

FINAL MINUTES
**Water Demand Committee of the
Monterey Peninsula Water Management District**
January 20, 2004

1. CALL TO ORDER

The meeting was called to order at 1:05 PM in the District Conference room.
Committee members present: Larry Foy - Chair, Kristi Markey, David Pendergrass
Staff members present: Fran Farina, Stephanie Pintar, Arlene Tavani
District Counsel present: David Laredo

2. ACTION ITEMS

Chair Foy offered to receive public comment on any item not listed on the agenda. No public comment was directed to the committee members. Mr. Foy noted that public comment would be received on every agenda item.

A. Summary and History of Fixture Unit Methodology

District Counsel Laredo presented a document entitled History of the MPWMD Connection Charge. Mr. Laredo reviewed the document with the committee. The document is on file at the District office.

B. Review Provisions of Ordinance No. 92, Expanded Conservation and Standby Rationing Plan (January Board Meeting)

On a motion by Director Markey and second by Director Pendergrass, the committee recommended that Ordinance No. 92 be submitted to the Board of Directors for consideration with no modifications. The motion was approved unanimously on a vote of 3 – 0.

The committee discussed the definition of “water supply emergency” in the ordinance. Mr. Laredo explained that the District has the authority to regulate and restrict water use in an emergency. The California-American Water Company is subject to water production restrictions related to SWRCB Order 95-10. This chronic situation is responsible for the water supply emergency that caused the establishment of Ordinance No. 92.

C. Review Ordinance No. 111, Amending District Rule 11 (Definitions) and Rule 24 (Connection Charges) – (January Board Meeting)

On a motion by Director Pendergrass and second by Director Foy, the committee voted unanimously to place the ½ gallon toilets back onto Table 1, and to accept the proposed change to Section 4, C-1-d of draft Ordinance No. 92.

Public comments. **McKenzie Patterson** explained that the ½ gallon toilets operate well when they are properly installed and maintained. He urged the committee to recommend installation of the toilets. **Mitzi Dallas** urged the committee to recommend installation of the toilets. **Sheryl McKenzie** urged the

committee to recommend installation of the toilets. She offered to work with realtors on procedure for notifying property owners that the ½ gallon toilets must be properly installed and maintained to function satisfactorily.

D. Review Provisions of Ordinance No. 98, Second Bathroom Ordinance, and Consider Recommendation(s) to Board of Directors

Issue 1 – The committee agreed by consensus to recommend that persons taking advantage of Ordinance No. 98 to add a bathroom should be limited to two bathrooms. A deed restriction should enforce the two-bathroom limitation provision. If a third bathroom was required, additional water credits must be found to provide water for the second and third bathroom.

Issue 2 -- The committee agreed by consensus to recommend that the Board allow toilet upgrades to 1.6 gallons-per-flush if the property meets the criteria of Ordinance No. 98 (e.g. there are no more than two bathrooms).

Issue 3 -- The committee agreed by consensus to recommend that the Ordinance No. 98 bathroom should not be designated as the Master Bathroom. If additional fixtures are required, the applicant should pay for those fixtures. In addition, the committee recommended that when rules change, an applicant should be ‘grand fathered’ into the process under the previous rules if an application had been submitted to the jurisdiction within one year of applying for a permit with the District.

Public comment. **Bob McKenzie** and **Mitzi Dallas** asked for clarification of the rules regarding installation of tub and shower combinations. **Christine Giannoscol Kemp** stated that the proposed one-year period to “grandfather-in” projects may be too short for complicated projects that require preparation of an EIR.

Issue 4 – The committee agreed by consensus to recommend to the Board that the Ordinance No. 98 bathrooms cannot be designated as the Master Bathroom. The Ordinance No. 98 bathroom can have two sinks, but connection charges must be paid for the second sink.

Public comment. **Mitzi Dallas** asked for clarification of the District’s Ordinance No. 98 rules.

Issue 5 – The committee agreed by consensus to recommend that water consumption data on water use related to Ordinance No. 98 bathrooms not be included in the 2004 annual review of the ordinance.

Issue 6 – The committee agreed to advise the Board of Directors that they could not reach consensus on a recommendation to specify that the provisions of Ordinance No. 98 should only apply to single-family dwellings on single-family

residential sites that met that definition as of the effective date of the ordinance (May 16, 2001).

Public Comment. **Mitzi Dallas** asked for clarification of the question being asked of the committee. **Sheryl McKenzie** recommended that if single-family structures are created on legal lots-of-record after the effective date of the ordinance, they should have the same rights as any other applicant. **Bob McKenzie** suggested that the rules could be changed to state that the water credits could not be transferred prior to the date of the ordinance.

Issue 7 – The committee agreed by consensus to recommend that an Ordinance 98 bathroom can only be installed within the habitable living area of a single-family dwelling.

Public Comment: **Mitzi Dallas** asked if an attached garage or two buildings connected via an enclosed breezeway would qualify the dwelling for an Ordinance No. 98 bathroom.

E. Discuss Policy Related to Reassigning Water Credits

On a vote of 2 to 1 the General Manager was directed to determine how to process applications that are “in process” until such time as the Board meets to make a determination. The maker of the motion noted that the MPWMD Rules and Regulations grant authority to the General Manager to determine how to process the applications. Projects “in process” would be defined as applications on file at the District office and those that have filed deed restrictions with the intent of moving forward. The Board will meet on February 19, 2004 to consider this issue. Directors Foy and Pendergrass were in favor of the motion. Director Markey was opposed to the motion. Ms Farina stated that she would direct staff to process the applications determined to be in process, but not to issue permits until the Board of Directors has made a determination on this issue.

Public Comment: **Christine Giannoscol Kemp** noted that her client has gone through the County planning process but may not have submitted an application for reassignment of water credits because of the suspension put into effect in September 2003. She requested that the project be considered in process and that new rules developed by the committee not be retroactively applied to the project. **Robert Carver** suggested that the fees associated with outside water use should be based on irrigation and landscaping plans proposed for each project. **Keith Domnick** submitted a letter to the committee that described his request for a water credit reassignment. He asked the committee to provide a logical and just reason why the application was suspended. **Mitzi Dallas** submitted a drawing of water credit transfer scenarios. She requested that applications in process that were suspended be reactivated. **George Bremmer** requested that applications in process that were suspended should be reactivated and processed under rules in effect prior to the suspension.

3. SET FUTURE MEETING DATE

The next committee meeting will be conducted on Tuesday, March 9, 2004 at 1 PM.

4. DIRECTOR COMMENTS

No comments

5. FUTURE AGENDA ITEMS

No discussion

6. ADJOURNMENT

The meeting was adjourned at 4:45 PM.