

MEMORANDUM

TO: Governing Board Members

FROM: Terrie Bates, Division Director, Water Resources

DATE: October 11, 2012

SUBJECT: Enter a Final Order granting a petition for variance to Thirty Three Sixty Condominium Association, Inc., authorizing a variance from the day of the week landscape irrigation measures specified in Chapter 40E-24, F.A.C. to provide for water conservation through implementation of an advanced irrigation system. (Patrick Martin, ext 2176)

Background: Thirty Three Sixty Condominium Association Inc. (Association) owns and operates an irrigation system located in Palm Beach County at 3360 S. Ocean Blvd, Palm Beach, FL 33480. The source of irrigation water for their property is potable water supplied by the Town of Palm Beach. Rule 40E-24.201(7)(a), Florida Administrative Code (F.A.C.), allows users to conduct landscape irrigation on Tuesday, Thursday, and Sunday for those properties bearing an even address, no address, or those systems that irrigate even and odd numbered properties in the same zone.

The Association utilizes an advanced technology irrigation control system on their property that is divided into 18 zones with two TUCOR RKS Controllers utilizing a weather station with evapotranspiration (ET) based capability. This system adjusts the timing and duration of irrigation events based on specific site conditions to minimize water used to maintain a healthy landscape. Days of the week landscape irrigation restrictions limit the ability of this system to obtain maximum irrigation efficiency.

On July 18, 2012, the Association filed a Petition for Variance pursuant to Section 120.542(2), Florida Statutes. Staff is requesting approval of a Variance from Chapter 40E-24.201(7)(a), F.A.C., for 3360 S. Ocean Blvd, Palm Beach, FL 33480, authorizing the Association to conduct landscape irrigation as needed as determined by the advanced system, subject to conditions specified within the Order Granting Variance, rather than the days specified in the Rule.

How this helps meet the District's 10 Year Strategic Plan: Granting the Variance would prevent the Association from suffering a substantial hardship and the use of irrigation systems with ET based capability accomplishes the underlying goal of conserving water and ensuring that the use of water for landscape irrigation is reasonable-beneficial.

Funding Source: This action is at no cost to the District.

This Board item impacts what areas of the District, both resource areas and geography: This item impacts the Water Use Bureau within the Regulation Division and the Water Supply Bureau.

What concerns could this Board item raise? Use of smart or advanced irrigation technology based on either evapotranspiration or soil moisture sensor technology is becoming much more accessible. Smart or advanced technology irrigation controllers are becoming available at a price point which will make them attractive to typical homeowners. In the past, the price of these systems has limited their use to large landscape irrigation such as parks and golf courses. WaterSense, a water saving partnership program sponsored by the U.S. Environmental Protection Agency, released the final specification for labeling weather-based smart irrigation controllers "WaterSense" in November of 2011. WaterSense-labeled irrigation controllers will reach retail irrigation product outlets in the near future. With the proliferation of advanced or smart irrigation controllers, it can be expected that more variance requests such as this will be received in the future as the technology becomes easily obtainable. One of the key marketing features of these controllers is their ability to manage irrigation based on local weather conditions and plant needs.

Why should the Governing Board approve this item? District staff has reviewed the Association's Petition for Variance and determined the Petition met the requirements necessary to grant a variance. The Association demonstrated they would suffer a substantial hardship if forced to conform to day-of-the-week irrigation restrictions required by Rule 40E-24.201(7), in that its irrigation system would not be able to operate based on the plants needs, and that the system accomplishes the underlying goal of conservation.

Staff Contact: Patrick Martin, Senior Alternative Water Supply Analyst, Water Supply Development Section, ext. 2176

TB/dja