

**EXHIBIT 12-A**

**DRAFT URGENCY ORDINANCE**

**ORDINANCE NO. 184**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
AMENDING THE REQUIREMENT FOR PERMANENT SUB-METERS TO  
ACCESSORY DWELLING UNITS IN EXISTING STRUCTURES**

**FINDINGS**

1. The Monterey Peninsula Water Management District (“District” or “Water Management District”) is charged under the Monterey Peninsula Water Management District Law with the integrated management of the ground and surface water resources in the Monterey Peninsula area.
2. This ordinance is enacted to facilitate the creation of Accessory Dwelling Units (“ADUs”) which provide required and affordable housing in the Monterey Peninsula Water Management District.
3. The District requires separate Water Meters for each User to promote accountability for water use and to enforce water rationing when needed. The Board has previously adopted a Rule that allows permanent sub-metering of one ADU on a Site, rather than requiring a separate Water Meter by the Water Distribution System Operator.
4. Current District Rule 23-A-1-i-(6) allows permanent sub-metering of all water use into one ADU.
5. The requirement for sub-metering an ADU becomes a hardship when an ADU is created within an existing structure where plumbing is not designed to sub-meter hot and cold water. A hardship occurs when the ADU is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure.
6. Allowing a limited exemption from the sub-metering requirements for ADUs would not have an adverse effect on enforcement of water rationing. Rule 165 states: “Where two or more Households are served by a Master Meter, it shall be the responsibility of the Water Users to divide the Water Rations among the Water Users.”

7. Allowing this exemption from the metering requirements encourages additional affordable rental housing stock, a priority of the State of California.
8. This ordinance will be enacted with urgency and shall take effect on August 20, 2019, following a single reading provided it is approved by at least five (5) members of the Board.
9. This ordinance shall expire after one year.
10. This ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities, as these amendments relate to permitting and alterations of existing facilities.

NOW THEREFORE be it ordained as follows:

**ORDINANCE**

**Section One:            Short Title**

This ordinance shall be known as the 2019 Accessory Dwelling Unit Ordinance of the Monterey Peninsula Water Management District.

**Section Two:            Purpose**

This ordinance amends Rule 23 to exempt existing Residential space or structures that can be converted to Accessory Dwelling Units from the requirement for permanent sub-metering and grandfathers existing active construction of ADUs from the requirement.

**Section Three:            Amendments to Rule 23-A-1-(i)-(6)**

Rule 23-A-1-(i)-(6) shall be amended as shown below, with added language as shown in ***bold italic*** type face, and deleted language shown in ~~strikeout~~ type face. The remaining provisions of Rule 23 shall remain unchanged by this ordinance.

- (6) The General Manager shall allow permanent sub-metering of all water use into one Accessory Dwelling Unit, ~~including hot and cold water supply.~~ ***The application for sub-metering an An Accessory Dwelling Unit contained within the existing space of a single-family residence or accessory structure (e.g., studio, pool house, or other similar structure) shall be exempt from the sub-metering requirement. Sub-metering is, however, encouraged as a conservation tool that promotes the efficient use of water. The sub-metering requirement or sub-metering exemption*** will be considered by the General Manager when the Jurisdiction confirms there is no potential that the sub-metered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site.

**Section Four:            Accessory Dwelling Units Under Construction**

Active Water Permits that require sub-metering of ADUs in existing structures shall be eligible for the exemption adopted by this ordinance. An amended Water Permit shall not be required; however, an amendment is required to remove the requirement from any Limitation on Use (Form 1.1) deed restriction.

**Section Five:           Publication and Application**

The provisions of this ordinance shall cause the republication and amendment of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

**Section Six:           Effective Date and Sunset**

This ordinance shall be adopted with urgency effect and take effect at 12:01 a.m. on August 20, 2019. Insofar as this Ordinance has been enacted as an urgency measure, it shall have no force or effect after August 19, 2020.

**Section Seven:       Severability**

If any subdivision, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion by Director \_\_\_\_\_, and second by Director \_\_\_\_\_, the foregoing urgency ordinance is adopted upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

I, \_\_\_\_\_, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of an ordinance duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

Witness my hand and seal of the Board of Directors this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
David J. Stoldt, Secretary to the Board