, makes little sense to add Section 495 to the Model Ordinance to impose an additional regulatory burden on local governments to provide annual reports on the implementation of the Model Ordinance when reporting on the attainment of water conservation targets is already required by the Water Board. (See, 23 CCR § 865.) There is simply no need to permanently add additional and costly regulatory burdens on property owners and local government in response to the drought when effective water conservation measures have already been implemented by the Water Board and local water purveyors. The County requests that DWR refrain from amending Sections 490.1(a) and 490.7(a)(1) and adding Section 495 to the Model Ordinance.

Specific Provisions: In addition to the County's more general concerns about the scope of the proposed amendments to the Model Ordinance, the County has a number of concerns about specific provisions which we will outline for DWR.

Section 491(hh): DWR proposes to add a definition to the Model Ordinance for a "landscape designer." The definition states that landscape designers may prepare drawings for single family dwellings for the conceptual design and placement of tangible objects and landscape features, but not construction documents, details, or specifications for tangible landscape objects or landscape features or prepare grading or drainage plans for the alteration of sites. It is not clear if landscape designers can also prepare irrigation plans and water budget calculations. Irrigation plans and water budget calculations are typically prepared by the same professionals that prepare construction and grading plans and should be outside the scope of work that can be performed by a landscape designer. The County would request that DWR specify that landscape designers may not prepare irrigation plans and water budget calculations.

Section 492.4(c): In the Model Water Efficient Landscape Ordinance Update 2015 at p. 3 WDR states that the "40% budget for commercial and institutional (non-residential) landscape does not provide enough water to permit the planting of turf." It is not clear from Section 492.4(c) that this is in fact true. If the planting of turf in non-residential areas will be effectively prohibited by the lowering of the allowable water budget, it would be helpful to include an explanation of this fact in Section 492.4(c).

Section 492.7(a): Section 492.7(a) of the Model Ordinance is proposed to be amended to specify that the requirements of section 492.7, including the requirement to use irrigation specific meters, shall not apply to areas that require temporary irrigation solely for plant establishment. Sections 491(n) and (o) of the Model Ordinance establishes a plant establishment period of one year for non-irrigated landscapes and two years for irrigated

landscapes. Plant establishment periods in arid regions can extend for more than 2 years. Irrigation is frequently required by resource agency permits for native habitat mitigation projects for five or more years. Their Model Ordinance needs to account for regional variation in temporary irrigation requirements so that increased costs aren't inadvertently placed on landscapes that will at some point no longer require irrigation.

We appreciate DWR providing the County with an opportunity to comment on the propose amendments to the Model Ordinance. Questions about these comments may be directed to David Kahler, County of San Diego, Department of Planning and Development Services, at telephone number (858) 694-3040.

Sincerely,



MARK WARDLAW, Director
Planning & Development Services

