



October 12, 2009

The Honorable Kim Dunning
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Re: City of Dana Point Response to 2008-2009 Orange County Grand Jury Report entitled "Paper Water - Does Orange County Have a Reliable Future?"

Honorable Judge Dunning:

On June 15, 2009, the 2008-2009 Orange County Grand Jury issued a report entitled: "Paper-Water - Does Orange County Have a Reliable Future?" All Orange County Cities are required to respond to Findings F. 1 and F.2 and Recommendation R.1. On behalf of the City of Dana Point, I am responding to those findings and recommendations.

It should be noted that the City of Dana Point is largely a built-out community with little remaining undeveloped land. It is anticipated that any future development will largely be limited to revitalization of the City's existing Town Center and Harbor, relatively small single-family home development and other commercial infill projects. As a result, the issue of water supply for future development is not as significant an issue for the City as may be for cities with undeveloped areas of land. Our official responses to Findings F.1 and F.2 and Recommendation R.1 are set forth below:

F.1: There is inadequate coordination between local land-use planning agencies and local water supply agencies, resulting in a process that fails to fully engage the issues.

Finding F.1(a): Water agencies have tended to avoid interfering with or participating in growth management decisions.

Finding F.1(b): Cities and the County have tended to not critically evaluate the limitations of the water agencies' supply projections.

City Response: The City disagrees with the finding(s) as the issue of water supplies for future growth has not been a significant issue in our community. Much of the City was built out prior to incorporation. Since the City's incorporation in 1989, the City and the South Coast Water District have coordinated in the environmental review of new development projects with the aim of using our existing water supplies more efficiently while developing new supplies and systems to accommodate the current and future needs

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of residents and businesses and to improve supply reliability where necessary. For new development, it is standard practice for the City to request the developer to provide the City with a "willserve" letter from the water district prior to commencing any new project. We believe the processes in place provide the coordination that is required.

F.2: California's looming water supply crisis receives very little, if any, expressed concern from the public in comparison to the numerous other environmental issues presented during development project reviews.

Finding F.2(a): Orange County's citizens and interest groups do not appear to grasp the seriousness of the water supply situation or the complexity and urgency of the necessary solutions.

Finding F.2(b): Several recent, substantial water supply awareness efforts are underway (e.g. the O.C. Water Summit) that show promise but appear targeted to audiences that are already informed.

City Response: The City of Dana Point partially agrees with the findings in that the water crisis has historically received little concern. On the other hand, the City and the water community have implemented outreach efforts including but not limited to the "bewaterwise.com" promotion, bill stuffers, newsletters and websites to inform the public about water issues. The "Public Affairs Workgroup", made up of staff from all of the Orange County retail agencies, has developed a comprehensive, strategic communication plan that incorporates grassroots education, strategic partnerships and marketing techniques. At the local level, the City has enacted code sections that require drought tolerant native landscaping in all new construction. Additionally, the City's has an abundance of information on both water conservation and water quality that has been made available through the distribution of printed flyers and on the City's website at www.danapoint.org/environmental.

R.1: Each Orange County municipal planning agency, in cooperation with its respective water supply agency, should prepare for adoption by its city council, a dedicated Water Element to its General Plan in conjunction with a future update, not to exceed June 30, 2010. This document should include detailed implementation measures based on objective based policies that match realistic projections of the County's future water supplies. These objectives, policies and implementation measures should address imported supply constraints, including catastrophic outages and incorporate the realistic availability and timing of "new" water sources such as desalination, contaminated groundwater reclamation and surface water recycling.

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City Response: The City does not believe it essential or necessary to implement this recommendation as water resource policies are already addressed in the mandatory Conservation Element of our General Plan. These issues are also addressed through the CEQA review process for major new development. Additionally, AB 1881 requires all California Cities and Counties to adopt, by January 1, 2010, a Local Water Efficient Landscape Ordinance that will be applicable to new development projects. The City of Dana Point, in concert with the South Coast Water District is participating in the development of a Model Ordinance for Orange County Cities, and our City will be taking appropriate action to adopt a Local Water Efficient Landscape Ordinance by the statutory deadline.

We appreciated this opportunity to respond to the Grand Jury Report.

Sincerely,



Kyle Butterwick, Director
Community Development Department

cc: Lisa Bartlett, Mayor
City Council
Douglas C. Chotkevys, City Manager
Brad Fowler, Director of Public Works
Kathy Ward, City Clerk
Michael P. Dunbar, General Manager SCWD