

**INITIAL STATEMENT OF REASONS FOR THE AMENDMENT OF
California Code of Regulations**

TITLE 23. Waters. Division 2 – Department of Water Resources

CHAPTER 2.7 – Model Water Efficient Landscape Ordinance

SECTIONS: 490, 491, 492, 493, 494, 495, Appendix A,

Appendix B, Appendix C, Appendix D

PROBLEM STATEMENT

The Model Water Efficient Landscape Ordinance (MWELo) (CCR Title 23, Chapter 2.7) governs all landscapes that are planned, designed, installed, managed, and maintained in order to have a watershed-based approach to improve California’s environmental conditions and provide benefits and realize sustainability goals. In accordance with Government Code §65596.5, the Department of Water Resources (Department) is required on or before January 1, 2020, and at least every three years thereafter to update the MWELo or to make a finding that an update is not useful or effective.

As required by MWELo, local agencies (cities and counties) are required to annually report to the Department on MWELo implementation and enforcement. In 2022, approximately 50% of local agencies submitted the required reports. To understand why more local agencies do not report, University of California, Davis (UC Davis) performed a survey on MWELo implementation and reporting and found that due to a lack of clarity in the regulatory language there exists a general confusion among local agencies in understanding the MWELo requirements for the project applicant and the enforcing local agency, including when does MWELo apply and what is required. While local agencies with more resources had a greater reporting compliance rate, the lack of clarity is challenging for local agencies with fewer available resources.

The Governor’s Water Resilience Portfolio (2020), Action 2.2, and the California Extreme Heat Action Plan (2022) support the simplification and better implementation of the ordinance. Due to increasing demands, the uncertainty of water supply reliability, and a reliance on MWELo implementation to achieve landscape water use efficiency, effective MWELo implementation by all local agencies is of high importance.

GENERAL PURPOSE OF THE AMENDMENTS

There are four identified policies and reports that support an update to the MWELo including the Governor's Water Resilience Portfolio¹ (July 2020), the UC Davis Survey on Barriers to MWELo Implementation (2022)², the California Extreme Heat Action Plan³ (April 2022), and the Landscape Statewide Advisory Group Summary report for Updating MWELo⁴ (August 2019). The Governor's Water Resilience Portfolio (July 2020), Action 2.2 states – Simplify the Model Water Efficient Landscape Ordinance. The UC Davis Survey on Barriers to MWELo Implementation (2022) supports an update. The California Extreme Heat Action Plan (April 2022),

- Track B – Goal 2, R6 states: Promote or expand existing efforts to address extreme heat (ex. construction, building decarbonization, microgrids, tree trimming, and forest stewardship) and invest in new areas of focus, such as climate-smart Heating Ventilation and Air Conditioning; building weatherization; energy efficiency retrofits; urban forestry; watershed friendly landscaping; climate smart management of schoolyards, parks, and open spaces; etc.
- Track C – Goal 3, R2 states: Support Model Water Efficient Landscape Ordinance implementation. Offer technical assistance support to tribal governments seeking to adopt similar ordinances. The ordinance was created as a model for local agencies to enforce minimum standards in landscape design, construction, and management. It achieves this through specific requirements related to soil, plants, irrigation, stormwater, and non-potable water supplies.
- Track C – Goal 4, R1 states: Study the impacts of mitigations to the built environment on reducing health effects from high heat in California. Examine mitigation measures in the built environment to reduce urban heat islands and heat effects generally such as cool surfaces, nature-based solutions, including planting shade trees and increasing green spaces, as well as weatherization.

Recommendations in these reports support updating MWELo to reduce ambiguity and eliminate mistakes on the understanding and implementation of the ordinance by project applicants and local agencies.

The intent of the proposed MWELo amendments is to improve the implementation and enforcement of MWELo by providing clarity, improving organization, and reducing ambiguities. The proposed amendments are needed to improve MWELo's clarity, and thus reduces ambiguity, so that regulated parties can understand what is required by MWELo and correctly guide project applicants. Because of existing ambiguities in the

¹https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Water-Resilience/Final_California-Water-Resilience-Portfolio-2020_ADA3_v2_ay11-opt.pdf

² https://ccuh.ucdavis.edu/MWELo_SURVEY

³ <https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Climate-Resilience/2022-Final-Extreme-Heat-Action-Plan.pdf>

⁴ <https://resources.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/MWELo-Files/2019LSAG-Report-Draft-vFINAL-08072019-merged-1-003.pdf>

MWELo, local agencies and project applicants may have misinterpreted or not clearly understood what is required or may have allowed things that should not have been approved.

The new regulatory requirement included in the amendments is an implementation of statutory requirements in Government Code §65596(n), which was adopted in 2020. Government Code Section 65596(n) requires all plants to be identifiable at the time of inspection. DWR proposes to implement this statutory direction by requiring plant legends with photographs be prepared for each project. Plant legends are common practice when designing a landscape and digital photographs are freely available online. Thus, this new requirement will have negligible to no impacts on MWELo implementation except to make plant identification easier for all projects.

The MWELo is currently organized in a manner that is not easily understood and implemented by planners and landscape designers. Many of the changes to the draft amendments described within the Initial Statement of Reasons are a reorganization of content to improve understanding, provide clarity, and reduce ambiguity for regulated parties.

In MWELo, the requirements are currently organized by the 28 identified components associated with efficient landscape water use (e.g., penalties, public education, and irrigation scheduling). The problem with this organization is that while it is organized by topics, the overall organization does not follow a logical progression or provide a clear understanding of responsibilities and authorities associated with how landscapes are designed, installed, maintained, and managed. These organizational problems can lead to misinterpretation about what is required and general misunderstanding and confusion.

The proposed MWELo reorganization groups the existing requirements into a more logical organization by first describing the general requirements that are applicable to all landscape projects that must comply with MWELo. The next section organizes and describes the roles and responsibilities of the project applicants and local agencies enforcing MWELo. The next sections organize and list the two compliance options and their requirements within the body of the regulation. Whereas the current MWELo includes the requirements for the prescriptive compliance option in Appendix D, and the requirements for the performance compliance option are included in the body of the regulation. Within each compliance option, the existing requirements are reorganized in this amendment to follow the landscape industry's understanding of how landscape projects are designed, installed, maintained, and managed. The last two primary sections of the reorganized MWELo describe the existing requirements to document compliance with MWELo and its reporting requirements to the Department.

Because the MWELo section numbering is limited to §490 through §495 and reorganizing the MWELo content is needed to provide clarity and improve MWELo's organization, the section headings within this draft amendment are repurposed.

EXHIBITS A, B, AND C TO ASSIST WITH UNDERSTANDING

Accompanying the Initial Statement of Reasons are three exhibits for illustrative purposes, to assist the reader with understanding the draft amendments.

1. In the document showing the draft regulatory text, everything is shown as new language and it is difficult to know what is new and deleted; Exhibit A shows the existing regulation with ONLY the new text (underlined) and deleted text (strikeout). Exhibit A is to simply show language that is changed including a high-level reasoning for the amendments so that the reader can understand the reason for the change without going back and forth between the documents. Exhibit A demonstrates that there are no material changes to the existing MWELo regulation. A more detailed reason for each individual change is found in the Initial Statement of Reasons document.
2. Exhibit B is a figure showing how the contents from the 2015 model water efficient landscape ordinance (2015 MWELo) is reorganized using the existing regulation Table of Contents (previous 2015 MWELo) and the Table of Contents of these draft amendments. This visual representation of the reorganization aids the reader with understanding how the MWELo regulation is reorganized to make the ordinance easier to understand.
3. Exhibit C is a detailed description of why revisions made to the maximum applied water allowance equation does not change the water budget calculation.

SPECIFIC PURPOSE OF, AND RATIONALE FOR, EACH PROPOSED AMENDMENT

§490(b)(4) – The term “water” is added before “waste” to be consistent with the new definition of “water waste.”

§490(c) – A hyphen is added in between “watershed based” to improve grammar.

§490(c)(2) – A hyphen is added in between “petroleum based” to improve grammar.

§490. Authority and Reference – Authority: §65593 Government Code is removed because it does not give authority for this rulemaking. §65596 Government Code is added because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code is added as an authority. The reference to the 2015 Governor’s Executive Order (EO) is deleted because it no longer applies.

Reference: §65591 Government Code is removed from references because this rulemaking does not implement, interpret, or make specific this provision of law.

Sections 65593, 65596 and 65596.5 Government Code, and Chapter 49 California Fire Code, and §4291 Public Resources Code were added to reference because this rulemaking implements, interprets, or makes specific these provisions of law.

Governor’s EO removed from reference because it no longer applies.

§490.1 – General Provisions. Section 490.1, “Applicability.” is deleted, and its requirements are reorganized with this draft amendment into section 491. “Applicability.” This section is repurposed to be a section for “General Provisions,” which describes the general landscape water use topics and their requirements that are applicable to all MWELO projects. Because the MWELO section numbering is limited to §490 through §495 and reorganizing the MWELO content is needed to provide clarity and improve MWELO’s organization, all of the section headings within this draft amendment are repurposed.

Codes such as the California Fire Code, Plumbing Code, Business and Professional Code, Energy Code, Stormwater Regulations, and local tree ordinances all intersect on some aspect of the design and installation of landscapes or authorize various individuals to conduct services of design and installation, but MWELO does not regulate these requirements. The purpose of the §490.1 General Provisions is to provide a general description of and references to other relevant codes and regulations so that all applicable regulatory requirements are addressed in a clear organized process. This will reduce ambiguity and provide clarity for the compliance process by making applicants and local agencies aware of other requirements that may need to be considered. In these amendments, the components of the existing MWELO regulation are reorganized and re-numbered into the section for General Provisions, which apply to all MWELO projects. Some contents are newly mentioned but are existing regulations that must be complied with whether they are referenced in MWELO or not.

§490.1(a)(1) – This text regarding designation of responsibility is moved from sections 492(a) and 493(a) into the new section for General Provisions because it is a general requirement that applies to all landscape projects. This move provides clarity and improves MWELO’s organization and is re-numbered following the reorganization. The “Designation of Responsibility” is renamed because the section’s original title “Provisions for Existing Landscapes” is ambiguous and an inaccurate description of the contents. The purpose of “Designation of Responsibility” describes the option for a local agency to delegate authority to enforce all or parts of MWELO to another agency, upon mutual agreement. In some regions, the water purveyor or other agency may have more staff resources and greater expertise to enforce MWELO.

§490.1(a)(2) – Moves the regulation from section 493.2(a) to provide clarity and improve MWELO’s organization. The requirements of water waste prevention are re-numbered following the reorganization. Water waste prevention is more appropriately included with the section for General Provisions that applies to all landscape projects. The text “prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures” is deleted because it is redundant with the revised definition for §490.2(a)(91) “water waste.”

§490.1(a)(3) – Moves the requirements from section 492.14 (a), (b) and (c), to provide clarity and improve MWELO’s organization. The recycled water regulations and

associated subsections are re-numbered following the reorganization. The use of recycled water is applicable to all MWELo projects, and its requirements need to be addressed by the project applicant before designing the landscape project. Subsection (B) describes the recycled water systems requirements as described in the California Plumbing Code that are required to be addressed by the project applicant. Subsection (C) deletes the text “The ET Adjustment Factor for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.” because it is redundant with the description for special landscape areas (SLAs) included in §493.5. Water Efficient Landscape Worksheet.

§490.1(a)(4)(A) – Moves the requirements from section 492.15(a) to provide clarity and improve MWELo’s organization. The gray water requirements are described in two new subsections, (A) and (B), and included with the General Provision section because they are general requirements for gray water use in landscape projects regulated by the California Plumbing Code, and not requirements for how landscapes are designed and installed. Including these requirements in the section for general provisions improves MWELo’s organization and adds clarity by directing applicants and local agencies to the correct code for gray water applications. Additionally, the chapter number for the California Plumbing Code is updated to reference the correct chapter.

§490.1(a)(4)(B) – Moves the requirements from section 490.1(d) to provide clarity and improve MWELo’s organization; the section is re-numbered following the reorganization. This section is gray water requirements that were previously included in section. Grouping all the gray water system requirements together improves MWELo’s organization and adds clarity to the understanding of what is required when gray water is used in the landscape. This requirement is duplicated in §490.1(a)(5) because the requirement includes both gray water and rainwater. Separating the requirements to be associated with each specific component improves understanding and adds clarity to what is specifically required for each component of MWELo. The section number is updated to reference the reorganized MWELo section.

§490.1(a)(5)(A) and (B) – “Stormwater Management and Rainwater Retention” requirements are moved from section 492.16 and included with the General Provision section because they are general requirements applicable to MWELo projects and for the most part, are regulated by the State Water Resources Control Board or Regional Water Quality Control Boards. Presently, the Stormwater Management and Rainwater Retention requirements do not follow a logical organization or provide a clear understanding of how stormwater and rainwater are used in landscapes; reorganizing the requirements improves MWELo’s organization and understanding. The existing requirement and recommendations from §492.16(b) and (c) are renumbered following the reorganization and the reference to section 492.6(a)(3) is updated to reference the correct section.

§490.1(a)(5)(C) – In the phrase “all planted landscape areas”, the term “planted” is deleted because it is redundant with the clarified definition of §490.2(a)(42) “landscape

area” that includes planted areas. Unplanted areas are not included as part of the landscape area and are not used in the Maximum Applied Water Allowance (MAWA) water budget calculations. The language is moved from section 492.16(c)

§490.1(a)(5)(D) – Moves the requirements from section 490.1(d) to be included with the requirements associated with stormwater and the reference is updated to the reorganized section number. The text “area” is added to landscape to be more specific and consistent with the clarified definition of §490.2(a)(42) “landscape area.”

§490.1(a)(5)(E) – Re-numbered from section 492.16(d) following the reorganization for improved workflow. There are no changes proposed for these stormwater recommendations.

§490.1(a)(5)(F) – Re-numbered from section 492.16(e) following the reorganization for improved workflow. There are no changes proposed for these stormwater recommendations.

§490.1(a)(6) – Moves the regulation from section 492.6(a)(1)(F) to provide clarity and improve MWELo’s organization. Fire Safe Landscaping practices are included with the General Provision section because they are existing general requirements for MWELo projects to comply with the Fire Code and Public Resources Code, and not requirements for how landscapes are designed and installed for water efficiency; this description also applies to §490.1(a)(6) subsections. The defensible space requirements of the California Fire Code and Public Resources Code §4291 for Defensible Space are summarized in the clarified requirements.

§490.1(a)(6)(A) – New text included in this section is referenced from California Fire Code to describe existing fire safe landscaping requirements and uses language from the Fire Code to provide clarity to what is required for landscape projects subject to MWELo. The previous description referenced defensible space or zone and avoiding fire-prone plant materials and did not provide enough clarity about the type of MWELo projects that may be subject to existing fire safe landscaping requirements. The added text provides clarity as to which landscapes must comply with Fire Code for the “Wildland-Urban Interface”.

§490.1(a)(6)(B) – Moved from section 492.6(a)(1)(F) to provide clarity and improve MWELo’s organization. The additional description to the existing requirements of the Public Resources Code requirements contained in §4291(a) and (b) improves clarity and understanding and reduces ambiguity by quoting the defensible space obligations of property owners.

§490.1(a)(6)(C) – Is moved from section 492.6(a)(1)(F) to provide clarity and improve MWELo’s organization. Text is added clarifying that existing requirements of the Local Fuel Modification Plan guidelines may have additional requirements described in the existing Public Resources Code that need to be considered. This does not add any new

requirements to MWELO provisions or change any existing requirement for this subsection.

§490.1(a)(7) – Moved from section 492.6(a)(1) to provide clarity and improve MWELO's organization and is included with the General Provision section because they are general requirements for MWELO projects, and not requirements for how landscapes are designed and installed; this section describes the general selection of plants including trees and avoidance of invasive plants that should be considered prior to starting the landscape project. "Plant Material" is changed to "Plant Selection" to better describe the requirements within the section. This does not change any existing requirement.

§490.1(a)(7)(A) – Moved from section 492.6(a)(1)(A)(4) and is included with the general provisions and because it describes the general selection of plants including trees and avoidance of invasive plants that should be considered prior to starting the landscape project and to assist CalFire with their mandate to increase urban tree canopy consistent with Goal 3 of the "California's Wildfire and Forest Resilience Action Plan" (January 2021) This does not change any existing requirement.

Previous section 492.6(a)(1)(G) – Moved into the section for General Provisions as §490.1(a)(7)(B) because it describes the general requirements and recommendations for avoidance of invasive plants that should be considered prior to starting the landscape project. Text is added into §490.1(a)(7)(B)(1) describing that the authority to declare certain plants as invasive is reserved for the Secretary of Agriculture to improve clarity and understanding about the use of invasive plants in landscapes.

§490.1(a)(8) – Moved from section 492.6(a)(1)(H) because it is an existing general requirement that should be considered before starting the project. The Civil Code section describing these requirements is added to improve the clarity of the existing requirement. These Civil Code Sections are included because only local agencies may enforce MWELO.

§490.1(a)(9) – Moved from section 492.18(a) because it is generally applicable to all MWELO projects and when included with the General Provision section improves workflow and MWELO's organization. "Environmental Review" is used as a descriptor of the requirement to provide clarity.

§490.1(a)(10) – Moves language from section 492.2(a) and included with the General Provision section to provide clarity and improving MWELO's organization. The heading associated with 492.2 "Penalties" is used as a descriptor of the requirement to provide clarity.

§490.1(a)(11) – Moved from section 492.17(a) and section 492.17(a)(1) and included with the General Provision section because they are public education requirements for local agencies to provide to applicants of MWELO projects, and not requirements for how landscapes are designed and installed. This organization improves the workflow

and organization of MWELo. The heading associated with section 492.17 “Public Education” is used as a descriptor of the requirement to provide clarity.

§490.1(a)(12) – Moved from section 492.17 and included with the General Provision section because they are general requirements for model home projects for the purpose of public education of prospective homebuyers and not requirements for how landscapes are designed and installed. The regulation is clarified by stating that the landscape shall “display signs that provide information demonstrating the principles of water efficient landscapes” instead of “use signs and written information to demonstrate the principles of water efficient landscapes.” Existing requirements are re-organized so that the featured elements are grouped together in (12)(A)(1) and in (12)(A)(2) The term “water use budget” replaces “water use” to provide clarity to what is meant by water use in the landscape.

§490.1. Authority and Reference – Authority: §65594 and 65595, Government Code; Section 1351, Civil Code; and Sections 21080 and 21082, Public Resources Code were removed because they do not give authority. Section 65596, Government Code is added to authority because it confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code is added as an authority which requires DWR to review whether an update to the MWELo is needed. The Governor’s EO is removed from authority because the relevant provisions no longer apply. Reference: §65593, §65596 and §65596.5 Government Code, Section 1351 through 4100 and 4735 Civil Code, and Chapter 49 California Fire Code, Sections 4291, 21080, and 21082 Public Resources Code, and Chapters 15 and 16 of the California Plumbing Code are added to reference because this rulemaking implements, interprets, or makes specific these provisions of law. Governor’s Executive Order No. B-29-15 (April 1, 2015) is removed because the relevant provisions no longer apply to the Ordinance.

§490.2 – This is a new section in this draft amendment. The Definitions were previously in section 491, and this new section is a reorganization of the MWELo Definitions.

§490.2(a) – Adds a subheading (a) so that the definitions can be numbered instead of using letters and make the MWELo easier to understand.

§490.2(a)(1) – Re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(2) – Adds a definition for “aggregated landscape project” to describe the term used in the re-numbered §491 (section 492.3) and is undefined. The term “aggregate landscape” is used to describe two different concepts: the first is the total area for a landscape project, which can mean an “aggregate” of the landscape within a unique single-family residential project. The second is an aggregated landscape project, which is a summation of individual landscape project areas within a production home development and includes specific allowances associated for these types of projects. This definition is needed to provide clarity to what is meant by an aggregated landscape project.

§490.2(a)(3) – Adds a definition for “applicant signature.” The definition is needed to describe what is meant by “applicant signature” as it is used in Appendix B – example Water Efficient Landscape Worksheet and it is ambiguous who that meant.

§490.2(a)(4) – Adds a new definition for “application rate or precipitation rate”. The definition is needed because application rate is used in the definition of runoff, in re-numbered §490.2(a)(76), and is used in the Irrigation Design Plan, re-numbered §493.2(c)(4) People that are not experts in MWELO may not know what this term means, and a definition is included to improve understanding.

§490.2(a)(5) – This subsection clarifies the definition of automatic irrigation controller by reducing ambiguity in the description of the irrigation controller’s relationship to a station. This clarification is needed because “station” is a defined term and is directly related to how an automatic irrigation controller functions. This clarifies how the controller operates each station and its associated valves. The text “sensor-based” is added following soil moisture data to be consistent with the use of “weather-based sensor”, which follows “evapotranspiration” and clarifies the type of data provided by each sensor. The subsection is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(6) – Ambiguity is reduced in the definition of “backflow prevention device” by adding that it is “required by the California Plumbing Code” to clarify that backflow prevention devices are required by the California Plumbing Code for irrigation systems. The subsection is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(7) – The term “Package” is added to the end of the term “Certificate of Completion” to use consistent language with the re-numbered “§494. Certificate of Completion Package” and its requirements. Please reference the description in §494 describing why the term package is needed. The referenced section number is updated, and the subsection is re-numbered consistent with the re-numbering of the definitions.

The previous section 491(e) – Definition for “certified irrigation designer” is deleted and replaced with the definition for “designer of record”, which is a more appropriate term to use within this ordinance. The designer of record is for the purposes of this ordinance, which is a term used to include multiple different professionals or a property owner that might sign the document. It has been reported to the Department that local agencies have not allowed unlicensed designers or irrigation consultants to submit landscape and irrigation plans as they are authorized to by the Business and Professions Code (BPC). A single term for the “Designer of Record” removes confusion about who is allowed to do specific design or construction services, as it applies to this ordinance. The designer of record includes all persons, both licensed and unlicensed that are authorized to perform various professional services by the Business and Professions Code, Div. 3, Ch. 3.5, Art. 3, sections 5640-5644, in the design and construction of landscapes. Over the years, this statement has been and continues to be subject to interpretation or misinterpretation as to who can and cannot perform services, as it applies to this

ordinance. The BPC, not MWELO, clearly specifies permitted practices by professional practitioners and property owners. This definition adds clarification, reduces ambiguity and is consistent with the BPC.

§490.2(a)(8) – Reduces ambiguity in the definition of certified landscape irrigation auditor by replacing “such as” with “certified by” in front of “the US Environmental Protection Agency.” As written, it implies that the United States Environmental Protection Agency (USEPA) performs the certification program, which is not true. The USEPA tests the protocols of certifying organizations, and the auditor is certified by the labeled program; they do not certify individuals. The text “or the” is added in front of “Irrigation Association’s Certified” to clarify that a certified auditor may use any labeled certification program. The text “professional” replaces “irrigation auditor” to be consistent with the USEPA’s description of its certification program, which uses the term “professional certification” instead of “irrigation auditor.” The subsection is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(9) – Reduces ambiguity in the definition of check valve by replacing “located under a sprinkler head, or other location in the irrigation system, to hold” with “used in a pipeline or emission device that holds” to clarify where check valves are commonly used. “Emission devices” replaces “sprinkler heads” because check valves can be associated with various types of emission devices and not just sprinkler heads. “system” replaces “sprinkler” to clarify that a check valve prevents water waste when the system is off, not just when the sprinkler is off. The subsection is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(10) – Reduces ambiguity in the definition of common interest development by describing how “common interest developments” are different from “multifamily residential landscapes.” Condominiums are included in the definition of “common interest developments” and is also included in the definition of multifamily residential landscapes, which can cause confusion. “Common areas” are defined in Civil Code to mean a shared ownership of a common area and is distinct from multifamily residential landscapes which have a single owner. The Civil Code section number is revised because common interest developments are now defined in §4100, and §1351 is now vacant.

§490.2(a)(11) – Re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(12) – Reduces ambiguity in the definition of conversion factor by clarifying that it is a number used in the Maximum Applied Water Allowance Calculation. Previously it was described as a conversion factor without a reference for where it is used in MWELO. The subsection is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(13) – Reduces ambiguity in the definition of a “landscape water meter” by replacing it with a definition for “dedicated irrigation meter” to make a clear distinction

between a private submeter and a dedicated irrigation meter. Dedicated irrigation meters are installed by the water purveyor and not by a private party. Additionally, the definition is simplified by stating “records the volume of water used” instead of “measures the flow of water into the irrigation system and is connected to a totalizer to record water use.” The subsection is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(14) – Reduces ambiguity in the definition for “designee” by describing who that person is. The term is used in section 492.1(b)(2), section 492.5(a), section 492.9 and is needed to clarify what is meant by “designee”. It is now used in re-numbered §491.3 – Compliance Responsibilities, §493.1 – Soil Management Report, and §494 – Certificate of Completion Package.

§490.2(a)(15) – Reduces ambiguity by adding a definition for “designer of record.” Section 492.6(b)(14), Landscape Design Plan statement says, “bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape” and is inconsistent with the Business and Professions Code (BPC). DWR is frequently asked by local agencies and the public about “who can do what” in terms of landscape design and installation. The designer of record is just a term for the purposes of this ordinance to include multiple different professionals or a property owner that might sign the document. It has been reported to the Department that some local agencies have not allowed unlicensed designers or irrigation consultants to submit landscape and irrigation plans as authorized by the Business and Professions Code (BPC). Using a single term for the “Designer of Record” removes confusion about who is allowed to do specific design or construction services, as it applies to this ordinance. The designer of record includes all persons, both licensed and unlicensed that are authorized to perform various professional services by the Business and Professions Code, Div. 3, Ch. 3.5, Art. 3, sections 5640-5644, in the design and construction of landscapes. Over the years, this statement has been and continues to be subject to interpretation or misinterpretation as to who can and cannot perform services, as it applies to this ordinance. The BPC, not MWELo, clearly specifies permitted practices by professional practitioners and property owners. This definition adds clarification and is consistent with the BPC.

§490.2(a)(16) – Reduces ambiguity by adding a definition for “design review,” which is used in section 490.1, now in Compliance Responsibilities re-numbered §491.3(a)(1) Applicability and is needed to clarify that the local agency (by having jurisdiction) conducts MWELo review.

§490.2(a)(17) – Re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(18) – Reduces ambiguity in the definition of drip irrigation by combining its definition with the definition of low volume irrigation. Previously the definition of drip irrigation and low volume irrigation are almost identical. The one difference is that the

definition of low-volume irrigation includes bubblers, which can be low-volume irrigation and can also be high-volume irrigation depending on the type of bubbler selected. Please reference the description for section 491(qq) below for more detail. The text “where water is slowly applied to or below the soil surface” is combined with the existing definition of drip irrigation “at or near the root zone of plants.” Clarifying text is added to describe that the flow rate associated with drip irrigation emission devices has a manufacturer specification for flow rate measured in gallons per hour. This is a clarification and does not change any existing requirement and the subsection is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(19) – Reduces ambiguity by adding a definition for “dynamic pressure” used in section 492.7(a)(1)(C)(2) The term is now used in the re-numbered §492. Prescriptive Compliance Option and in §493.2.2. Irrigation Design Plan.

§490.2(a)(20) – Re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(21) – Reduces ambiguity in the definition of “effective precipitation” by deleting “or usable rainfall” because “or usable rainfall” is a phrase that is not used in the regulation and is therefore unnecessary. The subsection is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(22) – Clarity is improved by replacing the definition of “emitter” with “emission device” so that one term can be used to describe all the irrigation system components that can deliver water to the landscape. The term “emission device” is used in Appendix D(b)(5)(E) and is undefined. Emitters are a specific type of emission device used in drip irrigation systems, while emission devices encompass all the various devices that can deliver irrigation water to the landscape. The text “emitter or sprinklers” is used in the definition of “lateral line”, and incorrectly used by including bubblers in the definition of “low volume irrigation” instead of the narrow definition for emitter.

§490.2(a)(23) – Clarity is improved in the definition for “established landscape” by using the term “stage” instead of “point.” The Merriam-Webster dictionary defines point as “an exact moment” while stage is defined as “a period or step in a process, activity, or development.” As defined by Merriam-Webster, the term stage more appropriately describes the different establishment period of diverse landscape plant types. The subsection is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(24) – Clarity is improved in the definition of “establishment period of the plants” by adding the text “or establishment period” to also include terminology used in re-numbered §493.2.2(a) that refers to the plant establishment period. The subsection is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(25) – Clarity is improved in the definition of Estimated Total Water Use (ETWU) by describing that ETWU is the sum of each hydrozone’s estimated water use (EWU), a new definition in §490.2(a)(26) Ambiguity is reduced by also describing that

ETWU must be equal to or below the maximum applied water allowance (MAWA) to comply with MWELO consistent with the requirements described in §493.3. Water Efficient Landscape Worksheet. The subsection is re-numbered following the reorganization.

§490.2(a)(26) – Ambiguity is reduced by adding a definition for “Estimated Water Use (EWU),” which is needed because of how the water efficient landscape worksheet, re-numbered Appendix A, is re-organized to reduce ambiguity and improve understanding. Please reference the description for Appendix A for more detail. Each hydrozone’s Estimated Water Use is calculated before it is summed up to the Estimated Total Water Use (ETWU). The water efficient landscape worksheet and the associated water budget calculations function similarly, although the EWU term is not used. The updated worksheet needs to have each column labeled to comply with Americans with Disabilities Access (ADA) and an appropriate column name is EWU.

§490.2(a)(27) – The definition of ET adjustment factor is clarified by describing that the maximum evapotranspiration adjustment factor (ETAF) allowed is for regular landscape areas. The clarification that it is the “maximum ETAF allowed” in the MAWA calculation is consistent with the requirement in section 492.4, (now re-numbered as §493.3) which defines ETAF in the MAWA calculation as the maximum ETAF allowed. The term “regular landscapes” is added in front of “area” to clarify the types of landscapes maximum ETAF applies to and is consistent with the added definition for “regular landscape area (RLA)”. Please reference the description associated with regular landscape area in §490.2(a)(73) for a more detailed explanation. The ETAF associated with the existing non-rehabilitated landscapes is made consistent with the regulatory text in the section 491.1 (now re-numbered as §493) and improves clarity and understanding. The subsection is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(28) – The subsection is re-numbered to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(29) – Clarity is improved in the definition of flow rate by replacing the “rate at which” with “volume of water per unit of time” so that the term rate can be clearly understood. The subsection for this section is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(30) – Clarity is improved in the definition of a flow sensor by adding “a compatible” in front of automatic irrigation controller to describe that the irrigation equipment should use compatible equipment, meaning that the flow sensor and irrigation controller can communicate with each other. This reduces ambiguity and is not a new requirement. The term “landscape water meter” is replaced with § 490.2(a)(13) dedicated irrigation meter. Dedicated irrigation meters do not function as a flow sensor. The term “privately owned” is added in front of submeter to clarify that submeters are

not owned by the water purveyor. The subsection for this section is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(31) – Section is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(32) – Ambiguity is reduced in the definition of “Fuel Modification Plan Guideline” by adding the term “landscaping” in front of “guidelines” to reduce the ambiguity of which guidelines are being referred too. The subsection for this section is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(33) – The definition for “graywater” is split into two words “gray water” to be consistent with how it is used in the California Plumbing Code. Where the term “graywater” is used in MWELo it is changed to be gray water throughout the MWELo regulation in re-numbered §491.1(a)(4), and §491.1(a)(12) The subsection for this section is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(34) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(35) – Clarity is improved in the definition of “hydrozone,” by replacing “portion” with “section” to improve grammar. Merriam-Webster dictionary defines portion as “an often-limited part of a whole” while section is defined as “a part that may be, is, or is viewed as separated.” By using “section” it clarifies that a hydrozone is a unique and separate area of the landscape consistent with the Water Efficient Landscape Worksheet, re-named Appendix A. Ambiguity is reduced by including that similar water needs refers to the use of plant water use factors, as defined in §490.2(a)(65), and that the generally similar rooting depths means rooting depths generally associated with various types of plants in the landscape: turfgrass, shrubs, and trees. These plant types share similar rooting depths and improves the understanding of what is meant by hydrozone. The subsection for this section is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(36) – This section is re-numbered to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(37) – The definition of “invasive plant species” is clarified by stating that lists of invasive plants are maintained by the California Invasive Plant Council (Cal-IPC) in their Cal-IPC Inventory and by the United States Department of Agriculture (USDA) called PLANTS database. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(38) – The irrigation audit is clarified by including “reporting water waste” consistent with the definition for “water waste”, in §490.2(a)(91), and capitalizes “WaterSense” to be consistent with how it is capitalized in the USEPA labeled auditing program. This section also re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(39) – The text “average” is added in front of “irrigation efficiency” to clarify that the irrigation efficiency is an average of the system’s irrigation efficiency and does not mean that it is an irrigation efficiency of an individual emission device. This revision is consistent with how it is described in section 492.13(a) The definition organizes the requirements for average irrigation efficiency into two new subsections, one for: “overhead irrigation systems”, which replaces “spray devices” and the term “irrigation” is added to “drip systems” so that consistent terminology is used in the MWELo. The average irrigation efficiency is associated with the type of irrigation systems, not individual emission devices. This section also re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(40) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(41) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

Previous section 491(hh) – The definition for landscape architect is deleted because it is included with the added definition for “designer of record” in re-numbered §490.2(a)(15)

§490.2(a)(42) – “(LA)” is added to the landscape area term to improve MWELo’s understanding and to use consistent terminology. The LA is a shorthand term used in Applicability, re-numbered §491. The landscape area includes both the regular landscape area and special landscape area associated with a landscape project consistent with clarified definitions. In the definition of “landscape area” the term “turfgrass” replaces “turf” to be consistent with the revised definition of turfgrass. This section also re-numbers the subsection to be consistent with the re-numbering of the definitions.

Previous section 491(jj) – The definition of “landscape contractor” is deleted because it is replaced with the definition for “designer of record” in re-numbered §490.2(a)(15).

§490.2(a)(43) – Ambiguity is reduced in the definition of “Landscape Documentation Package” by describing that depending on the compliance option selected a different landscape documentation package is required. The references are updated to the correct re-numbered sections included with the description associated with the re-numbered §491.4. Elements of the Landscape Documentation Package. This section is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(44) – Reduces ambiguity in the definition of “landscape project” by stating that it is the “total landscape area” that requires a building or landscape permit, plan check or design review consistent with the requirements in the re-numbered §491. This section also re-numbers the subsection to be consistent with the re-numbering of the definitions.

Previous section 491(mm) – The definition of “landscape water meter” is replaced with the definition in re-numbered §490.2(a)(13) “dedicated irrigation meter”. Please

reference the justification for the change associated with the dedicated irrigation meter definition.

§490.2(a)(45) – The definition of “lateral line” is clarified to state that it is the line from the valve to the emission devices and is consistent with the revised definition for emission device. The definition for lateral line is ambiguous and can be interpreted to mean coming from the water supply system to the emission device, which would be incorrect. This section also re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(46) – The definition of “local agency” includes “city and county” so that San Francisco, which is both a city and a county, is included. This does not add any new requirements to San Francisco as they are already required to implement the MWEL. Additional responsibilities of a local agency are moved from the definition into re-numbered §491.3 to describe the responsibility of local agencies. This section also re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(47) – Re-numbers the section consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(48) – Reduces ambiguity by adding a definition for “low head drainage” which is used in section 492.7(a)(1)(I) now in re-numbered §490.2(a)(48) and §493.2.2(e)(3)(A) and is needed to describe what is meant. This section also re-numbers the subsection to be consistent with the re-numbering of the definitions.

Previous section 491(qq) – Reduces ambiguity in the definition for “low volume irrigation” by deleting this definition and combining its definition with the clarified definition of drip irrigation and into the appropriate regulation as described herein. Specifically, the text from this definition is combined with the definition for drip irrigation §490.2(a)(18) and the term “low-pressure” is included with the reorganized §493.2.2(d)(5) to improve understanding and not change any existing requirements. Previously “low volume irrigation” systems is ambiguous about whether it should be categorized as a drip irrigation system or as an overhead irrigation system because bubblers can be either a low-volume or high-volume application depending on the type of bubbler selected. Depending on the type of bubbler selected it may not meet the definition of a low-volume irrigation system and is confusing. The use of bubblers is not restricted by deleting this definition. Bubblers can fit within either the drip irrigation system or overhead irrigation system definition, depending on the type of bubbler selected. Importantly, the type of irrigation system defines the associated irrigation efficiency in the water budget calculations, and this revision reduces ambiguity and improves understanding by allowing bubblers to be associated with the correct type of irrigation system.

The definition in previous section 491(rr) – “Main line” is used in in re-numbered §493.2.2(e)(3)(C) where the text “main line” is, it is replaced with the definition. This is a commonly understood term, including by the public, and a definition is unnecessary.

§490.2(a)(49) – Ambiguity is reduced by clarifying the definition for “master shut-off valve” to include the text “shut-off” between master and valve so that the terminology used in the definition is consistent with how it functions. Ambiguity is reduced by replacing “leaky station valve” with “ruptured pipe or leak in the irrigation system,” because water loss can occur anywhere in an irrigation system after the master shut-off valve and not just at a leaky station valve. This section also re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(50) – Reduces ambiguity by adding a definition for “matched precipitation rate,” which is used in section 492.7(a)(1)(M). The definition modifies the Irrigation Association definition to use the term “hydrozone” as the matched precipitation rate applies to hydrozones, which should use similar emission devices. This section also re-numbers the subsection §493.2.2(e)(4)(A) to be consistent with the re-numbered definitions.

§490.2(a)(51) – Reduces ambiguity by clarifying the definition of Maximum Applied Water Allowance by removing the embedded definitions of ETWU in re-numbered §490.2(a)(25) and SLA in re-numbered §492.2(a)(80) and including those definitions with their appropriate terms. The ET adjustment factor is clarified by describing that it is the “maximum ET Adjustment Factor allowed” consistent with description in section 492.4, the Water Efficient Landscape Worksheet, which describes it as the maximum ETAF allowed. Ambiguity is reduced when describing the MAWA equation by describing that the ETAF applies to specific types of landscapes, consistent with the added definitions for: landscape area (LA) in re-numbered §492.2(a)(42), regular landscape area (RLA) in re-numbered §492.2(a)(73), and special landscape area (SLA) in re-numbered §492.2(a)(80) Please see their respective definitions for more detail. This clarification does not change any existing requirement or water allowance. This section also re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(52) – Reduces ambiguity in the definition for median by adding “a landscape project area.” Previously it was defined as “an area” and it is ambiguous which area was being referred too. By clarifying that it is a landscape project, which is defined, it clearly describes the requirements for when medians are subject to MWELo. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

Previous section 491(vv) – The definition for “microclimate” is deleted because the term is not used in the MWELo regulation.

§490.2(a)(53) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(54) – The subsection is re-numbered to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(55) – Reduces ambiguity by adding a definition for “multifamily residential landscape” to improve clarity. The definition for multifamily residential is consistent with the definition in Government Code §65863.4(d). The definition for “residential landscapes” (section 491(ppp)) includes both single-family and multi-family residential landscapes. The definition of recreational area excludes single-family residential areas, and there is confusion about whether this exclusion also applied to multifamily residential landscapes because it is not clearly defined. Separating the residential landscapes definition clarifies that recreational areas are excluded from single-family residential landscapes and when a “recreational area” meets the definition it is allowed in multifamily residential landscape projects. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(56) – Reduces ambiguity by clarifying that “new construction” applies to the “landscape area” as defined, which describes what landscapes are included in MWELo. “Project” is added to “or other new landscape” to be consistent with the definitions and give clarity to what is meant by landscape. This section re-numbers the subsection to be consistent with the re-numbering of the definitions and updates the reference to the reorganized section.

§490.2(a)(57) – The definition of non-residential landscapes is clarified to be consistent with the revised definitions for “single-family residential landscapes” and “multifamily residential landscapes” which associates the “landscape area” surrounding or associated with the setting. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(58) – Adds clarity by including a definition for “non-volatile memory” because it is undefined and used in section 492.7(a)(1)(B) and is re-numbered as §493.2.2; and Appendix D, now re-numbered as §492. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(59) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(60) – Reduces ambiguity in the definition for “overhead irrigation systems” by deleting the term “sprinkler.” Irrigation efficiency requirements are defined for “overhead irrigation systems” and “drip irrigation systems” by deleting “or overhead spray irrigation systems” and “sprinkler” MWELo uses consistent terminology and improves the understanding of its requirements. The text “(e.g., spray heads and rotors)” is moved to be included in the definition for “sprinkler head.” This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(61) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(62) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(63) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(64) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(65) – Reduces ambiguity in the definition of “plant factor” by reorganizing the plant factor ranges into new subsections (1) through (4) to improve understanding. The WUCOLS publication is now a database, and text is revised reflecting this update. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(66) – The definition of “project applicant” updates the section reference for the Landscape Documentation Package to the correct re-numbering and replaces “his or her” with “their” to improve grammar. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(67) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(68) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(69) – Ambiguity is reduced in the definition of “recreational areas” by adding a hyphen to “single-family” and changes “areas” to “landscapes” so that consistent terminology associated with single-family residential landscapes is used throughout MWELO and is consistent with how it is defined. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(70) – The definition of “recycled water” is simplified by deleting “or treated sewage effluent” and “or recycled”; “or recycled” is redundant with recycled water and “treated sewage effluent” is a term that is not used in the MWELO regulation. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(71) – Reduces ambiguity in the definition of “reference evapotranspiration,” by replacing “grass” with “turfgrass” to be consistent with definitions and use consistent terminology throughout the MWELO. Additionally, “well-watered” replaces “well watered” to improve grammar and remove any potential confusion about the landscape being watered from a groundwater well. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(72) – In the definition of “Regional Water Efficient Landscape Ordinance” the term “interested parties” replaces “stakeholders” to recognize justice, diversity, equity, and inclusion. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(73) – Reduces ambiguity by adding a definition for “regular landscape area (RLA)” consistent with a term used in Appendix B (now in re-numbered Appendix A). The Example Water Efficient Landscape Worksheet uses “regular landscape area” but there is no definition for “regular landscape area.” Adding this definition reduces ambiguity, improves clarity and understanding by clearly distinguishing what is meant by landscape area, regular landscape area, and special landscape area. There are also definitions for aggregated landscape project and landscape project, the landscape area and the landscape project are unique concepts that need to be clearly identified so that regulated parties can understand how the individual elements of a landscape are used to determine if a landscape is water efficient. The maximum ETAF allowed is determined by the area associated with the projects RLA and SLA and is consistent with the clarified definition of ETAF in re-numbered §490.2(a)(27).

§490.2(a)(74) – Reduces ambiguity in the definition of “rehabilitated landscape” by replacing the term “relandscaping” with “landscape renovation” to improve understanding. The section number is re-numbered to the appropriate section following the reorganization.

Previous section 491(ppp) – The previous definition for “residential landscape” is replaced with definitions for “single-family residential landscape” and “multifamily residential landscape” to reduce ambiguity and improve understanding of the types of landscape and their associated requirements.

§490.2(a)(75) – Adds a definition for “riser”, which is a term used in section 492.7(a)(1)(R) (now in re-numbered §493.2.2(e)(3)(E)).

§490.2(a)(76) – Improves the clarity of the definition by replacing “runoff” with “run off” to be consistent with how it is used in the landscaping industry. “Target” is added to “landscape area” to describe that runoff applies when it leaves the desired area to be irrigated, and “from low head drainage” is added because runoff can occur from low head drainage, as defined. This improves the understanding for regulated parties what is meant by runoff. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(77) – Reduces ambiguity by adding a definition for “Single-Family Residential Landscape” to improve clarity. Single-family residential landscapes have unique requirements; the previous definition was “residential landscapes” which also included multifamily residential landscapes. Certain types of SLAs, specifically recreational landscapes, do not apply to private single-family residential landscapes but can apply to multifamily residential landscapes. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(78) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(79) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(80) – Reduces ambiguity in the definition of “Special Landscape Area (SLA)” by including the text “irrigated” and “that may be either all or part” to describe that SLAs need to be irrigated and do not need to be contiguous landscape areas or be the entire landscape area to be an SLA. The text “and is permanently and solely” replaces “solely” to be consistent with the SLA description in section 492.3. The text “such as orchards and vegetable gardens,” is moved from within the previous definition of maximum applied water allowance and included with the definition of SLAs to improve clarity and understanding. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(81) – The definition for “sprinkler head” is clarified by replacing “sprinkler” with “spray head.” Generally, “sprinkler head” and “sprinkler” are more general terms while “spray” has a specific meaning within the landscape industry. Generally, sprinklers include spray, rotors, and rotators and these specific technologies are included with this definition as examples of types of sprinkler emission devices. Ambiguity is reduced by also referencing the added definition for “emission device.” By clarifying that sprinklers apply water through “the air” instead of “at or near the ground” clearly distinguishes whether an emission device fits into the drip irrigation system or overhead irrigation systems, which uses an assumed irrigation efficiency in the water budget calculations to determine whether a landscape project is water efficient. Additionally, the manufacturer’s flow rate is included to provide clarity on sprinkler heads; this adds clarity on whether an emission device is drip or overhead irrigation and does not change any existing requirement. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(82) – This section is re-numbered to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(83) – Reduces ambiguity in the definition of “station” by adding clarifying language that a station on a controller serves a “hydrozone” instead of “an area.” In the MWEL, a “hydrozone” is defined as plants with similar plant factors and rooting depths, while the term “area” is ambiguous and may be interpreted to mean a landscape area that includes more than one hydrozone. While stations can be used to irrigate multiple hydrozones, they are commonly used to irrigate one hydrozone. The text “A circuit on an automatic irrigation controller that operates either” is added to describe that the station can either operate one valve or a set of valves. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(84) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(85) – Clarifies the definition of “submeter” by including “privately owned.” This provides a clear distinction between privately owned submeters and dedicated irrigation

meters, which are owned by a water purveyor. This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(86) – The definition of “turf” is replaced with “turfgrass.” Generally, the public understands “turf” to also include artificial turf. Turfgrass is a better description of a living grass surface. The term “living” is added to clarify that turfgrass does not mean artificial turf, which is non-living. The names of example turf types are deleted because it unnecessarily limits the type of turfgrass allowed; any plant can be used in the landscape per re-numbered §493.2(b) provided that the estimated total water use (ETWU) does not exceed the maximum applied water allowance (MAWA) This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2(a)(87) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(88) – Adds a definition for “water budget calculation” because the term is used in the definition for “water feature,” and is also used in sections 492.3 and 492.6 (re-numbered §491.4, §493.2, and §493.3, respectively). This adds clarity to the MWELo by describing that the water budget calculation refers to the EWU, ETWU, and MAWA calculations.

§490.2(a)(89) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions There is no change to the definition.

§490.2(a)(90) – Reduces ambiguity in the definition of “water feature” by replacing the text “high water” with “high-water” to improve grammar. The subsection is re-numbered to be consistent with the re-numbering of the definitions.

§490.2(a)(91) – Reduces ambiguity by adding a definition for “water waste,” which is used in the definition for “irrigation audit” and is previously undefined. This new definition is consistent with the description associated with water waste from section 493.2, now in re-numbered §493.2.2(e)(3).

§490.2(a)(92) – This section re-numbers the subsection to be consistent with the re-numbering of the definitions. There is no change to the definition.

§490.2(a)(93) – The definition of “WUCOLS” is clarified by replacing “published” with “maintained”; and replaces “University of California Cooperative Extension and the Department of Water Resources 2014” with “California Center for Urban Horticulture, University of California” to reflect the current responsibility for WUCOLS maintenance. Text is added to clarify what WUCOLS is: “WUCOLS is an online database that classifies and provides regional water needs for commonly available landscape plants.” This section re-numbers the subsection to be consistent with the re-numbering of the definitions.

§490.2. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added

to authority because this section confers the relevant authority to the Department for this rulemaking and §65596.5 Government Code is added as an authority per AB 2515, which requires DWR to update the MWELo every three years or make a finding that an update is not useful or effective. Governor's Executive Order No. B-29-15 (April 1, 2015) is removed because the relevant provisions no longer apply to the ordinance.

Reference: Sections 65596.5 Government Code; and 65598, Title 24, Part 9, Chapter 49 California Fire Code; §4291 Public Resources Code; and Title 24, Part 5, Chapters 15 and 16 California Plumbing Code are added to references because this rulemaking implements, interprets, or makes specific these provisions of law. Governor's Executive Order No. B-29-15 (April 1, 2015) is removed because the relevant provisions no longer apply to the Ordinance.

§491 – Section 491 was used for the Definitions; because section 491 and its contents are replaced as described below, they are shown as deleted. With the reorganization, section 491 is repurposed as the “Applicability” section and is a reorganization of existing MWELo requirements.

§491 – Re-numbers section 490.1 to provide clarity and improve MWELo organization for improved understanding. The reference to the Executive Order is deleted because it no longer applies. The date in subsection §491(a) is deleted because is unnecessary, the date previously applied from the Executive Order, and the MWELo applies to the projects as identified.

§491(a)(1) – Because a definition for aggregated landscape project is added, using aggregate in the context of a landscape project versus multiple landscape projects is confusing and is deleted to improve clarity.

§491(a)(2) – Because a definition for aggregated landscape project is added using aggregate in the context of a landscape project versus multiple landscape projects is confusing. The text “an aggregate” is deleted to improve clarity and understanding.

§491(a)(3) – Aggregated landscape projects are allowed to perform soil sampling and audits of irrigation systems for every 1 in 7 individual lots per sections 492.5(a)(1)(C) and 492.12(b). This description is included in the applicability section because it is where local agencies would check to see what requirements apply to the type of project. Aggregate landscape projects are a specific type of project, and they are the only project type that gets these two allowances. These requirements are best placed within this section of the MWELo rather than anywhere else.

§491(b) – This section re-numbers section 490.1(c) to improve the organization of MWELo to improve understanding. Because a definition is added for “aggregated landscape project” using the term aggregate within the context of summing up the area for an individual landscape project versus how it is used in the MWELo regulation as applying to multiple landscape projects. This can be confusing, and it is clarified to reduce ambiguity. Within any project the landscape area can be aggregated, which means to collectively measure the total area, of a landscape area, while an aggregated

landscape project applies to multiple individual landscape installations as part of a larger construction project. Therefore, aggregate is clarified to only be used for an “aggregate landscape project”. The text “described in Section 493” is added to clarify where the performance requirements are described, and “Section 492” replaces “Appendix D” to correctly reference the re-organization of MWELo.

Previous section 490.1(b) – Deleted because it applied under the Executive Order and is no longer applicable.

Previous section 491(d) – Is moved into re-numbered §490.1(a)(4)(B) because it is more appropriately included with the new section for General Provisions, which describes the general landscape water use topics and their requirements that are applicable to all MWELo projects. Additional detail is provided in the description for §490.1(a)(4)(B). All existing gray water and rainwater requirements are reorganized to be together so that it is easier to understand the requirements, versus having the requirements in various sections of the MWELo.

§491(c) – This section is re-numbered to be consistent with the reorganization of the section.

§491. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §5596.5 Government Code is added as an authority as per AB 2515 this section requires DWR to update the MWELo every three years or make a finding that update is not useful or effective. Governor's Executive Order No. B-29-15 (April 1, 2015) is removed because the relevant provisions no longer apply to the Ordinance. Reference: Sections 65596 and 65596.5 Government Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law. Governor's Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions no longer apply to the Ordinance.

§491.1. – This is a new section added in this draft amendment, the MWELo does not have a section 491.1 and includes a reorganization of existing MWELo requirements from section 493.1 in order to reduce ambiguity, provide clarity, and improve understanding. This section, §491.1, is re-named “Provisions for Existing Landscapes” from the previous name of “Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis” to better describe the section requirements. Sections 493 and 493.1 both have requirements that apply to existing landscapes; their requirements are combined into re-numbered §491.1(a) to improve clarity. The references to section numbers are updated to reflect the MWELo re-organization. Where existing landscapes are referenced in MWELo, the language “existing non-rehabilitated” is used so that there is a clear distinguishment between existing non-rehabilitated landscapes and rehabilitated landscapes. If a landscape is rehabilitated it is required to meet a stricter water budget per the re-numbered §491.2. Where existing landscapes are mentioned in the MWELo,

the term is clarified to refer to “existing non-rehabilitated landscapes” so that it is clearly understood that these types of landscapes have different requirements. The section is re-numbered following the reorganization.

§491.1(a)(1)(A) – Reduces ambiguity and improves clarity by moving the maximum applied water allowance (MAWA) equation for existing non-rehabilitated landscapes into a subsection and correcting the MAWA equation to be consistent with its definition. Previously the MAWA equation for existing non-rehabilitated landscapes was inconsistent with the MAWA definition and it was not clear if SLA’s in existing non-rehabilitated landscapes are given a higher water allowance than regular landscape areas, which they are. In the definition of ET adjustment factor, re-numbered §490.2(a)(27); the ETAF for special landscapes is 1.0 for new and existing (non-rehabilitated) landscapes; the equation does not accurately describe what is allowed by MWELo. By updating the MAWA equation consistent with its definition, ambiguity is reduced, and clarity is improved. The ETAF for existing non-rehabilitated landscapes, 0.8, is repeated in the ETAF definition in §490.2(a)(27) to provide clarity and understanding. This does not change any of the existing requirements and does not change the water budget for existing landscapes subject to MWELo. The existing non-rehabilitated landscapes is clarified to include that special landscape areas are allowed.

§491.1. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code is added as an authority per AB 2515, which requires DWR to update the MWELo every three years or make a finding that an update is not useful or effective. Governor’s Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions no longer apply to the Ordinance. Reference: Sections 65593 and 65596.5 Government Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law. Governor’s Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions no longer apply to the Ordinance.

§491.2. – This is a new section added in this draft amendment; the current version of MWELo does not have section 491.2 and it is needed for this draft amendment and is a reorganization of existing MWELo requirements. This section is moved from section 492 to improve clarity and MWELo’s organization for better understanding. The section is re-numbered following the reorganization.

Previous section 491.3(a) – Included with the new section for General Provisions and is re-numbered §491.1(a)(1).

§491.2(a), (b), and (c) – These sections are added to describe that there are two compliance options available for landscape projects subject to MWELo. In MWELo, the prescriptive compliance option is included as Appendix D. This MWELo update reorganizes the prescriptive compliance option requirements into the body of the

regulation to reduce ambiguity and improve MWELO's organization and understanding. The prescriptive compliance option in Appendix D was often overlooked and its requirements not well understood. References are included to the sections describing the requirements of the selected compliance option to reduce ambiguity and improve understanding.

§491.2(b) – This section is added to clarify the requirements in sections 490.1(a)(1); 490.1(a)(2) and 490.1(c). In MWELO, the prescriptive compliance is only allowed for new construction projects with a landscape area between 500 and 2,500 square feet as defined in section 490.1(c). The definition of rehabilitated landscape projects is for areas equal to or greater than 2,500 square feet, as defined in re-numbered §490.2(a)(74). Therefore, the prescriptive compliance option is not allowed for rehabilitated landscapes as defined in existing MWELO requirements. Meanwhile, the performance compliance option is allowed for any project and must be used when the landscape project is greater than 2,500 square feet per section 490.1(c) and per the definition of rehabilitated landscapes. No existing requirements are changed or modified.

§491.2(c) – Clarifies that all landscape projects greater than 2,500 square feet are required to use the performance compliance option. This section does not duplicate the requirements in re-numbered §491(a) because §491(a) only describes the applicability thresholds for landscape projects based on the project size and when oversight is required by the local agency. This section reduces ambiguity by clarifying which compliance option can be used based on the landscape area. Rehabilitated landscapes are defined as “equal to or greater than 2,500 square feet and can only use the performance compliance option as described in the reasoning for §491.2(b) above.” This is consistent with the requirements described in sections 490.1(a)(2) and 490.1(c). This text is added to improve clarity and reduce ambiguity about which compliance option can be used.

§491.2. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code is added as an authority as per AB 2515, which requires DWR to update the MWELO every three years or make a finding that an update is not useful or effective. Governor's Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions no longer apply to the Ordinance. Reference: Sections 65593 and 65596.5 Government Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law. Governor's Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions no longer apply to the Ordinance.

§491.3. – This is a new section added in this draft amendment, MWELO currently does not have section 491.3. The section is needed for this draft amendment and is a reorganization of existing MWELO requirements to provide clarity and improve organization. This section is moved from section 492.1 to reduce ambiguity, provide

clarity, and improve MWELO's organization and is re-numbered. The section is renamed "Compliance Responsibilities" instead of "Compliance with Landscape Documentation Package" to better describe the requirements included in the section.

§491.3(a) – "Local Agency" is added is added to improve clarity and reduce ambiguity by clearly stating which requirements are the responsibility of the local agency and which are those of the project applicant; the project applicants' responsibilities are in the re-numbered §491.3(b). The text "and" is deleted to be consistent with the definitions of "project applicant" and "rehabilitated landscape" which state: "request a permit, plan check, or design review from the local agency" because only one of these three oversight documents are required. The reorganization of section 492.1 to re-numbered §493.3 and addition of subsections (a) and (b) is intended to make it easier to identify the responsibilities of the local agency § 491.3(a) and the project applicant §491.3(b).

§491.3(a)(1)(A) through (D) and §491.3(a)(2) – These sections are moved from the section 492.1 to improve MWELO's organization and understanding. The headings are re-numbered to be consistent with the reorganization. There are no text changes.

§491.3(a)(2) – Adds text stating "For the performance compliance option only" to clarify that it only applies to the performance compliance consistent with §492.1(b)(1) The landscape documentation package requirements depend on which compliance option is chosen as described in re-numbered §491.4.

§491.3(b) – "Project Applicant" is added to clarify which requirements are the responsibility of the project applicant. Also see the description associated with §491.3(a) section 492.1(b). The subsections are re-numbered following the reorganization.

§491.3(b)(1) –Section 492.1(b) and its subsections are moved and re-numbered following the reorganization. There are no text changes to the re-numbered §493.3 (b)(1) and §493.3(b)(1)(A).

§491.3(b)(2)(B) – Clarifies the requirement to submit the approved Landscape Documentation Package to the property owner. The phrase "along with the record drawings" is deleted to reduce ambiguity and provide clarity to the requirements because record drawings are not produced until after the landscape installation is complete and are submitted with the Certificate of Completion Package, in re-numbered §494(b)(2)(A). Also, "and any other Information" is deleted because it is unclear what other information should be provided. "His/her" is replaced with "their" to improve grammar and acknowledge diversity, equity, and inclusion.

§491.3(b)(2)(C) –Adds clarity that the requirement for the Water Efficient Landscape Worksheet is required only for performance compliance option by adding "for the Performance option only." The prescriptive compliance option, re-numbered as §492, does not require a water efficient landscape worksheet.

Section 491.3. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. Sections 65596

Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code is added as an authority per AB 2515, which requires DWR to update the MWELo every three years or make a finding that an update is not useful or effective. Reference: Sections 65593 and 65596.5 Government Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law. Governor's Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions no longer apply to the Ordinance.

§491.4 – This is a new section for “Elements of the Landscape Documentation Package” added in this draft amendment. The MWELo does not have a section 491.4, and it is needed for this draft MWELo amendment and is a reorganization of existing MWELo requirements to provide clarity and improve understanding.

§491.4(a) and §491.4(b) – These subsections are added to separate and clearly describe the different elements of the Landscape Documentation Package for the (a) Prescriptive option and (b) Performance option. Depending on the compliance path chosen (Prescriptive or Performance), the landscape package requirements are different. The description for each landscape documentation package is appropriately included in the section describing the landscape documentation package with a list of the requirements for each compliance option.

§491.4(a) – This subsection, Elements of the Landscape Documentation Package – Prescriptive compliance, is moved from the Appendix D(a) and (b)(1) and section 492.3(b) into the body of the MWELo regulation. Moving this section into the body of the regulation reduces ambiguity and improves the organization and understanding that the landscape documentation package will be different depending on which MWELo compliance option is used. The text referencing Appendix D is removed because the language is either no longer applicable (e.g., references to Appendix D) or is redundant: “Appendix D – Prescriptive Compliance Option. (a) this appendix contains prescriptive requirements which may be used as a compliance option to the Model Water Efficient Landscape Ordinance. (b) Compliance with the following items is mandatory and must be documented on a landscape plan to use the prescriptive compliance option: (1) Submit a Landscape Documentation package which includes the following elements”. Underneath the Prescriptive Compliance landscape documentation package requirements described in subsection (a) are subsections (1) Project information sheet and (2) A landscape design plan, are added to improve understanding that these are two separate forms are required.

§491.4(a)(1) – The document name “Project information sheet” is added to maintain consistency with the name of the document as found in the performance compliance option §491.4 (b)(1). The requirements of the project information sheet are reorganized to improve MWELo’s understanding.

§491.4(a)(1)(B) – The text “name of the” is added in front of “project applicant” to add clarity to what is required of the project applicant.

§491.4(a)(1)(E) – The text “including a breakdown of turf and plant material” is deleted because the description is more appropriate to be included with the landscape design plan with requirements in a subsection §491.4(a)(2).

§491.4(a)(1)(F) – The text “new, rehabilitated” is deleted because the prescriptive compliance option only applies to landscape projects less than 2,500 square feet, see re-numbered §491(a) The definition of rehabilitated landscapes is “equal to or greater than 2,500 square feet.” Therefore, the prescriptive compliance option is not allowed for rehabilitated landscapes as defined in MWELO and is removed from the description of project type within this subsection. The text “institutional” is added to reduce the ambiguity about what is meant by a “public” project type and is consistent with the definition of landscape types. The term “institutional” is used in the definition of non-residential landscapes, see §490.2(a)(57), and not “public”.

§491.4(a)(1)(H) – The text “of the water efficient landscape ordinance and submit a complete Landscape Documentation Package” is deleted because it is redundant with the requirements of the prescriptive compliance option and the landscape documentation package and is unnecessary.

§491.4(a)(2) – “A landscape plan” is required for the Prescriptive Compliance Option as described in Appendix D(b) and is made a requirement as subsection (2) to clearly identify that the landscape design plan is one of two required elements of the Prescriptive Compliance option Landscape Documentation Package. The word “design” is included in “landscape design plan” so that the term is consistently used throughout MWELO. The text “that includes” is added to clearly describe what is required for the plan from Appendix D.

§491.4(a)(2)(B) – The term “turfgrass” replaces the term “turf” to maintain consistent use of the term throughout the text and consistency with the revised definition of turfgrass in re-numbered §490.2(a)(86). The text “(e.g., plant legend)” is included to improve understanding by providing an example of what a breakdown of plant material means.

§491.4(b) – “Performance Compliance” is added to clearly identify the Performance compliance option landscape documentation package requirements separately from the prescriptive option landscape documentation package requirements. The subsections from section 492.3(a) are re-organized to provide clarity and improve MWELO’s organization and understanding.

§491.4(b)(1) – The text “sheet that includes” is added to clarify that the project information should be included in a document titled “project information sheet”. The text “that includes;” is added to improve the understanding about what is required.

Subsections (A) through (I) are reorganized to provide clarity and improve MWELO's organization and are re-numbered following the reorganization.

§491.4(b)(1)(B) – The text “name of the” is added in front of “project applicant” to reduce ambiguity and provide clarity about what is meant by project applicant.

§491.4(b)(1)(C) – The text “project contacts to include” is deleted because it is ambiguous and project contacts is redundant with the request for “contact information for the project applicant and property owner.”

§491.4(b)(1)(F) – The text “institutional” is added to reduce ambiguity and clarify what is meant by a “public” project type and is consistent with the definitions of landscape types. The definition of non-residential landscapes §490.2(a)(57) uses the term “institutional” not “public.” No new requirements are added in this subsection, this only clarifies the project type consistent with the definition of “non-residential landscape”.

§491.4(b)(1)(I) – The text “for the performance compliance option” is added to reduce ambiguity about the compliance option being used.

§491.4(b)(6) – Section 492.3(a)(2) is moved to re-numbered §491.4(b)(6) to improve understanding by organizing MWELO's requirements to be consistent with the order of planning, designing, installing, maintaining, and managing landscape projects.

§491.4(b)(2) through (6) – References to the appropriate sections in MWELO is added to each of the elements required by the Performance Compliance Option Landscape Documentation Package so that it is clearly understood as a convenient user reference to guide the reader to what is required for each element.

§491.4(b)(6)(A) through (C) – Sections are re-organized to follow the order which water budget calculations are performed and re-numbered, thereby improving MWELO's organization and understanding. The subsection heading “(A) hydrozone information table” is replaced with defined terms that are associated with the Water Efficient Landscape Worksheet. The term hydrozone information table is a reference to the Water Efficient Landscape Worksheet, but because “hydrozone information table” is not defined it is ambiguous by what is meant. A definition is not needed for the hydrozone information table because there are already definitions for the terms used in the worksheet. The worksheet includes water budget calculations for the MAWA, EWU, and ETWU, in that order. By using a consistent reorganization of the requirements and making it consistent with the re-numbered Appendix A, it provides clarity and improves MWELO's organization and understanding.

§491.4. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code added as an authority as per AB 2515, which requires DWR to update the MWELO every three years or make a finding that an update is not useful or effective. Reference: Sections 65593 and 65596.5 Government

Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law.

§492. –Section 492. “Provisions for New Construction or Rehabilitated Landscapes” is deleted and repurposed to describe the requirements of € previous Appendix D, which is moved into the body of the MWELO regulation and re-numbered as §492 and is a reorganization of existing MWELO requirements associated with the Prescriptive Compliance Option. The re-organization improves MWELO’s understanding by organizing the existing requirements of both compliance options within the body of the regulation.

§492(a) – The word “section” replaces “Appendix” to clarify that the reference is now a section and is not an appendix. Text describing when the prescriptive option applies “for landscape projects between 500 and 2,500 square feet.” clarifies the existing requirements of re-organized §491(a), section §490.1(c). Please refer to the re-numbered §491 for a description on applicability to landscape projects for the Prescriptive Compliance Option.

§492(b) – Text from Appendix D(b) and Appendix D(b)(1) are combined to streamline and improve the clarity of the existing prescriptive compliance option requirements. The requirements associated with the landscape documentation package requirements for the prescriptive compliance option are moved to re-numbered §491.4(a) to improve MWELO’s organization and understanding. Instead of using the text “the following items,” it is replaced with “the requirements of this section” to improve the grammar following the re-organization of MWELO. These are clarifying changes only.

§492(c) – A new subsection for “Landscape project requirements” is added to provide clarity and improve MWELO’s organization for the requirements of the Prescriptive Compliance option.

§492(c)(1) – Moves requirements from Appendix D(b)(2) and re-numbered following the reorganization. “Soils with greater than 6% organic matter in the top 6 inches of soil are exempt from adding compost and tilling.” replaces the text “(unless contra-indicated by a soil test);” to be consistent with section 492.6(a)(3)(C), now re-numbered §493.2(d)(3) which describes compost requirements.

§492(c)(2) – Moves requirements from Appendix D(b)(5) into the irrigation system requirements of re-numbered §492(c)(2) to improve organization and understanding, the subsections are re-numbered to be consistent with the reorganization.

§492(c)(2)(B) – Clarifies that the sensor data requirements of the automatic irrigation controller are either (weather-based) or (sensor-based) to be consistent with the definition of automatic irrigation controller.

§492(c)(2)(C) – Replaces “be of a type which does not lose programming data in the event the primary power source is interrupted” with “use non-volatile memory” to remove redundancy and consistency with the definition of “non-volatile memory.”

§492(c)(2)(D) – Replaces “regulators” with “regulating devices” because regulating devices include both pressure boosters and reducers, while regulators are only pressure reducers.

§492(c)(2)(F) – The date of the American National Standards Institute (ANSI) standard American Society Agricultural and Biological Engineers/International Code Council (ASABE/ICC) 802 is updated from “2014” to “2020” to reflect the most recent version of this standard and the text “low quarter” is moved in front of “distribution uniformity” for clarity. The ANSI and ASABE/ICC 802 was updated by the ASABE/ICC Consensus Committee for 2020 and will have no effect on the environment or users, except to increase efficiency and safety of irrigation equipment.

§492(c)(2)(G) – Government Code §65596(e) requires the MWELO reference local, state, and federal laws and regulations regarding standards for water-conserving irrigation equipment. These new statutory requirements are included into the MWELO regulation because this is the first update to the MWELO regulation to occur since the Government Code was amended in 2018. The provision §492(c)(G) implements the requirement from Government Code § 65596(e) by referencing California Code of Regulations, Title 20, section 1605.3(x) Compliant spray bodies will be the only types available for purchase once the non-compliant stock is sold thru. This provision does not add a new requirement because the regulation in Title 20 is already in effect.

§492(c)(2)(H) – Replaces the vague description “areas” with a defined term: “Landscape areas.” This adds clarity and understanding by being consistent with the definitions. The term “water waste” is added to clarify that the provision is meant to prevent water waste, per §490.4(b)(4), the definition of water waste also includes runoff and overspray; this does not change any existing requirement for this subsection.

§492(c)(3)(A) and (B) – Subsection (A) is separated into two subsections to distinguish between residential landscapes, described in subsection (A), and non-residential landscapes, described in subsection (B), because the allowed mix of plants and their plant factors are different depending on the type of project. The text “landscapes” uses terms consistent with the definitions. The text “areas permanently and solely dedicated to edible plants” replaces “edibles” to provide clarity to what is meant by edibles and is consistent with the definition of special landscape areas, in re-numbered §490.2(a)(80).

§492(c)(3)(C) – This section re-numbers the subsections from Appendix D(b)(4) to be consistent with MWELO’s re-organization. The text “turfgrass” replaces “turf” to be consistent with the definition of re-numbered §490.2(a)(86) “turfgrass”. The term “landscapes” replaces “areas” to be consistent with the definitions in re-numbered §490.2(a)(77) “single-family residential landscapes”, and § 490.2(a)(55) “multifamily residential landscapes.”

§492(d) – This section is re-numbered from Appendix D(c) to be consistent with the reorganization. The certificate of completion package is required to be submitted to the local agency consistent with the requirements defined in the moved §494(a) for the

prescriptive compliance option. The Certificate of Completion Package requirements for both compliance options are now described in the renamed §494.

§492(e) – Implements Government Code §65596(n), which requires a method to make installed plants identifiable to an inspector. Government Code §65596(n) was amended in 2020 is a new statutory requirement that needs to be included in the MWELo regulation. Landscape designers routinely produce a plant legend with the landscape design plan. This requirement will exact minimal time and expense to designers because free plant photos can be readily obtained from WUCOLS, wholesale plant growers, retail plants sellers, copyright-free photos from the internet and their own photos. Plant legends with photos are commonly used in consultation with clients as a marketing tool and part of the landscape design process.

§492. Authority and Reference – Authority: §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. 65596.5 Government Code added as an authority as per AB 2515, which requires DWR to update the MWELo every three years or make a finding that an update is not useful or effective. Reference: Sections 65593, 65596 and 65596.5 Government Code are added to references because this rulemaking implements, interprets, or makes specific these provisions of law.

§492.1 – Section 492.1, “Compliance with Landscape Documentation Package.” is deleted, and its requirements are reorganized and renamed with this draft amendment into re-numbered section 491.3. “Compliance Responsibilities.”

§492.2 – Section 492.2, “Penalties.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 490.1(a)(10).

§492.3 – Section 492.3, “Elements of the Landscape Documentation Package.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 491.4. “Elements of the Landscape Documentation Package.”

§492.4 – Section 492.4, “Water Efficient Landscape Worksheet.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 493.3. “Water Efficient Landscape Worksheet.”

§492.5 – Section 492.5, “Soil Management Report.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 493.1. “Soil Management Report.”

§492.6 – Section 492.6, “Landscape Design Plan.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 493.2. “Landscape Design Plan.”

§492.7 – Section 492.7, “Irrigation Design Plan.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 493.2.2 “Irrigation Design Plan.”

§492.8 – Section 492.8, “Grading Design Plan.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 493.2.1 “Grading Design Plan.”

§492.9 – Section 492.9, “Certificate of Completion.” is deleted, and its requirements are renamed and reorganized with this draft amendment into re-numbered section 494 “Certificate of Completion Package.”

§492.10 – Section 492.10, “Irrigation Scheduling.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 493.4 “Irrigation Scheduling.”

§492.11 – Section 492.11, “Landscape and Irrigation Maintenance Schedule.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 493.5 “Landscape and Irrigation Maintenance Schedule.”

§492.12 – Section 492.7, “Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.” is deleted, and its requirements are renamed and reorganized with this draft amendment into re-numbered section 493.6 “Irrigation Audit.”

§492.13 – Section 492.13, “Irrigation Efficiency.” is deleted, and its requirements are reorganized with this draft amendment under re-numbered section 493.2.2 “Irrigation Design Plan.” specifically section 493.2.2(b)(2).

§492.14 – Section 492.14, “Recycled Water.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 490.1(a)(3).

§492.15 – Section 492.15, “Graywater Systems.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 490.1(a)(4).

§492.16 – Section 492.16, “Stormwater Management and Rainwater Retention.” is deleted, and its requirements are reorganized with this draft amendment into section 490.1(a)(5).

§492.17 – Section 492.17, “Public Education.” is deleted, and its requirements are reorganized with this draft amendment into section 490.1(a)(11) and section 490.1(a)(12).

§492.18 – Section 492.18, “Environmental Review.” is deleted, and its requirements are reorganized with this draft amendment into section 490.1(a)(9).

§493 – Section 493., “Provisions for Existing Landscapes.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 490.1(a)(1).

§493 – This section of the draft MWELo amendment is renamed “Performance Compliance Option” and reorganizes existing MWELo requirements to provide clarity and improve the organization of requirements associated with each of the compliance options: §492 Prescriptive Compliance Option, and §493 Performance Compliance

Option. This text is moved from section 490.1(c) and provides clarity on when the performance compliance option can be used for a landscape project. Landscape projects greater than 2,500 square feet are required to use the performance compliance option, consistent with the requirements stated in re-numbered §491.2. This is only a clarification of the existing requirements for the compliance option based on the area of the landscape project and does not change the existing requirements. Re-numbered subsections §493.1 through §493.6 apply to the Performance Compliance option and are re-organized from the existing MWELo requirements to be consistent with an understanding of how landscapes are designed, installed, maintained, and managed.

§493. Authority and Reference – Authority: §65596 Government Code is added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code added as an authority as per AB 2515, which requires DWR to update the MWELo every three years or make a finding that an update is not useful or effective. Reference: Sections 65593, 65596 and 65596.5 Government Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law.

§493.1 – Section 493.1, “Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.” is deleted, and its requirements are reorganized with this draft amendment into re-numbered section 491.1 “Provisions for Existing Non-rehabilitated Landscapes.” This section of the draft MEWLO amendments is renamed to “Soil Management Report” from section 492.5 to improve the MWELo understanding by logically organizing the MWELo requirements to be consistent with an understanding of how landscapes are designed, installed, maintained, and managed. The section is re-numbered following the reorganization.

§493.1(a) – The text “In order to reduce runoff and encourage healthy plant growth” is deleted because it is non-regulatory guidance language. The text “his/her” is replaced with “their” to improve grammar and acknowledge diversity, equity, and inclusion.

§493.1(a)(1)(C) – The term “multiple landscape installations” is replaced with “aggregated landscape” to clarify that the intended landscape is a single project with multiple landscapes as defined by the term “aggregated landscape” (490.2(a)(2)). The text “individual” is added before “lots” to improve understanding. The text “Large landscape projects...” is deleted because the size of the landscape project (large) is ambiguous and has no bearing on MWELo aggregated landscapes or landscape projects; therefore, deleting the term “large” reduces ambiguity. The text “shall sample at a rate equivalent to 1 in 7 lots.” Is deleted because it is redundant with existing text.

§493.1(a)(2) and (4) – The text “his/her” is replaced with “their” to improve grammar and recognize justice, diversity, equity, and inclusion.

§493.1(a)(2)(A) (B), and 493.1(a)(3) and (4) – These sections rename the “Soil analysis report” to “Soil management report” so that the naming of the soil management report is consistent throughout MWELo to provide clarity and improve understanding.

§493.1. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. Governor's Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions no longer apply to the Ordinance. Reference: Sections 65593 and 65596.5 Government Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law. Governor's Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions no longer apply to the Ordinance.

§493.2 – Section 493.2, “Water Waste Prevention.” is deleted, and its requirements are reorganized with this draft amendment into section 490.1 “General Provisions.” Specifically, section 490.1(a)(2). This section is renamed “Landscape Design Plan.” and moves the requirements from section 492.6 to improve MWELo understanding by logically organizing the requirements to be consistent with an understanding of how landscapes are designed, installed, maintained and managed. The subsections are reorganized and re-numbered following the reorganization.

§493.2(a) – The language “For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project.” is deleted because it is redundant with the requirements stated in §490(b). The language “A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.” is deleted because the requirements of the landscape design plan, are redundant with the requirements described in re-numbered §491.4(b). Subsection (b) is re-numbered subsection (a) for clarity and re-numbered following the reorganization.

§493.2(a)(2) – This section is moved from section 492.6(b)(2) The text “the plant factor” is added to reduce ambiguity and provide clarity. As presently described, the concepts of hydrozone and plant factors are conflated. The MWELo regulation requires hydrozones to be labeled by number, letter, or other method, as defined in re-numbered §493.2(a)(2), while this subsection requires the identification of plant factors used in the hydrozone. By adding “plant factor” ambiguity is reduced and clarity is improved. In addition, the plant factor descriptors are defined as: very low, low, moderate, high, or mixed water use and the plant factor type “very low” is added to be consistent with the plant factor types as defined in §490.2(a)(65).

§493.2(a)(2)(A) – This subsection is moved into a subsection from re-numbered §493.2(a)(2) above because it applies to temporarily irrigated landscapes not permanently irrigated landscapes. This reorganization improves the clarity and organization of MWELo.

§493.2(a)(3) – This subsection is moved from section 492.6(b)(3) to improve MWELo's organization and is re-numbered following the reorganization. Instead of having each special landscape area identified separately, this subsection is renamed as “special landscape areas, including:” to clarify that the types of landscape areas, which are reorganized beneath this subsection are all special landscape areas. This reduces

ambiguity and provides clarity. In addition, the text “or water features using” is added to “areas irrigated with recycled water” to be consistent with the definition of “recycled water”, re-numbered §490.2(a)(70), which includes landscapes and water features using recycled water.

§493.2(a)(4) through §493.2(a)(10) – These subsections are re-numbered following the reorganization of the MWELo requirements to improve MWELo’s organization and understanding.

§493.2(a)(8) – This section is moved from section 492.6(b)(10) to improve MWELo’s organization and understanding and is re-numbered following the reorganization.

§493.2(a)(9) – This section is moved from section 492.6(b)(11) to improve MWELo’s organization and understanding. The text “if applicable” is added to clarify that this is only required if applicable because not all landscape projects will use rain harvesting. The subsection is re-numbered following the reorganization.

§493.2(a)(11) – This section is moved from section 492.6(a)(3)(D) to improve MWELo’s organization and understanding. The requirement to include designated insect habitat in the landscape design plan is described at the end of a long paragraph describing mulch requirements, where it may have been easily overlooked by those not familiar with the regulation. This reorganization improves the understanding of the requirement that designating insect habitat in the landscape design plan is required. The text “identified” replaces “included” to clarify that the inclusion of insect habitat is not mandatory, but if present must be identified. “As such” is removed because it does not provide any useful information or instruction.

§493.2(a)(12) – This section implements a recently amended requirement in Government Code §65596(n) amended in 2020 and is a new statutory requirement that needs to be included in the MWELo regulations. Landscape designers routinely produce a plant legend with the landscape design plan. This requirement will exact minimal time and expense to designers because free plant photos can be readily obtained from WUCOLS, wholesale plant growers, retail plants sellers, copyright-free photos from the internet and their own photos. Plant legends with photos are commonly used in consultation with clients as a marketing tool and part of the landscape design process.

§493.2(a)(14) – The text “designer of record” replaces “a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape” to be consistent with the requirements found in Division 3, Chapter 3.5, Article 3, Sections 5640 and 5644 of the Business and Professions Code. This is also justified in the new definition “designer of record” §490.2(a)(15) Sections of the Business and Professions Code and Food and Agricultural Code have been amended and those updates are reflected with this proposed change.

§493.2(b) – This section is moved from section 492.6(a)(1) to improve MWELo’s organization and understanding. Plant selection is appropriate to follow description of the landscape design plan. The subsection is re-numbered following the reorganization. The text “Plant Selection” replaces “Plant Material” to better reflect the contents of subsection (b).

§493.2(b)(1) – This section is moved from section 492.6(a)(1)(A) to improve MWELo’s organization and understanding. The text “Methods to achieve water efficiency shall include one or more of the following:” is removed because it is redundant with the requirements described in §490. The subsection is re-numbered following the reorganization.

§493.2(b)(1) – Text is moved from section 492.6(a)(1)(H) to improve MWELo’s organization and understanding. The subsection is re-numbered following the reorganization.

§493.2(b)(3) – Moved from section 492.6(a)(1)(B) to improve MWELo’s organization and understanding. New subsection (A) is added to describe when exceptions are allowed for mixed hydrozones and is consistent with the clarified text in §493.2.2(d)(7). The referenced section is re-numbered following the reorganization.

§493.2(b)(4) – Moved from section 492.6(a)(1)(E)(4) to improve MWELo’s organization and understanding. The word “range” is added to clarify that the plant factor refers to a range of values and not just a single value. The subsection is re-numbered following the reorganization.

§493.2(b)(5) – Moved from section 492.6(a)(1)(D) to improve MWELo’s organization and understanding. The word “turfgrass” replaces the word “turf” and the word “non-pervious” replaces “impermeable” to use consistent definitions and language in the MWELo regulation. The subsection is re-numbered following the reorganization.

§493.2(b)(6) – Moves text from section 492.6(a)(1)(A). Subsections (A) through (F) are moved from the section (492.6(a)(1)(A)) to improve MWELo’s organization and understanding and re-numbered following the reorganization. “Turfgrass” replaces “turf” to use consistent definitions and language in the MWELo regulation. The word “recommended” is added in subsection §493.2(b)(6)(E) to clarify that the local and regional landscape program plant lists are not mandatory.

§493.2(b)(7) – This subsection and its reorganized subsections (A) through (C) are moved from sections 492.6(a)(1)(C); 492.6(a)(1)(C)1; 492.6(a)(1)(C)2; and 492.6(a)(1)(C)3 to improve MWELo’s organization and understanding. The requirements are re-numbered following the reorganization.

§493.2(c) – Moved from section 492.6(a)(2)(c) to improve MWELo’s organization and understanding. Water features are appropriate to follow plant selection in the landscape design plan. Subsections (A) through (C) are re-numbered following the reorganization.

§493.2(c)(3) – In this subsection the term “plant factor” replaces “hydrozone.” As currently described the concepts of hydrozone and plant factors are conflated. Water use, and by inference the plant factors as defined in re-numbered §490.2(a)(65), estimate the amount of water used in the landscape. On the contrary, hydrozones refer to plants with similar water needs and rooting depth and water use is not in the definition, see re-numbered §490.2(a)(35). The definition of plant factors does include water use, which are used in the water budget calculations and is more appropriate for this requirement.

§493.2(c)(4) – Moved from section 492.6(a)(2)(D) to improve MWELo’s organization and understanding. Adds the definition of an “approved safety pool cover” pursuant to Health and Safety Code Section 115921(d) to provide a reference to the pertinent regulation of pool covers.

§493.2(d) – Moved from section 492.6(a)(3)(d) to improve MWELo organization and understanding to be consistent with an understanding of how landscapes are designed, installed, maintained, and managed. Soil preparation, mulch and amendments are more appropriate to follow plant selection and water features in the landscape design plan. Subsections (1) through (7) are re-numbered following the reorganization.

§493.2(d)(2) – The section reference is updated to be consistent with the reorganization of the regulation and re-numbered.

§493.2(d)(3) – The text “permeable” is replaced with “pervious” to improve understanding and be consistent with the definitions and other locations within the MWELo regulation where it is used. The subsection is re-numbered following the reorganization.

§493.2(d)(4) – A hyphen is added to “three inch” to improve grammar. The text “turfgrass” replaces “turf” to be consistent with the definitions and other locations within the MWELo regulation where it is used. The text addressing insect habitat is moved into a new subsection (A), described below, to reduce ambiguity and provide clarity to the specific requirement for mulched landscapes. The subsection is re-numbered following the reorganization.

§493.2(d)(4)(A) – The text “Designated insect habitat must be included in the landscape design plan as such.” is duplicated in §493(a)(11) to improve MWELo organization and understanding. The text “Designated insect habitat must be included...as such” is replaced with “and identified” to clarify that inclusion of a non-mulched area for insect habitat is not mandatory.

§493.2(d)(5) – This subsection was previously ambiguous on the requirements for mulch in seed/mulch slurry applications. The requirement states “meeting the mulching requirement” but because the requirement is within the soil preparation, mulch and amendments section, it is already part of the requirement and is a circular reference. Clarity is added by specifying that hydro-seed applications need to meet subsection (4)

which requires a 3” layer of mulch. The subsection is re-numbered following the reorganization.

§493.2(d)(6) – The subsection is re-numbered following the reorganization.

§493.2(d)(7) – Moved from section 492.6(a)(3)(G) to provide clarity and improve MWELO’s organization. The text “materials” is moved after post-consumer to improve grammar. The Public Resources Code Section is added as a reference for the existing regulations on mulch requirements. No existing requirement is changed, and the subsection is re-numbered following the reorganization.

§493.2(d)(7)(A) – Moved from the last sentence of section 492.6(a)(3)(G) to provide clarity and improve MWELO’s organization. This subsection is moved from existing text because while it is related to organic mulch materials, it is a separate idea that should be its own subsection to improve MWELO’s clarity and understanding.

§493.2. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code added as an authority as per AB 2515, which requires DWR to update the MWELO every three years or make a finding that an update is not useful or effective. Reference: §65593 Government Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law. Section 1351 Civil Code removed because this rulemaking does not implement, interpret or make specific this provision of law. Governor’s Executive Order No. B-29-15 (April 1, 2015) removed because it no longer applies to the Ordinance.

§493.2.1 – Moved from section 492.8 to provide clarity and improve MWELO’s understanding. The section is re-numbered following the reorganization. Because the Grading Design Plan should be developed as part of the Landscape Design Plan, it is reorganized to be a subsection (§493.2.1) underneath the Landscape Design Plan (493.2).

§493.2.1(a) – The text “for the efficient use of water” is deleted because it is redundant with the requirements as described in §490.1(b). The text “by the project applicant” is moved from subsection §493.2.1(a)(1) to provide clarity to the responsibility of by the project applicant for submitting the grading design plan.

§493.2.1(a)(1) – The text “by the project applicant” is moved into §493.2.1(a) to improve MWELO’s organization and understanding. This subsection now only describes what is required in the landscape grading plan, it does not specify the party responsible for submittal, which is moved to re-numbered §493.2.1(a).

§493.2.1(a)(2)(A) – The text “non-pervious” replaces “non-permeable” to be consistent with the defined terms and to use consistent terms throughout MWELO.

§493.2.1. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code added as an authority as per AB 2515, which requires DWR to update the MWELo every three years or make a finding that an update is not useful or effective. Reference: Sections 65593 and 65596.5 Government Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law.

§493.2.2 – The Irrigation Design Plan should be developed as part of the Landscape Design Plan, which is why it is moved and re-numbered as a subsection (§493.2.2) of the Landscape Design Plan (§493.2). This subsection is reorganized, and new subsections are added to provide clarity and improve MWELo’s understanding. Subsections are re-numbered following the reorganization. The reorganization of the Irrigation Design Plan uses new subsections to logically describe how the irrigation system components by grouping together similar components and requirements following the logic of how landscapes are designed and installed. Section 492.7(a)(1) – Deleted and the requirements are moved into new subsections.

§493.2.2(b)(1) – This section is moved from section 492.7(a)(1)(L) to be included with the Irrigation System Efficiency requirements and re-numbered following the reorganization. The reference to section 492.4 is corrected.

§493.2.2(b)(1) – This section is moved from section 492.13(a) to be included with the Irrigation System Efficiency requirements. The text “system” is added in between “irrigation” and “efficiency” to be consistent with the definitions and clarify that all components in an irrigation system contribute to the irrigation efficiency. The definition of drip irrigation systems and overhead irrigation systems use the term “irrigation systems.” Making these edits improves clarity and understanding by using consistent terminology.

Previous section 492.13 – Deleted and the requirements are moved into §493.2.2(b)(2). Please reference the description of §493.4(b) for the reasoning.

§493.2.2(b)(2) – The section 492.13 Irrigation Efficiency and its requirements are moved and re-numbered to be subsections of §493.22 Irrigation Design Plan (b)(2)(A) and (B) to provide clarity and improve the organization of irrigation requirements in the MWELo regulation.

§493.2.2(b)(2)(A) and (B) – The word “system” is added to the term “average irrigation system efficiency” and “irrigation systems” replaces “spray devices” to better describe that the Estimated Total Water Use (ETWU) calculations are determined for the entire irrigation system, not a particular emission device.

§493.2.2(b)(3) – Moved from section 492.7(a)(1)(Q) to provide clarity and improve MWELo’s organization. The text “sprinkler head” replaces “sprinkler” to be consistent

with defined terms. The text “head-to-head coverage is recommended.” Is moved to the end to improve the organization of requirements and recommendations by first describing requirements followed by recommendations on how it can be achieved.

§493.2.2(c) – Moved from section 492.7(b) to be subsection (c) to improve the logical organization and understanding of MWELO and re-numbered following the reorganization.

§493.2.2(c)(1) – Moved from section 492.7(b)(2) and deletes “for landscape” because it is redundant as water meters are already defined.

§493.2.2(c)(2) – Moved from section 492.7(b)(2). The text “emission devices” replaces “sprinkler heads” to clarify that the irrigation design plan should show the location of all emission devices, not just sprinkler heads. The text “sensors” replaces “switches” to be consistent with the term “rain sensor” used in the regulation in the definition of automatic irrigation controller; the term “switches” is confusing because this is the only place where it is used, and rain switches are also known as rain sensors. The text “regulating devices” replaces “regulators” because regulating devices include both pressure boosters and pressure reducers, while regulators specifically refer to reducing pressure. This clarifies that either may be needed.

§493.2.2(c)(3) – Moved from section 492.7(b)(3).

§493.2.2(c)(4) – Moved from section 492.7(b)(4) to provide clarity and improve MWELO’s organization. The text “the emission devices controlled by” is added to clarify that the requirements of flow rate, application rate, and operating pressure are not for the station but for the emission devices controlled by the station to be consistent with the defined terms for station and emission device.

§493.2.2(c)(5) – Moved from section 492.7(b)(5) and adds the text “identify special landscape areas irrigated with and water feature using” to clarify that the SLAs, areas irrigated with recycled water, and water features using recycled water need to be identified on the irrigation plan consistent with the requirements of section 492.14, re-numbered as §490.1(a)(3). The section is re-numbered consistent with the reorganization.

§493.2.2(c)(6) – Moved from section 492.6(b)(12) to provide clarity and improve MWELO’s organization. The text “area(s) of distribution” is replaced with “landscape areas where graywater is distributed” to clarify that “areas” means “landscape areas” and to clarify that the “areas of distribution” means “areas where graywater is distributed”.

§493.2.2(c)(7) – Moved text from section 492.7(a)(2)(F) to provide clarity and improve MWELO’s organization. The text “landscape design plan” is moved and replaced with “as identified on the landscape design plan” at the end of the sentence. Because section 493.2.2(c) describes the requirements for the irrigation design plan, the proposed changes only include the requirements for the irrigation design plan and a

description that the requirements need to be consistent on the irrigation design plan and the landscape design plan. The text “On the irrigation design plan, designate” is removed because it is redundant with the reorganization given that this section only describes the requirements of the irrigation design plan. The text “using” replaces “use this valve number in” to provide clarity that the designation and numbering of areas irrigated by each valve is consistent between the Water Efficient Landscape Worksheet and the irrigation design plan. The text “Water Efficient Landscape Worksheet” replaces “Hydrozone Information Table” to use consistent terminology as described in the re-numbered Appendix A and to reduce ambiguity. The Appendix number is updated from “B” to “A” to reflect the reorganization and re-numbering of the MWELO regulation.

§493.2.2(c)(7)(A) – Moved from subsection 492.7(a)(2)(A) and made a new subsection. The text “or part of a hydrozone” is added to account for specific instances (large turfgrass fields, golf courses, etc.) where hydrozones can be very large and may be served by several valves.

§493.2.2(c)(8) – Moved from subsection 492.7(b)(6) to improve the organization and understanding of MWELO and re-numbered consistent with the reorganization.

§493.2.2(c)(9) – Moved from subsection 492.7(b)(7) to provide clarity and improve MWELO’s organization. The subsection is re-numbered consistent with the reorganization. The text “designer of record” replaces “a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape” in order to be consistent with the requirements found in Division 3, Chapter 3.5, Article 3, Sections 5640 and 5644 of the Business and Professions Code. This is also reflected in the new definition “designer of record” §490.2(a)(15). Sections of the Business and Professions Code and Food and Agricultural Code have been amended and are updated with this proposed change.

§493.2.2(d) – This new subsection “General Design Criteria” renames section 492.7(a)(2) “Hydrozone” and reorganizes existing regulations pertinent to the General Design Criteria of the irrigation design plan to be included as subsections. This improves the logical organization and understanding of MWELO. Currently, these general criteria lack organizational clarity in section 492.7. They are organized in logical order based on an understanding of how irrigation systems are designed and installed.

§493.2.2(d)(1) – Moved from section 492.7(a)(1)(F) to provide clarity and improve MWELO’s organization. The text “as specified in Chapter 6 of the California Plumbing Code” is added referencing where the backflow prevention device requirements can be found. The subsection is re-numbered consistent with the reorganization.

§493.2.2(d)(2) – Moved from section 492.7(a)(1)(K) to provide clarity and improve MWELO’s organization and is re-numbered consistent with the reorganization.

§493.2.2(d)(3) – Moved from section 492.7(a)(1)(B) to provide clarity and improve MWELO’s organization and re-numbered consistent with the reorganization. The text

“sprinkler heads and other emission devices” is replaced with “emission devices” to be consistent with the definition of “emission device” in re-numbered §490.2(a)(22) and “sprinkler head” in re-numbered §490.2(a)(81). This clarifies the requirement and improves MWELO’s understanding.

§493.2.2(d)(4) – Moved from section 492.7(a)(2)(C) to provide clarity and improve MWELO’s organization and is re-numbered consistent with the reorganization. The term “station” replaces “valves” to be consistent with the definitions for “station” and “valve” in re-numbered §490.2(a)(83) “station” and re-numbered §490.2(a)(87) “valve”, respectively. The text “hydrozones that include” is added to reduce ambiguity and clarify that the stations and hydrozones should be separated to use water efficiently and does not mean separating the plant material. “Turfgrass” replaces “turf” to be consistent with the definition of “turfgrass” in re-numbered §490.2(a)(86).

§493.2.2(d)(5) – Moved from subsection 492.7(a)(1)(O) to provide clarity and improve MWELO’s organization. The subsection is re-numbered consistent with the reorganization. The term “low-pressure” and “systems” is added to the text “low volume irrigation” from the previous definition for “low volume irrigation”, previously section 491(qq), to clarify that irrigation systems in mulched planting areas are required to be low-pressure and low-volume.

§493.2.2(d)(6) – Moved from subsection 492.7(a)(1)(T) to provide clarity and improve MWELO’s organization and understanding. The subsection is re-numbered consistent with the reorganization. The term “water waste” is added to clarify that water waste, as well as runoff and overspray, are not allowed consistent with the definition §490.2(a)(91) “water waste”.

§493.2.2(d)(7) – Moved from subsection 492.7(a)(2)(D) to provide clarity and improve MWELO’s organization and understanding. The subsections are re-numbered consistent with the reorganization. Several text strings are added to improve MWELO’s understanding and grammar: the text “use a”, “with low and”, and “plant factors” is added to the sentence “Individual hydrozones that use a mix of plants with low and moder plant factors.” The text “plant factors” replaces water use to be consistent with the definition of “plant factor” in re-numbered §490.2(a)(65). The text “plant factors” replaces “water use” to be consistent with the definition of “plant factor.” The text “the plant factor used in the calculation of the estimated water use (EWU) is either” is added to improve the understanding of where and how the mixed plant factors are used in the MWELO; previously MWELO was ambiguous about where the mixed plant factors are used.

§493.2.2(d)(7)(A) and (B) – The requirements listed in section 492.7(a)(2)(D)(1) and 492.7(a)(2)(D)(2) are simplified to reduce ambiguity and provide clarity on the plant factor used in the EWU calculation. Subsection (A) states the “plant factor calculation is based on the proportion of the respective plant factors” and deletes “plant water uses and their” to improve clarity. In subsection (B) “highest plant factor is used” and “the

plant factor of the higher water using” is deleted to improve clarity and understanding about plant factors for a mixed plant factor hydrozone. The reorganization and clarification do not change any existing requirements.

§493.2.2(d)(8) – Moved from section 492.7(a)(2)(E) to provide clarity and improve MWELo’s organization and understanding. The text is clarified by stating “hydrozones that use a mix of plants with high and low plant factors shall not be permitted.” The text “plant factor” replaces “water use plants” to reduce ambiguity, provide clarity and be consistent with the definition of “plant factor” in §490.2(a)(65) The existing requirements do not change. The subsections are re-numbered consistent with the reorganization.

§493.2.2(d)(9) – Moved from section 492.7(a)(1)(J) to provide clarity and improve MWELo’s organization and understanding. The subsection is re-numbered consistent with the reorganization.

§493.2.2(d)(10) – Moved from section 492.7(a)(1)(U) to provide clarity and improve MWELo’s organization and understanding. In this subsection, the text “pervious” replaces “permeable,” and drip irrigation” replaces “drip, drip line” to be consistent with the definitions §490.2(a)(64) “pervious” and §490.2(a)(18) “drip irrigation”. Subsections 1. through 3. The subsections are re-numbered consistent with the re-numbering and reorganization.

§493.2.2(d)(10)(C) – The text “the prevention of water waste” replaces “irrigation system design criteria in Section 492.7(a)(1)(I)” to reduce ambiguity, improve clarity and be consistent with section 492.7(a)(1)(I), which is moved to subsection §493.2.2(e)(3)(A) Instead of referencing the section, the text from that section is stated here to provide clarity.

§493.2.2(d)(11) – Moved from section 492.7(a)(1)(V) to provide clarity and improve MWELo’s organization and understanding. The subsections are re-numbered following the reorganization. The text “using an” replaces “with a” to improve grammar. Subsection (A) is moved into a separate subsection because the application restriction can be modified if certain requirements are met, and while related is a separate idea from the §493.2.2(d)(11) requirements.

§493.2.2(d)(12) – Moved from section 492.7(a)(1)(N) to provide clarity and improve MWELo’s organization. The subsection is re-numbered consistent with the reorganization of the regulation.

§493.2.2(e) – This section for “Irrigation System Components” is added to provide a section that groups the requirements for irrigation system components, improving MWELo’s organization and understanding.

§493.2.2(e)(1) – This section is added to provide clarity and improve MWELo’s organization by adding a new heading for “Meters.” This subsection groups meter requirements.

§493.2.2(e)(1)(A) and (B) – Moved from section 492.7(a)(1)(A) and rewritten to provide clarity and improve MWELo’s organization. Subsection (A) is confusing because the requirements of Water Code §535, which describes the irrigated landscape area requirements for when a dedicated meter is required, is combined with submeter requirements for 1,000 square foot non-residential irrigated landscape requirements which are not described in WC §535. Clarity and understanding are improved by separating these two MWELo requirements into their own subsections. Subsection (A) provides clarity by updating MWELo to be consistent with Water Code §535 requirements, which contains exclusions for single-family residential, and commercial agricultural production or livestock. Subsection (B) provides clarity by describing that either a submeter or dedicated irrigation meter may be used for residential or non-residential landscapes; this does not change any existing requirement. Language is added describing that the meters “may be used to assist with leak detection and water management” to provide clarity and improve the understanding of why meters are required for these landscapes.

§493.2.2(e)(2) – This subsection is added to group together the requirements for water pressure, which provides clarity and improving MWELo’s organization.

§493.2.2(e)(2)(A) – Moved from section 492.7(a)(1)(C) to provide clarity and improving MWELo’s organization by grouping together all the requirements related to water pressure. The subsection is re-numbered following the reorganization. Logically, the water pressure is measured first as organized in subsection (A), then water pressure determines if pressure regulating devices are needed as described in the requirements in subsections (B) and (C). The reorganization of the contents follows this logic and improves MWELo’s understanding.

§493.2.2(e)(2)(B) – Moved from section 492.7(a)(1)(C)1 along with its subsections to provide clarity and improve MWELo’s organization and is renumbered following the reorganization.

§493.2.2(e)(2)(C) – Moved from section 492.7(a)(1)(C) “emission devices” replaces “irrigation devices” to be consistent with the definition 490.2(a)(22) “emission device.” “Pressure-regulating devices” replaces “pressure regulating device” to be consistent with the text in §493.4(e)(2)(B).

§493.2.2(e)(3) – A new subsection for “Water Waste Prevention Equipment” is added to provide clarity and improve MWELo’s organization for the existing requirements regarding water waste prevention equipment. The existing requirements are reorganized in a logical order of operations in the following subsections: (A) prevent water waste, (B) master shut-off valves, (C) manual shut-off valves, (D) check valves, (E) swing joints, then (F) flow sensors.

§493.2.2(e)(3)(A) – Moved from section 492.7(a)(1)(I) to provide clarity and improve MWELo’s organization and is re-numbered following the reorganization. The text “runoff, low head drainage, overspray, or other similar conditions where irrigation water

flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures” is replaced with “water waste” for consistency with the definition in re-numbered §490.2(a)(91) “water waste.”

§493.2.2(e)(3)(B) – Moved from section 492.7(a)(1)(H) to provide clarity and improve MWELO’s organization and is re-numbered following the reorganization.

§493.2.2(e)(3)(C) – Moved from section 492.7(a)(1)(E) to provide clarity and improve MWELO’s organization and is re-numbered following the reorganization. The term “main line” is replaced with the previous definition used for “main line” in the existing regulation, section 491(rr) “pressurized pipeline that delivers water from the water source to the valve or outlet.”

§493.2.2(e)(3)(D) – Moved from section 492.7(a)(1)(S) to provide clarity and improve MWELO’s organization and is re-numbered following the reorganization.

§493.2.2(e)(3)(E) – Moved from section 492.7(a)(1)(R) to provide clarity and improve MWELO’s organization and is re-numbered following the reorganization.

§493.2.2(e)(3)(F) – Moved from section 492.7(a)(1)(G) to provide clarity and improve MWELO’s organization and is re-numbered following the reorganization.

§493.2.2(e)(4) – A new section for “Emission Devices” is added to provide clarity and improve MWELO’s organization by grouping the existing requirements regarding emissions devices.

§493.2.2(e)(4)(A) – Moved from section 492.7(a)(1)(P) to provide clarity and improve MWELO’s organization and is re-numbered following the reorganization. “Emission devices” replaces “sprinkler heads and other emission devices” to remove redundant language and use consistent terminology throughout MWELO.

§493.2.2(e)(4)(B) – Moved from section 492.7(a)(1)(M) to provide clarity and improve MWELO’s organization and is re-numbered following the reorganization. The ASABE/ICC 802-2014 reference is updated to reference the most recent version of the standard which is the ASABE/ICC 802-2020 standard.

§493.2.2(e)(4)(B)(1) – A new subsection 1 is added to separate the distribution uniformity requirements to provide clarity and improve MWELO’s organization. The text “overhead irrigation systems” replaces “sprinkler heads” to clarify that distribution uniformity applies to the application of water for a defined area from the irrigation system and is not limited to just a sprinkler head. The text “overhead irrigation systems” is used to be consistent with the definition §490.2(a)(60) “overhead irrigation systems” and to use consistent terminology throughout MWELO. The text “distribution uniformity” is moved after “low quarter” to improve grammar. The ASABE/ICC 802-2014 reference is updated to reference the most recent version of the standard which is the ASABE/ICC 802-2020 standard.

§493.2.2(e)(4)(C) – Government Code §65596(e) requires the MWELO to include references to local, state, and federal laws and regulations regarding standards for water-conserving equipment. The California Energy Commission adopted in 2018 standards for sprinkler bodies in CCR §1605.3(x), with requirements for spray sprinkler bodies directly applicable to the MWELO. This regulation is already being enforced at the point of sale and will not have an economic impact or benefit by including it in the ordinance.

§493.2.2(e)(5) – New subsection for “System controls” groups the existing requirements associated with irrigation equipment system controls to provide clarity and improve MWELO’s organization.

§493.2.2(e)(5)(A) – Existing requirement moved from section 492.7(a)(1)(B) to provide clarity and improve MWELO’s organization and is re-numbered following the reorganization. The text “scheduling irrigation events” replaces “irrigation scheduling in all irrigation systems.” to improve grammar and reduce the ambiguity about what is required.

493.2.2(e)(5)(B) – Existing requirement moved from section 492.7(a)(1)(D) to provide clarity and improve MWELO’s organization and is re-numbered following the reorganization.

§493.2.2. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code added as an authority as per AB 2515, which requires DWR to update the MWELO every three years or make a finding that an update is not useful or effective. Governor’s Executive Order No. B-29-15 (April 1, 2015) removed because it no longer applies to this Ordinance. Reference: Sections 65593 and 65596.5 Government Code are added to references because this rulemaking implements, interprets, or makes specific these provisions of law. Governor’s Executive Order No. B-29-15 (April 1, 2015) removed because it no longer applies to this Ordinance.

§493.3 – Moved from section 492.4 to provide clarity and improve MWELO’s organization of how landscapes are designed, installed, maintained, and managed and is re-numbered following the reorganization.

§493.3(a) – This subsection is revised to clarify unclear regulatory text found in section 492.4(a). Previously the description of the Water Efficient Landscape Worksheet in subsection (a) describes the water budget calculations for both the estimated total water use and the calculation of the Maximum Applied Water Allowance together and it is ambiguous about what is included with each of the individual calculations. These are two separate calculations and clarity is improved by describing the calculations separately as shown in subsections (1) and (2) The text “compares the landscape project’s Estimated Total Water use (ETWU) with the Maximum Applied Water

Allowance (MAWA” clarifies that these are two separate equations. The text “equal to or” clarifies that the ETWU must be either equal to or below MAWA and improves MWELo’s understanding.

§493.3(a)(1), (2), and (3) – These new subsections separate the conflated ideas from section 492.4 (a) to improve the clarity of the requirements for the different topics in the Water Efficient Landscape Worksheet. The subsections (1) and (2) reduce ambiguity about how the Maximum Applied Water Allowance (MAWA) is calculated, including that the maximum ETAF allowed is associated with regular landscapes areas, as defined in re-numbered §490.2(a)(73). The Estimated Total Water Use (ETWU) is reorganized to be described in subsection (2); the ETAF associated with ETWU is clarified to not be the maximum ETAF allowed, which is for use in the MAWA only. In the previous description, the ETAF term is ambiguously described and the same ETAF value could be misunderstood to be associated with both the MAWA and the ETWU calculations. This lack of clarity may have caused confusion about the ETAF value that uniquely applies to the MAWA and the ETWU calculations. These are two distinct water budget calculations, with two distinct ETAF’s: the MAWA uses a maximum ETAF value allowed for the entire landscape project, whereas the ETWU uses the estimated actual ETAF value(s) for the type of landscape areas based on the plant factors for the plants installed in the landscape. The text in subsection (3) is reorganized and does not modify existing text. This does not change existing requirements and provides clarity and understanding to the MWELo regulation.

§493.3(a)(1) – In addition to the justification above, the text “The MAWA” and “for the landscape project” is added to provide clarity that the maximum ETAF allowed for the landscape project is associated with MAWA and is distinct from the ETAF used in the EWU calculations, which are performed by hydrozone.

§493.3(a)(1)(A) through §493.3(a)(1)(C) – These subsections are reorganized from section 492.4(a) to be a list of maximum ETAF values, separated by unique subsections, based on the landscape type to provide clarity and improve MWELo’s organization.

§493.3(a)(1)(A) – In subsection (A), the ETAF shown is for residential landscape areas. The text “regular landscape” is added to distinguish that regular landscapes have ETAF’s distinct from special landscapes, which are addressed in section §493.3(a)(1)(C) and is consistent with the definitions of residential and non-residential landscapes, and special landscape areas. No existing regulatory requirements are changed.

§493.3(a)(1)(B) – The ETAF shown in subsection (B) is for non-residential regular landscape areas. The text “regular landscape” is added to distinguish that the regular landscapes have ETAF’s distinct from special landscapes, which are addressed in §493.3(a)(1)(C) No existing regulatory requirements are changed.

§493.3(a)(1)(C) – This new subsection is moved from section 492.4(b)(4) and added to the list of maximum ETAF values based on landscape type. The text “The maximum” and “allowed” provides clarity about the given ETAF being a maximum allowed value. The ETAF shown in subsection (C) is for Special Landscape Areas. No existing regulatory requirements are changed.

§493.3(a)(2) – This new subsection provides clarity and improves MWELo’s organization by re-organizing the description and requirements of how the Estimated Total Water Use (ETWU) is calculated. Please reference the description in §493.3(a)(1), (2), and (3), above for the reason why this is necessary. The text “EWU is calculated using” is added to improve the clarity of how the EWU is calculated. Clarity and consistency within MWELo are improved by describing that both the “regular landscape area” and “special landscape areas” are included in the EWU and ETWU calculations. No existing regulatory requirements are changed.

§493.3(a)(3) – The subsection is moved from section 492.4 (a) to provide clarity and improve MWELo’s organization. The subsection is re-numbered following the reorganization.

§493.3(b)(1)(A) through (D) – These subsections are moved from section 492.4 and the plant factors are reorganized as a list to provide clarity and improve MWELo’s organization and understanding. The text “from” and “and from” are deleted to improve grammar and understanding. No existing regulatory requirements are changed.

§493.3(b)(2) and (3) – The section 492.4(b)(2) is separated into two subsections because they are two separate ideas to improve clarity and MWELo’s understanding. The two ideas that are separated into their own subsections are: water features, and temporarily irrigated areas. Please see the descriptions below for more detail on what is amended. No existing regulatory requirements are changed.

§493.3(b)(2) – The text “be included in the” is replaced with “use the” to improve grammar and understanding. The text “hydrozone’ is replaced with “plant factor in the water budget calculations” to use consistent language in the MWELo and reduce ambiguity. Using the term hydrozone is ambiguous because as defined a hydrozone refers to areas with generally similar water needs and generally similar rooting depths; by clarifying that it is the plant factor it improves MWELo’s understanding for how water features are accounted for in the water budget calculations.

§493.3(b)(3) – The text “and temporarily” is replaced with “Temporarily” because the sentence is modified such that “Temporarily” is now the first word in the sentence. The text “use” replaces “be included in” to improve grammar and MWELo’s understanding. “Hydrozone’ is replaced with “plant factor in the water budget calculations” to use consistent language in the MWELo and reduce ambiguity. Please see the description in §493.3(b)(2) for why plant factor is used instead of hydrozone.

§493.3(b)(4) – Moved from section 492.4(b)(3) to provide clarity and improve MWELo's organization. The text "(SLA)" is added to provide clarity how special landscape areas can use an acronym to describe them in the required landscape and irrigation design plans. The text "in the Landscape Design Plan (Section 493.2) and the Irrigation Design Plan (Section 493.2.2)" is added to provide clarity where SLAs shall be identified. Appendix B is changed to Appendix A to reflect the new lettering of the appendices. This does not change any existing requirements.

§493.3(b)(5) – Moved from section 494 to provide clarity and improve MWELo's organization. By moving how effective precipitation can be used in the MAWA calculations for residential and non-residential landscapes into two subsections (A) and (B), respectively, clarity is improved. The equations are reorganized to provide clarity and are corrected so that they are consistent with the MAWA equation as shown in re-numbered §490.2(a)(51). The section is re-numbered following the reorganization.

§493.3(b)(5)(A) – The text "Residential landscapes:" is reorganized to be the heading of this subsection to provide clarity and improve MWELo's organization. To be consistent with the MAWA definition: the text "x" is added to the MAWA equation to clarify that this is a multiplication operation; the text "LA" is replaced with "RLA" to clarify that the 0.55 ETAF value is associated with regular landscape areas; and the text "0.45" is replaced with "1.0" to be consistent with the maximum ETAF allowed for SLAs, and the definition of SLAs as shown in the re-numbered §490.2(a)(80). This does not change any existing requirements and the section is re-numbered following the reorganization.

§493.3(b)(5)(B) – The text "Non-residential landscapes:" is reorganized to be the heading of this subsection to provide clarity and improve MWELo's organization. To be consistent with the MAWA definition: the text "x" is added to the MAWA equation to clarify that this is a multiplication operation; the text "LA" is replaced with "RLA" to clarify that the 0.45 ETAF value is associated with regular landscape areas; and the text "0.55" is replaced with "1.0" to be consistent with the maximum ETAF allowed for SLAs, and the definition of SLAs as shown in the re-numbered §490.2(a)(80). This does not change any existing requirements and the section is re-numbered following the reorganization.

§493.3. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code added as an authority as per AB 2515, which requires DWR to update the MWELo every three years or make a finding that an update is not useful or effective. Governor's Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions no longer apply to the Ordinance. Reference: Sections 65593 and 65596.5 Government Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law. Governor's Executive Order No. B-29-15 (April 1, 2015) removed because it no longer applies to the Ordinance.

§493.4 – Moved from section 492.10 to provide clarity and improve MWELo’s organization and is re-numbered following the reorganization.

§493.4(a) – This section deletes “for the efficient use of water” because it is redundant with the requirements described in §490(b). The text “and prevent water waste” is included to provide clarity that irrigation schedules should be designed to prevent water waste consistent with the MWELo requirements in §490.1(a)(2).

§493.4(a)(2) – Moved from section 492.10(a)(4) to provide clarity and improve MWELo’s organization. The text “irrigation” is added clarifying that it is an automatic irrigation controller. The text “with the Certificate of Completion” is added to specify that the irrigation schedule is required to be submitted with the certificate of completion package, consistent with re-numbered Appendix B, Element 4 – Irrigation Scheduling Parameters. This does not change any existing requirement and the subsection is re-numbered following the reorganization.

§493.4(a)(3) – Moved from section 492.10(a)(5) to provide clarity and improve MWELo’s organization. The text “parameters” is added to provide clarity for setting the schedule of irrigation controllers and is consistent with the re-numbered Appendix B – Element 4. The subsection is re-numbered following the reorganization.

§493.4(a)(3)(A) – The text “events” is added to “days between irrigation events” to provide clarity and reduce ambiguity.

§493.4(a)(3)(B) and (C) – These subsections add the text: “and prevent water waste” to provide clarity that an improper irrigation schedule may cause water waste from over-watering even if there is no runoff.

§493.4(a)(3)(K) – This subsection replaces the text “irrigation uniformity” with “distribution uniformity” to be consistent with section 492.12 and use consistent terminology throughout MWELo. The text “irrigation” is added in front of efficiency to be consistent with re-numbered §490.2(a)(39).

§493.4(a)(4) – Moved from section 492.10(a)(2) to provide clarity and improve MWELo’s organization. The text “systems” is added to “irrigation systems” to specify that the irrigation system is scheduled. The text “If allowable hours of irrigation differ from the local water purveyor” is replaced with “If the local agency or water purveyor has watering windows that are different or longer” to provide clarity that the user must compare the watering windows of the local agency with the water purveyor, as applicable. The section is re-numbered following the reorganization.

§493.4(a)(5) – Moved from section 492.10(a)(3) to provide clarity and improve MWELo’s organization. The text “for implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use” is reorganized so that the MAWA requirements are stated in two subsections, (A) and (B), to provide clarity and improve MWELo’s understanding. In the

definition of ET adjustment factor, re-numbered §490.2(a)(27); the ETAF for special landscapes is 1.0 for new and existing (non-rehabilitated) landscapes; the old equation did not accurately describe what is allowed by MWELo. By updating the MAWA equation so that it is consistent with its definition, ambiguity is reduced, and clarity is improved. This does not change any existing requirement. Following the reorganization, the subsections are re-numbered.

§493.4(a)(5)(B) – The text “particular attention must be paid to” is replaced with “carefully consider the” to improve grammar and MWELo understanding.

§493.4. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code added as an authority as per AB 2515, which requires DWR to update the MWELo every three years or make a finding that an update is not useful or effective. Reference: Sections 65593 and 65596.5 Government Code are added to the references because this rulemaking implements, interprets, or makes specific these provisions of law.

§493.5 – Moved from section 492.11 to provide clarity and improve MWELo’s organization and re-numbered following the reorganization.

§493.5(a) – This subsection is clarified to be consistent with the Certificate of Completion which requires a landscape and irrigation maintenance schedule. (Element number 5 of the Certificate of Completion Package) The text “landscape and irrigation” is added to clarify the maintenance schedule requirement.

§493.5(b) – This section replaces “turf” with “turfgrass” for clarity and consistency with the definition §490.2(a)(86). The text “turfgrass” is now consistently used throughout MWELo. Text regarding the operation of the irrigation system outside the normal water window is moved into subsection (1) to provide clarity and improve MWELo’s organization.

§493.5(c) – This subsection adds new text “replacement parts” to reduce ambiguity, improve clarity and understanding. Equipment repairs should be done with replacement parts, not the originally installed equipment. The text “that improve the average irrigation system efficiency” replaces “with greater efficiency” to be consistent with the requirements of section 492.13, now re-numbered §493.2.2(b)(2), which is focused on the average irrigation system efficiency, not the efficiency of individual irrigation components.

§493.5. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code added as an authority as per AB 2515, which requires DWR to update the MWELo every three years or make a finding that an

update is not useful or effective. Governor's Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions no longer apply. Reference: Sections 65593 and 65596.5 Government Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law. Governor's Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions no longer apply.

§493.6 – Moved from section 492.12 to provide clarity and improve MWELo's organization; the section is re-numbered following the reorganization. The text "Irrigation survey, and Irrigation Water Use Analysis" is deleted to reduce ambiguity because the section requirements have been re-organized to focus this section on the irrigation auditing of new landscape irrigation systems. The requirements for the irrigation survey and irrigation water use analysis are for existing landscapes only and are moved to the re-numbered §491.1.

§493.6(a) – The text "local agency landscape irrigation auditor or a third party" is deleted because it is redundant with the definition of "certified landscape irrigation auditor." For consistency with MWELo terminology, "irrigation" is added in "landscape irrigation audits."

§493.6(b) – The text "large projects or projects with multiple landscape installations (i.e., production home developments)" is replaced with "aggregated landscape projects (i.e., production home developments)" to be consistent with the substitution of this language throughout the regulation, specifically, the added definition in §490.2(a)(2) and language used in Soil Management Report in §492.5. The text "individual" and "of the total number of individual lots" is added to reduce ambiguity and improve the clarity of auditing requirements for multiple related landscape projects.

§493.6(c) – The text associated with Section 490.1 is updated to the re-numbered §491 to reflect re-numbering and reorganization of the MWELo regulation.

§493.6(c)(1) – The text "and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming" is deleted because it is required to be performed by the irrigation designer, is redundant to also require this from the irrigation auditor. The auditor may or may not be qualified or allowed by law to alter or repair any part of an irrigation system.

§493.6. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code added as an authority as per AB 2515, which requires DWR to update the MWELo every three years or make a finding that an update is not useful or effective. Governor's Executive Order No. B-29-15 (April 1, 2015) removed because it no longer applies. Reference: Sections 65593 and 65596.5 Government Code added to references because this rulemaking implements, interprets,

or makes specific these provisions of law. Governor's Executive Order No. B-29-15 (April 1, 2015) removed because it no longer applies.

§494 – Section 494. “Effective Precipitation” is deleted, and its requirements are reorganized with this draft amendment into section 493.3 “Water Efficient Landscape Worksheet.” specifically, section 493.3(b)(5). This section is renamed “Certificate of Completion Package” and moves the requirements from section 492.9 (Performance Options) and the certificate of completion requirements as described in Appendix D (Prescriptive Option) to provide clarity and improve MWELO’s organization. The section is re-numbered following the reorganization. To reduce ambiguity the word “package” is added to “Certificate of Completion” to clarify that the Certificate of Completion is a package of documents and not just a single document.

§494 –This section separates the compliance option requirements into two new subsections to provide clarity. The first section describes the requirements of the Prescriptive Compliance Option consistent with what is required in the previous Appendix D. and the Performance Compliance Option requirements to clearly distinguish that the requirements are different depending on the compliance option selected. The re-numbered Appendix C includes an example Certificate of Completion Package.

§494(a)(1) – This subsection clarifies that the certificate of completion package required of the prescriptive compliance option is “limited to” 4 elements as described in previous Appendix D(c). The previous text included in the referenced section clearly describes that the certificate of completion only requires “a certificate of completion, certificate of installation, irrigation schedule, and a schedule of landscape and irrigation maintenance.” Because these requirements are explicitly stated, these are separate from the certificate of completion package requirements associated with the performance compliance option. By separating the requirements, ambiguity is reduced, clarity is provided, and MWELO’s organization is improved. There is no change to existing requirements.

§494(a)(1)(A) – To provide clarity, the text “Project Information Sheet (Appendix B Element 1)” is added as an element of the Certificate of Completion and is consistent with the requirements described in Appendix D(b)(1) The previous Appendix D(b)(1) is similar to the requirements described in §492.9(a)(1), and clarity is improved by describing where this information is provided for the prescriptive compliance option. There is no change to existing requirements and ambiguity is reduced.

§494(a)(1)(B) – The text in Appendix D(c) “certificate of installation” is replaced with “Certificate of Installation According to the Landscape Documentation Package; (Appendix B – Element 2)” to use a consistent description and naming convention between the requirements described here and the example Certificate of Completion Package provided in the re-numbered Appendix B. Element 2. Using consistent terminology reduces ambiguity and provides clarity.

§494(a)(1)(C) – The text in Appendix D(c) “irrigation schedule” is replaced with “addressing applicable parameters as describe in Section 493.4(a)(3); (Appendix B – Element 4) is added to use a consistent description and naming convention between the requirements described here and the example Certificate of Completion Package provided in the re-numbered Appendix B, Element 4. Using consistent terminology reduces ambiguity and provides clarity.

§494(a)(1)(D) – The text in Appendix D(c) “landscape and irrigation maintenance” moves the text “schedule” to the end of the sentence to use a consistent description and naming convention between the requirements described here and the example Certificate of Completion Package provided in the re-numbered Appendix B. Element 5. The use of consistent terminology reduces ambiguity and provides clarity.

§494(b) – This subsection is reorganized and re-numbered from section (a) to be consistent with how the MWELo is reorganized to improve its organization. In the MWELo’s reorganization the requirements of §492. “Prescriptive Compliance Option.” is followed by §493. “Performance Compliance Option.” The text “Performance Compliance Option” is added to clarify that the requirements listed under §494(b) apply to the “Performance Compliance Option.” The Appendix C reference is updated to reflect the correct reorganized appendix for the Certificate of Completion in the re-numbered Appendix B.

§494(b)(2) – The text describing who can provide certification is revised to be the “Designer of Record” as described in the added definition for Designer of Record in re-numbered §490.2(a)(15) The text referencing the re-numbered section where this is required “(see Section 491.4)” is added to reduce ambiguity and provide clarity.

§494(b)(2)(B) – The text “automatic” is added in front of “irrigation controller” to be consistent with automatic irrigation controller definition in §490.2(a)(5) and reduce ambiguity. The use of automatic controllers is required by Section 493.2.2(e)(5).

§494(b)(3) – Moved from section 492.9(a)(6) to provide clarity and improve MWELo’s organization. Soil “management” report is updated to be consistent with the use of terminology in re-numbered §493.1. This subsection is re-numbered following the reorganization and the correct section is referenced.

§494(b)(4) – Moved from section 492.9(a)(3) and “automatic” is added in front of “irrigation controller” to be consistent with automatic irrigation controller definition in §490.2(a)(5) and reduce ambiguity. The use of automatic controllers is required by §Section 493.2.2(e)(5) The subsection is re-numbered following the reorganization and the correct section is referenced.

§494(b)(5) – Moved from section 492.9(a)(4) and re-numbered following the reorganization. The section number is corrected to reference the reorganized section numbers.

§494(b)(6) – Moved from section 492.9(a)(5) and re-numbered following the reorganization. The section number is corrected to reference the reorganized section numbers.

§494(c) – Moved from section 492.9(b) and re-numbered following the reorganization. The term “Package” is added to the end of “Certificate of Completion” to use consistent terminology and definitions throughout MWELO, see §490.2(a)(7) The text “their” replaces “his or her” to improve grammar and acknowledge diversity, equity, inclusion.

§494(d) – Moved from section 492.9(c) and re-numbered following the reorganization. The term “Package” is added to the end of “Certificate of Completion” to use consistent terminology and definitions, see §490.2(a)(7).

§494. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code added as an authority as per AB 2515, which requires DWR to update the MWELO every three years or make a finding that an update is not useful or effective. Governor's Executive Order No. B-29-15 (April 1, 2015) is deleted because it no longer applies to the ordinance. Reference: §65596.5 Government Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law. Governor's Executive Order No. B-29-15 (April 1, 2015) is deleted because the relevant provisions no longer apply.

§495(a) – The implementation and enforcement date is changed from Dec. 31, 2015 to reflect the current reporting requirements. The December 31, 2015, date was a one-time, temporary date that expired by the rescindment of EO B-29-15. The annual January 31, date began on January 31, 2017, when normalized (not related to the drought emergency) annual reporting commenced. Text following the implementation and enforcement date is deleted because it pertains to the temporary period when the emergency update of MWELO went into effect and expired when Executive Order B-29-15 was rescinded and the March 1, 2016, date passed.

§495(b) – To reduce ambiguity and provide clarity about where annual reports should be submitted, the text “shall submit reports to the Department of Water Resources and” is moved from the last sentence of section 495(a) and rewritten for clarity.

§495(b)(2) – Deleted and replaced with the requirements from section 495(b)(4).

§495(b)(3) – Deleted and replaced with the requirements from from section 495(b)(2) and re-numbered following the reorganization. The dates previously included are for Executive Order No. B-29-15 and no longer applicable. New text is added to clarify that the annual reporting period means from January 1 to December 31.

§495(b)(4) – Deleted and replaced with the requirements from section 495(b)(3) to provide clarity and improve MWELO's organization. The word “describe” is added to clarify what the reporting requirement is asking for.

§495(b)(5) –The text “completed” is added to clarify the types of projects, otherwise it is unclear if it is asking for projects that are proposed for construction, currently under construction, have been permitted, etc. Only completed projects should be reported.

§495(b)(6) – The text “landscape project” is added to clarify what areas the report shall include and to be consistent with the defined terms.

§495(b)(7) – To reduce ambiguity and provide clarity the text “housing”, “commercial” and ‘landscape retrofits” replaces the project types identified and defined in MWELO per re-numbered §491(a) to improve the clarity of what is reported.

Previous section 495(b)(8) – This text is deleted because the question is redundant with the questions asked in section 495(b)(9), now in re-numbered §495(b)(9)(A) through §495(b)(9)(C).

§495(b)(8) – To provide clarity and improve MWELO’s organization this is moved from subsection 495(b)(10).

§495. (b)(9) – To provide clarity and improve MWELO’s organization this subsection is moved from section 495(b)(9) into subsections §495(b)(9)(A) through (C).

§495(b)(10) – This subsection is deleted and replaced with the requirements from To section 495(b)(12) to improve MWELO’s organization.

§495(b)(12) – This subsection is deleted and moved to section 495(b)(10) to improve MWELO’s organization.

§495. Authority and Reference – Authority: §65595 Government Code removed because it does not give authority for this rulemaking. §65596 Government Code added to authority because this section confers the relevant authority to the Department for this rulemaking. §65596.5 Government Code added as an authority as per AB 2515, which requires DWR to update the MWELO at least every three years or make a finding that an update is not useful or effective. Governor’s Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions do not apply to the period for this Ordinance update. Reference: §65596.5 Government Code added to references because this rulemaking implements, interprets, or makes specific these provisions of law. Governor’s Executive Order No. B-29-15 (April 1, 2015) removed because the relevant provisions do not apply to the period for the update of this Ordinance.

Appendix A – Appendix A, “Reference Evapotranspiration (ETo) Table” is deleted, and its list of local ETo values are reorganized with this draft amendment into Appendix C. “Reference Evapotranspiration (ETo) Table.” to improve MWELO’s organization and understanding. The previous Appendix B. “Water Efficient Landscape Worksheet.” and its requirements are renamed Appendix A. “Water Efficient Landscape Worksheet.”

MWELO’s appendices have been reorganized to provide clarity and improve MWELO’s understanding. The Reference Evapotranspiration Table is 8 pages long, and the

Appendices are reorganized so that the previous Appendix B. "Sample Water Efficient Landscape Worksheet" and the previous Appendix C. "Sample Certificate of Completion of Package" are listed first in order to improve the MWELo organization and make it easier to understand. A bulleted list of the changes to the re-named Appendix A. "Water Efficient Landscape Worksheet" is listed below.

- In the introduction paragraph the text "When the performance compliance option is selected" is added to clarify that Appendix A is only to be used by applicants using the performance compliance option and reduces ambiguity about whether the worksheet applies to the prescriptive compliance option. The text "Additional rows or multiple sheets should be used if there are more than 12 hydrozones." Is added to provide clarity that multiple sheets can be used if there are more than 12 hydrozones. This reduces ambiguity and improves MWELo's understanding. The text "The ETWU (gallons per year) must be equal to or less than MAWA (annual gallons allowed) to comply with MWELo" is added to clarify that the purpose of the sample water efficient landscape worksheet is to calculate the budget (MAWA) and compare it with the estimated total water use (ETWU). These calculations and the comparison are critical to ensuring that the landscape will meet the requirements of the MWELo and improves MWELo's understanding.
- Below the introduction paragraph, to reduce ambiguity and improve MWELo's understanding fields are added for the: "Project Applicant"; "Phone Number"; "Project Address"; "Date"; and "ETo". This information is required in the Landscape Documentation Project Information Sheet Section 491.4 (b)(1) and does not add any new requirement. The term "Reference Evapotranspiration" is replaced with "ETo (in./year)" because ETo has the same meaning as reference evapotranspiration, see re-numbered §490.2(a)(71), and using the abbreviated term improves the use of limited space on the worksheet and uses consistent terminology throughout the MWELo regulation. Placing these fields on the worksheet improves the understanding of MWELo for the local agency.
- Maximum Applied Water Allowance – The MAWA equation is moved to be in front of the ETWU table and calculations because the MAWA is the upper limit of water use for each landscape project and should be determined first. Then the ETWU is calculated and compared with the MAWA and must be equal or less than MAWA to be compliant with MWELo. The maximum applied water allowance (MAWA) equation is clarified to be consistent with its definition in §490.2(a)(51). The text "(ETAF x LA)" is replaced with "[ETAF x RLA to be consistent with the definitions of "landscape area (LA)" in re-numbered §490.2(a)(42); "Regular Landscape Area (RLA)" in re-numbered §490.2(a)(73); and special landscape area (SLA) in re-numbered §490.2(a)(80). The equation is clarified so that the ETAF associated with regular landscape areas (RLAs) and special landscape areas (SLAs) is clearly understood. The text "The maximum

ETAF allowed in the MAWA equation” and “equal to” is added to improve clarity and understanding of the MWELo. The maximum ETAF values are consistent with their definition in re-numbered §490.2(a)(27).

- The text “residential areas” is replaced with “residential regular landscape Areas (RLA)” to use consistent terminology throughout the MWELo regulation, reduce ambiguity and improve MWELo’s understanding. The text “1.0 – for special landscape areas (SLA)” is added to provide clarity and improve MWELo’s understanding. Previously the ETAF for SLA’s was not included on the worksheet and is needed for the water budget calculations. This does not change the requirements and adds clarity to the water budget calculations.
- Estimated Total Water Use (ETWU) Table – The ETWU table is reorganized so that it is consistent with how it is described in re-numbered §493.3(a)(2). The text “(see instructions)” is added to the title reduce ambiguity and improve MWELo’s understanding by providing instructions on how the table should be completed. Column headers are added to the ETWU table be compliant with the Americans with Disabilities Act to provide clarity and reduce ambiguity. In the header for column A, text is added that hydrozones can be designated with “number, letter, or other designation”, per re-numbered §493.2(a)(1) In the header for column D, the text “evapotranspiration adjustment factor” is added to describe what is meant by “ETAF.” In the header for column E, the text “Hydrozone” is added, and “Landscape” is deleted to reduce ambiguity about what areas should be included. The column with text “ETAF x AREA” is deleted because it is redundant with Column F. The Column F header is revised from “Estimated Total Water Use” to “Estimated Water Use” and “EWU” replaces “ETWU” to improve the clarity that EWU is calculated for each hydrozone, while ETWU is the sum of EWU for the landscape project. The text “Totals”, “(A)”, and “(B)” are deleted because they are no longer applicable to the improved table. The text “Maximum Applied Water Allowance” is deleted in the bottom row because MAWA is described above on the worksheet and is redundant. The existing requirements are unchanged, clarity is provided and MWELo’s organization is improved.
- Clarity is improved and ambiguity is reduced by adding a worksheet footnote where the value for local ETo can be found in re-numbered Appendix C.
- Clarity is provided and MWELo’s understanding is improved by adding a footnote for the range of Plant Factors with the range of values shown consistent with the Plant Factor definition in re-numbered §490.2(a)(65).
- The text “Average” and “System” are added to “Average Irrigation System Efficiency” so that the term is consistently used throughout MWELo.
- The term “spray head” is replaced with “Overhead Irrigation” in the footnote to be consistent with current definitions in re-numbered §490.2(a)(60) and terminology used throughout MWELo.

- The ETAF Calculation Tables for “Regular Landscape Areas” and “All Landscape Areas” are deleted because they are redundant with the revised water budget calculations in the worksheet, which provides clarity to how the water budget calculations are performed.
- Water Efficient Landscape Worksheet instructions are added to reduce ambiguity and provide clarity on how it should be used. The instructions are new text to provide guidance on how the water budget calculations are performed. The Appendix B worksheet provides a table without instructions and is not clearly understood by project applicants or local agencies. The worksheet instructions how the local reference evapotranspiration is found (Number 1), how the MAWA is calculated (Number 2), how the ETWU is calculated (Number 3), and that the MAWA and ETWU must be compared to be compliant (Number 4). There are no changes to existing regulations associated with the reorganization of this Appendix.

Appendix B. Appendix B, “Sample Water Efficient Landscape Worksheet.” is deleted, and its requirements are reorganized with this draft amendment into Appendix A to improve MWELO’s organization and understanding. Appendix B is renamed “Sample Certificate of Completion Package” and its requirements moved from Appendix C. Appendix B is renamed as the “Sample Certificate of Completion Package” from “Sample Certificate of Completion” to clarify that it is a package of documents required along with the cover sheet. A bulleted list of the changes to the re-numbered Appendix B is listed below.

- In the introductory paragraph, the text “upon completion of landscape project” is replaced with “to certify that the landscape project is installed in accordance with the Model Water Efficient Landscape Ordinance and shall include the following six (6) elements.” To reduce ambiguity and provide clarity.
- In this appendix the text “Parts” are renamed “Elements” in Parts 1 through 6 to reduce ambiguity and provide clarity to the terms used from within the different components of the MWELO regulation. In the Certificate of Completion, “Part” is used to describe the required components. While existing text in the introduction describes each requirement as an “element.” So that consistent terminology is used throughout MWELO, “element” is used to reduce ambiguity and improve understanding.
- Element 1. Information in the Project Applicant Information table. The “Date” in the project applicant information table is deleted because it is redundant with the date associated with when the document is signed per the re-numbered Appendix B, Element 2. The text “(or designee if applicable):” is added to be consistent with the re-numbered §491.3(b)(2)(B). The text “Name of Property Owner (if different):” is added to improve clarity for when a designee signs the package, and the name of the property owner is different, per re-numbered

§494(b)(1). The text “Title” is added to allow the property owner or designee to include their title. The text “Water Supply Type” is added to the project applicant information table for tracking and documentation by local agency per re-numbered §491.4(a)(1)(G). The text “Water purveyor” is added to the project applicant information table since a local agency may oversee projects across multiple Water Purveyor’s and service areas could be helpful for record keeping. This was a recommendation to be included from the Landscape Statewide Advisory Group (LSAG). This is a clarification and does not change existing requirements. The text “Fax, Title and Company Name” are moved into the Project applicant table to reduce ambiguity and provide clarity in the Certificate of Completion and is consistent with the requirements in re-numbered §491.4. The term “state” is deleted because the MWELo only applies to projects in California, and it is unnecessary to identify the state.

- Element 1. In the Project Address and Location, the text “Meter number(s) (if available)” is added because local agencies that are also water purveyors typically do not rely on the address or parcel numbers for location information. Instead, local agencies will often use a meter number for customer information. This is added to provide clarity and improve MWELo’s understanding.
- Element 1. The table describing “Property owner or his/her designee:” is removed and the required reporting information is moved into the Project Applicant Information and Project Address and Location tables because it is redundant and to provide clarity and improve MWELo understanding.
- Element 1. The text “Please answer the questions below” followed by the three questions describing the dates the landscape package was submitted to the local agency; date approved by the local agency; and date that a copy was submitted to the local agency have all been moved to the end of the certificate of completion package to improve the package’s organization and understanding.
- Element 2. This section was previously named “Part” and is renamed “Element” to use consistent terminology and reduce ambiguity. The text from §494 is added to this element, which describes the requirements for the Landscape Documentation Package and requires the as-built / record drawings and a diagram of the irrigation plan consistent with §494(b)(2). Other elements of the Certificate of Completion Package listed in this Appendix are updated to be consistent with §494. The table for name / title / company / address / state / phone no. / fax no. / email address / city / zip code is deleted because it is redundant with the requirements in Element 1. The signature required of the “Property Owner” is changed to “Designer of Record” to be consistent with the definitions in re-numbered §490.2(a)(15).
- Element 3. This element is renamed and re-numbered from “Part 6”, to be consistent with the organization and numbering of Certificate of Completion Package requirements listed in re-numbered §494(b). The term “management”

replaces “analysis” so that consistent terminology is used throughout MWEL0; and the section numbers are updated to reflect the appropriate re-numbered sections.

- Element 4. This element is moved and re-numbered from Part 3, to be consistent with the organization of the Certificate of Completion Package requirements listed in re-numbered §494(b). The text “parameters” is added to the heading to reduce ambiguity and provide clarity that it is the parameters used to set the irrigation schedule that is required per re-numbered §493.4. The text “automatic irrigation” is added in front of the text “controller” to use consistent terminology with the definitions and throughout the MWEL0 regulation.
- Element 5. This element is moved and re-numbered from Part 4, to be consistent with the organization of the Certificate of Completion Package requirements listed in §494(b). The text “schedule” is moved to the end of “Landscape and Irrigation Maintenance” to use consistent terminology throughout MWEL0 and how it is described in the requirements of the Property Owner signature (now re-named the Project Applicant Signature), which uses “maintained in accordance with the Landscape and Irrigation Maintenance Schedule,” see the description associated with Appendix B, Element 1.
- Element 6. This element is moved and re-numbered from “Part 5” and is reorganized to be consistent with the organization of the Certificate of Completion Package requirements listed in §494(b). The term “Landscape” associated with the “Irrigation Audit Report” is deleted to improve clarity and to be consistent with §493.8 which was clarified to just an “Irrigation Audit.”
- Signature block. The text “Project Applicant” replaces “Property Owner” to be consistent with the Compliance Responsibilities described in §491.3. This text is moved from Part 1 to the bottom of the Certificate of Completion Package to improve MWEL0’s organization. This provides clarity and improves the organization of where a document signature should be, at the end of a document instead of at the beginning. The “Landscape Documentation Package” is deleted because it is redundant with the requirements in Element 2.
- The three questions asking for the dates the Landscape Documentation Package was submitted, approved, and a copy of the Water Efficient Landscape Worksheet described are moved to the end of the Certificate of Completion Package because it improves the organization of the package requirements.

Appendix C. Appendix C, “Sample Certificate of Completion.” is deleted, and its requirements are reorganized with this draft amendment into Appendix B to improve MWEL0’s organization and understanding. Appendix C is renamed “Reference Evapotranspiration (ET_o) Table.” and its requirements moved from the previous Appendix A. A bulleted list of the changes to the re-numbered Appendix C is listed below. An introduction describing the general purpose of the revisions to the renamed

Appendix C “Reference Evapotranspiration (ETo) Table.” is below, followed by a bulleted list of the specific changes to local ETo values by county.

General Purpose of the Update to Appendix C.

The local reference evapotranspiration data and locations are updated for two reasons: 1) to provide better geographic representation, and 2) update the ETo values to reflect the most recent and best available data. ETo is a locally variable value used in the MWELo water budget calculations to estimate plant water needs.

In the MWELo, local ETo values are provided for 319 cities; with these MWELo amendments, there are now local ETo values for 677 cities to provide better geographic representation. The current reference Cities/Places within the counties are often very far away from the location of a landscape project and are not representative of local climate conditions. Some cities in Appendix A are deleted and replaced with ETo values for a nearby location because they represented California Irrigation Management Information System (CIMIS) stations or there is no recent data available for the previous location. The ETo values for these cities/places are based on the cities/places shapefile from the California Open Data website (<https://data.ca.gov/dataset/ca-geographic-boundaries/resource/436fc714-831c-4070-b44b-b06dcde6bf18>). The GPS coordinates used to develop the ETo values correspond to the centroid of each city/place.

The ETo values in Appendix A come from a variety of data sources including weather stations, evaporative pans, and lysimeters. Some data was collected prior to 1993 and does not accurately reflect the current climate or the best data available. All of the updated ETo values in this draft amendment are monthly averages of ETo values from 2004 to 2021 from the CIMIS dataset. In an ideal world, ETo data would be available online and regularly updated; but because of how California regulations work the ETo values are required to be in a printed table within the MWELo regulation. This update of ETo values is necessary to be updated to use water efficiently in the landscape and does not change MWELo’s requirements.

Specific changes within the ETo table, re-numbered Appendix C, include:

The text “(all values shown in inches)” is added because the units of measure were not included with the previous ETo values and are necessary for accurate use of the data. The table is arranged alphabetically by county with cities or places in each data row. The word “place” is added because census designated places or other unincorporated points are used in some data rows instead of named cities. The word “county” is added to each county section to make specific the organization of the table and to avoid confusion with cities of the same name as the county.

- **Alameda County:** The cities of Fremont, Livermore, Oakland, and Pleasanton, and Sunol remain, and the ETo data are updated. The cities of Alameda, Berkeley, Castro Valley, Dublin, Hayward, Newark, Piedmont, and San Lorenzo

are added along with the data points for each city for each month and the annual ETo value for better spatial representation in Alameda County. Oakland Foothills and Union City are deleted and replaced by Piedmont and Hayward.

- **Alpine County:** The city of Markleeville remains, and all ETo data is updated. The places of Alpine Village and Kirkwood and all the associated ETo data are added for better representation in Alpine County. No places are deleted.
- **Amador County:** Jackson remains and the associated ETo data is updated. The new cities and places of Amador City, Buena Vista, Fiddletown, Lone, and Plymouth and all the associated ETo data are added for better representation in Amador County. Shenandoah Valley has been deleted and is now covered by Plymouth.
- **Butte County:** Chico, Gridley, Oroville remain and the ETo data for each is updated. The cities and places of Butte Meadows, Magalia, Palermo, Paradise, and Stirling City and associated ETo data are added for better representation in Butte County. The city of Durham is deleted and is now covered by Chico and Oroville.
- **Calaveras County:** The city of San Andreas remains, and ETo data is updated. The cities and places of Angels Camp, Arnold, Copperopolis, Mountain Ranch, Valley Springs, and West Point and associated ETo data are added for better geographic representation in Calaveras County. No places are deleted.
- **Colusa County:** The cities of Colusa and Williams remain, and ETo data for each is updated. The cities and places of Arbuckle, Grimes and Princeton associated ETo data are added for better spatial representation in Colusa County. No places are deleted.
- **Contra Costa County:** The cities of Brentwood, Concord, Martinez, Pittsburg, and Walnut Creek remain, and the ETo data for each is updated. The cities and places of Antioch, Bethel Island, Danville, Oakley, Orinda, Pleasant Hill, Richmond, San Pablo, and San Ramon and associated ETo data are added for better spatial representation in Contra Costa County. The city of Moraga was deleted and is now covered by Orinda. The city of Courtland is moved from Contra Costa County to Sacramento County because it resides within Sacramento County.
- **Del Norte County:** Crescent City remains and the ETo data is updated. The places of Klamath and Smith River and associated ETo data are added for better spatial representation in Del Norte County. No places are deleted.
- **El Dorado County:** The city of Camino remains and the ETo data is updated. The cities and places of Cameron Park, Coloma, Diamond Springs, El Dorado Hills, Georgetown, Placerville, and South Lake Tahoe and their associated ETo

data are added for better spatial representation in El Dorado County. No places are deleted.

- **Fresno County:** The cities, and places of Clovis, Coalinga, Firebaugh, Five Points, Fresno, Friant, Kerman, Mendota, Orange Cove, and Reedley remain, and the ETo data for each is updated. The cities and places of Big Creek, Huron, Minkler, Riverdale, San Joaquin, Selma, West Park, and Yokuts Valley and associated ETo data are added for better spatial representation in Fresno County. The place of Panoche is deleted because it is in San Benito County. Fresno State is deleted and is covered by Clovis. Kingsburg is deleted and is covered by Selma. Parlier is deleted and covered by either Selma or Reedley. Westlands is deleted and is represented by Fresno.
- **Glenn County:** Orland and Willows remain, and the ETo data for each is updated. Elk Creek and associated ETo data is added for better spatial representation in Glenn County. No places are deleted.
- **Humboldt County:** Eureka, Garberville, and Hoopa remain, and the ETo data for each is updated. The cities of Arcata, Benbow, Fortuna, McKinleyville, Miranda, Myers Flat, Myrtle town, Redway, and Willow Creek and associated ETo data are added for better spatial representation in Humboldt County. Ferndale is deleted and covered by Fortuna data.
- **Imperial County:** Brawley, Calipatria/Mulberry, El Centro, Holtville, Meloland, Seeley, and Westmoreland remain, and the ETo data for each is updated. Calipatria/Mulberry has been re-named Calipatria. The spelling of Westmoreland has been updated to its correct spelling of Westmorland. Bombay Beach, Calexico, Imperial, Ocotillo, Salton City, and Winterhaven and their associated ETo data are added for better spatial representation in Imperial County. Yuma is deleted because it is in Arizona and other nearby locations have been added to spatially represent this region.
- **Inyo County:** Bishop and Independence remain, and the ETo data for each is updated. The places of Big Pine, Cartago, Lone Pine and Pearsonville Creek and their associated ETo data is added for better spatial representation in Inyo County. Death Valley Junction and Lower Haiwee Reservoir are deleted because there is no current data available. Oasis, CA is deleted from being associated with Inyo County because it is in Riverside County.
- **Kern County:** Arvin, Bakersfield, Buttonwillow, Delano, Inyokern, Lake Isabella, Lost Hills, Shafter, Taft, and Tehachapi remain, and the ETo data for each is updated. California City, Maricopa, Mojave, and Wasco and associated ETo data is added for better spatial representation in Kern County. Bakersfield/Bonanza and Bakersfield/Greenlee are deleted because they are covered by Bakersfield data. Belridge and Blackwells Corner are deleted and are covered by Lost Hills. China Lake is deleted and is covered by Inyokern data. Famoso is deleted and

covered by Wasco data. Grapevine is deleted because updated data is not available. Isabella Dam is deleted and covered by Lake Isabella. Lamont is deleted and covered by Arvin. McFarland /Kern is deleted and covered by Delano.

- **Kings County:** Corcoran, Hanford, Kettleman, Lemoore, and Stratford remain and the ETo data for each is updated. Kettleman is renamed Kettleman City to be consistent with how the place is named. Hardwick and associated ETo data is added for better spatial representation in Kings County. Caruthers is deleted because it is in Fresno County and covered by Riverdale.
- **Lake County:** Lakeport and Lower Lake remain and the ETo data for each is updated. Clearlake, Cobb, Lucerne, Middletown, Nice, and Upper Lake and their associated ETo data is added for better spatial representation in Lake County. No places are deleted.
- **Lassen County:** Buntingville and Susanville remain and their ETo data is updated. Bieber, Herlong, Spaulding, and Westwood and associated ETo data is added for better spatial representation in Lassen County. Ravendale is deleted and geographically covered by Susanville.
- **Los Angeles County:** Burbank, Glendale, Gorman, Lancaster, Long Beach, Los Angeles, Monrovia, Palmdale, Pasadena, Pomona, San Fernando, Santa Clarita, and Santa Monica remain, and the ETo data for each is updated. Alhambra, Azusa, Beverly Hills, Castaic, Cerritos, Compton, Covina, El Segundo, Inglewood, Palo Verde Estates, Paramount, Rosemead, Rowland Heights, Torrance, and Whittier and associated ETo data is added for better spatial representation in Los Angeles County. Claremont is deleted and covered by Pomona data. El Dorado is deleted because it is in El Dorado County. Glendora is deleted and covered by Azusa data. Hollywood Hills is deleted and covered by Glendale data. Pear Blossom is deleted and covered by Palmdale data. Redondo Beach is deleted and covered by Torrance data.
- **Madera County:** Chowchilla and Madera remain, and the ETo data for each is updated. Ahwanee, Bass Lake, Oakhurst, and Yosemite Lakes and associated ETo data is added for better spatial representation in Madera County. Raymond is deleted and covered by Yosemite Lakes data.
- **Marin County:** Novato and San Rafael remain and the Eto data for each is updated. Bolinas, Corte Madera, Larkspur, Marin City, Mill Valley, Point Reyes Station, San Anselmo, San Geronimo, Sausalito, Stinson Beach, Strawberry, Tiburon and Tomales and associated ETo data is added for better spatial representation in Marin County. Black Point is deleted and covered by Novato data. Point San Pedro is deleted and covered by San Rafael data.
- **Mariposa County:** Coulterville, Mariposa, and Yosemite Village remain, and the ETo data for each has been updated. Yosemite Village has been renamed to

Yosemite Valley, Bear Valley, El Portal, Fish Camp, Greeley Hill, and Midpines and associated ETo data is added for better spatial representation in Mariposa County. No places are deleted.

- **Mendocino County:** Fort Bragg, Hopland, Point Arena, and Ukiah remain, and the ETo data for each has been updated. Anchor Bay, Boonville, Covelo, Laytonville, Leggett, Mendocino, and Willits and associated ETo data is added for better spatial representation in Mendocino County. Sanel Valley is deleted and covered by Hopland.
- **Merced County:** Los Banos and Merced remain, and the ETo data for each is updated. Atwater, Ballico, Bear Creek, Dos Palos, Le Grand, Santa Nella, and the University of California-Merced and associated ETo data is added for better spatial representation in Merced County. Kesterson is deleted and covered by Santa Nella and Los Banos.
- **Modoc County:** Modoc/Alturas remains and the ETo data has been updated. Modoc/Alturas has been renamed to “Alturas” to avoid confusion with the county name. Adin, Cedarville, Daphnedale Park, Eagleville, Fort Bidwell, and Newell and associated ETo data is added for better spatial representation in Modoc County. No places are deleted.
- **Mono County:** Bridgeport remains and the ETo data is updated. Benton, Chalfant, Coleville, Lee Vining, and Mammoth Lakes and associated ETo data is added for better spatial representation in Mono County. No places are deleted.
- **Monterey County:** Castroville, King City, Monterey, Salinas, and Soledad remain, and the ETo data for each is updated. Bradley, Carmel Valley Village, Carmel-by-the-Sea, Marina, Moss Landing, Pacific Grove, and Seaside and associated ETo data is added for better spatial representation in Monterey County. Arroyo Seco, Gonzales, and Greenfield are deleted because they are covered by Soledad data. King City-Oasis Rd., Long Valley, and San Ardo are deleted and are covered by King City. Pajaro is deleted and covered by Moss Landing or by Watsonville in Santa Cruz County. Salinas North and San Juan are deleted and covered by Salinas.
- **Napa County:** Angwin, Oakville, St Helena and Yountville remain, and the ETo data for each is updated. A period is added after St in St Helena, now St. Helena, to improve grammar. American Canyon, Calistoga, Deer Park, Moskowite Corner, Napa, Rutherford, and Silverado Resort and associated ETo data is added for better spatial representation in Napa County. Carneros is deleted and covered by Napa.
- **Nevada County:** Grass Valley, and Nevada City remain, and the ETo data for each is updated. Penn Valley and associated ETo data is added for better spatial representation in Nevada County. Truckee is moved into Nevada County from

being incorrectly located under Placer County; and the ETo data for Truckee is updated. No places are deleted.

- **Orange County:** Irvine, Laguna Beach, and Santa Ana remain, and the ETo data for each is updated. Anaheim, Dana Point, Fountain Valley, Fullerton, Garden Grove, Huntington Beach, Mission Viejo, Newport Beach, Orange, San Clemente, San Juan Capistrano, Tustin, and Yorba Linda and associated ETo data is added for better spatial representation in Orange County. No places are deleted.
- **Placer County:** Auburn, Blue Canyon, Colfax, Roseville, and Soda Springs remain, but the ETo data for each has been updated. Lincoln is moved to Placer County from an incorrect placement under Sonoma County. Dutch Flat, Foresthill, Granite Bay, Kings Beach, Loomis, Meadow Vista, Newcastle, North Auburn, Penryn, Rocklin, Sheridan, and Tahoma and associated ETo data is added for better spatial representation in Placer County. The word “Sunnyside” is added to Tahoe City and is now renamed Sunnyside-Tahoe City for accuracy. Truckee is moved to Nevada County from an incorrect placement In Placer County.
- **Plumas County:** Portola and Quincy remain, and the ETo data for each is updated. Beckwourth, Chester, Chilcoot-Vinton, Crescent Mills, Lake Davis, Little Grass Valley, and Taylorsville and associated ETo data is added for better spatial representation in Plumas County. No places are deleted.
- **Riverside County:** Beaumont, Blythe, Cathedral City, Coachella, Desert Center, Elsinore, Indio, La Quinta, Mecca, Oasis, Palm Desert, Palm Springs, Rancho Mirage, Ripley, Temecula East II, Thermal, and Winchester remain, and the ETo data for each is updated. The part “East II” of Temecula East II is deleted to rename the place Temecula. Aguanga, Anza, Banning, Cabazon, Corona, Desert Hot Springs, Hemet, Homeland, Idyllwild-Pine Cove, Lake Elsinore, Lakeview, Meadowbrook, Menifee, Moreno Valley, Mountain Center, Murrieta, Norco, Perris, Riverside, San Jacinto, Sky Valley, Valley Vista, Whitewater, and Woodcrest and associated ETo data is added for better spatial representation in Riverside County. Rancho California is deleted and its local ETo covered by Temecula. Salton Sea North is deleted and covered by Mecca. Riverside UC is replaced by Riverside.
- **Sacramento County:** Fair Oaks, Sacramento, Twitchell Island remain, and the Eto data for each is updated. Citrus Heights, Clay, Elk Grove, Folsom, Franklin, Freeport, Galt, Isleton, North Natomas, Orangevale, Rancho Cordova, Rancho Murrieta, Rio Linda, Rosemont, Walnut Grove, and Wilton and associated ETo data are added for better spatial representation in Sacramento County. Courtland is moved to Sacramento County from an incorrect placement in Contra Costa County. No places are deleted.

- **San Benito County:** Hollister, San Benito, and San Juan Valley remain, and the ETo data for each is updated. The word “Valley” is changed to “Bautista” to rename San Juan Valley to San Juan Bautista for accurateness. Tres Pinos and associated ETo data is added for better spatial representation in San Benito County. No places are deleted.
- **San Bernardino County:** Baker, Barstow NE, Big Bear Lake, Chino, Crestline, Lake Arrowhead, Lucerne Valley, Needles, Newberry Springs, San Bernardino, Twentynine Palms, and Victorville remain, and the ETo data for each is updated. Adelanto, Chino Hills, Fontana, Hesperia, Highland, Homestead Valley, Oak Hills, Ontario, Phelan, Piñon Hills, Rancho Cucamonga, Redlands, San Antonio Heights, Silver Lakes, Wrightwood, Yucaipa, and Yucca Valley associated ETo data are added for better spatial representation in San Bernardino County. No places are deleted.
- **San Diego County:** Chula Vista, Escondido SPV, Miramar, Oceanside, Otay Lake, Pine Valley, Ramona, San Diego, Santee, Torrey Pines, and Warner Springs remain, and the ETo data for each is updated. Alpine, Borrego Springs, Boulevard, Camp Pendleton South, Campo, El Cajon, Fallbrook/Rainbow, Jacumba, Jamul, Julian, La Mesa, Mount Laguna, Pala, Rancho Santa Fe, Solana Beach, and Valley Center and associated ETo data is added for better spatial representation in San Diego County. No places are deleted.
- **San Francisco County:** San Francisco remains, and the ETo data is updated. No places are added or deleted.
- **San Joaquin County:** Farmington, Lodi West, Manteca, Stockton, and Tracy remain, and the ETo data has been updated. Dogtown, Escalon, Lathrop, Linden, Lockeford, Mountain House, Ripon, and Terminous and associated ETo data is added for better spatial representation in San Joaquin County. No places are deleted.
- **San Luis Obispo County:** Arroyo Grande, Atascadero, Morro Bay, Nipomo, Paso Robles, San Luis Obispo, San Miguel, and San Simeon remain, and the ETo data for each is updated. Avila Beach, Cayucos, Santa Margarita, and Shandon and associated ETo data is added for better spatial representation in San Luis Obispo County. No places are deleted.
- **San Mateo County:** Half Moon Bay, Redwood City, Woodside remain, and the ETo data has been updated. The word “Hal Moon Bay” is corrected to Half Moon Bay. Atherton, Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Hillsborough, La Honda, Menlo Park, Millbrae, Montara, Pacifica, Pescadero, Portola Valley, and South San Francisco and associated ETo data is added for better spatial representation in San Mateo County. No places are deleted.

- **Santa Barbara County:** Betteravia, Carpenteria, Cuyama, Goleta, Goleta Foothills, Guadalupe, Lompoc, Los Alamos, Santa Barbara, Santa Maria, Santa Ynez, Sisquoc and Solvang remain, and the ETo data is updated. The spelling of Carpenteria has been corrected to Carpinteria. Casmalia, New Cuyama, and Vandenburg Village and associated ETo data is added for better spatial representation in Santa Barbara County. No places are deleted.
- **Santa Clara County:** Gilroy, Los Gatos, Morgan Hill, Palo Alto, and San Jose remain, and the ETo data has been updated. Campbell, Cupertino, Los Altos, Milpitas, Santa Clara, Saratoga, and Sunnyvale and associated ETo data is added for better spatial representation in Santa Clara County. No places are deleted.
- **Santa Cruz County:** Santa Cruz, and Watsonville remain, and the ETo data is updated. Aptos, Ben Lomond, Bonny Doon, Boulder Creek, Capitola, Corralitos, Davenport, Felton, Interlaken, Pajaro Dunes, Paradise Park, Scotts Valley, and Zayante and associated ETo data is added for better spatial representation in Santa Cruz County. De Laveaga is deleted because it is replaced by Santa Cruz. Green Valley Rd. is deleted and replaced by Scotts Valley. Webb is deleted and replaced by Corralitos.
- **Shasta County:** Burney, Fall River Mills, Glenburn, McArthur, and Redding remain, and the ETo data has been updated. Anderson, Castella, Lakehead, Old Station, Round Mountain, Shasta Lake, and Shingletown and associated ETo data is added for better spatial representation in Shasta County. No places are deleted.
- **Sierra County:** Downieville and Sierraville remain, and the ETo data has been updated. Calpine, Loyalton, Sierra City, and Verdi, Nevada and associated ETo data is added for better spatial representation in Sierra County. Although Verdi is located in the state of Nevada, the local ETo can be used for locations in California near Verdi. No places are deleted.
- **Siskiyou County:** Happy Camp, MacDoel, Mt Shasta, Tuke Lake FS, Weed, and Yreka remain, and the ETo data has been updated. A period is added to Mt Shasta to correct the spelling to Mt. Shasta. Tuke Lake FS is renamed Tulelake. Dorris, Etna, Grenada, Hornbrook, McCloud, and Montague and associated ETo data is added for better spatial representation in Siskiyou County. No places are deleted.
- **Solano County:** Benicia, Dixon, Fairfield, Hastings Tract, Rio Vista, and Suisun Valley remain, and the ETo data has been updated. Suisun Valley is renamed Suisun City. Allendale, Vacaville, and Vallejo and associated ETo data is added for better spatial representation in Solano County. Putah Creek is deleted because it is covered by Allendale data. Winters is moved to Yolo County from an incorrect placement in Solano County.

- **Sonoma County:** Bennett Valley, Cloverdale, Fort Ross, Healdsburg, Petaluma, Santa Rosa, Valley of the Moon, and Windsor remain, and the ETo data is updated. Bodega, Bodega Bay, Cazadero, Cotati, Forestville, Fulton, Geyserville, Glen Ellen, Guerneville, Jenner, Kenwood, Occidental, Rohnert Park, Sea Ranch, Sebastopol, Sonoma, and Wikiup and associated ETo data is added for better spatial representation in Sonoma County. Lincoln was moved to Placer County from an incorrect placement in Sonoma County.
- **Stanislaus County:** Denair, La Grange, Modesto, Newman, Oakdale, Patterson, and Turlock remain, and the ETo data is updated. Ceres, Del Rio, Diablo Grande, Empire, Hughson, Riverbank, Salida, Valley Home, and Waterford and associated ETo data is added for better spatial representation in Stanislaus County. No places are deleted.
- **Sutter County:** Nicolaus and Yuba City remain, and the ETo data is updated. Live Oak, Meridian, Robbins, Sutter, and Trowbridge and associated ETo data is added for better spatial representation in Sutter County. No places are deleted.
- **Tehama County:** Corning, Gerber, and Red Bluff remain, and the ETo data is updated. Los Molinos, Mineral, Paskenta, and Paynes Creek and associated ETo data is added for better spatial representation in Tehama County. Gerber Dryland is deleted and is covered by Los Molinos.
- **Trinity County:** Hay Fork and Weaverville remain, and the ETo data is updated. The spelling of Hay Fork is corrected to Hayfork. The cities and places of Burnt Ranch, Coffee Creek, Mad River, and Ruth Creek and associated ETo data is added for better spatial representation in Trinity County. No places are deleted.
- **Tulare County:** Alpaugh, Badger, Dinuba, Lindcove, Porterville, and Visalia remain, and the ETo data has been updated. California Hot Springs, Earlimart, Kennedy Meadows, Lindsay, Ponderosa, Richgrove, Seville, Springville, Three Rivers, Traver, Tulare, and Woodlake and associated ETo data is added for better spatial representation in Tulare County. Delano is deleted and covered by Richgrove data.
- **Tuolumne County:** Groveland and Sonora remain, and the ETo data is updated. Cold springs, Columbia, Tuolumne City, and Twain Harte and associated ETo data is added for better spatial representation in Tuolumne County. No places are deleted.
- **Ventura County:** Camarillo, Oxnard, Piru, Port Hueneme, Thousand Oaks, and Ventura remain, and the ETo data is updated. Fillmore, Mussel Shoals, Ojai, and Santa Paula and associated ETo data is added for better spatial representation in Ventura County. No places were deleted.
- **Yolo County:** Davis, Esparto, Winters, Woodland, and Zamora remain, and the ETo data is updated. Brooks, Clarksburg, Dunnigan, Guinda, Knights Landing,

and West Sacramento and associated ETo data is added for better spatial representation in Yolo County. Bryte is deleted and covered by West Sacramento data.

- **Yuba County:** Browns Valley and Brownsville remain, and the ETo data is updated. Camptonville, Dobbins, Loma Rica, Marysville, Olivehurst, Plumas Lake, Smartsville, and Wheatland and associated ETo data is added for better spatial representation in Yuba County. No places are deleted.

References at the bottom of the table are reorganized and the references explain the data sources. The text “The values in this table were derived from:” is deleted because there are two datasets used in the ETo table now and the way they are referenced is changed. The two datasets are referenced separately as:

- “1) The defined boundaries of each city and place are from the California Open Data website. The shapefiles and description can be found at (<https://data.ca.gov/dataset/ca-geographic-boundaries/resource/436fc714-831c-4070-b44b-b06dcde6bf18>)” Which references the location points for the cities or places in each county.
- “2) The ETo values are monthly averages of Spatial California Irrigation Management Information System (CIMIS) for the 2004 to 2021 period. The Annual ETo is the sum of the monthly averages. ETo is expressed in inches.” This dataset provides the local ETo for each city or place.
- The reference 1) California Irrigation Management Information System (CIMIS); has been incorporated into new reference 2).
- References 2,3, and 4 shown below in ~~strikeout~~, have been deleted because they are out of date and have been superseded by the new references shown above as “1)” and “2)”.
- The text NOTE: Authority cited: Section 65596 and 65596.5 Government Code. Has been added to cite authority. Appendix A, now Appendix C, does not contain any authority cited.

Appendix D. “Appendix D – Prescriptive Compliance Option” is moved into the body of the MWELo regulation and is numbered §492. “Prescriptive Compliance Option.” The re-organization improves the understanding of the MWELo regulation by describing both compliance options within the body of the regulation instead of having it described in a separate appendix.

ANTICIPATED BENEFITS

The proposed amendments will provide project applicants with a straightforward and clear method of complying with the existing rules and regulations of the Model Water Efficient Landscape Ordinance. The Department of Water Resources expects that compliance with the regulation will improve with the clarifications and reduced

ambiguity. The proposed reorganization makes the MWELo regulations easier to understand and implement.

ECONOMIC IMPACT ASSESSMENT

The proposed regulations clarify Title 23, Chapter 2.7 of the California Code of Regulations to specifically make the regulation easier to understand, follow, and implement for local agencies. The only new requirement with any potential impact included in the amendments is a provision implementing Government Code §65596(n), which was adopted in 2020, and requires all plants to be identifiable at the time of inspection. DWR proposes to implement this statutory direction through requiring plant legends with photographs be prepared for each project. Plant legends are common practice when designing a landscape and digital photographs are easily and freely available online. Thus, this new requirement will have negligible to no fiscal impacts.

Creation or Elimination of Jobs within the State of California

The regulation is designed to enforce landscape design and installation standards to meet water efficiency requirements. The proposed amendments are clarifications of the existing requirements already in the regulation. The requirements of the regulation are already being performed by agencies and businesses implementing the MWELo. Therefore, DWR does not expect any creation or elimination of jobs with these amendments.

Creation of New or Elimination of Existing Businesses Within the State of California

The regulation is designed to enforce landscape design and installation standards to meet water efficiency requirements. The proposed amendments are clarifications of the existing requirements already in the regulation. The requirements of the regulation are already being performed by agencies and businesses implementing the MWELo. Therefore, no new businesses in California will be created or existing businesses eliminated.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

The regulation is designed to enforce landscape design and installation standards to meet water efficiency requirements. The proposed amendments are clarifications of the existing requirements already in the regulation. The requirements of the regulation are already being performed by agencies and businesses implementing the MWELo. Therefore, no existing businesses in California will be expanded or eliminated.

Benefits of the Regulations

The amendments are designed to simplify and clarify the existing requirements of the MWELO and make it easier for smaller agencies to implement the requirements and maintain compliance. These regulations may indirectly benefit California residents by increasing the number of agencies that comply with the regulation. The regulations will also affect the state's environment by increasing water efficiency. The proposed regulation is not expected to affect worker safety.

OTHER REQUIRED DISCLOSURES

Studies, Reports, or Documents Relied Upon (Gov. Code §11346.2(b)(3)):

July 2020 Water Resilience Portfolio

Landscape Statewide Area Group (LSAG) 2019 Report

UC Davis, Model Water Efficient Landscape Ordinance: Barriers to Implementation (Pilot Study), October 2022

Irrigation Association Glossary of Terms

Irrigation Association Auditor Handbook

ASABE/ICC 802 Landscape Irrigation Sprinkler and Emitter Standard (IS-IEDC)

California Irrigation Management Information System (CIMIS)

Water Use Classification of Landscape Species (WUCOLS IV)

ALTERNATIVES CONSIDERED

Reasonable alternatives that would be less burdensome and equally effective (Gov. Code §11346.2(b)(4)(A)): DWR is statutorily required to develop and adopt the MWELO.

There are no other alternatives to having the MWELO. Regarding other substantive changes currently, the Department's primary objective currently is to make the MWELO's current requirements easier to understand, follow and implement. If, in the future, DWR deems it necessary to update or change a substantive requirement, the new organization provides a better framework in which to make those changes.

Reasonable alternatives that would lessen the impact on small businesses (Gov. Code §11346.2(b)(4)(B)): None.

Evidence relied upon to support the initial determination that the regulation will not have a significant adverse economic impact on business (Gov. Code §11346.2(b)(5)(A)): As described in the Economic and Fiscal Impact Assessment, Standard Form 399, these amendments will only clarify and reduce ambiguity and will have no economic impact on business.