

DATE: October 23, 2007

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Introduction of Ordinance to Amend Chapter 11, Article 2 of the Hayward Municipal Code to Require the Installation of Separate Irrigation Water Meters for Larger Projects

RECOMMENDATION

That Council approves the attached Ordinance amending Chapter 11, Article 2 of the Hayward Municipal Code to require the installation of dedicated irrigation water meters, under certain circumstances, in accordance with the provisions of Assembly Bill 1881, titled Water Conservation in Landscaping.

BACKGROUND

It has long been recognized that urban landscapes are important to the quality of life in California. Landscaping beautifies and softens urban features; screens noise; offers refuge for people, birds, and other wildlife; has environmental benefits; and provides jobs. However, studies have indicated that landscape irrigation is one of the largest uses of water in urban settings. In 2005, at the direction of the State legislature, the statewide Landscape Task Force was assembled to evaluate and recommend improvements in landscape water use efficiency. The membership was broad and included representation from water agencies, environmental advocacy groups, landscape industry groups, and irrigation equipment manufacturers. Based on the research and work of technical work groups, and input received at public workshops throughout the State, the Task Force developed a list of recommendations to improve landscape water-use efficiency.

One of the recommendations was to require installation of dedicated irrigation meters under certain conditions. Dedicated irrigation water meters measure solely the volume of water used for landscape purposes, enabling account holders to monitor and control more precisely the water used for irrigation. Studies have shown that dedicated irrigation meters provide the accurate feedback necessary to evaluate the efficiency of irrigation practices, while mixed use meters, which measure water consumed for indoor and outdoor uses, seldom provide sufficient information to cause a change in irrigation practices. For this reason, the Task Force placed among its top twelve recommendations the requirement that properties with more than 5,000 square feet of irrigated landscaping install a dedicated irrigation meter.

In 2006, in response to some of the Task Force recommendations, including the requirement for dedicated irrigation meters, the California legislature passed and the Governor signed Assembly Bill 1881, titled Water Conservation in Landscaping. In addition to other provisions, this legislation requires water purveyors to implement two specific actions related to the use of water for landscape irrigation purposes: 1) require the installation of a separate, dedicated irrigation water meter for new water services installed after January 1, 2008 for larger development projects; and 2) adopt an updated water efficient landscaping ordinance, a model of which is to be developed by the Department of Water Resources (DWR) by January 1, 2010. The action recommended in this report addresses the first requirement. The second required action will be brought to Council at a later date, once DWR has finalized a model water-efficient landscaping ordinance.

DISCUSSION

The proposed Municipal Code amendment requires the installation of a separate dedicated irrigation water meter as a condition for providing new water service to properties with 5,000 square feet of irrigated landscaping. Note that the proposed Ordinance applies only to new services, (i.e., properties where water service has not been previously provided). In accordance with the legislation, the requirement for dedicated irrigation meters would not apply to single-family residential properties, regardless of the amount of landscaped area, but would be applicable to all other types of property development, including commercial and industrial properties and residential properties with common landscaped areas, when the total irrigated landscaped area is more than 5,000 square feet. Further, only water service installations that occur after January 1, 2008 and in response to applications for new water service received after January 1, 2007 are affected.

For many of the development projects in Hayward, the proposed ordinance will have no material impact because either the project is too small in terms of the landscaped areas or the applicant would have opted for a separate irrigation meter, regardless of the City's requirements. Staff encourages the installation of an irrigation meter when projects include significant landscaping. Many non-residential customers, recognizing the benefits, such as improved management of water consumption and the fact that wastewater service charges are not applied to irrigation-only accounts, choose to have separate irrigation meters. Residential properties with common landscaped areas typically install separate irrigation services. For example, the new townhome developments around City Hall all include one or more irrigation-only meters. Although it is difficult to predict with certainty how many projects may be affected by the proposed ordinance, staff estimates that normally twenty to thirty developments per year would meet the criteria for installing a separate irrigation meter.

The ordinance would apply to water services installed after January 1, 2008 and on applications received after January 1, 2007. Staff has already started notifying applicants early in the development process that Council is considering this matter. Staff will communicate Council's action in writing to any customers who have development applications in progress and may be affected by the new requirement.

FISCAL IMPACT

This Code amendment does not have significant fiscal impact on the City. Cost impacts to affected project applicants will depend on the size of the meter needed to serve the landscaped area. Typically, irrigation meters range from one to two inches in size, depending on the area to be covered and anticipated peak demand water use. Based on the City's current rate schedule, the installation costs and facilities (connection) fees for meters of this size are \$14,240 for a one-inch meter and \$40,490 for a two-inch meter. These costs would be borne fully by the applicants. The domestic water service could potentially be reduced in size if it is not serving irrigation uses, which could offset some of the cost of installing a separate irrigation service.

In the long-term, customers may benefit financially from the installation of a dedicated irrigation meter through better water management and reduced water billings. Also, as noted earlier irrigation-only accounts are not charged for wastewater service on the water consumed, which may further reduce the utility billings for affected customers.

PUBLIC CONTACT

A notice of public hearing regarding this ordinance was published in the Daily Review. Staff will work with affected property development applicants to implement the ordinance provisions.

NEXT STEPS

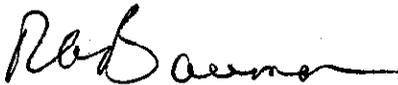
The proposed action is the first step towards adoption of the Ordinance. If approved, this item will be placed on the Council calendar next month for adoption.

Prepared by:



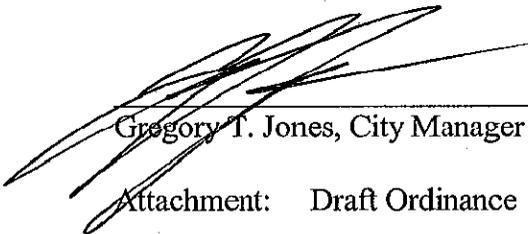
Alex Ameri, Deputy Director of Public Works

Recommended by:



Robert A. Bauman, Director of Public Works

Approved by:


Gregory T. Jones, City Manager

Attachment: Draft Ordinance

DRAFT

NA
12/5/07

ORDINANCE NO. 07-

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF
THE HAYWARD MUNICIPAL CODE BY ADDING A
DEFINITION AND INSERTING A NEW SECTION 11-2-46
REQUIRING INSTALLATION OF SEPARATE IRRIGATION
WATER METERS FOR CERTAIN PROJECTS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. Chapter 11, Article 2, of the Hayward Municipal Code is hereby amended
by adding the following definition:

“Irrigation Meter. A water meter used exclusively to measure the volume of water used
for landscape irrigation purposes.”

Section 2. Chapter 11, Article 2, is further amended to insert a new Section 11-2-46 to
read in full as follows:

”SEC. 11-2-46 SEPARATE IRRIGATION METER. Certain new water services
shall include the installation of a separate irrigation meter to measure the volume of water used
for landscape irrigation. This requirement shall apply to water connections that will serve
properties with 5,000 or more square feet of irrigated landscape. The requirement shall not
apply to single-family residential properties, including single-family homes, duplexes, triplexes
and fourplexes.

For the purposes of this Section, “new water service” means the installation of a
new water meter where water service has not been previously provided

This Section shall apply to any water service installed on or after January 1, 2008.
It shall not apply to applications for new water services submitted to the City prior to January 1,
2007.”

Section 10. SEVERANCE. Should any part of this ordinance be declared by a final
decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or
beyond the authority of the City, such decision shall not affect the validity of the remainder of
this ordinance, which shall continue in full force and effect, provided that the remainder of the
ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the
intentions of the City Council.

Section 11. In accordance with the provisions of Section 620 of the City Charter, this
ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward,
held the ____ day of _____, 2007, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held
the ____ day of _____, 2007, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward