

ORDINANCE NO. 46

AN ORDINANCE OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
AMENDING THE WATER CONNECTION  
PERMIT PROCESS  
FOR GOVERNMENT AGENCIES

FINDINGS

1. The Monterey Peninsula Water Management District has adopted and regularly implements a process whereby permits are issued to allow new or expanded water use from water distribution systems within the District. The District has exercised this power in accord with the provisions of Section 363 of Chapter 527 of the Statutes of 1977.
2. The water connection permit process followed by the District is based on the capacity of a water user to consume water on a particular site, dependent upon the activity undertaken at that site. The District has not administered its water connection permit process in a manner which takes into account off-site water use.
3. The District has received a request to amend the administrative process to enable government entities to consolidate water uses at separate sites, and to allow off-site water savings to compensate and offset increased water uses for open space uses.
4. The amendments caused by this Ordinance shall apply solely to government agencies, and shall be limited to new or intensified water use which is entirely dedicated for open space.
5. The District finds and determines that this request would serve the public good and can be accommodated for a cooperating government agency without detriment to water users who have previously relied on the District's water connection permit process.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

SECTION ONE: CONNECTION FEE CREDITS AFFECTING LANDS OWNED BY GOVERNMENTAL AGENCIES.

The following additions (shown in **BOLD FACE CAPS**) and deletions (shown in **bold face lower case**) shall be made to the District's Rules and Regulations, Rule 24 B:

RULE 24.

CONNECTION CHARGES

The following connection charges shall apply to the expansion, extension, and increased utilization of any connection or water-measuring device in a potable water distribution system within the District.

A. PROCESS

Each individual, prior to increasing the use of water from a potable water distribution system within the District, and before adding a connection or changing the character of use of an existing connection to a potable water distribution system within the District, shall obtain a permit from the Monterey Peninsula Water Management District.

Each applicant for a permit to expand or extend water distribution system, shall, prior to issuance of such a permit, deposit with the District all connection and water supply improvement charges calculated pursuant to this rule in addition to the fees prescribed by Rule 60. Such charges shall apply to each applicant seeking to relocate or change the size of a connection or a water-measuring device, applicants seeking to intensify the use of water from an existing connection, and/or applicants for an amended permit.

The addition of any fixture unit by a user shall be deemed an intensification of use requiring an expansion/extension permit, or an amended permit pursuant to these Rules and Regulations. Any change in use from one category to another as shown on Table No. 2 of this rule shall be deemed an intensification of use requiring an expansion/extension permit pursuant to these Rules and Regulations.

B. APPLICATIONS WHICH AFFECT EXISTING CONDITIONS OR WHICH RELATE TO AN INTENSIFICATION OF USE

(1) All Applications

Projects which will relocate, enlarge, resize, or alter the type or quantity of use from an existing permanent connection, including projects which will add to or remodel existing structures, shall pay the connection fee required by this rule. For such projects, the General Manager shall first determine the connection charge calculation in this rule. Thereafter, the General Manager may reduce the connection charge with respect to applications for an amended permit which seek only to relocate, increase, or alter the type or quantity of use from an existing permanent connection. The connection charge for intensification of use from an existing connection shall exact a charge only as it

relates to the extra increment of water which will be available to and subject to use by the applicant as the function of the relocated, increased, or altered use from the connection.

With respect to both new and amended expansion/extension permits, a project's capacity to use water shall be finally determined at the time the project is first available for use or occupancy. At this final determination, the General Manager shall adjust the connection charge to ensure that final connection charge bears a positive correlation to the water use capacity of the project as built, rather than the project as planned. Adjustment of the connection charge, including refunds or the imposition and collection of additional charges based upon water use capacity reflected by Table 1 or 2, shall be made at that time, subject to the administrative fee required by Rule 60.

A change of use following the project's first user or occupancy which results in a less intensive utilization of water shall not entitle the user to any refund of connection charges which have previously been paid, except where an adjustment is permitted under paragraph G, and where such adjustment was approved at the time the original permit was granted.

**(2) GOVERNMENTAL OPEN SPACE. THE FOLLOWING PROVISIONS SHALL APPLY SOLELY TO GOVERNMENT AGENCIES, AND SHALL BE LIMITED TO NEW OR INTENSIFIED WATER USE WHICH IS ENTIRELY DEDICATED FOR OPEN SPACE.**

**a) TRANSFER OF WATER USE CREDITS FOR OPEN SPACE.** As an sole exception to **LIMITATIONS UPON** the transfer or relocation of water use credits, the General Manager, upon written request, shall enable a government agency (i.e. Municipal, County, State, or Federal public agency) to transfer water use from one location owned and operated by that agency to another location owned and operated by that agency provided use of water transferred to the new location shall be entirely dedicated to open space use. **CONNECTION CHARGES SHALL BE WAIVED ONLY IN THOSE INSTANCES WHERE ALL WATER USE AT THE ORIGINAL LOCATION HAS BEEN TERMINATED.**

This exception shall apply as follows:

(i) transfers between different government agencies shall not be allowed; and

(ii) transfers from or to lands owned or operated by private (non-public) agencies shall not be allowed; and

(iii) transfers for other than open space use shall not be allowed; and

(iv) transfers which enable greater water use shall be assessed connection charges for all capacity for water use in excess of the transferred water credit; and

(v) any right or entitlement to water use at the original (pre-transfer) location shall be terminated and shall extinguish to the extent of the water use credit transferred.

- b) **RECLAIMED WATER OFFSETS. THE GENERAL MANAGER, UPON WRITTEN REQUEST, SHALL WAIVE IN WHOLE OR IN PART, THE CONNECTION CHARGE APPLICABLE TO ANY GOVERNMENT AGENCY (I.E. MUNICIPAL, COUNTY, STATE, OR FEDERAL PUBLIC AGENCY) FOR WATER USE ENTIRELY DEDICATED TO OPEN SPACE USE AT A LOCATION OWNED AND OPERATED BY THAT AGENCY. THE WHOLE OR PARTIAL WAIVER SHALL BE BASED UPON THE DEMONSTRATION THAT NEW WATER USE DEDICATED TO THE OPEN SPACE SHALL BE OFFSET BY A FACTOR OF 1.5 TO 1 BY REASON OF CONTEMPORARY ACTION BY THAT GOVERNMENT AGENCY TO USE RECLAIMED OR SUBPOTABLE WATER TO ASSURE AN OVERALL REDUCTION IN THE USE OF POTABLE WATER BY THAT AGENCY.**

#### SECTION TWO: EFFECTIVE DATE AND SUNSET DATE

This ordinance shall take effect 30 days following its adoption on second reading.

#### SECTION THREE: PUBLICATION

The provisions of this ordinance shall be published in the Rules and Regulations of the Monterey Peninsula Water Management District as Amendments to Rule 24. Except as shown, no other changes shall be made to those rules.

#### SECTION FOUR: 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 or unenforceability 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 of Director \_\_\_\_\_, and second by Director \_\_\_\_\_, the foregoing ordinance is duly passed to print this \_\_\_\_\_ day of \_\_\_\_\_, 1989, by the following vote:

AYES:

NAYS:

ABSENT:

I, Bruce Buel, 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 passed to print this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

Witness my hand and seal of the Board of Directors this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Bruce Buel, Secretary to the Board

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