

ORDINANCE NO. 66

AN URGENCY ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AMENDING CREDIT PROVISIONS FOR COMMERCIAL APPLICATIONS

FINDINGS

1. Ordinance 52 enacted a temporary moratorium on new uses of water as an interim measure required by the over-dedication of existing water supplies. Ordinance 52 allowed select new water connections during the moratorium.
2. Ordinance 60 modified the District's permit process, and Ordinance 62 added an exemption to the continuing moratorium to enable minor additions and remodels to existing residential water meters. Thereafter, Ordinance 64 equitably addressed the class of residential water use applicants who planned to re-use water credits caused by a reduction in fixture units at those sites, but were prohibited from so doing by rules and practices then used by District staff.
3. A small class of commercial applications (approximately 4) was also affected by Ordinance 62, but the effect of Ordinance 64 was limited to residential applications. This ordinance equitably addresses concerns of this four (4) member class in a manner similar to that afforded the class of residential applicants under Ordinance 64.
4. Reuse of the limited quantity of conserved water for this small class is equitable, and shall not cause an undue increase in the burden to our water resource system. The reuse of water shall nonetheless be strictly accounted for, and that water use should be debited from anticipated savings caused by mandated conservation measures.
5. In all other respects, the moratorium on new water use permits enacted by Ordinance 52, and the amendments to that ordinance caused by Ordinance 62 shall remain unchanged by this ordinance.
6. This ordinance shall promote the public health, safety and welfare of the community. Accordingly, this ordinance is enacted as an urgency measure, and shall take effect upon its adoption.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title.

This Ordinance shall be known as the Commercial Re-Use Credit 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 and 62 shall remain unchanged by this ordinance. The continuing moratorium on all 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.

Section Three: Authorization for the Re-use of Water Conservation Credits for a Specific Class of Commercial Applications.

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

"E. Authorization for Specific Commercial Applications."

1. Notwithstanding the limit on the issuance of permits set forth by Ordinance 52, the District may continue to receive and process applications, and grant permits pertaining to existing water meters and water connections for the projects as set forth in this section.

- a. Seaside Development; conversion of a print shop to a bakery in the City of Carmel, with new water use not to exceed 0.12 acre feet/year.
- b. Forest Hill Manor; addition to a skilled nursing facility, with new water use not to exceed 8.59 acre feet/year.
- c. Robert Louis Stevenson; student dorms and faculty housing and student center, with new water use not to exceed 5.37 acre feet/year.
- d. St. Phillip's Lutheran Church; sunday school classrooms and meeting area, with new water use not to exceed 0.07 acre feet/year.

2. The new or intensified use authorized pursuant to this section shall have been offset by a Water Conservation Credit (permanent abandonment of some or all prior water use on that Site) which has been achieved within the past twenty four (24) months. District staff (1) shall verify that the all water use reductions are permanent, and (2) shall quantify reduced water use (abandoned capacity). Credit shall not be given for any reduction which occurred more than

twenty four (24) months prior to the date of the application.

3. Each application for a permit based on this section shall require approval of the city or county. The amount of water placed back into service by reason of the permits authorized pursuant to this section shall not be deducted from any city, county or District allocation. Instead, in all future calculations of water available for use from the Monterey Peninsula Water Resource System, the quantity of water re-used under this ordinance shall be deducted from water savings which are anticipated to be achieved as a part of the District's long term 15% conservation goal.

4. No permit shall be issued pursuant to this Paragraph E after December 31, 1993.

Section Four: Accounting for Reductions in Water Savings.

Each water use permit based upon the re-use of water credits allowed by this ordinance shall be quantified to enable the accurate accounting of future water conservation within the Cal-Am water distribution system. Although the amount of water which is placed back into service shall be quantified, that quantity shall not be deducted from any city, county or District allocation. Instead, in all future calculations of water available for use from the Monterey Peninsula Water Resource System, the quantity of water re-used under this ordinance shall be deducted from water savings which are anticipated to be achieved as a part of the District's long term 15% conservation goal.

Section Five: 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 Six: Republication of Ordinance 52

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

Section Seven: Urgency Ordinance Taking Immediate Effect.

This ordinance shall be adopted with urgency effect, and shall therefore take effect at 12:01 a.m. on the day following its adoption.

Section Eight: Publication and Application.

This ordinance shall not be published in the permanent Rules and Regulations of the Monterey Peninsula Water Management District. 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, 59, 62 and 64 provided, however that the provisions of this measure shall take precedence and supersede any contradictory provision of those ordinances.

Section Nine: Sunset Date

This ordinance shall not have continuing effect, but shall have the same sunset date as Ordinance 52.

Section Ten: 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 Heuer , and second by Director Long , the foregoing ordinance is adopted this 16th day of November , 1992, by the following vote:

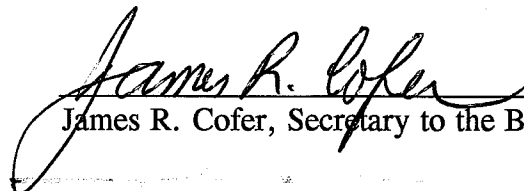
AYES: Directors Farina, Heuer, Pendergrass, Hekhuis, Long, Karas and Hughes.

NAYS: None.

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 16th day of November , 1992.

Witness my hand and seal of the Board of Directors this 14th day of December , 1992.


James R. Cofer, Secretary to the Board