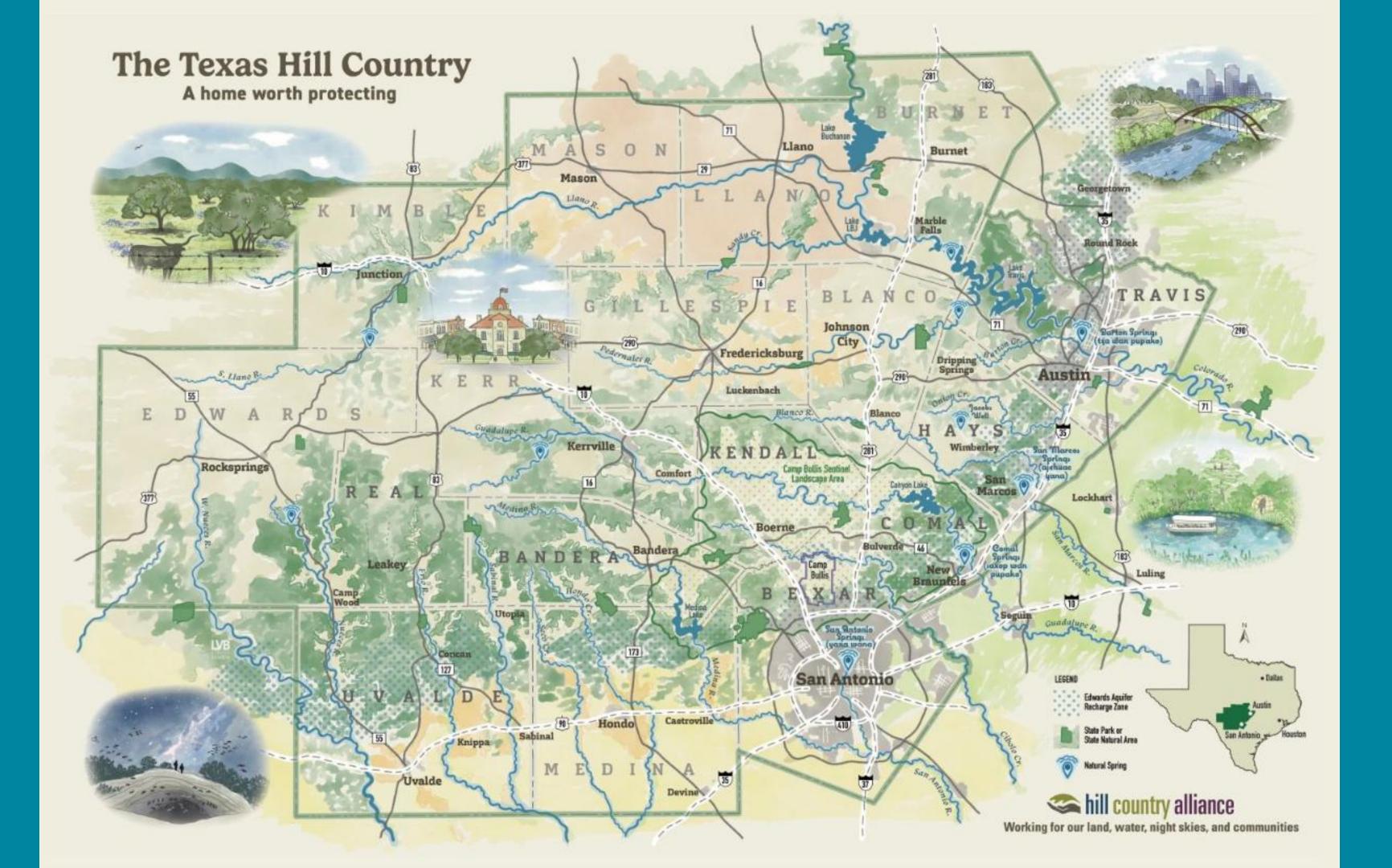
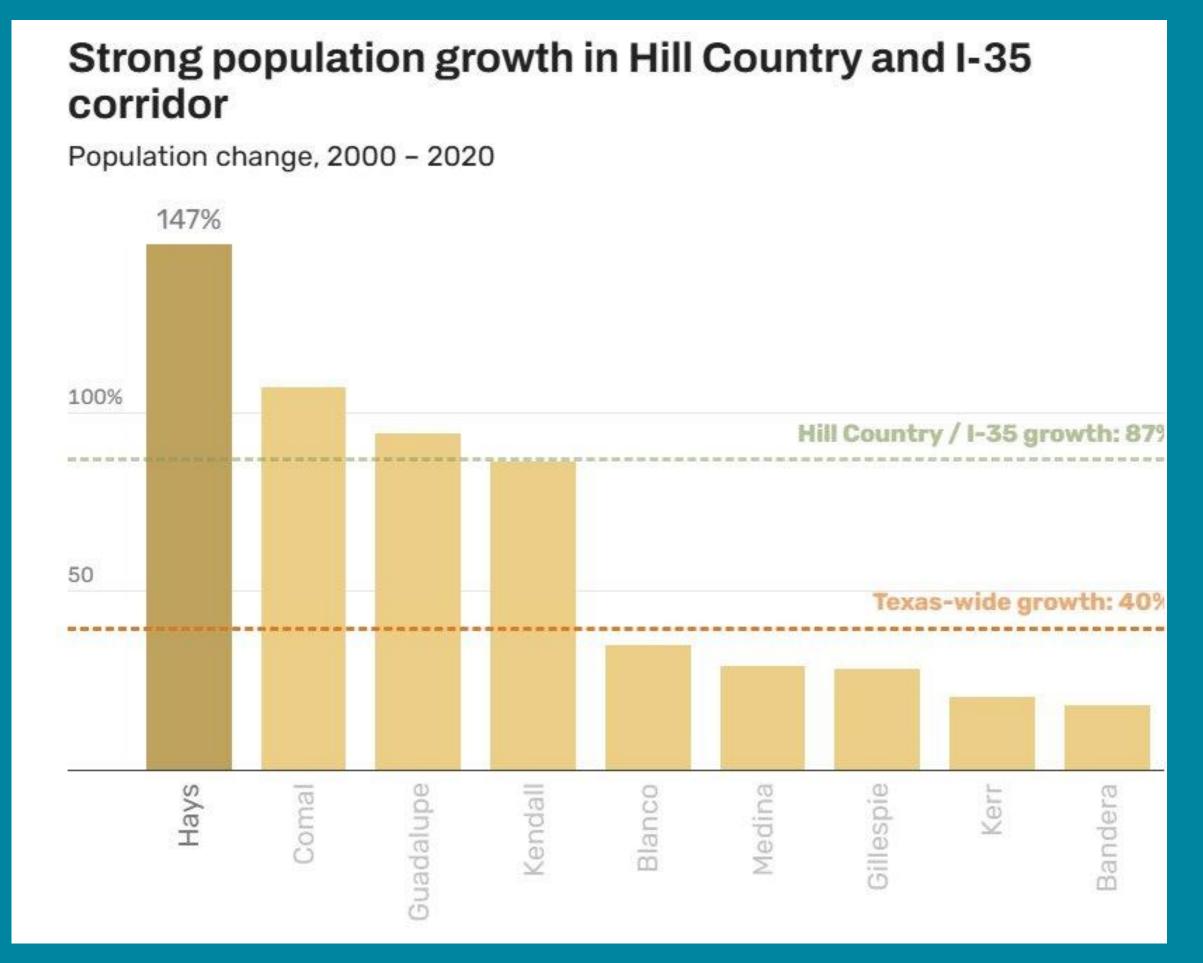


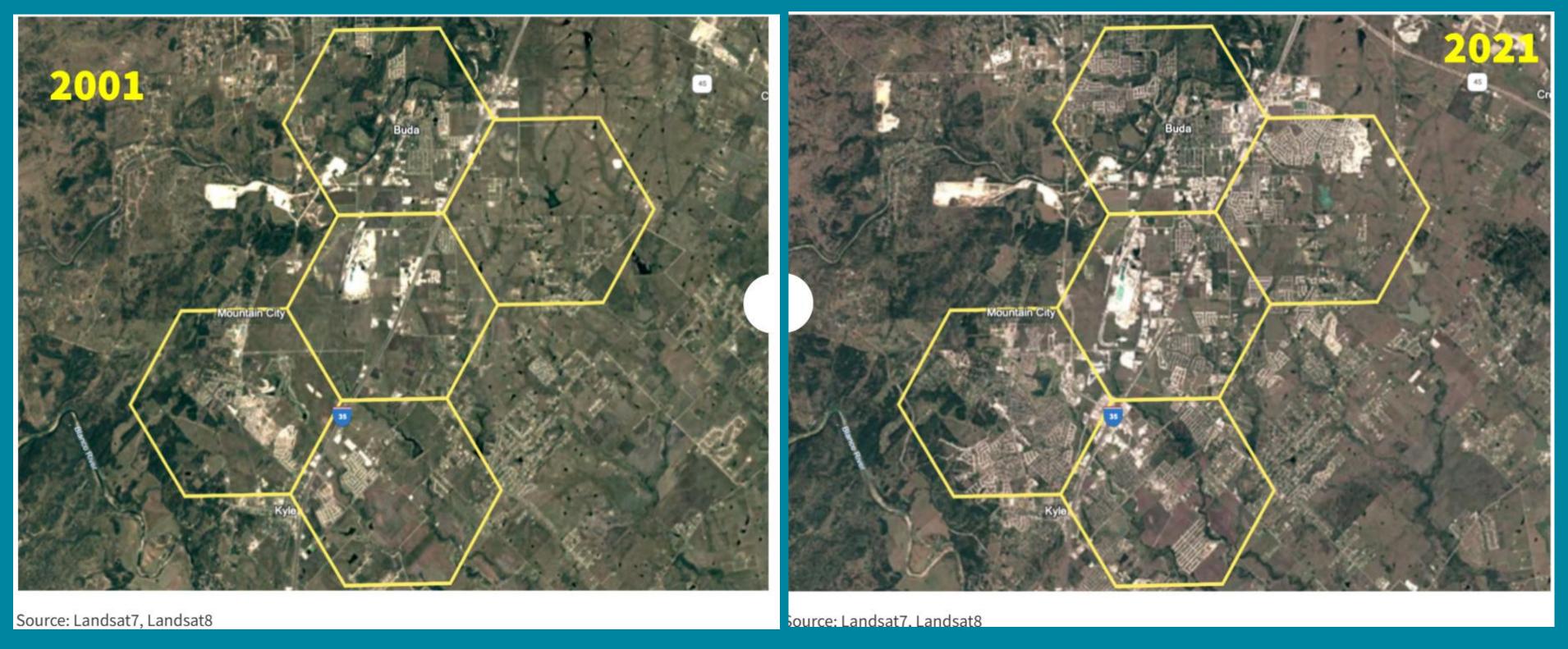
March 26, 2025 Marisa Bruno, Water Program Manager Hill Country Alliance





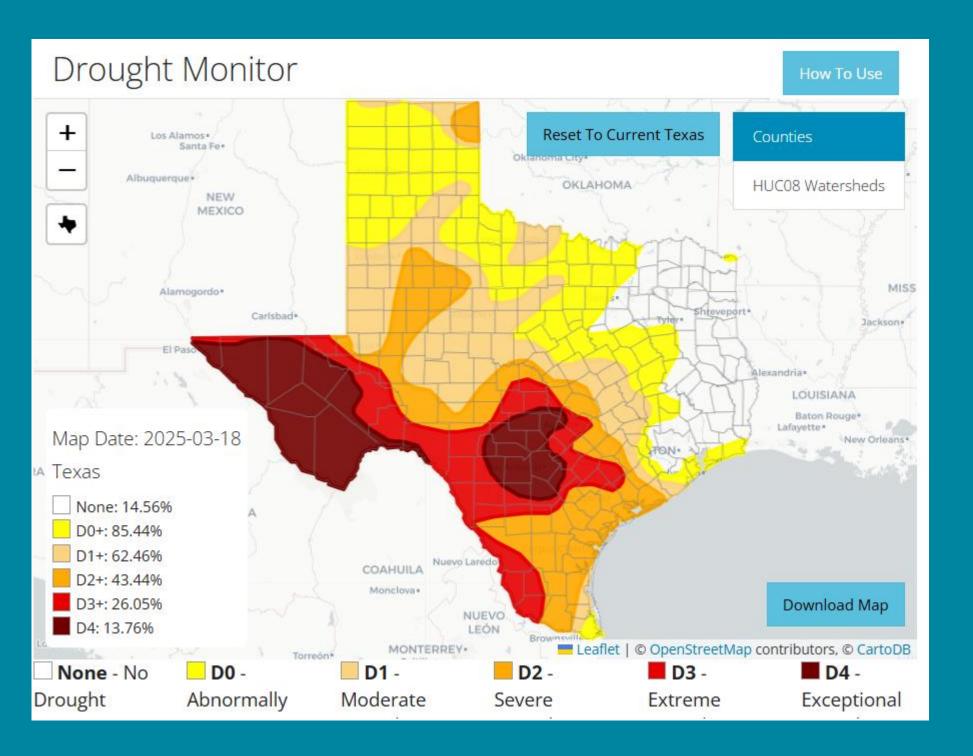
Source: San Antonio Express News, Satellite data shows quickest developing areas in the Texas Hill Country, I-35 corridor, May 2024

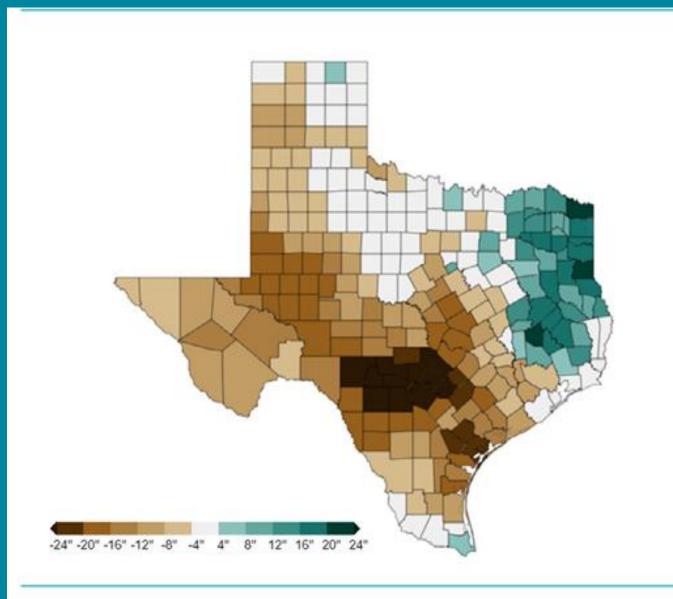
Buda and Kyle











2022-2024 precipitation anomaly

Over the last three calendar years, precipitation totals for 12 counties in Central Texas (shown in the darkest brown) have been more than 24 inches below their averages for 1901-2000. Three counties in East Texas (shown in the darkest green) have received 24 inches or more than their averages.

Map courtesy of NOAA

By Dr. Mark Wentzel, Hydrologist, Office of Water Science and Conservation

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www.twdb.texas.gov

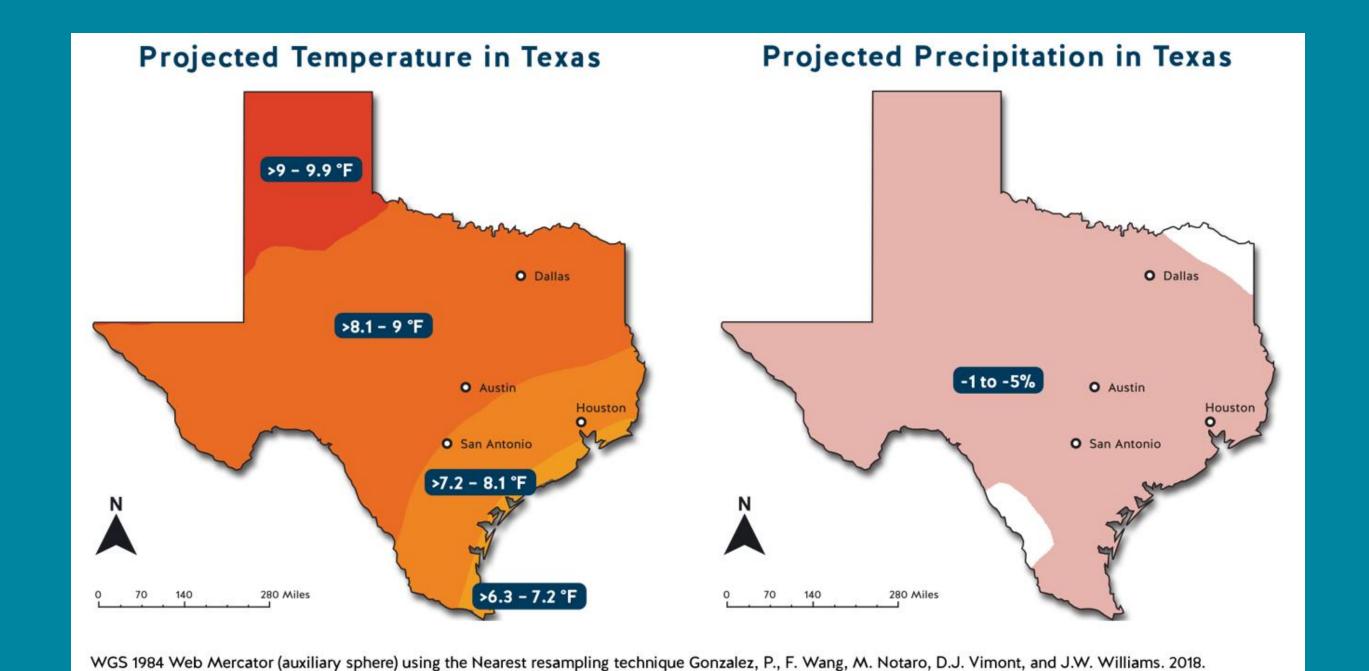








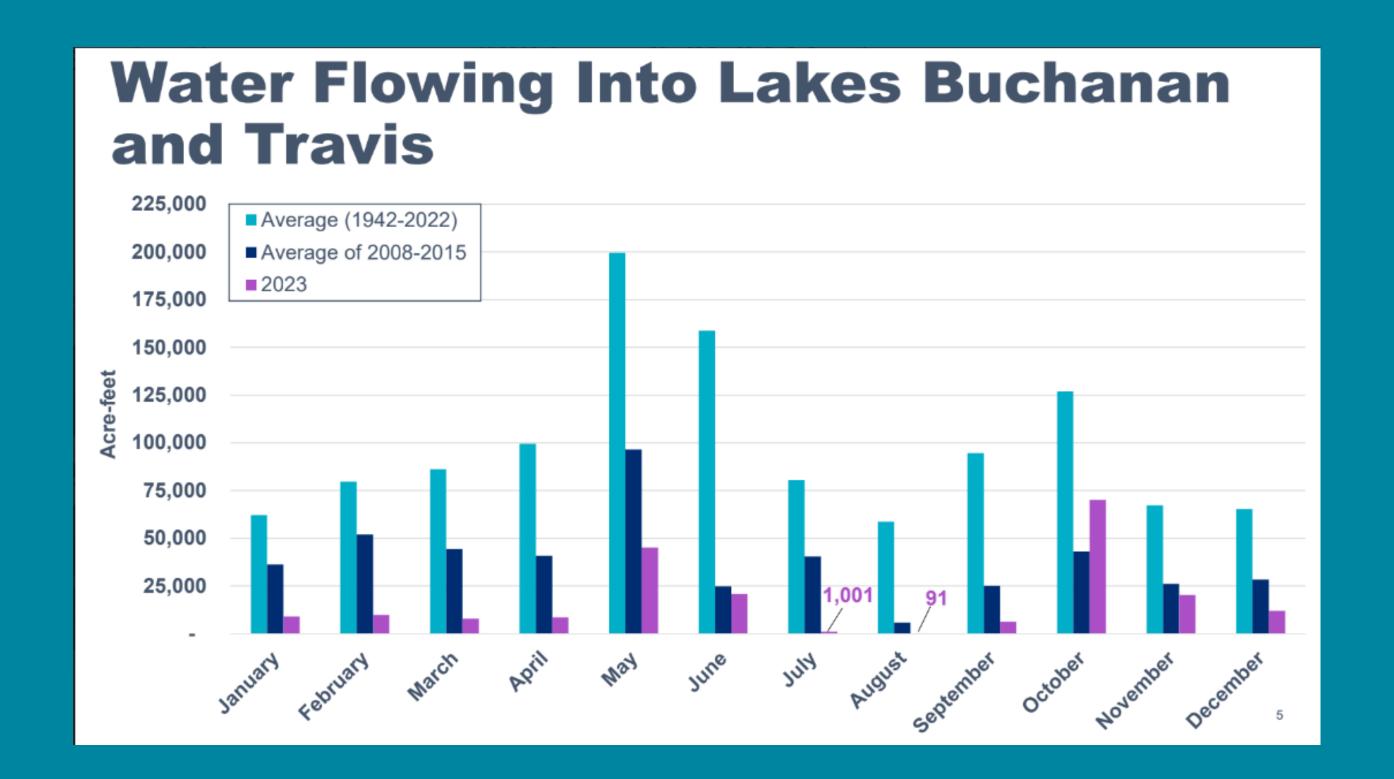




Disproportionate magnitude of climate change in United States national parks. Environmental Research Letters 13: 104001. doi:10.1088/1748-9326/aade09.

https://iopscience.iop.org/article/10.1088/1748-9326/aade09

https://irma.nps.gov/DataStore/Reference/Profile/2266988 (RCP 8.5)



TWDB Well - Western Kerr County, Trinity Aquifer



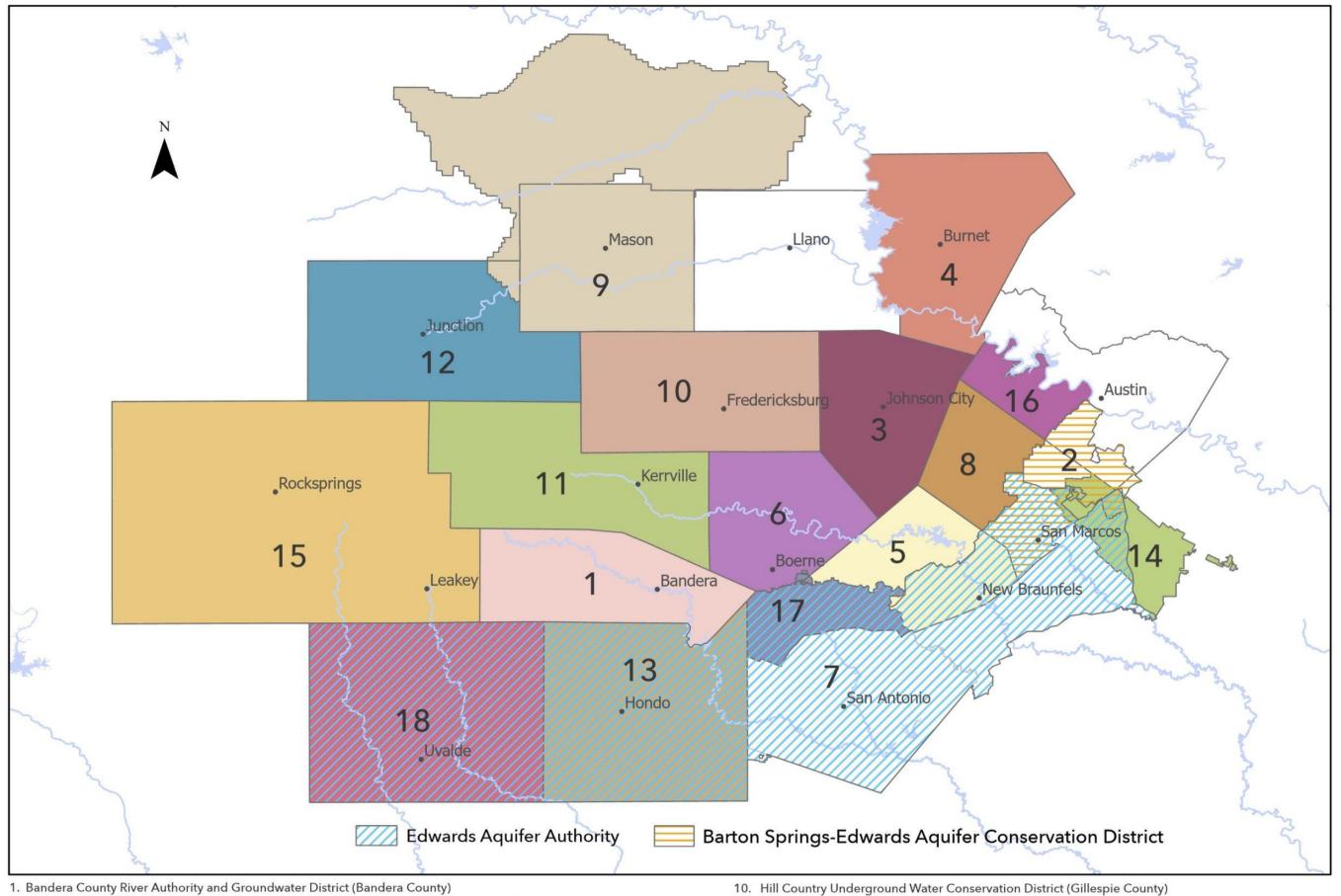


designed by * freepik.com

Disclaimers

- 1. I am not a lawyer; and I take no credit for these ideas.
- 2. These tools will not all be relevant to everyone.

Groundwater Conservation Districts



- 2. Barton Springs/Edwards Aquifer Conservation District (Travis, Hays, and Caldwell counties)
- 3. Blanco-Pedernales Groundwater Conservation District (Blanco County)
- 4. Central Texas Groundwater Conservation District (Burnet County)
- 5. Comal Trinity Groundwater Conservation District (Comal County)
- 6. Cow Creek Groundwater Conservation District (Kendall County)
- 7. Edwards Aquifer Authority (all or parts of Uvalde, Medina, Bexar, Comal, Hays, Caldwell, Atascosa, and Guadalupe counties)
- 8. Hays Trinity Groundwater Conservation District (part of Hays County)

- 11. Headwaters Groundwater Conservation District (Kerr County)
- 12. Kimble County Groundwater Conservation District (Kimble County)
- 13. Medina County Groundwater Conservation District (Medina County)
- 14. Plum Creek Conservation District (parts of Hays and Caldwell counties)
- 15. Real-Edwards Conservation and Reclamation District (Real and Edwards counties)
- 16. Southwestern Travis County GCD (part of Travis County)
- 17. Trinity Glen Rose Groundwater Conservation District (Northern Bexar County)
- 9. Hickory Underground Water Conservation District (all or parts of Kimble, Mason, Menard, McCulloch, and San Saba counties) 18. Uvalde County Underground Water Conservation District (Uvalde County)

Exempt vs Nonexempt Wells

Exempt Wells are exempt from permitting if they are used only for domestic use – or for providing water to livestock or poultry – and if the well is: located on a tract of land larger than 10 acres; and incapable of producing more than 25,000 gallons of groundwater a day. Exempt wells must be registered with the local GCD, but they do not need a permit and are not subject to production curtailments.

Nonexempt wells must get a permit from their local GCD. These permits may be subject to pumping limits and production curtailments

Tools for Managing Groundwater in the Texas Hill Country

Published: Spring 2023

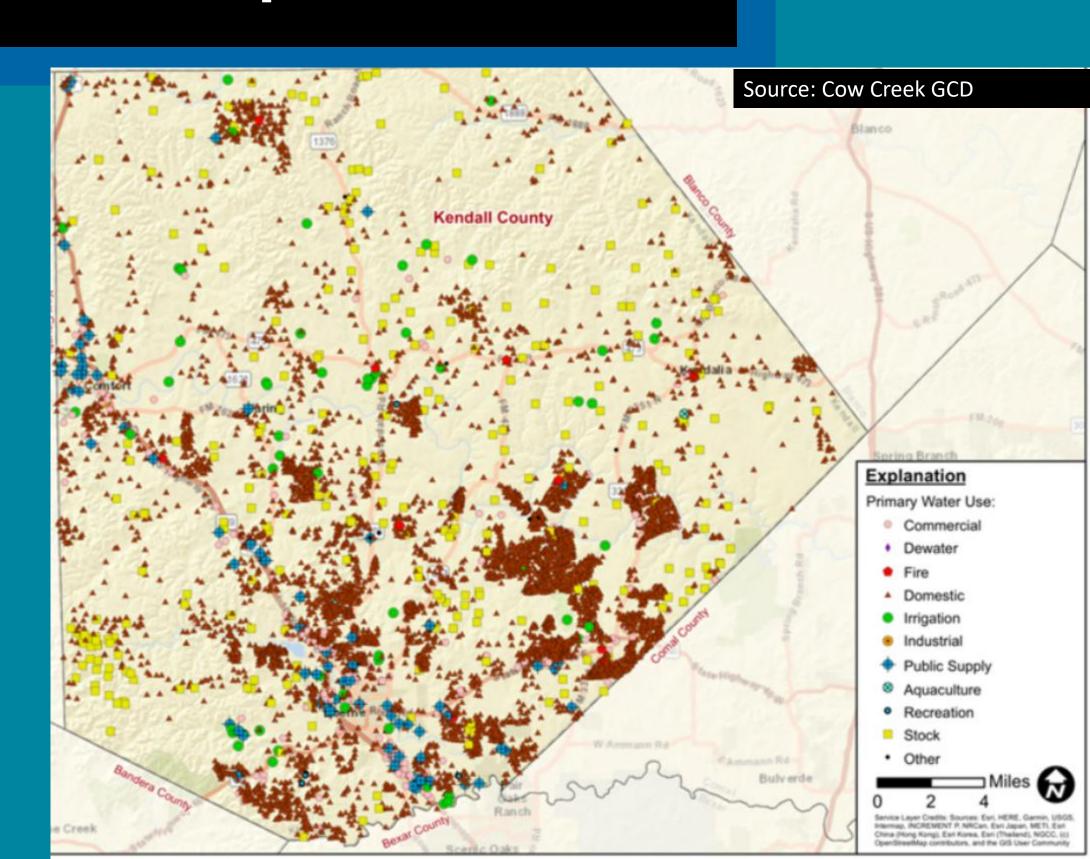




GCD Tool #1:

Increase Minimum Lot Size for Exempt Wells

- As part of their well spacing authorities, GCDs can increase minimum lot sizes for a new residential or livestock exempt well up to 10 acres
- The GCDs in Kerr and Bandera counties have minimum lot sizes for exempt wells. In Kendall County, they have a maximum well density.



GCD Tool #2:

Set Pumping Limits for Nonexempt Wells

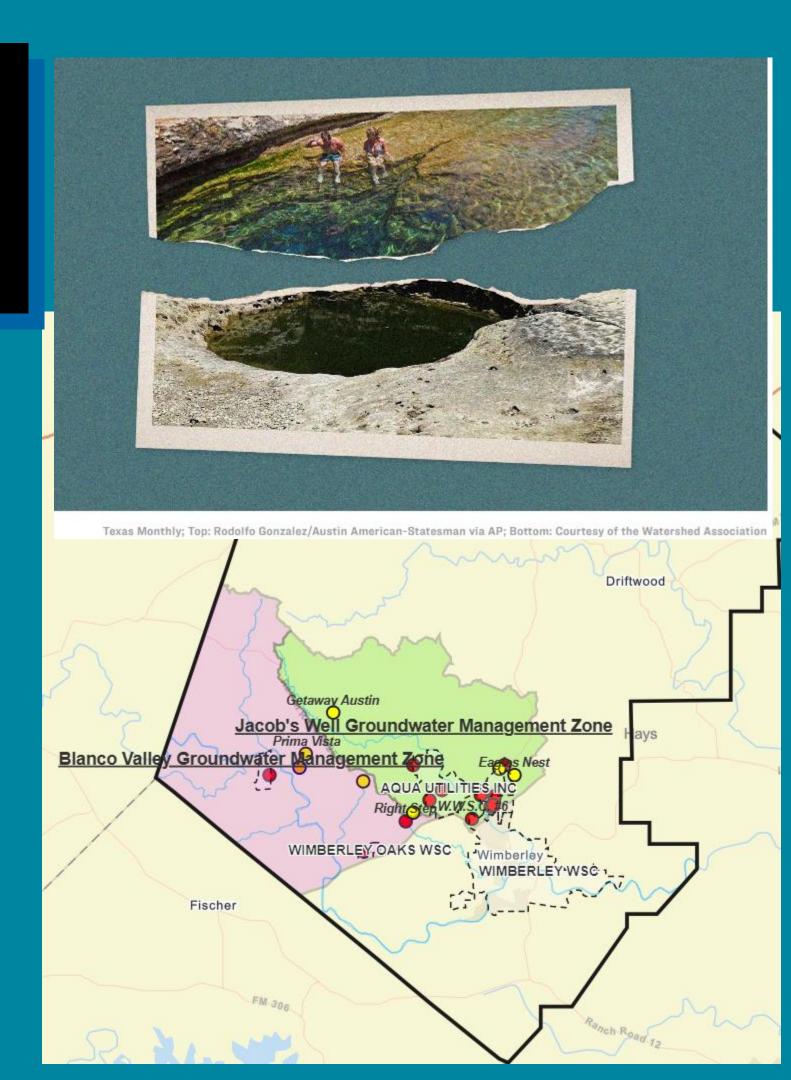
- GCDs can issue permits that limit pumping for nonexempt wells based on reasonable use and/or acreage, and site-specific hydrogeologic conditions.
- Many GCDs in the Hill Country already doing some combination of this, but not all.

- 1 acre-foot per Contiguous Controlled Acre for wells completed in the Ellenburger-San Saba Aquifer, or
- (ii) 1/2 acre-foot per Contiguous Controlled Acre for wells completed in any aquifer other than the Ellenburger-San Saba Aquifer.

GCD Tool #3:

Groundwater Management Zones

- GMZs have separate rules in addition to the district's primary rules.
- Ex. Jacob's Well Management Zone,
 Ellenburger Critical Groundwater Depletion
 Area



A Primer on County Tools and Paths Forward

Published: Fall 2023



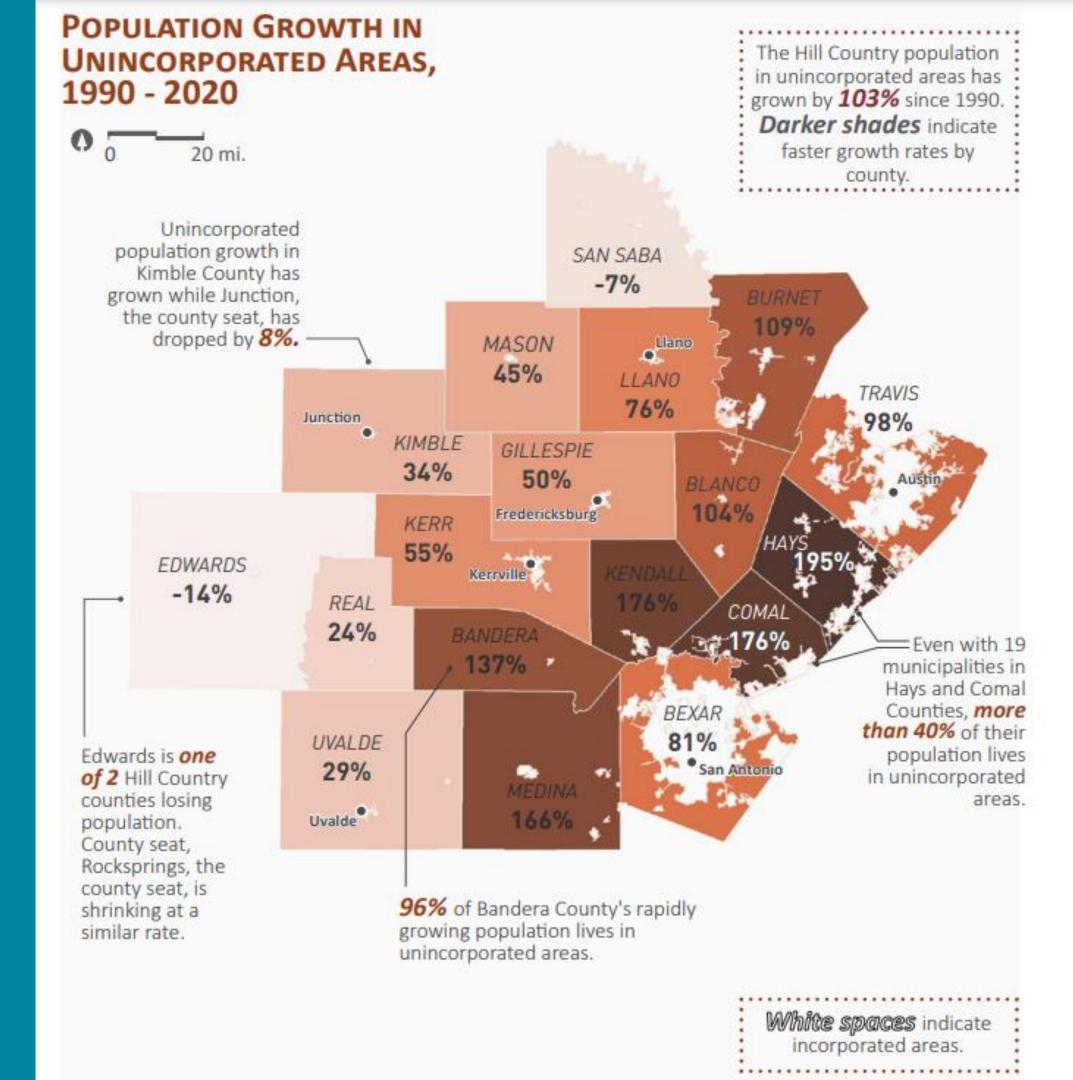
GROWTH AND CONSERVATION IN TEXAS

A PRIMER ON COUNTY TOOLS AND PATHS FORWARD



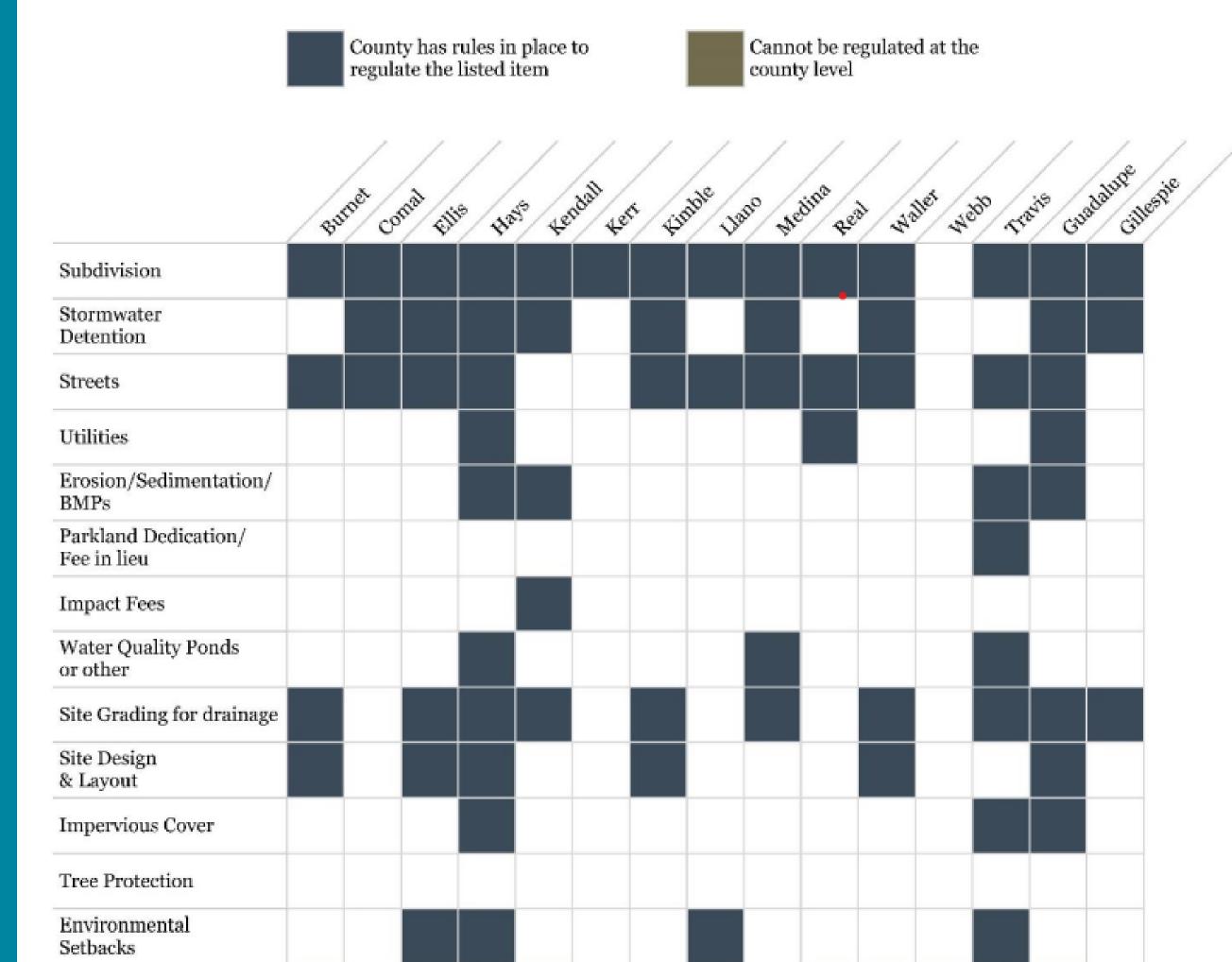
A lot of growth is happening in unincorporated areas of the Hill Country, which are under county regulation.

State of the Hill Country Report Published: Spring 2022



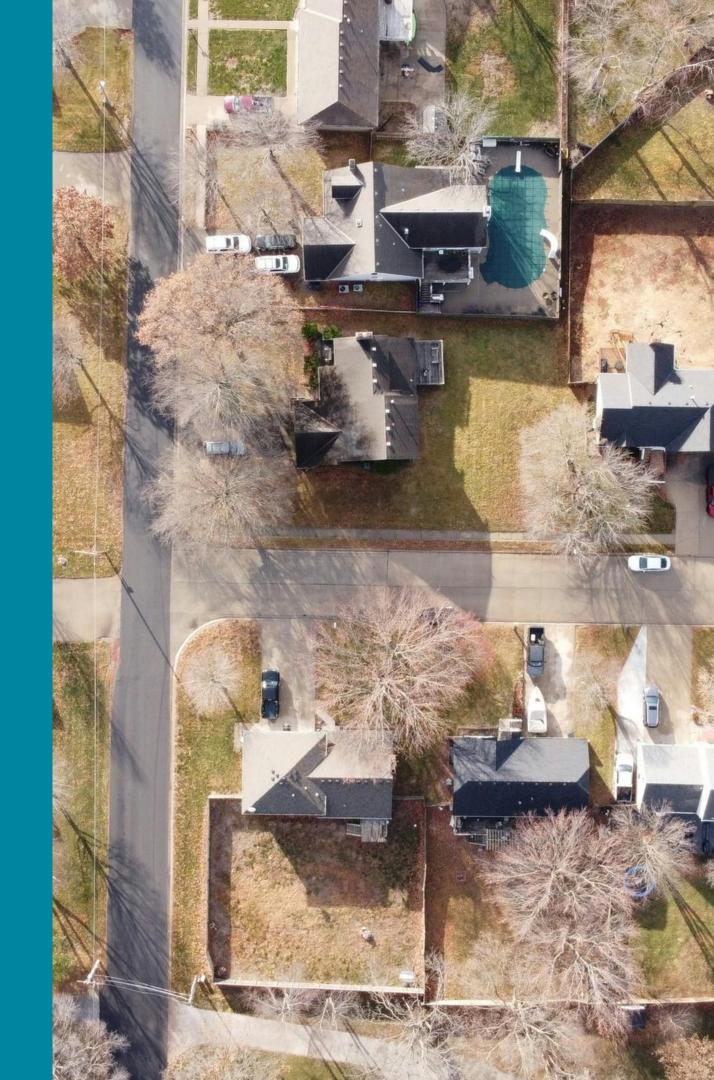
Takeaway: There's a lot to learn from counties using the same set of tools differently.

Table: How Counties in Texas are Using Existing Regulatory Authorities



County Tool #1: Minimum Lot Size

- Like GCDs, counties have some control over minimum lot size (or maximum well density)
- E.g. Cow Creek implemented 10 acre maximum density for "exempt" residential wells. Kendall County matched this 10 acre maximum well density in their regulation



KENDALL COUNTY DEVELOPMENT RULES

(e) 5.2.A.1. Table 5-1 is hereby amended and replaced with the following table:

				Max.			
				Density	Front		
	Type of Water and Waste	Min. Lot	Min. Rd	(acres	Setback	Rear	Side
	Disposal	Size	Frontage	per lot)	a,b	Setback	Setback
SINGLE- FAMILY RESIDENTIAL LOTS	Well and OSSF c	3 ac.	250 ft	10	50 ft	10 ft	10 ft
	Public Water and OSSF d	1 ac.	100 ft	1	25 ft	10 ft	10 ft
	Public Water and					10 ft/ 5	10 ft/ 5
	Wastewater d	N/A	50 ft	N/A	25 ft	ftf	ft ^f
ALL USES OTHER THAN ONE SINGLE-	Well and OSSF d,e	3 ac.	250 ft	10	50 ft	25 ft	25 ft
	Public Water and OSSF d,e	1 ac	100 ft	1	25 ft	25 ft	25 ft
FAMILY							
RESIDENTIAL	Public Water and						
LOT	Wastewater d,e	N/A	50 ft	N/A	25 ft	25 ft	25 ft

OSSF Permitting Authority

TCEQ minimum lot size for a septic system with a private well is 1 acre.

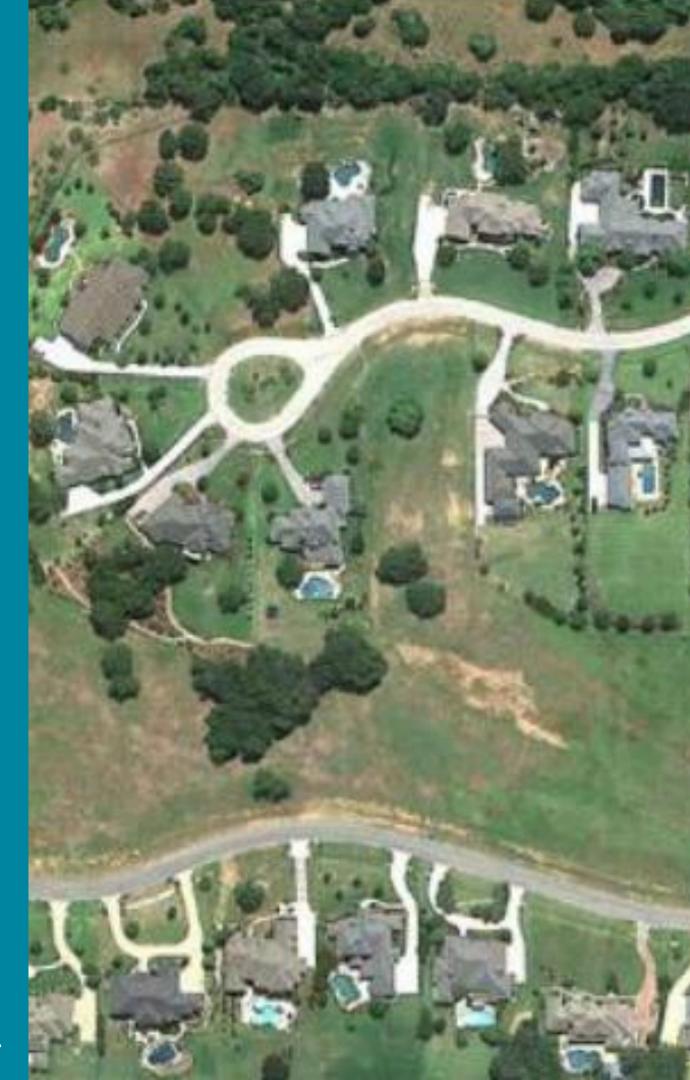
Counties are often delegated the authority to manage the OSSF permitting process, and they can increase the minimum lot size for septics with private wells.

PGMA Authority

Texas Water Code Sec. 35.019. WATER AVAILABILITY. (a) The commissioners court of a county in a priority groundwater management area may adopt water availability requirements in an area where platting is required if the court determines that the requirements are necessary to prevent current or projected water use in the county from exceeding the safe sustainable yield of the county's water supply.

County Tool #2: Conservation Subdivision Incentives

- Hays County developed conservation development guidelines in 2022 as a report, to be in implemented in developer agreements
- Currently discussing adopting the CDGs in their subdivision regulations



Why care about conservation developments?

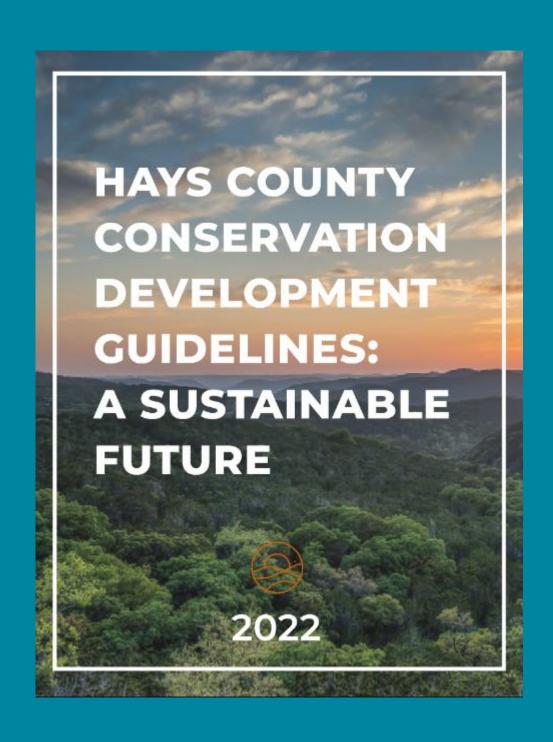
Increased open space and parkland support recharge and improved water quality



Water Recapture and Reuse	For each option, please select from the dropdown menu.		
Rainwater harvesting as a primary source for potability or irrigation	Yes	6	
Purple pipe and water re-use	Yes	3	
Xeriscaping / Turf Management Plan that matches City of San Marcos, City of Austin, or another recognized source	Yes	3	
Temporary irrigation on landscape with no more than three years use / Supplemental irrigation based on rainwater harvesting	Yes	2	
HVAC condensate recovery	Yes	1	
Nater Quality and Conservation - A development must agree to <u>not discharge</u> <u>vastewater directly into streams of any kind</u> on- and off-site in order to be designated as a conservation development.	ect from the dropdown menu.		
Low Impact Design (LID) – promote overland flow through lay down curbs, and implement other LID features such as: rain garden, bioswale, bioretention area, infiltration structure, filter strip implementation, dispersion (roof runoff), etc.	Yes	6	
Demonstrated design to target max. use of surface and ground water to 120 gallons/person/day	Yes	6	
High-level, approved innovative collective wastewater treatment and disposal / Implementation of high- end drip irrigation systems or other innovative septic	Yes	6	
Add.itional well spacing, or surface water source that is at least 60% from a source other than a local groundwater supply per County lot-sizing rules	Yes	2	
Demonstrated preservation of slopes greater than 15%	Yes	2	

Potential Incentives				
Silver				
Minimum of 35-49 points required				
County issued certification that developers can use in marketing and can be advertised on the County's website	Available			
Possible reduced or waived parkland dedication fees				
Reduction in street pavement width requirements				
Alternative surfacing for rural road				
ified reviews and inspections through interlocal agreements				
Gold				
Minimum of 50-70 points required				
Density bonuses	Available			
Reduced or delayed review/permit fees for development review process				
Consider mitigation credits offered at a discounted rate				
Platinum				
Minimum of 70+ points				
Performance incentive by means of Local Government Code Ch. 381 Agreements				
Public Improvement District (PID) funding	Available			
County could facilitate with Hays County Appraisal District (HCAD) and assist Developer with 1-D-1 Open Space valuation				
County could purchase Conservation Easements (CEs) on dedicated open space				
County could assist with developing a land management plan and implementation for acreage under Conservation Easement				

Source: Hays County Conservation Development Guidelines, 2022



Development Agreements

"Chapter 381 [of the Local Government Code] allows counties to negotiate directly with developers and businesses to provide incentives encouraging developers to build in their jurisdictions. ...

Counties may also develop and administer programs for entering into tax abatement agreements."

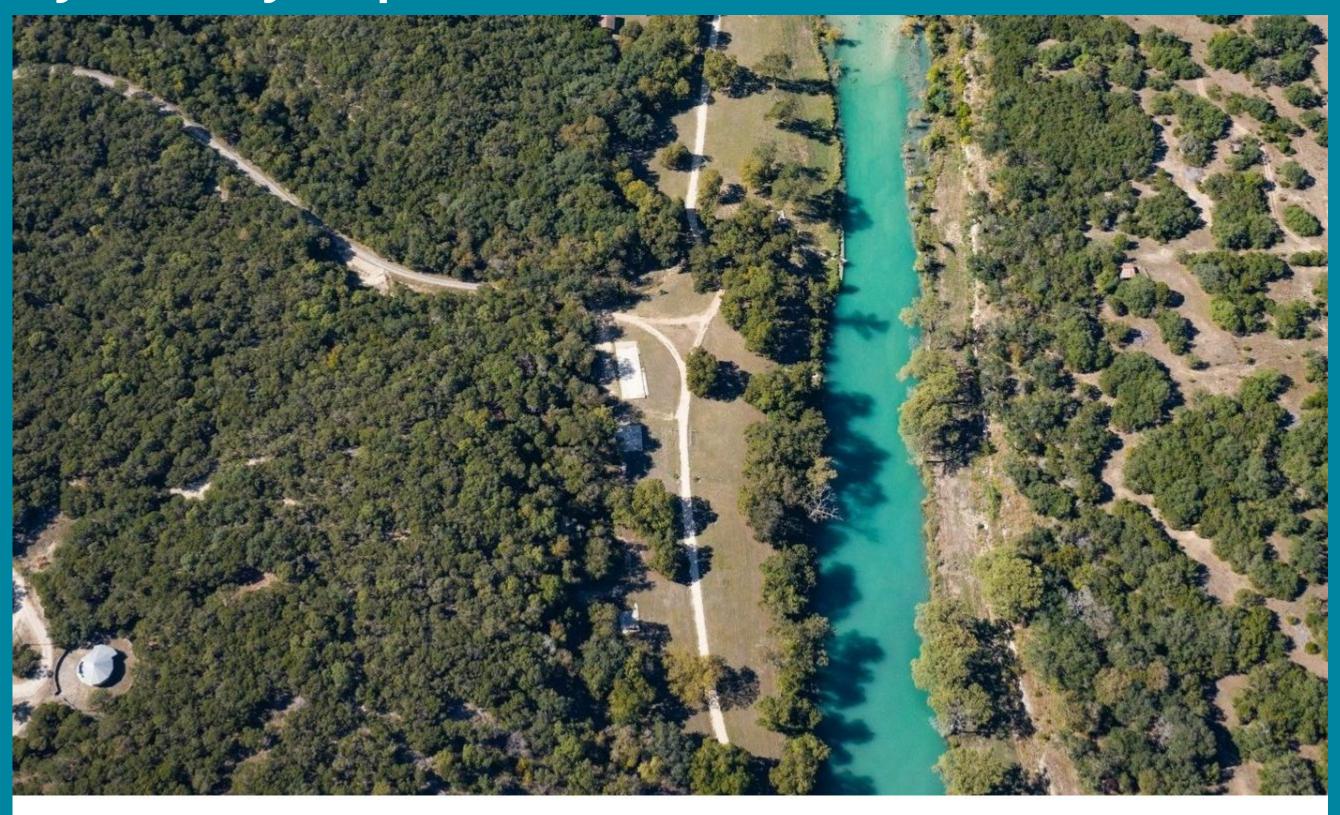
Source: Texas Comptroller Website

County Tool #3: Put Conservation on the Ballot

- Both Hays and Kendall Counties have passed bond measures in recent elections to fund land conservation projects (\$75M and \$20M respectively)
- Preserving open space supports water quality goals, and can protect vital recharge land



Hays County Acquired the Sentinel Peak Preserve in 2022



Sentinel Peak and the Blanco River, Hays County, Texas. Photo by Megan Navarro (Wehring)

Leading by Example: Ordinances & Tools for Growing Hill Country Communities

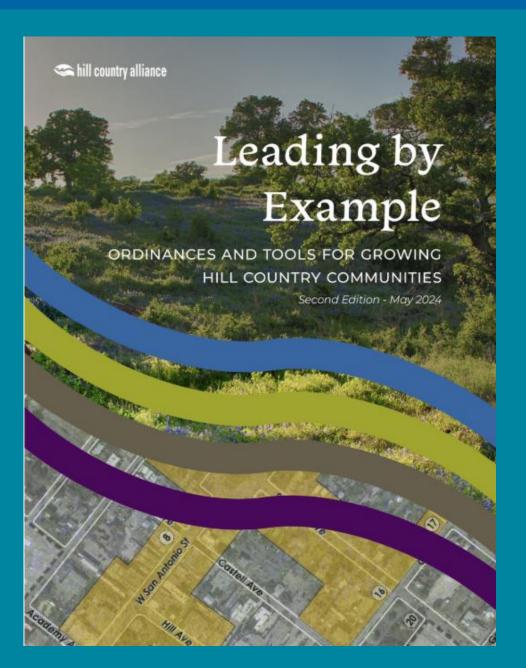


Table of Contents

WATER

WATERSHED PROTECTION & PLANNING	W-4
LOW IMPACT DEVELOPMENT	W-6
IMPERVIOUS COVER LIMITS	W-10
STREAM SETBACKS	W-13
WATER CONSERVATION	W-17
RAINWATER HARVESTING	W-19
WATER REUSE	W-21
LAND AND SKIES	
OPEN SPACE PRESERVATION	LS-4
TREE PRESERVATION	LS-7
OUTDOOR LIGHTING	LS-10
TRANSPORTATION	
COMPLETE STREETS	T-4
TRAFFIC CALMING	T-7
SENSIBLE PARKING REQUIREMENTS	T-11
BICYCLE PARKING	T-14
ZONING AND DEVELOPMENT	
OVERLAY DISTRICTS	Z-4
HISTORIC PRESERVATION	Z-7
SIGNS	Z-10
IMPACT FEES	Z-13
INFILL DEVELOPMENT	Z-16
ARCHITECTURAL STANDARDS	Z-19

City Tool #1:

Water-wise landscaping ordinances

- Require new developments to choose landscaping plants from an approved list of drought-tolerant plants.
- Require irrigation efficiency measures
- Compliment regulation with incentive programs targeting existing landscaping.







City Tool #1:

Water-wise landscaping ordinances

EXAMPLE ORDINANCES

Georgetown (Chapter 13.15)

- Permanently limits landscape watering to twice weekly, with watering allowed only before 10AM and after 7PM (exceptions exist for hand watering).
- Requires plants from a Preferred Plant List for all new plant material on residential lots and must use hydrozone to minimize water waste.
- Restricts turf grasses, such that turf grass can't cover an area larger than 2.5 times the foundation footprint or 10,000 square feet, whichever is smaller.

SAN MARCOS (SEC. 14.126)

- Requires separate meters for landscape irrigation.
- Restricts turf grass areas to 50% of landscaped areas for single-family residential homes and 25% of landscaped areas in all other developments.
 Turf grass areas must be planted with approved drought-tolerant species.
- Allows use of reclaimed water for irrigation.

AUSTIN (ENVIRONMENTAL CRITERIA MANUAL, SEC. 2)

- Requires that new commercial sites choose plants from a Preferred Plant List for at least 90% of landscaped areas.
- Restricts use of potable water for irrigation on commercial sites. Fifty percent
 of landscaped area must be undisturbed natural area or be irrigated by
 rainwater or stormwater runoff conveyed from onsite impervious surfaces.
- Permanently restricts irrigation to once-per-week watering for automatic irrigation, though a 40-day variance applies if installing new low-water use turf grasses and plants.

City Tool #2:

Encourage water reuse

- City of Austin requires onsite reuse in buildings larger than 250,000 square feet
- City of Kerrville prohibits new buildings from discharging AC Condensate into the wastewater stream
- City of Boerne, City of Fredericksburg, and City of Wimberley adopted One Water resolutions



Purple pipes are used to indicate water is not potable or drinkable.

(CC) FLICKR



RESOLUTION 2023-16R

CITY OF FREDERICKSBURG RESOLUTION SUPPORTING INNOVATIVE ONE WATER STRATEGIES AND DIRECTING STAFF TO EXPLORE SUCH STRATEGIES IN PUBLIC AND PRIVATE DEVELOPMENT PROJECTS

WHEREAS, the City of Fredericksburg relies primarily on groundwater from the Ellenberger-San Saba aquifer for its water supply; and,

WHEREAS the Modeled Available Groundwater for the Ellenburger-San Saba aquifer is already 84% allocated; and

WHEREAS, the 2022 State Water Plan shows that municipal water demand in Gillespie County is expected to grow by 28% between 2020 and 2070; and

WHEREAS, without a renewed approach to water supply management, the city could face water shortages in the future; and

WHEREAS, the City of Fredericksburg has already demonstrated its commitment to water conservation and resilience through its capital investments in automatic meters, water main replacement, and aggressive leak detection and repair to curb water loss; and

WHEREAS, a commitment to water conservation is only one of the necessary steps to water security and resiliency in the future; and

WHEREAS, the City has a responsibility to ensure water supplies in the future can meet demand, and to employ innovative strategies to that end, when necessary; and

City Tool #3:

Leverage Developer Agreements to Achieve

Conservation Wins!

 When providing water or wastewater outside of a city's CCN, cities are in a position to negotiate



PERSIMMON DEVELOPMENT AGREEMENT IS APPROVED BY BUDA CITY COUNCIL

BUDA, TEXAS, JUNE 20, 2024 - During the June 18 regular City Council meeting, the Buda City Council approved a Development Agreement (DA) with Milestone Community Builders for the Persimmon Development after the second and final reading of the agreement. Council also approved an agreement between the City of Buda and Bailey Land Investments, LP and Armbruster Land Investments, LP (Landowners) to annex 762.244 acres of land into the city's Extra Territorial Jurisdiction (ETJ). The DA stipulates the creation of a Public Improvement District (PID) and Tax Increment Reinvestment Zone (TIRZ) with the City of Buda and Hays County to help fund the larger public improvement projects that will support the Persimmon Development and regional transportation improvements constructed as part of the project. The City Council and Hays County have entered an Interlocal Agreement (ILA) to jointly participate in the TIRZ. The ILA with Hays County sets the framework needed for the creation of a TIRZ to fund public infrastructure needed as part of the Persimmon project. The City of Buda and Hays County will each contribute 50% of the incremental revenue granted over the baseline year established at the time the TIRZ is created.

The DA is based on terms reached after Council issued a Term Sheet to the developers in their October 17, 2023, meeting. Some highlights of the terms agreed upon to be carried out by the developers include:

- Substantial regional transportation improvements
- Right-of-way reserved for future SH45 extension
- Construction of a roundabout on FM967 to be completed before the first Certificate of Occupancy (CO) is issued. A CO is a document certifying a building is in compliance with building codes and is suitable for occupancy.
- Construction of a new North/South Parkway with 2 lanes connecting RM967 to FM1626, including shared-use paths, to be completed prior to 325 CO's are issued for new homes; expanded to 4 lanes before 1,200 CO's are issued for new homes.
- Shared-use path connection to SH45 Southwest Trail
- Construction of an East/West arterial built inside the project
- Design and engineering for a future East/West arterial bridge and connection to Garison Road
- Public parks and open space
 - Installation of trails along Garlic Creek and other greenbelts
- Neighborhood-friendly civic and commercial facilities
- A dedicated 40 acres for non-residential uses

Model Language for HOAs in the Texas Hill Country

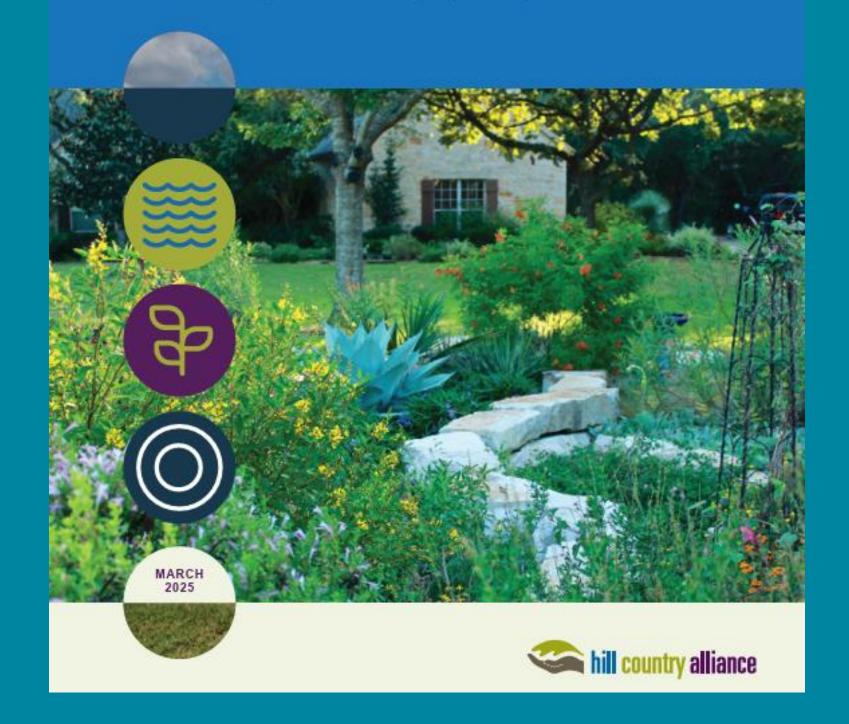
Just published!

Go to:

Hillcountryalliance.org/hoaguide

MODEL LANGUAGE FOR HOAS IN THE TEXAS HILL COUNTRY

A practical guide for protecting and preserving water resources, native landscapes, and night skies



Why do we care about HOAs?

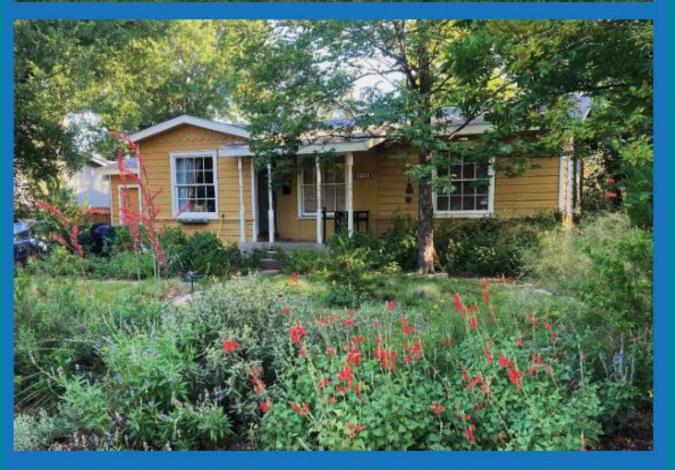
- In Texas, there are more than 22,000 HOAs and over six million people live in communities governed by an HOA
- After federal, state, and county or municipal law, an HOA's governing documents are the next highest level of authority
- HOA governing documents present an opportunity to promote landscapes that preserve native landscapes, water, and night skies

HOA Tool #1: Update your Landscaping Policy!

- After 2013 changes to Texas Property
 Code, HOAs can't prohibit xeriscaping or rainwater harvest
- However, many HOAs may still have outdated landscaping guidelines that promote water intensive landscapes

Photos courtesy San Antonio Water System





Before and after native landscaping was used to replace turf grass adding water conservation, beauty, and an attraction for pollinators.



1. Landscape Plan

Before any landscaping commences, owners must present a completed landscape plan and schematic drawings to the LDC for approval. Irrigation plans must be submitted to the LDC along with landscape designs. If the Owner wants to change landscaping or irrigation from the original proposal, the plan must be resubmitted. Any updates to landscaping must be in compliance with the landscape guidelines.

Within the landscape plan, consider creating low maintenance areas that support a variety of the Texas Hill Country's iconic plant populations and conserve resources. These areas can increase stormwater infiltration and groundwater recharge, eliminate the need for irrigation, reduce mowing operations, and increase the site's biodiversity.

2. Landscape Planting

Choosing native and drought-tolerant plants for your landscaping is one of the easiest ways to conserve water and support local wildlife. As such, the use of native or drought-tolerant plants, turfgrasses, and trees is required when planting the landscape. All plant species must be on a preferred plant list—several of which are provided in Appendix B herein—or from another credible source on native and adapted plants. Adapted plants that are invasive shall not be allowed. Care should be taken to hydrozone landscape areas to deliver the proper amount of water depending on species, cultivar, and density of planting.

It is recommended to preserve native plants on the predeveloped site to the extent possible, incorporating them into the final landscape design. [Note: Native plants that have been preserved should not require irrigation and, as is the case of the Ashe juniper tree (Juniperus ashei), could be harmed by installed irrigation systems or changes in grade.]

New landscape planting is best undertaken in the Spring or Fall to reduce water use during the establishment period.

3. Shade Trees

Trees play a big role in keeping our neighborhood cool, and native and established trees can be quite resilient to drought. Every effort should be taken to preserve pre-existing trees on a property, including protecting trees from damage to roots during construction. Trees that must be removed during construction should be marked on landscape plans, and caliper measurements noted, so that original caliper capacity can be maintained through the replacement of similar size

LANDSCAPING POLICY for the [insert name of HILL COUNTRY DEVELOPMENT]

STATE OF TEXAS §
COUNTY OF [COUNTY] §

WHEREAS, Section 202.007 of the Texas Property Code was amended effective September 1, 2013, regarding the regulation of xeriscaping; and

WHEREAS, the Board of the Association desires to hereby establish a Landscaping Policy consistent with the provisions of Section 202.007 and to provide clear and definitive guidance to its members.

NOW THEREFORE, the Board has duly adopted the following Landscaping Policy (the "Policy"):

LANDSCAPING POLICY

Background.

Pursuant to Section 202.007 of the Texas Property Code, Association's must not unreasonably restrict Owners who desire a landscape that saves water.

The advantages of native landscaping include: (a) Substantial cost savings on water bills; (b) Conservation of diminishing water resources; (c) Prevention of pollution from environmentally harmful run-off; (d) Reduced yard maintenance requirements; (e) Pride in knowing that you are protecting our fragile environment and limited resources; and (f) Aesthetic beauty and increased options for plant material.

Approval for Changes.

Prior to changing their landscape, a property owner must receive the advanced written approval of the ACC in accordance with the Declaration, subject to this Policy. When submitting the ACC request, the Owner must include the applicable processes and projected timelines. The request must include an outline of the project and a design plan, as well as details on the types of plants, the ground covers, border materials, and hardscape material to be used. Consideration of the Landscape Design Guidelines must be addressed as part of your submission. Installation of the new landscaping cannot begin until the request

Appendix A Landscaping Policy Change in Response to Texas Property Code 202.007

The document below provides example language for existing HOAs to shift their landucaging policy to comply with section 202.007 of the Texas Property Code. Updates to an HOM's landscaping policy should be filled in consultation with your lawyer.

LANDSCAPING POLICY for the tigsest name of HILL COUNTRY DEVELOPMENTS

STATE OF TEXAS
COUNTY OF [COUNTY]

WHEREAS, Section 202:007 of the Texas Property Code was amended effective September 1, 2013, regarding the regulation of serbenping, and

WHEREAS, the Board of the Association desires to haraby establish a Landscaping Policy considered with the provisions of Section 202007 and to provide alone and definition guidance to its number.

NOW THEREFORE, the Board has stuly adapted the following Landscaping Policy (the "Police"):

LANDACAPING POLICY

1. Background.

Personant to Section 202-007 of the Texas Property Code, Association's must not unreasonably restrict. Owners who desire a landscape that sayes water.

The advantages of native landscaping include: (a) Substantial cost savings on water bills; (b) Conservation of diminishing water essentions; (c) Provention of pollution from continuous model tranself; (d) Buttond yard maintenance requirements; (d) Pride in knowing that you are protecting our final environment and limited necessors; and (f) A substitute busing and increased options for plant material.

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Click to download Landscaping Policy Change template -Word

Landscape Guidelines for [Insert Development]

Procession

The goal of these Landscope Guidelines is to promote low-impact landscoping practices that reduce water tauge while maintaining so the ficulty plusting and consistent environments. Histocowners are encouraged to use native or drought-followed placis, efficient intigation systems, and water-conserving inchaligues such as maintaining and proper soil management. Additionally, herecowness are encouraged to make landscope lighting choices that do not permit light encays into the night sky.

By implementing these guidelines, housewores can conserve water recovers, reduce water bills, and consta landscapes that are resident to decapit conditions. Additionally, these guidelines may contribute to environmental communition afform by minimizing water run off and promoting bindiversity. Overall, the gual to to take a behance to twee, beautiful landscapes and responsible water usage within our communities.

Definitions

To reduce the petersial for misoralizationing, community used terms in the backscape guidelines are defined below:

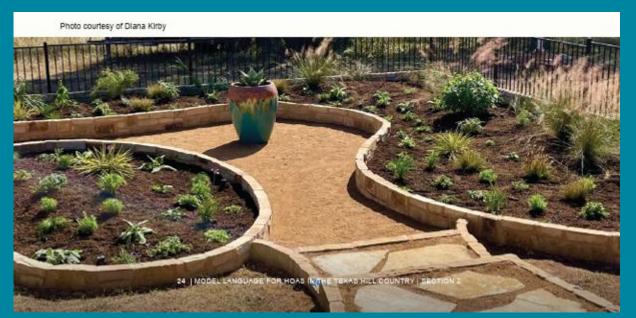
- Adaptive Plants. Species or cultivare of a plant that, while not entire, grow well in a given held the with similar maintenance and vector needs as plants that are native to the same area, and
- Hydrocenes. Specific landscaped sease that are serviced by the same irrigation some. The most
 officient landscape designs will include planes with similar water mode planed within the same
 irrigation scores, or irrigation senses designed according to the plant torois in the landscape and
 allowing the land present of water to be applied in each some.
- Invasive Species. Aggregates and undestable plants—whether stative, automiteed, or exotio—which are detricented to the health of native plant populations as they automapte desired active plants and create more enture seatons that reduce bindiven is and local liability.
- Irrelgation System. A system of pipers and emiltors that delivers water from a potable or nontotable source to the landance either then shows or below the surface.
- Native Plants and Trees. Plants, gasses, and trees that five or grow animally in Central Tensowithms direct or indicate burnes intervention; they are adapted for Tenso' drought and host and are an essential feed source and tablest for stative animals.

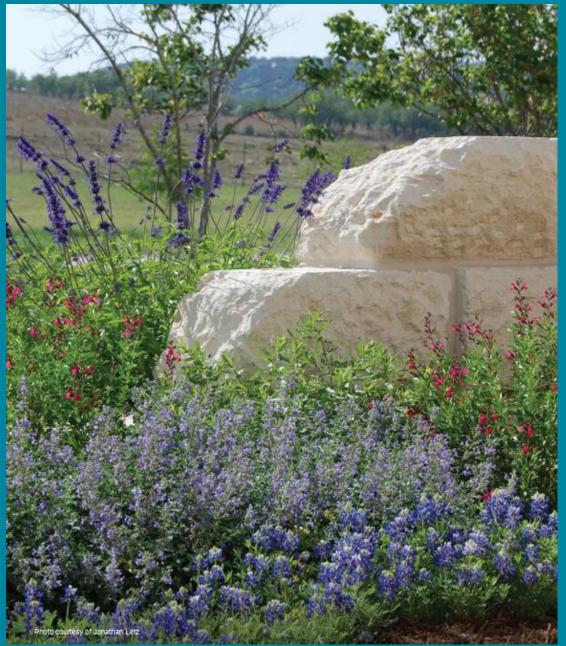
Landscape Guidelines template - Word

HOA Tool #2:

Use your common areas for education

- Common areas can showcase droughttolerant plants
- Collect data on cost savings over time from lower water bill to share with residents





Landscape Rebates



WaterWise Landscape
Up to \$3,000 to convert turf
grass to native bed.



Landscape Survival Tools
Combine mulch, compost, and
core aeration for a \$120 saving.



WaterWise Rainscape
Use landscape features to retain rainwater. Receive
a rebate of \$0.50 per square foot converted (100
sq. ft. minimum), up to \$1500 per property.



Rainwater Harvesting
Up to \$5,000 per site, based on rainwater storage capacity.

What else can you do?



Your own backyard

Regardless of local policy change, we can each reduce our water footprint (most easily via our landscape irrigation choices!)

Image Source: Patty_C/Getty Images

Takeaways

- Protecting water resources requires support from all levels of government, and residents
- There are lots of resources
 out there to help guide you on
 local policy opportunities
- Stay curious!



