

ORDINANCE NO. 62

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT MODIFYING THE MORATORIUM ON THE ISSUANCE OF WATER CONNECTION PERMITS

FINDINGS

1. Ordinance 52 was enacted by the Monterey Peninsula Water Management District to effect a temporary moratorium on new uses of water. Ordinance 52 was as an interim measure required by the present over-dedication of the existing water supply, a circumstance which constitutes a water supply emergency in accord with Section 332 of the District Law. The moratorium created by Ordinance 52 (and amended by Ordinance 59) continues to be required to maintain a balance between water demand and the limited water available for consumption.
2. Ordinance 52 nonetheless allowed select categories of new water connections during the moratorium in circumstances where the proposed new use of water created a benefit to the community at large in balance against the burden that project placed upon the water supply. Within these categories were projects permanently and exclusively dedicated to promoting public health, safety, or welfare; or commercial projects which do not require additional square footage to an existing structure.
3. An additional category of exceptions to the continuing moratorium is now necessary to enable minor modifications to existing residential connections. This category shall promote the welfare of the citizens of the District by facilitating residential needs of the Monterey Peninsula without causing an undue increase in the burden to our water resource system.
4. Each new water connection should nonetheless be strictly accounted for, and that new water use should be debited from any new water supply which next becomes available for use.
5. Accounting for new uses of water allowed by this ordinance shall be consistent with the method set forth in the Water Allocation Program EIR, the core environmental document

concerning water supply and water distribution issues affecting the Monterey Peninsula. That document assesses cumulative impacts caused by each individual water meter permit or connection which allows new or expanded water use.

6. In all other respects, the moratorium on new water use permits enacted by Ordinance 52 shall remain unchanged by this ordinance. All conservation and retrofit requirements set by Ordinance No. 30 shall continue to apply to remodels allowed by this ordinance.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title.

This Ordinance shall be known as the Water Moratorium Amendment Ordinance of the Monterey Peninsula Water Management District.

Section Two: Statement of Purpose.

The Monterey Peninsula Water Management District enacts this ordinance to modify the standards for the issuance of water connection permits during the temporary limit on new uses of water first enacted by Ordinance 52.

In all other respects, the moratorium on new water use permits enacted by Ordinance 52 and amended by Ordinance 59 shall remain unchanged by this ordinance.

The continuing moratorium on all other new or intensified uses of water is required due to the present over-dedication of the existing water supply. This circumstance continues to constitute a water supply emergency in accord with Section 332 of the District Law. This measure, and the moratorium required by Ordinance 52 is required to maintain a balance between water demand and the limited water available for consumption. Each of these ordinances is required to meet the health and safety requirements of the communities served by the District.

Section Three: Limitation on Select New Water Uses.

The following category shall be added to Section Three, Paragraph A, of Ordinance 52, creating an exception to the limit on issuance of permits for new or expanded water use.

Minor Residential Remodels. Notwithstanding the limit on the issuance of permits set forth by Ordinances 52 and 59, the District may continue to receive and process applications, and grant permits, which propose to intensify interior residential water use through an existing water meter, provided the proposed intensification shall not exceed the net increase of 10 fixture units for the parcel served by that water meter or connection. Each such application shall include the written approval of the appropriate Jurisdiction. The net increase in fixture units shall be computed as follows: (Step 1) the District shall determine the number of fixture units installed on that site on January 1, 1991; (Step 2) the number derived by Step One shall be reduced by any reduction in fixture units caused by a mandatory retrofit requirement of the District (e.g. retrofit-on-resale) on or after January 1, 1991; (Step 3) the application shall be granted only if the proposed number of fixture units causes an increase by ten (10) fixture units (or less) than the number of units set forth by Step Two.

Section Four: Accounting for New Water Use.

Each permit for new or intensified water use in the Cal-Am system on or after January 1, 1991 shall be quantified to enable the process by which that water use shall eventually be debited from the appropriate Jurisdiction or District Reserve allocation when those water allocations can be created from the next available increment of new water supply.

Section Five: Cap on Water Allowed by Variance.

Notwithstanding any other provision set forth in Ordinances 52 and 59, or in this ordinance, the District shall cease granting any permit which authorizes new or intensified water use in any Jurisdiction where the total quantity of new or intensified water use permitted on or after January 1, 1991 shall equal or exceed any of the amounts set forth in this section:

Carmel by the Sea.....	15.07 af
Del Rey Oaks.....	3.76 af
Monterey (City).....	71.98 af
Pacific Grove.....	21.43 af
Sand City.....	47.52 af
Seaside.....	61.11 af
Monterey County.....	83.37 af
Monterey Peninsula Airport District.....	3.76 af

Section Six: Definitions.

Unless the context specifically indicates otherwise, all words and phrases used in this ordinance shall be given definitions as set forth in Rule 11 of the District Rules and Regulations, or as set forth in Ordinance 52, or as set forth in Ordinance 59.

Section Seven: Republication of Ordinances 52 and 59.

Except as modified by this ordinance, the provisions enacted by Ordinance 52 and Ordinance 59 shall remain unchanged by this ordinance, and shall hereby be republished.

Section Eight: Effective Date.

This ordinance shall be given effect at 12:01 a.m., August 1, 1992.

Section Nine: Review and Sunset.

The standards enacted by this ordinance to limit the issuance of water connection permits shall be reviewed at the time any new supply of water has been developed which augments the available supply from the Monterey Peninsula Water Resource System. Until a new supply of water is developed, this ordinance shall have no sunset provision.

Section Ten: Publication and Application.

The provisions of this ordinance shall not be published in the permanent Rules and Regulations of the Monterey Peninsula Water Management District, but shall be separately distributed together with those Rules. This Ordinance shall be read in conjunction with and compliment those provisions of the District's Rules and Regulations, provided, however that the provisions of this measure shall take precedence and supersede any contradictory provision of those rules. This Ordinance shall also be read in conjunction with and compliment those provisions of District Ordinance 52 and 59, provided, however that the provisions of this measure shall take precedence and supersede any contradictory provision of those ordinances.

Section Eleven: 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 Long, and second by Director Karas, the foregoing ordinance is adopted this 20th day of July, 1992, by the following vote:

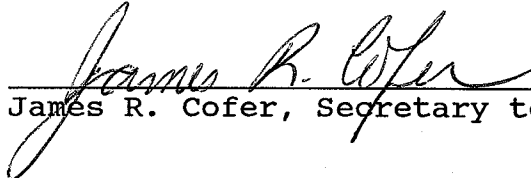
AYES: Directors Hekhuis, Long, Heuer, Hughes, Pendergrass, Karas

NAYS: Director Farina

ABSENT: None

I, James R. Cofer, 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 this 20th day of July, 1992.

Witness my hand and seal of the Board of Directors this 23rd day of July, 1992.



James R. Cofer, Secretary to the Board

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