



500 S. Main Street, #410, Orange, CA 92868 | P: 714.953.1300 | F: 714.953.1302 | www.ACCOC.org

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Julie Saare-Edmonds, Senior Environmental Scientist
California Department of Water Resources
Urban Water Use Efficiency Unit
P.O. Box 942836
Sacramento, CA 94236-0001

Sent Via Email to: Julie.Saare-Edmonds@water.ca.gov

Ms. Saare-Edmonds –

The Association of California Cities – Orange County (ACC-OC) appreciates the opportunity to provide comments on the Draft Model Water Efficient Landscape Ordinance. Our mission as a 501(c)(3) educational non-profit organization is to protect and restore local control, and we represent the interests of Orange County's 34 cities.

To that end, we're grateful that this process, via AB 1881, enables a region to develop locally modified MWELOs. In 2010, Orange County stakeholders, including the ACC-OC's leadership, the Municipal Water District of Orange County (MWDOC) and the Building Industry Association, Orange County (BIAOC), developed a highly effective, consensus-based ordinance that was adopted (in part or whole) by all 34 cities.

It is under that context and background that we offer the following comments and requests.

Timing of Implementation: We request that the adoption deadline for local agencies is extended to at least February 1, 2016. As drafted, there is not sufficient time for local agencies to engage stakeholders and develop an effective locally modified MWELO. The ACC-OC, MWDOC and the BIAOC are committed to undertaking this process in our region once again. This process yielded a consensus-based and highly effective model in 2010 and we have every intention of conducting a similar process this year. However, the timeline proposed is not compatible with a collaborative, stakeholder-driven process.

Reporting Requirements: Per above, we request that the initial implementation and enforcement report deadline be moved to March 15, 2016 (45 days after adoption deadline). Additionally, we request that subsequent compliance reporting begin January 31, 2017 and be required every other year instead of annually. This reporting function, while important, is burdensome and costly. Oftentimes, the reporting function costs more than application processing, which is only partially covered by application fees.



As an alternative, cities would entertain a reporting threshold of 50 applicable landscape projects per calendar year. For example, if more than 50 application packages were processed in a calendar year, a city would be required to report annually. Cities receiving less than 50 applications would be required to submit reports once every two years.

Square Footage Threshold: We request that the threshold for new construction be raised to 1,000 square feet. According to industry estimates of landscaped areas, a 1,000-sf threshold would capture the vast majority of new construction, while simultaneously incentivizing smaller yards and denser communities, both of which are consistent with broader environmental, land use and water management policies demanded by the state.

Stormwater & Rainwater Capture: We commend the state for outlining guidelines for residential and commercial stormwater and rainwater capture. These are important steps and should be incentivized as much as possible. Thus, we request that square-footage thresholds be raised for a project if all or some of these steps are taken. For example, if a new construction project is subject to a 1,000 square foot threshold (as proposed above) and includes measures from Section 492.16, the project's threshold would be raised to 2,000. This would serve to incentive measures while achieving the State's ultimate goal: water use reduction.

Water Budget: We request that the phrase "water budget" be replaced with "water efficiency target" to avoid confusion between water "budgets," which are often tied to rates or penalties and "targets," which are data-driven, mostly voluntary tools for customers.

Should you have any questions, please contact my office at (714) 953-1300 or lkelly@accoc.org. We look forward to addressing these requests further.

Sincerely,



Lacy Kelly
CEO

Association of California Cities – Orange County