

ORDINANCE NO. 9

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AMENDING THE DISTRICT'S
RULES AND REGULATIONS TO ENABLE THE GENERAL MANAGER TO ISSUE
TEMPORARY EXPANSION/EXTENSION PERMITS

WHEREAS, Section 363 of the Monterey Peninsula Water Management District Law enables the District to control the expansion and extension of water distribution systems;

WHEREAS, the District has developed Rules and Regulations establishing a process for issuing extension/expansion permits; and

WHEREAS, the District Board wishes to streamline the existing process by delegating the authority to issue temporary extension/expansion permits to applicants who do not have a building permit but can demonstrate a reasonable near term water need;

NOW, THEREFORE BE IT ORDAINED that the following sections of text in the District Rules and Regulations are hereby amended as follows:

Rule 23B. Rule 23B is amended as follows, as underscored and renumbered to become Rule 23C.

C. Process.

The General Manager shall review the application, and if he determines the application to be incomplete, he shall request the applicant to submit additional information. When the application is complete, the General Manager shall classify any proposed connection as Residential, Commercial, or Industrial as defined in these Rules. If such proposed connection cannot be adequately categorized pursuant to existing data, the General Manager may in his discretion define such connection as either Residential, Commercial, or Industrial based upon the quantity of anticipated water use by said connection. Determination of connection categorization by the General Manager may be appealed pursuant to Rule 70. After each connection is categorized, and when the General Manager is authorized to act on the application pursuant to subdivisions A or B of this Rule, he shall issue the permit within thirty (30) days.

Rule 23 B. The following text is inserted to become the new rule 23B.

B. Temporary Expansion/Extension Permits

Notwithstanding any provision of Rule 23 A, the General Manager may issue a temporary expansion/extension permit to applicants who do not possess a valid municipal or county building permit as provided in Rule 23 A, provided the applicant has demonstrated that the expansion is reasonably necessary to satisfy the near term ~~petable~~ water needs of the applicant. Each temporary expansion/extension permit issued by the General Manager shall be subject to the following conditions:

1. The temporary permit shall not confer a property interest upon the grantee to obtain or use water after expiration and/or revocation of the permit.
2. The temporary permit is subject to revocation during its term without cause, without hearing, ~~upon ten (10) days' notice.~~ upon thirty (30) days' notice.
3. The temporary permit shall terminate on the date specified on the permit, and if no date is specified, shall terminate ~~ten (10)~~ ^{one (1)} years after the temporary permit is issued.
4. Any use of water through the connection or water meter installed pursuant to the temporary permit following expiration and/or revocation of that permit shall be unauthorized.
5. The applicant for the temporary permit shall acknowledge in writing that the temporary permit does not confer a right to obtain or use water upon expiration and/or revocation of the temporary permit.
6. The applicant for the temporary permit shall consent to the physical removal of the connection and/or water meter upon the expiration and/or revocation of the temporary permit.
7. The terms and conditions of the temporary permit shall be recorded in the Office of the Monterey County Recorder against the real property which is by the connection, and shall operate as a covenant running with the land.
8. The applicant shall pay any applicable fee pursuant to Rule 24 and Rule 60.

The General Manager may place further conditions upon the grant of the temporary permit as he deems proper. Determinations of the General Manager under this Rule, either issuing, conditioning, or refusing to issue a temporary permit, may be appealed to the Board pursuant to Rule 70.

Rule 24 B. Rule 24 B is amended as follows, as underscored.

B. Calculation of Charge

The expansion/extension permit applicant shall provide the District the assigned improvement value determined by the Municipal or County planning or building department which relates to the building permit necessitating the water distribution system expansion or extension.

A connection charge shall be calculated for such permit by multiplying the assigned improvement value by the sum of .4% as follows:

$$(\$ \text{ improvement value} \times .4\% = \$ \text{ connection charge})$$

Where no assigned improvement value is available, or where the General Manager determines that the assigned improvement value for a particular application does not reasonably relate to the projected value or worth of the completed expansion/extension project, or where the General Manager determines that the assignment improvement value for a particular application does not reasonably relate to the value or burden caused by the projected increase in water consumption, then the General Manager shall either (1) propose an alternate improvement value (which may be lesser or greater than the assigned improvement value) and submit the question of connection charge calculation to the Board pursuant to subdivision C of this Rule, or (2) levy a minimum connection charge in the amount of \$250 per residential connection, and \$500 per commercial or industrial connection, upon the application to expand or extend a water distribution system or (3) levy a minimum non-refundable

connection charge in the amount of \$600 upon any application for a temporary expansion/extension permit. Any application for an expansion/extension permit which is made by the holder of a current temporary expansion permit shall be credited with this connection charge previously paid for the temporary permit.

POLICY STATEMENT OF THE BOARD OF DIRECTORS
OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
PROVIDING GUIDANCE TO STAFF IN THE ISSUANCE OF
TEMPORARY EXPANSION/EXTENSION PERMITS

- (A) For the purposes of issuing temporary expansion/extension permits the General Manager may consider the following circumstances as a demonstration of near term water need:
- (1) Where a lot that has had an historic use of water is split so as to create a parcel without water service;
 - (2) Where water is needed for preparation of a building site in near term anticipation of a building permit;
 - (3) Where denial of water access may result in a substantial economic loss to the applicant.
- (B) Permits for setting of water meters without building permits should only be granted in non-drought years when sufficient supply exists within the aquifers and reservoirs to carry the needs of water suppliers through the next winter. No permit should be granted whenever the combined capacity of the reservoirs is less than 1,500 acre feet as of April 1 of the year of the application, or if a rationing program is in effect.
- (C) The General Manager shall **annually** prepare a summary report to the Board which states the number of temporary permits issued, the circumstances surrounding each such permit, and the term of each permit.

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(Amended 1/10/83)

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