



AGENDA

Water Demand Committee

Thursday, October 1, 2026, at 1:30 p.m. | Virtual Meeting

COMMITTEE MEMBERS	STAFF	<u>Mission Statement</u>
Alvin Edwards – Chair Marianne Gawain Ian Oglesby Rebecca Lindor - Alternate	David J. Stoldt, General Manager Mike McCullough, Assistant General Manager Mollie Wooden, Water Demand Manager	Sustainably manage and augment the water resources of the Monterey Peninsula to meet the needs of its residents and businesses while protecting, restoring, and enhancing its natural and human environments. <u>Vision Statement</u> Model ethical, responsible, and responsive governance in pursuit of our mission. <u>Board's Goals and Objectives</u> Are available online at https://www.mpwmd.net/who-we-are/mission-vision-goals/

Join the meeting at:

<https://mpwmd-net.zoom.us/j/82327613887?pwd=AER4mySfSJiaGskwbZaVa4voytu0Bs.1>

Webinar ID: **823 2761 3887** | Password: **100126** | To Participate by Phone: **(669) 900-9128**

For detailed instructions on how to connect to the meeting, please click the link below:

<https://www.mpwmd.net/instructions-for-connecting-to-the-zoom-meetings/>

Copies of the agenda packet are available for review on the District website (www.mpwmd.net) and at 5 Harris Court, Bldg. G, Monterey, CA.

Call to Order / Roll Call

Additions and Corrections to the Agenda

Comments from Public – *The public may comment on any item within the District's jurisdiction. Please limit your comments to three (3) minutes in length.*

Action Items – *Public comment will be received. Please limit your comments to three (3) minutes per item.*

1. Consider Adoption of Committee Meeting Minutes from August 6, 2026
2. Consider a Multi-Family Residential Site Amnesty and Rebate Program
3. Review Draft Ordinance No. 203 Adding a Prohibition on Irrigation of Non-Functional Turf with Potable Water and Amending Rules 11, 23, 24, 25.5, 141, 142.1 and 162

Discussion Items – *Public comment will be received. Please limit your comments to three (3) minutes per item.*

4. Update on Water Demand Outreach Activities
5. Update on Non-Functional Turf Progress

Suggest Items to be Placed on Future Agendas

Adjournment

Accessibility
In accordance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Please send a description of the requested materials and preferred alternative format or auxiliary aid or service at least 48 hours prior to the scheduled meeting date/time. Requests should be forwarded to Sara Reyes by e-mail at sara@mpwmd.net or at (831) 658-5610.
Options for Providing Public Comment
Submission of Written Public Comment Send written comments to District Office, 5 Harris Court, Building G, Monterey, CA or online at comments@mpwmd.net . Include the following subject line: "PUBLIC COMMENT ITEM #" (insert the agenda item number relevant to your comment). Written comments must be received by 12:00 PM on the day of the meeting. All submitted comments will be provided to the Committee, compiled as part of the record, and placed on the District's website as part of the agenda packet for the meeting. Correspondence is not read during public comment portion of the meeting.
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<i>Refer to the Meeting Rules to review the complete Rules of Procedure for MPWMD Board and Committee Meetings: https://www.mpwmd.net/who-we-are/board-of-directors/meeting-rules-of-the-mpwmd/</i>

WATER DEMAND COMMITTEE

ITEM: ACTION ITEM

1. CONSIDER ADOPTION OF COMMITTEE MEETING MINUTES FROM AUGUST 6, 2026

Meeting Date: October 1, 2026

From: David Stoldt,
General Manager

Prepared By: Sara Reyes

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Exhibit 1-A contains the draft minutes from the Water Demand Committee meeting held on August 6, 2026.

RECOMMENDATION: Staff recommends that the Water Demand Committee adopt the draft minutes.

EXHIBIT:

1-A Draft Minutes from August 6, 2026 Water Demand Committee Meeting



EXHIBIT 1-A

Draft Minutes Water Demand Committee Meeting Thursday, August 6, 2026, at 1:30 p.m. Meeting Location: Zoom

Call to Order / Roll Call

Chair Edwards called the meeting to order at 1:32 p.m.

Committee Members Present

Alvin Edwards
Ian Oglesby (arrived at 1:38 PM)
Marianne Gawain

Committee Members Absent

None

District Staff Members Present

Dave Stoldt, General Manager
Mike McCullough, Assistant General Manager
Mollie Wooden, Water Demand Manager
Stephanie Locke
Sara Reyes, Board Clerk

District Counsel Present

Michael Laredo, De Lay & Laredo
Fran Farina, De Lay & Laredo

Additions and Corrections to the Agenda

None

Comments from the Public

Chair Edwards opened the public comment period. No comments were received.

Action Items

Chair Edwards introduced the action item.

1. Consider Adoption of Committee Meeting Minutes from June 4, 2026

On a motion by Gawain, seconded by Edwards, the minutes of the June 4, 2026, committee meeting were approved by the following roll call vote: 2 Ayes (Gawain and Edwards), 0 Noes, and 1 Absent (Oglesby).

Discussion Items

Chair Edwards introduced the discussion items.

2. Update on Summer Splash

Mollie Wooden, Water Demand Manager, reported that Summer Splash participation increased approximately 12 percent over the previous year. Most participants learned about the challenge through MPWMD and Cal-Am emails, while Facebook advertising and outreach through Monterey Bay Parent also increased participation. Winners will be announced in early September after all mail-in entries are received, and staff are coordinating with Cal-Am on the prizes.

Chair Edwards opened the public comment period; however, no comments were received.

3. Response to City of Carmel Letter

General Manager Dave Stoldt presented a proposed response to the City of Carmel regarding future water allocations. He recommended maintaining flexibility in how jurisdictions use their allocations and assessing usage based on issued permits. Additional allocations would be considered as jurisdictions approach their limits, and a formal policy could be developed if directed by the Committee.

Chair Edwards opened the public comment period, during which the following comment was received:

- 1) Andrew Myrick, City of Seaside, expressed concern that the proposed response lacked clear criteria for future water allocations and could discourage jurisdictions from using their existing allocations. He recommended a formal policy allowing allocations to be replenished as permitted water use occurs and requested review by the Technical Advisory Committee before consideration by the Board.

After discussion, the Committee requested that the item be presented to the Board for discussion at its next meeting. Mr. Stoldt added that staff will distribute the proposed response to local planners before the meeting.

Suggest Items to Be Placed on a Future Agenda

No items were presented.

Adjournment

There being no further business, Chair Edwards adjourned the meeting at 2:02 p.m.

/s/ Sara Reyes

Sara Reyes, Board Clerk to the
MPWMD Water Demand Committee

Approved by the MPWMD Water Demand Committee on _____.

Received by the MPWMD Board of Directors on _____.

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WATER DEMAND COMMITTEE

ITEM: ACTION ITEM

2. CONSIDER A MULTI-FAMILY RESIDENTIAL SITE AMNESTY AND REBATE PROGRAM

Meeting Date: October 1, 2026 **Budgeted:** Yes

From: David J. Stoldt,
General Manager **Program/
Line Item No.:** Water Conservation and
Rebates

Prepared By: Mollie Wooden **Cost Estimate:** \$535,500 over two years

General Counsel Review: To be completed

Committee Recommendation: To be completed

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY: Ordinance No. 178, adopted in 2017, required Multi-Family Residential Sites and Common Interest Developments with four or more Dwelling Units to meet specified water-efficiency standards by January 1, 2019, including a requirement for High Efficiency Clothes Washers (HEWs) in Common Laundry Rooms. Common Laundry Rooms provide excellent opportunities for water conservation because the frequency of use for each Clothes Washer is much greater than in-home machines. Most older coin-operated Clothes Washers have a Water Factor rating of 12 to 14, using 35-45 gallons per load. Newer water efficiency models have a Water Factor rating of 4.3 or less, using less than 18 gallons per load.

Staff selected the City of Monterey as the first Jurisdiction for focused inspection and enforcement of the requirements. Of 370 known Multi-Family Residential Sites, 219 were inspected and 71 failed. Sixty-five Sites had a noncompliant Clothes Washer: Fifty-two of those were owner-owned, and the remainder were rented through a third party.

Measure	Result
Known Multi-Family Residential Sites	370
Sites inspected	219
Sites that failed inspection	71
Sites that failed for a noncompliant HEW	65
Owner-owned noncompliant Clothes Washers	52

The District's goal is to achieve compliance with water conservation requirements while ensuring that required retrofits are completed and water savings are realized. Under the District's standard enforcement process, a Notice of Non-Compliance is recorded on the property title after repeated written notifications to the property owner. Once recorded, the Notice remains in place until the property changes ownership, the owner applies for a Water Permit, or the District takes further legal action to achieve compliance. Rather than relying solely on enforcement measures that may not result in completed retrofits or water savings, staff has determined that offering compliance incentives through Rebates would be a more effective approach to encouraging property owners to complete the required retrofits and achieving the intended water savings.

It should be noted that, when Ordinance No. 178 was adopted, letters were mailed to Multi-Family Residential property owners and managers outlining the requirements and compliance deadline. The letters also provided information about available Rebate opportunities, which were offered through the compliance deadline. Rebates are no longer available once a retrofit becomes mandatory, which these did in 2019.

Staff would like the Water Demand Committee to support a time-limited Common Laundry Room Amnesty Program to achieve the required retrofits and realize real water savings.

DISCUSSION:

Staff proposes a time-limited amnesty and temporary \$750 Rebate per qualifying HEW, limited to four Clothes Washers per Site. Sites with more than 4 Clothes Washers may request additional Rebates for additional qualifying Clothes Washers, subject to General Manager approval and shall agree to have a deed restriction recorded on the title of the property allowing public access to water use records prior to issuance of a Rebate. This deed restriction would allow Staff to monitor reduced consumption directly related to this program. Correcting the 65 known HEW failures in the City of Monterey would reduce consumption by approximately 50% per load of laundry.

The Board has previously authorized a highly successful Amnesty Program that resulted in closure of 84 percent of non-compliant Water Permits. Resolution No. 2024-13 authorized a one-time amnesty through September 30, 2025, for a defined class of older open Water Permits. It temporarily suspended selected applications, Capacity Fee, plan-stamping, water-use calculation, and enforcement-fee rules so owners could close permits that might otherwise remain open indefinitely.

The proposed Common Laundry Room Retrofit Program would follow the basic structure of Resolution No. 2024-13 by defining an eligible class, setting a fixed deadline, temporarily waiving specified charges, and requiring compliance as a condition of relief. Unlike Resolution No. 2024-13, this program would help fund physical retrofits. Staff are proposing a \$750 rebate based on the following criteria: Enrollment would close December 31, 2028, subject to availability of funds, with early termination if the program materially affects availability of other Rebates.

Program Element	Proposed Requirement
Eligible Site	A Multi-Family Residential Site or Common Interest Development with four or more

	Dwelling Units and a noncompliant Clothes Washer in a Common Laundry Room. Property must be served by California American Water.
Eligible Applicant	The property owner or an Applicant with written authorization from the current property owner or property manager, consistent with Rule 141-E-4. (See below)
Rebate	\$750 per qualifying HEW, limited to four Clothes Washers per Site. An additional Rebate(s) may be available given General Manager approval and deed restriction. Rebate shall not exceed the actual cost of the appliance.
Amnesty	Waiver of designated lien-removal, reinspection, or administrative charges arising from the disclosed washer violation. Qualification for Rebate for mandatory retrofit.
Payment	Installation documentation and a passing final District inspection of the entire Site is required before payment.
Funding	Budgeted funds for Rebate program. First come, first served subject to available funds through Cal-Am's 2027-29 General Rate Case and possibly from District funds for non-Cal-Am customers. Monitor for impact on availability of Rebates for other devices, and consider closing program if needed.

FISCAL IMPACT

The City of Monterey trial provides the basis for estimating District-wide costs for a Common Laundry Room Retrofit Program. Of approximately 1,700 Multi-Family Residential Sites, staff assume 70 percent, or 1,190 Sites, will be inspected. At a projected 30 percent HEW failure rate, 357 Sites may qualify. With an average of two Clothes Washers per Site and a \$750 Rebate, the projected two-year cost is \$535,500, or \$267,750 per year if every eligible Site applied.

Planning Assumption	Amount
Estimated Multi-Family Residential Sites in the District	1,700

Expected inspection participation	70%
Expected inspections	1,190
Projected HEW failure rate	30%
Projected eligible Sites	357
Average Clothes Washers per Site	2
Projected Rebates	714
Rebate amount	\$750
Two-year projected cost	\$535,500
Average annual cost	\$267,750

The proposed three-year conservation budget refundable by California American Water is \$1,100,000, or \$367,000 per year. If average annual Rebate expenditure of \$239,000 continues, and Staff sees 100% participation and qualification of Rebate Applications, total Rebate expenditures would be approximately \$1,252,500, leaving the overall 3-year period with a deficit of -\$152,500. However, Staff have seen decreasingly lower participation as Sites become more saturated with High Efficiency appliances, the past three-year funding period decreased 45% from Year 1 to Year 2, and another 23% from Year 2 to Year 3. Ordinance No. 201 also decreased several of the amounts offered for the Rebates. Based on the declining participation and decreased amount offered for Rebates in Table XIV-1, Staff assume the average Rebate use to be closer to \$155,000. This would leave \$99,500 left in the Rebate budget. Because actual participation may be lower or higher in both the Rebate Program and the proposed program, Staff recommends periodic reporting and authority to stop new reservations if funding becomes constrained.

Budget measure	100% participation	Expected participation
Proposed three-year Monterey District Rebate budget (2027-2030)	\$1,100,000	\$1,100,000
Average Rebate-budget use	\$717,000	\$465,000
Best-case Rebate for MFD HECW	\$535,500	\$535,500
Remaining annual capacity after projected MFD HEW Rebates	-\$152,500	\$99,500

PROGRAM CONTROLS

- Staff shall confirm California American Water (Cal-Am) reimbursement before implementing the program. Funding for non-Cal-Am rebates will be from the non-Cal-Am budget for Rebates. Rebates will be issued after verification of compliance and after funding is received from Cal-Am.
- Limit each Site to four HEWs per Site unless Site obtains General Manager approval and agrees to have a deed restriction recorded on the title of the property allowing public access to water use records prior to issuance of a Rebate. Rebate and the Rebate is not more than actual eligible cost.
- Report enrollment, inspections, HEWs installed, funds reserved, funds paid, and estimated water savings to the Board periodically.
- Analyze reports when program reaches 50% of anticipated Rebate funds allocated to establish the effect on the rest of the Rebate program.
- Seek Board approval for early termination if the program materially affects other Rebates.

RECOMMENDATION: The Water Demand Committee should support staff's proposal for a Common Laundry Room Retrofit Program and provide direction if needed. Staff is prepared to introduce a resolution to initiate the program at the October 2026 Board meeting. The resolution and staff report will be considered by the Finance and Administration Committee prior to the Board meeting. The Rebate would be a maximum of \$750 per qualifying HEW with limit to four HEWs per Site unless Site obtains General Manager approval for additional Rebate and the Rebate is not more than actual eligible cost with applications due December 31, 2028.

EXHIBIT

2-A Draft Resolution No. 2026-11

EXHIBIT 2-A

DRAFT

RESOLUTION NO. 2026-11

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT ESTABLISHING A TEMPORARY MULTI-FAMILY RESIDENTIAL SITE CLOTHES WASHER AMNESTY AND REBATE PROGRAM

WHEREAS: Ordinance No. 178 amended Rule 142-F to require Multi-Family Residential Sites and Common Interest Developments with four or more Dwelling Units to meet water efficiency standards before January 1, 2019, including High Efficiency Clothes Washers (HEWs) in Common Laundry Rooms; and

WHEREAS: The District has identified noncompliant Clothes Washers in Common Laundry Rooms, and timely replacement would reduce Water Use; and

WHEREAS: Rule 141-C-2 presently excludes a Rebate for a Qualifying Device required by District regulation, and a conforming amendment is necessary to authorize the temporary Rebate described in this Resolution; and

WHEREAS: The Board desires to establish a limited amnesty and a reduced \$750 Rebate to encourage prompt compliance, subject to available funds, reimbursement, inspection, and a fixed application deadline;

THEREFORE, BE IT RESOLVED THAT: The Board of Directors of the Monterey Peninsula Water Management District hereby adopts the following provisions:

- 1. Program and scope.** The temporary Multi-Family Residential Site HEW Amnesty and Rebate Program is established for eligible Sites throughout the District. Capitalized terms have the meanings assigned in Rule 11 unless otherwise stated.
- 2. Rebate.** An eligible Applicant may receive \$750 for each qualifying HEW installed to replace a noncompliant Clothes Washer in a Common Laundry Room, for no more than four Clothes Washers per Site, unless approved by the General Manager and Applicant agrees to have a deed restriction recorded on the title of the property allowing public access to water use records prior to issuance of a Rebate. Payment shall not exceed the actual purchase price, nor shall it or duplicate another Rebate or credit for the same device.
- 3. Limited amnesty.** For a disclosed, eligible Common Laundry Room Clothes Washer violation corrected under this program, the District shall waive any relevant fees and charges. Amnesty does not excuse other violations, requirements, or ongoing compliance.

4. **Application and verification.** Applications must be received before December 31, 2028. The property owner, or an Applicant with written authorization from the current property owner or property manager, may apply. The District shall verify eligibility, efficiency requirements, installation documentation, and conduct a passing final District inspection before payment.
5. **Funding and oversight.** Rebates shall be offered first come, first served only while funds are available. Staff shall confirm California American Water (Cal-Am) reimbursement before implementing the program. Funding for non-Cal-Am rebates will be from the non-Cal-Am budget for Rebates. Rebates will be issued after verification of compliance and after funding is received from Cal-Am. Staff will report periodically to the Water Demand Committee on participation, inspections, installations, expenditures, and estimated water savings. Staff shall stop accepting new Applications when available funds are committed and return to the Board if the program is or has the potential to materially affect other Rebates.
6. **Effective date and expiration.** The Rebate and any waiver of fees and charges shall take effect upon the effective date of this Resolution. The application period ends December 31, 2028, unless the Board ends it earlier

PASSED AND ADOPTED this ____ day of _____, 2026, on a motion by Director _____, seconded by Director _____, by the following vote:

AYES:
NAYES:
ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing Resolution was duly adopted on the ____ day of _____, 2026.

Dated: _____

David J. Stoldt,
Secretary to the Board

WATER DEMAND COMMITTEE

ITEM: ACTION ITEM

3. REVIEW DRAFT ORDINANCE NO. 203 ADDING A PROHIBITION ON IRRIGATION OF NON-FUNCTIONAL TURF WITH POTABLE WATER AND AMENDING RULES 11, 23, 24, 25.5, 141, 142.1 AND 162

Meeting Date: October 1, 2026 **Budgeted:** N/A

From: David J. Stoldt,
General Manager **Program/
Line Item No.:**

Prepared By: Stephanie Locke **Cost Estimate:** N/A

General Counsel Review: Review will take place prior to second reading.

Committee Recommendation: The Water Demand Committee reviewed this ordinance on October 1, 2026, and recommended _____

CEQA Compliance: To be determined prior to second reading.

SUMMARY: Ordinance No. 203 is part of the District's ongoing effort to update and clarify its Rules and Regulations in support of the Board's 2026 Strategic Goal #6, *Update and Prioritize District Rules and Regulations*. The ordinance makes targeted changes to implement State requirements, incorporate Water Demand Committee direction, and clarify existing water-use, permitting, rebate, and landscape provisions.

The most significant substantive change is the addition of new Rule 142.2, which implements the State prohibition on the use of Potable Water to irrigate Non-Functional Turf. The ordinance also adds related definitions to Rule 11 and updates Rule 142.1 to reference the new prohibition.

Other substantive amendments include:

- **Water Permits:** Eliminates Conditional Water Permits, adds a Limitation for Use of Water Deed Restriction as a permit condition, and clarifies that Water Meters are required for all Users, including Users served by Wells as a condition of the Water Permit.
- **Water Use Capacity:** Clarifies the calculation of capacity for Common Laundry Rooms and incorporates the Water Demand Committee's direction regarding multiple High-Efficiency Dishwashers.
- **Rebates and Water Use Credits:** Clarifies that an appliance receiving a rebate is not eligible for a Water Use Credit and provides limited rebate eligibility for mandatory appliances replaced through special District programs, such as the proposed amnesty program item on this agenda.
- **Landscape Requirements:** Updates provisions related to Non-Functional Turf, restores inadvertently deleted provisions concerning rainwater storage, and makes the lawn-

removal deed restriction permanent unless a Landscape Water Permit is issued to reinstall the lawn.

- **Administrative Updates:** Corrects regulation and table numbering, updates table references, eliminates duplicate table numbering, and makes other clarifying and organizational changes.

The ordinance is intended to improve the clarity, consistency, and administration of the District's Rules and Regulations while incorporating applicable State requirements and previously adopted Board or Water Demand Committee direction. The ordinance would become effective 30 days after adoption at second reading.

RECOMMENDATION: The Water Demand Committee should review the draft ordinance and recommend support of the ordinance as it moves to first reading.

EXHIBIT

3-A Ordinance No. 203

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EXHIBIT 3-A

FIRST READING

ORDINANCE NO. 203

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT ADDING A PROHIBITION ON IRRIGATION OF NON-FUNCTIONAL TURF WITH POTABLE WATER AND AMENDING RULES 11, 23, 24, 25.5, 141, 142.1 AND 162

FINDINGS

1. The Monterey Peninsula Water Management District was created to address ground and surface water resources in the Monterey Peninsula area, which the Legislature found required integrated management, and was endowed with the powers set forth in the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977, found at West's Water Code, Appendix, Section 118-1, et seq.).
2. Draft Ordinance No. 203 is the third of several ordinances intended to update and clarify the District's Rules and Regulations in support of the Board's 2026 mid-level Strategic Goal #6: Update and Prioritize District Rules and Regulations. This ordinance deletes non-functional and outdated rules, relocates policies for better flow, and updates older rules.
3. The Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.
4. California Senate Bill 1139 authorizes the Monterey Peninsula Water Management District to enforce state prohibitions against using Potable water for irrigating nonfunctional turf with Potable water on Commercial, Industrial, and Institutional properties.
5. Assembly Bill (AB) 1572 was passed in 2023 and amended the California Water Code to prohibit the use of Potable water for irrigation of nonfunctional turf on Commercial, Institutional, and Industrial Sites, as well as on common areas of homeowners' associations and similar entities.
6. AB 1572 established phased compliance deadlines based on property type, with the first

compliance deadline being January 1, 2027, for properties owned by local governments, local or regional public agencies, and Public Water Systems.

7. Ordinance No. 203 adds the provisions of AB 1572 to Rule 142.2 and adds related definitions to Rule 11.
8. This ordinance makes formatting changes to align provisions with the appropriate rule numbers, adds regulation references to tables, rennumbers Table XVI-6 to eliminate a duplicate table number, and makes other edits for clarification.
9. This ordinance implements June 4, 2026, direction from the Water Demand Committee regarding multiple High Efficiency Dishwashers in a Dwelling Unit.
10. This ordinance removes the program for Conditional Water Permits as water is now available in Jurisdiction Allocations.
11. This ordinance supports the District's metering requirements by clarifying that Water Meters are required as a condition of a Water Permit for all Users, including Users served by Wells.
12. CEQA finding to be added prior to second reading.

NOW THEREFORE, be it ordained:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the "Third 2026 Rule Update Ordinance" of the Monterey Peninsula Water Management District.

Section Two: Purpose

This ordinance is the third of several ordinances intended to update and clarify the District's Rules and Regulations in support of the Board's mid-level Strategic Goal #6: Update and Prioritize District Rules and Regulations. This ordinance focuses on adding a prohibition on Potable irrigation of non-functional turf and implementing direction from the Water Demand Committee.

Section Three: Renumbering of Regulations

Over the years, regulations have been added and others have become obsolete. The regulation numbering system in the District's Rules and Regulations should track with the rule numbers, however this numbering system was not maintained with Regulation XV (15), XVI (16), and XVII (17).

- A. By adoption of this ordinance, regulation titles shall be revised as follows: Rules 160-169 shall be found in Regulation XVI (16), The Monterey Peninsula Water Conservation and Rationing Plan. Rules 180-189 shall be found in Regulation XVIII Ex Parte Communication, and Rules 190-199 shall be found in Regulation XIX (19) Claims, and the Table of Contents of the Rules and Regulations shall be updated to reflect these changes.
- B. Tables and references to tables found in (renumbered) Regulation XVI shall be renumbered as follows:
 - a. Table XV-1, Regulatory Water Production Targets for All California American Water Systems from Sources Within The Monterey Peninsula Water Resource System, shall be renumbered to XVI-1;
 - b. Table XV-2, Regulatory Water Production Targets for California American Water Satellite Systems from Sources Within The Monterey Peninsula Water Resource System, shall be renumbered to XVI-2;
 - c. Table XV-3, Regulatory Water Production Targets for California American Water Systems from Carmel River Sources Within The Monterey Peninsula Water Resource System, shall be renumbered to XVI-3;
 - d. Table XV-4, Regulatory Water Production Targets for All California American Water Systems from Other Sources Within The Monterey Peninsula Water Resource System, shall be renumbered to XVI-4;
 - e. Table XV-5, Physical Supply Target for the California American Water Main System for the May-September 2025 and All WY 2026, shall be renumbered to XVI-5; and
 - f. Table XV-5, Water Waste Fines, shall be renumbered to XVI-6.

- C. Tables found throughout the Rules and Regulations shall be renumbered with the regulation number before the table number, consistent with the table references in Section 3-B, above.

Section Four: Prohibition on Irrigation of Non-Functional Turf with Potable Water

The District adopts subsections (a) and (b) of California Water Code section 10608.14, which prohibit the use of Potable Water to irrigate Non-Functional Turf as specified in those provisions, as amended from time to time. The terms used in Rule 142.2 have the meanings provided in California Water Code section 10608.12, as amended from time to time.

- A. The following definitions shall be added to Rule 11, Definitions, to support Rule 142.2:

COMMON AREA – “Common Area” shall mean that portion of a Common Interest Development or of a property owned or managed by a homeowners' association or a community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants of an individual Dwelling Unit within the property.

DISADVANTAGED COMMUNITY – “Disadvantaged Community” shall mean a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

FUNCTIONAL TURF – “Functional Turf” shall mean turf grass used for sports, play, recreation, or other activities that require a functional turf surface, as defined by applicable California law. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is not functional turf.

INSTITUTIONAL USE – “Institutional Use” shall mean a water User dedicated to public service. This type of User includes, among other users, higher education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.

IRRIGATION – “Irrigation” means the application of water to landscape areas through irrigation systems, manual watering, or other means.

NON-FUNCTIONAL TURF – “Non-Functional Turf” shall mean turf grass that is not regularly used for sports, play, recreation, or other activities that require a

functional turf surface, as defined by applicable California law. Non-Functional Turf includes turf located within street rights-of-way and parking lots.

- B. The text found in **Exhibit A-1** shall be added as Rule 142.2, Prohibition on Irrigation of Non-Functional Turf with Potable Water.
- C. Rule 162-B shall be amended as shown in **Exhibit A-2** to include irrigation of non-functional turf with potable water as Water Waste.

Section Five: Renumbering of Tables in the Rules and Regulations

Tables in the Rules and Regulations shall be numbered using the regulation number, followed by a hyphen and the table number in consecutive order. For example, the Residential Fixture Unit Count, currently identified as Rule 24, Table 1, shall be renumbered Table II-1, and the Non-Residential Water Use Factors, currently identified as Table 2, shall be renumbered Table II-2.

Section Six: Amendments to Rule 23, Action on Application for a Water Permit to Connect to or Modify a Connection to an Existing Water Distribution System

Rule 23 shall be amended as shown in **Exhibit B-1**, the redlined version of the rule, and **Exhibit C-1**, the clean version of the rule reflecting the accepted redlines. The primary amendments include:

- 1. Deleting Conditional Water Permits now that Jurisdictions have water Allocations;
- 2. Implementing June 4, 2026, direction from the Water Demand Committee regarding multiple High Efficiency Dishwashers in a Dwelling Unit;
- 3. Adding a requirement for a Limitation for Use of Water deed restriction as a condition of a Water Permit; and
- 4. Clarifying that Water Meters are required as a condition of a Water Permit for all Users, including Users served by Wells.

Section Seven: Amendments to Rule 24, Calculation of Water Use Capacity and Capacity Fees

Rule 24 shall be amended as shown in **Exhibit B-2**, the redlined version of the rule, and **Exhibit C-2**, the clean version of the rule reflecting the accepted redlines. The primary amendments include:

1. Clarifying the calculation of Water Use Capacity for Common Laundry Rooms; and
2. Amending Table II-1, Residential Fixture Unit Count Values, to reflect the Water Demand Committee's direction regarding multiple High-Efficiency Dishwashers provided on June 4, 2026.

Section Eight: Amendments to Rule 25.5, Water Use Credits and Water Credits

Rule 25.5 shall be amended as shown in **Exhibit B-3**, the redlined version of the rule, and **Exhibit C-3**, the clean version of the rule reflecting the accepted redlines. The amendments are primarily for clarification, including clarifying that receipt of a rebate for an appliance makes that appliance ineligible for a Water Use Credit.

Section Nine: Amendments to Rule 141, Water Conservation Rebates

Rule 141 shall be amended as shown in **Exhibit B-4**, the redlined version of the rule, and **Exhibit C-4**, the clean version of the rule reflecting the accepted redlines. The amendments include:

1. Adding a provision to allow rebates for the replacement of mandatory appliances through special District programs when the appliances would otherwise be ineligible for a rebate.
2. Clarifying that behind-the-wall toilets do not qualify as Ultra-High-Efficiency Toilets;
3. Clarifying that receipt of a rebate for an appliance makes that appliance ineligible for a Water Use Credit; and
4. Changing the deed restriction for Lawn removal from 15 years to a permanent requirement unless a Landscape Water Permit is issued to replace Lawn, subject to the water efficiency requirements of Rule 142.1.

Section Ten: Amendments to Rule 142.1, Water Efficient Landscape Requirements

Rule 142.1 shall be amended as shown in **Exhibit B-5**, the redlined version of the rule, and **Exhibit C-5**, the clean version of the rule reflecting the accepted redlines. The amendments include:

1. Adding references to the prohibition on irrigation of Non-Functional Turf; and
2. Restoring language that was inadvertently deleted and provides direction for sites that use rainwater storage as part of an irrigation system.

Section Eleven: Effective Date

This ordinance shall take effect at 12:01 a.m. thirty days after its adoption at second reading.

Section Twelve: Severability

If any section, 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 independently irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

PASSED AND ADOPTED on this _____ day of _____ on a motion by Director _____, with a second by Director _____ by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing ordinance was duly adopted on the ____ day of _____ 2026.

Dated:

David J. Stoldt,
Secretary to the Board

Ordinance No. 203:
Exhibits A-1 and A-2

RULE 142.2 – PROHIBITION ON IRRIGATION OF NON-FUNCTIONAL TURF WITH POTABLE WATER

- A. The use of Potable water for the irrigation of Non-Functional Turf located on Non-Residential properties, other than a cemetery, and on properties of homeowners' associations, Common Interest Developments, and community service organizations or similar entities is prohibited as of the following dates:
1. All properties owned by the Department of General Services, beginning January 1, 2027.
 2. All properties owned by local governments, local or regional public agencies, and Public Water Systems, except those specified in paragraph (5), beginning January 1, 2027.
 3. All other Institutional Use Sites and all Commercial Use and Industrial Use Sites, beginning January 1, 2028.
 4. All Common Areas on Sites owned by homeowners' associations, Common Interest Developments, and community service organizations or similar entities, beginning January 1, 2029.
 5. All properties owned by local governments, local public agencies, and Public Water Systems in a Disadvantaged Community, beginning January 1, 2031, or the date upon which a state or local funding source is made available to fund conversion of Non-Functional Turf on these properties to climate-appropriate landscapes, whichever is later.
- B. The use of Potable water is not prohibited by this rule to the extent necessary to ensure the health of trees and other perennial non-turf plantings, or to the extent necessary to address an immediate health and safety need.
- C. The Board of Directors may, upon a showing of good cause for reasons including economic hardship, critical business need, and potential impacts to human health or safety, postpone a compliance deadline in Rule 142.2-A by up to three (3) years for certain persons, institutions, and businesses, and may create a form to be used for compliance certification to the District by property owners.
- D. Public Water Systems shall, by no later than January 1, 2027, revise their regulations,

ordinances, or policies governing water service to include the requirements of Rules 142.2-A and 142.2-B, and any extensions approved by the Board of Directors pursuant to Rule 142.2-C, and shall communicate the requirements to their customers on or before that date.

- E. An owner of Commercial, Industrial, or Institutional Use Sites with more than 5,000 square feet of irrigated area other than a cemetery shall certify to the board, commencing June 30, 2030, and every three years through 2039, that their property is in compliance with the requirements of this rule.
- F. An owner of a property with more than 5,000 square feet of irrigated Common Area that is a homeowners' association, Common Interest Development, or community service organization or similar entity shall certify to the board, commencing June 30, 2031, and every three years thereafter through 2040, that their property is in compliance with the requirements of this rule.
- G. Noncompliance by a person or entity with this rule or regulations adopted thereunder shall be subject to civil liability and penalties set forth in Section 1846, or to civil liability and penalties imposed by an urban retail water supplier pursuant to a locally adopted ordinance or policy.
 - 1. To avoid duplication of enforcement, the District shall notify the retail Public Water System thirty (30) days prior to enforcement of the provisions of this rule against a property served by such system.
 - 2. Nothing in paragraph (1) shall preclude enforcement once adequate notice is given.
- H. The District shall, when using funds appropriated for water conservation for turf replacement, prioritize financial assistance for Non-Functional Turf replacement to Public Water Systems serving Disadvantaged Communities and to owners of affordable housing.

Rule added by Ordinance No. 203 (X/XX/XX)

RULE 162 - STAGE 1 WATER CONSERVATION: PROHIBITION ON WATER WASTE

- A. Trigger. Stage 1 shall remain in effect at all times and shall apply to all Water Users subject to modification by the Board.
- B. Water Waste Prohibitions. Water Waste shall mean the indiscriminate, unreasonable, or excessive running or dissipation of water. Water Waste shall include, but not be limited, to the following:
 - 1. Waste caused by correctable leaks, breaks or malfunctions. All leaks, breaks, or other malfunctions in a Water User's plumbing or distribution system must be repaired within 72 hours of notification that a leak exists. Exceptions may be granted by the General Manager for corrections which are not feasible or practical.
 - 2. Indiscriminate or excessive water use which allows excess to run to waste.
 - 3. Washing driveways, patios, parking lots, tennis courts, or other hard surfaced areas with Potable water, except in cases where health or safety are at risk and the surface is cleaned with a Water Broom or other water efficient device or method. Water should be used only when traditional brooms are not able to clean the surface in a satisfactory manner.
 - 4. Power or pressure washing buildings and structures with Potable water, except when preparing surfaces for paint or other necessary treatments or when abating a health or safety hazard.
 - 5. Irrigation between 9 a.m. and 5 p.m. on any day, and irrigation on any day other than Saturdays and Wednesdays, except for irrigation overseen by a professional gardener or landscaper who is available on Site and that is not exceeding a maximum two watering days per week. This prohibition applies to hand watering with a hose, and irrigation systems whether spray, drip, or managed by a Smart Controller. Limited hand watering of plants or bushes with a small container or a bucket is permitted on any day at any time. Subsurface Graywater Irrigation Systems may also be operated at any time. An exemption may be given to a Non-Residential establishment whose business requires water in the course of its business practice (e.g. golf courses, nurseries, recreational space, among others) with notification by the business owner to the District, and subject to the approval of the General Manager.

Irrigation using water from a Well is exempt from the watering day restriction if irrigation is done in an efficient manner. Well irrigators located in urban areas are encouraged to display signage that indicates the water used for irrigation is from a Well or other Source of Supply on the Site.

6. Hand watering by a hose, during permitted hours, without a quick acting Positive Action Shut-Off Nozzle.
7. Irrigating during rainfall and for 48 hours after Measurable Precipitation.
8. Use of water for irrigation or outdoor purposes in a manner inconsistent with California's Model Water Efficient Landscape Ordinance (Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, and any successor regulations) where applicable, or in a manner inconsistent with local regulations.
9. Operation of fountains, ponds, lakes or other ornamental use of Potable water without recycling, and except to the extent needed to sustain aquatic life, provided such animals are of significant value and have been actively managed.
10. Individual private washing of cars with a hose except with the use of a Positive Action Shut-Off Nozzle.
11. Washing commercial aircraft, cars, buses, boats, trailers or other commercial vehicles with Potable water, except at water efficient commercial or fleet vehicle or boat washing facilities where equipment is properly maintained to avoid wasteful use.
12. In-Bay or Conveyor Car Washes permitted and constructed prior to January 1, 2014, that do not recycle and reuse at least 50 percent of the wash and rinse water. In-Bay or Conveyor Car Washes that were permitted and constructed after January 1, 2014, that do not either: (1) use and maintain a water recycling system that recycles and reuses at least 60 percent of the wash and rinse water; or (2) use Recycled Water provided by a water supplier for at least 60 percent of its wash and rinse water.
13. Charity car washes.

14. Use of Potable water for street cleaning.
15. Failure to meet MPWMD Regulation XIV water efficiency standards for an existing Non-Residential User after having been given a reasonable amount of time to comply.
16. Serving drinking water to any customer unless expressly requested, by a restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale.
17. Visitor-Serving Facilities that fail to adopt and promote towel and linen reuse programs and provide written notice in the rooms, whereby towels and linens are changed every three days or as requested by action of the guest.
18. Washing of livestock with a hose except with the use of a Positive Action Shut-Off Nozzle.
19. Transportation of water from the Monterey Peninsula Water Resource System without prior written authorization from the MPWMD.
20. Delivery, receipt, and/or use of water from an unpermitted Mobile Water Distribution System.
21. Unreasonable or excessive use of Potable water for dust control or earth compaction without prior written approval of the General Manager where Non-Potable Water or other alternatives are available or satisfactory.
22. Use of unmetered fire hydrant water by individuals other than for fire suppression or utility system maintenance purposes, except upon prior approval of the General Manager.
23. Water use in excess of a Water Ration.
24. Non-compliance with Regulations XIV and ~~XV~~XVI.
25. Non-compliance with Rule 142.2, Prohibition on Irrigation of Non-Functional Turf with Potable Water.

C. The following activities shall not be cited as Water Waste:

1. Flow resulting from firefighting or essential inspection of fire hydrants;
 2. Water applied to abate spills of flammable or otherwise hazardous materials, where water application is the appropriate methodology;
 3. Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available;
 4. Storm run-off;
 5. Flow from fire training activities during Stage 1 Water Conservation through Stage 3 Water Conservation;
 6. Reasonable quantities of water applied as dust control as required by the Monterey Bay Air Resources District, except when prohibited;
 7. When a Mobile Water Distribution System Permit is not obtained by a State licensed Potable water handler by reason of an emergency or health related situation, authorization for the Mobile Water Distribution System Permit shall be sought from the District by submittal of a complete application compliant with Rule 21, within five working days following commencement of the emergency or health related event.
- D. Prohibitions against Water Waste and Non-Essential Water Use shall be enforced by the District and its designated agents, unless indicated otherwise. All notices and assessments of Water Waste and/or excess water use charges made by a Water Distribution System Operator shall be reported to the District within thirty (30) days.
- E. Each occurrence of Water Waste or Non-Essential Water Use that continues after the Water User has had reasonable notice to cease and desist that type of water use shall constitute a Flagrant Violation.
- F. Repeated occurrences of Water Waste or Non-Essential Water Use, which continue or occur after the Water User has had a reasonable notice to cease and desist that type of water use, or which continues or occurs after the Water User has had a reasonable opportunity to cure any defect causing that type of water use, shall provide cause for the placement of a Flow Restrictor with a maximum flow rate of six (6) CCF/month within the water line or Water Meter. Exemptions to the installation of a Flow Restrictor as a

means to enforce the Water Ration shall occur when there are provable risks to the health, safety and/or welfare of the Water User. An exemption shall be made for Master Meters serving three or more Multi-Family Households or Master Meters serving both Residential and Non-Residential Users by substituting an excess water use charge equivalent to the appropriate Water Meter size, Rationing stage, and 4th offense amount times the number of Dwelling Units located on the Water Meter during each month in which a violation of the Water Ration occurs. The Responsible Party shall be liable for payment of all excess water use charges.

- G. Water Waste Fines shall be assessed as shown in Table XVI~~I-65~~. Table XVI~~I-65~~ may be amended by Resolution of the Board. Amendments to this table shall be concurrently made to the Fees and Charges Table found in Rule 60.
- H. In addition to Water Waste fines and fees described in this Rule 162, enforcement of all District Rules and Regulations is subject to District Regulation XI and may include an Administrative Compliance Order, a Cease & Desist Order, or other remedy available to the District under its Regulation XI.

Rule added by Ordinance No. 92 (1/28/99); amended by Ordinance No. 119 (3/21/05); Ordinance No. 125 (9/18/2006); Ordinance No. 134 (8/18/2008); Ordinance No. 135 (9/22/2008); Ordinance No. 137 (12/8/2008); Resolution No. 2009-17 (12/14/2009); Ordinance No. 142 (1/28/2010); deleted by Ordinance No. 169 (2/17/2016); Rule added by Ordinance No. 169 (2/7/2016); Ordinance No. 177 (9/18/2017); Ordinance No. 179 (8/20/2018)

Table XV-5
Water Waste Fines

First offense	No fee: Written notice and opportunity to correct the situation
Fine for first Flagrant Violation	\$100*
Fine for second Flagrant Violation within two (2) months	\$250*
Fine for third and subsequent Flagrant Violations within twelve (12) months	\$500*
Fine for Administrative Compliance Order or Cease & Desist Order	Up to \$2,500 per day* for each ongoing violation, except that the total administrative penalty shall not exceed one hundred thousand dollars (\$100,000.00) exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations
Late payment charges	Half of one percent of the amount owed per month
*Fines triple for customers using over 500,000 gallons/year	

Table XV-5 added by Ordinance No. 169 (2/17/2016)

Ordinance No. 203:
Exhibits B-1 through B-5
Red-Lined Rules

**RULE 23 - ACTION ON APPLICATION FOR A WATER PERMIT TO CONNECT TO
OR MODIFY A CONNECTION TO AN EXISTING WATER
DISTRIBUTION SYSTEM**

A. PROCESS

1. New and Amended Water Permit

- a. The General Manager shall review the application and determine whether the Applicant has met the criteria for a Water Permit. If additional information is required to complete the application, the Applicant shall be notified in writing within thirty (30) days of the initial application. Applications are subject to the rules in effect at the time the application is deemed complete.
- b. The General Manager shall determine if the District has temporarily delayed the issuance of new Water Permits pursuant to Regulation XV. If a temporary delay is in place that affects the application, no Water Permit shall be processed and the application shall be returned to the Applicant.
- c. The General Manager shall not process a Water Permit when any portion of the Site lies outside of the affected Water Distribution System Service Area. Annexation of the Site must be pursued.
- d. The General Manager shall not process a Water Permit when there is a previously issued Permit for a completed Project on the application Site and a final inspection by the District has not been conducted, or where the property is not in compliance with District Rules and Regulations or is non-compliant with conditions attached to previous District Permits.
- e. The General Manager shall calculate the appropriate Capacity Fee for the Project using Rule 24, Calculation of Water Use Capacity and Capacity Fees. Estimation of past and future water use should be done according to the Rule 24 methodology.
- f. When the application involves an Intensification of Use, the General Manager shall ensure that the total quantity of water permitted for all projects, including the current application, within a Jurisdiction shall not exceed that Jurisdiction's total Allocation. Similarly, for Projects not

subject to a Jurisdiction's Allocation, the General Manager shall ensure that the total quantity of water permitted for all Projects, including the current application, does not exceed the production limit, the Connection limit, or the total Water Entitlement available of the Water Distribution System serving the Project Site.

- g. When the Adjusted Water Use Capacity as determined in Rule 24 is a positive number, that amount of water shall be deducted from the Jurisdiction's Allocation or Water Entitlement as authorized on the Water Release Form. If additional water is required to meet the Adjusted Water Use Capacity of the Project and the Applicant is unable to reduce the Adjusted Water Use Capacity, the application shall be denied and returned to the Applicant to secure additional water resources.
- h. Intensification of Use allowed by a Water Permit shall result in a deduction from a Jurisdiction's Allocation (for Projects served by the Main California American Water System), from a Water Entitlement available to the property, or from the total available production limit for that Water Distribution System. Each Project which allows new, modified, or Intensified Water Use, shall require a Water Permit.
- i. When the application involves recordation of notices on the title of the property, all notices shall be recorded by the District prior to final issuance of a Water Permit. Additional information (e.g. trust documents, Articles of Incorporation) may be requested to verify ownership and to facilitate preparation of District notices.
- j. The General Manager shall collect payment of the appropriate Capacity Fee and processing fees and shall issue a receipt prior to final issuance of a Water Permit.
- k. When the application requests a Permit to install a new water meter for a fire suppression system, to extend a water main within the boundaries of the Water Distribution System, or to individually meter uses previously metered by one water meter (i.e. Meter Split), there shall be no processing fee.
- l. A digital copy of the District-approved Construction Plans and the Landscape Design Plan shall be retained by the District.

- m. The General Manager shall review the final Water Permit with the Applicant or his agent prior to securing a signature on the Water Permit and releasing the permit.
- n. Following Project completion, a final inspection of the Project shall be conducted by the District. Major Landscape Projects shall be audited by a Certified Landscape Irrigation Auditor and corrections noted in the audit shall be made prior to District inspection. If the completed Project varies from the permitted Project, application for an amended Water Permit is required. When the completed Project has fewer fixture units than the number permitted (Residential Water Permits), or has a smaller Water Use Capacity than permitted (Non-Residential and landscape Water Permits), the Applicant shall not be required to secure the signature of the authorized official of the applicable Jurisdiction on the Water Release Form.
- o. Notice by the District to correct any discrepancy shall be provided on the inspection report to the Person contacted at the Site and by regular mail or email to the owner of record. Notice of violations that may result in a debit to a Jurisdiction's Allocation shall also be mailed, faxed or emailed to the Jurisdiction. Such notice shall include a date by which any corrections and amendments shall be made.
- ~~p.~~ p. Following the notice period referenced above, if no action is taken to correct the violation~~Thereafter~~, the General Manager may adjust the charge and debit the water from a Jurisdiction's Allocation or cause a refund of Capacity Fees paid and water previously debited from an Allocation to reflect the Project as built rather than the Project as permitted.
- ~~p.~~ q. Removal of unpermitted water fixture. When a water fixture requiring a Water Permit by the District is installed without a Water Permit and the Applicant is unable to secure sufficient Allocation from a Jurisdiction or Entitlement, or if there is insufficient Water Credit on Site to permit the fixture, the Applicant shall remove the fixture and return the location to its original state where there is no evidence of the unpermitted water fixture.

2. Temporary Water Permits.

- a. The General Manager may issue a Water Permit for temporary water use when the Applicant has submitted a written request for a Temporary Water Permit, including an explanation of the type of use and quantity of water requested and a signed Water Release Form authorizing a temporary water debit from the Jurisdiction.
- b. The Applicant for a Temporary Water Permit shall acknowledge in writing that the Temporary Water Permit does not confer a property interest to obtain or use water after expiration and/or Revocation of the Permit. The terms and conditions of the Temporary Water Permit shall be recorded on the title of the property for the duration of the Temporary Water Permit.
- c. The term of a Temporary Water Permit shall not exceed twenty-four (24) months.
- d. The General Manager shall process a Temporary Water Permit pursuant to the process in Rule 23-A-1.
- e. Following removal of the temporary use and verification by the District, water temporarily debited from the Jurisdiction's Allocation will be returned to the Jurisdiction and the Capacity Fee paid for the temporary use will be refunded to the current property owner.
- f. A Notice of Removal of Deed Restriction shall be recorded by the District at the conclusion of the Temporary Water Permit process.

3. ~~Conditional Water Permits.~~

~~A category of Water Permits known as Conditional Water Permits shall be available to a limited group of Applicants under restricted circumstances and only with the Jurisdiction's endorsement. A Conditional Water Permit creates a record that specifically quantifies the increment of water assigned for use at the location designated by the Jurisdiction and debits the Jurisdiction's Allocation. Conditional Water Permits are available to those Projects that are unable to meet all of the criteria of Rule 23-A-1 and meet the standards of this Rule.~~

- ~~a. The following categories of Projects may obtain a Conditional Water Permit:~~

- ~~(1) — Large Projects — Commercial Projects with a projected water demand of over one Acre-Foot annually.~~
- ~~(2) — Government Projects — Projects owned and operated or financed by a Governmental agency.~~
- ~~(3) — Projects with Complex Financial Underwriting — Determined at the discretion of the Board of Directors.~~
- ~~b. — The Conditional Water Permit may be issued when the following criteria have been met:~~
 - ~~(1) — There is no Water Supply Emergency;~~
 - ~~(2) — There is sufficient water supply in the Jurisdiction's Allocation;~~
 - ~~(3) — The governing body of a Jurisdiction submits a written request that a Conditional Water Permit be issued to a Project;~~
 - ~~(4) — A completed Water Release Form for the Project is submitted which includes the authorizing signature of the Jurisdiction to debit its Allocation;~~
 - ~~(5) — Payment of all Capacity Fees and fees has been received by the District.~~
- ~~c. — A Conditional Water Permit shall be numbered with the next sequential alpha and numeric number beginning with C-001, C-002, etc. A Water Permit bearing the Permit number referenced in the Conditional Water Permit shall be maintained unsigned in the District's file.~~
- ~~d. — The Applicant's notarized signature is required on the Conditional Water Permit form before the General Manager's approval.~~
- ~~e. — A Conditional Water Permit shall be valid after the General Manager has signed the Permit.~~
- ~~f. — An amount of water approved for use by the Jurisdiction for the Project will be debited from the Jurisdiction's Allocation at the time the Conditional Water Permit is issued.~~

- ~~g. — A Conditional Water Permit does not allow the setting of any Water Meter or the start of any new or expanded water use until the conditions of the Permit have been met and a Water Permit has been issued pursuant to Rules 21, 23 and 24.~~
- ~~h. — Each Conditional Water Permit is time limited. The Conditional Water Permit shall expire on December 31st of the year following issuance.~~
- ~~i. — A written request for extension of the Conditional Water Permit may be requested and shall require Board authorization for extension. Requests for extension must be received no earlier than ninety (90) days and no later than forty five (45) days prior to expiration and must include an explanation for the request and the Jurisdiction's agreement that the Board should grant an extension.~~

4.3. Water Permit Waiver

When requested by a Jurisdiction, or at the request of an Applicant, the District will review a Water Permit application that does not appear to require a Water Permit. When a Water Permit is not required, the District will issue a “permit waiver.” A waiver involves the same review process as a Water Permit but does not result in recordation of deed restrictions and does not authorize changes that require a Water Permit.

B. MANDATORY CONDITIONS, ACTION ON APPLICATION FOR A WATER PERMIT TO CONNECT TO OR MODIFY AN EXISTING WATER DISTRIBUTION SYSTEM

1. Construction Affecting the Interior or Exterior of an Existing Structure. All Projects that require a Water Permit shall be subject to the following conditions:
 - a. The project Site must meet all applicable water conservation requirements of Regulations XIV and XV.
 - ~~b.~~ Other conditions may be placed upon approval as indicated in the applicable rule governing the Water Permit process.
 - ~~b.c.~~ The installation of more than one Dishwasher in a Dwelling Unit shall

require that all Dishwashers meet the definition of High Efficiency Dishwasher.

- ~~e.d.~~ The Applicant shall arrange for a final inspection by the District upon Project completion. District staff shall review the Project, water fixtures, and Landscaping for compliance with the Water Permit.
- ~~d.e.~~ Permit amendments or other actions required as a result of a final inspection shall be completed within thirty (30) days of the date of the final inspection.
- ~~e.f.~~ All Water Permits shall include ~~a-Notice and Deed Restriction~~s titled “Provide Public Access to Water Use Data.” and “Limitation on Use of Water on a Site.” There shall be no ~~additional~~ charge for ~~this-the public access~~ deed restriction.
- ~~f.g.~~ To encourage separate metering, permits for Meter Splits for existing Users shall be processed and issued with no charge to the Applicant.

2. Construction of a New Structure.

- a. Water Meters maintained by the Water Distribution System Operator shall be installed for each Residential and Non-Residential water User except as allowed in Rule 23-B-3.
- b. All Non-Residential New Structures that include irrigated landscapes of 1,000 square-feet or greater shall utilize a separate Water Meter supplied by the Water Distribution System to measure all exterior water uses. All Residential irrigated landscapes of 5,000 square-feet or greater shall install a sub-meter to measure outdoor water use.
- c. All New Structures receiving a Water Permit after January 1, 2009, shall have separate water supply lines that tee off in the meter box after the Water Meter to supply fire suppression service and domestic service as demonstrated in **Figure 23-1**, (found at the end of this rule) unless the User has separate Water Meters maintained by the Water Distribution System Operator for fire and domestic services. This configuration shall facilitate installation of a Flow Restrictor in the domestic service without interfering with the fire suppression service. The General Manager shall

have authority to make exceptions to this requirement for Undue Hardship. Exceptions shall be recorded on the property title with notice that rationing enforcement could result in a Flow Restrictor.

- d. Other conditions may be placed upon approval as indicated in the applicable rule governing the Water Permit process.
- e. The Applicant shall arrange for a final inspection by the District upon Project completion. District staff shall review the Project, water fixtures, and Landscaping for compliance with the Water Permit.
- f. Permit amendments or other actions required as a result of a final inspection shall be completed within sixty (60) days of the date of the final inspection.
- g. All Water Permits shall include a Notice and Deed Restrictions titled “Provide Public Access to Water Use Data” and “No There shall be no additional charge for this deed restriction.

3. Water Meter Requirements

- a. Water Meters maintained by the Water Distribution System Operator shall be installed for each Residential and Non-Residential water User, including Wells, with exceptions listed below.
- b. Accessory Dwelling Unit. Permanent submetering of all water use into one Accessory Dwelling Unit shall be allowed when the Jurisdiction confirms there is no potential that the submetered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site. 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 submetering requirement. Submetering is, however, encouraged as a conservation tool that promotes the efficient use of water.
- b.c. Transfer of Title to an Accessory Dwelling Unit shall require installation of a Water Meter for that Dwelling Unit.
- e.d. Multi-Family Dwelling and Residential Common Interest Developments

of four or more units. Permanent submetering of each User's water use in a Multi-Family Dwelling or Residential Common Interest Development of more than four units shall be allowed pursuant to California Water Code Division 1 Chapter 8, Water Measurement. Submeters or Water Meters shall be required for Common Areas. Landscape shall be separately metered pursuant to Rule 142.1.

Approval of a Water Permit allowing submetering under this provision shall require recordation of a deed restriction on the title of the property that shall encumber current and future Site/common area owners to comply with the following conditions:

- (1) When requested, the Responsible Party shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the submeter (e.g. apartment or condo number) and the number of residents in each Dwelling Unit and information about common area uses;
- (2) During Stage Four of the Monterey Peninsula Water Conservation and Rationing Plan (Regulation XV), submetered consumption shall be provided to the District monthly or more frequently if requested by the General Manager.

~~d.e.~~ A Non-Residential User may extend incidental water use to another Non- Residential User within an existing structure ~~unless the Remodel or Addition requires a Water Permit for a Change of Use. For example, incidental water use would include the addition of a Bathroom for use by the tenant, but would not include the addition of a commercial kitchen or manufacturing facilities.~~

~~e.f.~~ A Change of Use shall trigger the requirement for a separate Water Meter if the User ~~has a Bathroom or~~ uses water as a component of their business (i.e., restaurant, Group II uses, manufacturing, etc.).

~~f.g.~~ Multiple structures on a Site occupied by one Non-Residential User may submeter with a meter per building. A landscape Water Meter may be required by Rule 142.1.

~~g.h.~~ h. The Board shall consider variances to this Rule when the installation of separate Water Measuring Devices is not feasible due to Special Circumstances. In considering a variance, the Board shall determine if another type of Water Measuring Device is appropriate and shall make reporting of consumption a condition of approval.

~~h.i.~~ i. The General Manager shall allow submetering for each Multi-Family Dwelling (including condominiums and Common Interest Developments), Mixed Use, or Non-Residential User when the installation of separate Water Meters is not feasible due to a Connection moratorium and the User is utilizing Water Credits, ~~or~~ an Entitlement, or a Jurisdiction's Allocation on a Site that has a Connection. Applications for submetering of Single-Family Dwellings will be considered by the General Manager when the Jurisdiction confirms there is no potential that the submetered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site. Approval of a Water Permit allowing submetering under this provision shall require recordation of a deed restriction on the title of the property that shall encumber current and future Site owners to comply with the following conditions:

- (1) The Site's owner shall have Water Meters installed for each submetered User by the Water Distribution System Operator within ninety (90) days of the conclusion of a Connection moratorium. It is recommended that the submeter(s) be located in or near the future meter box to facilitate this requirement. Once Water Meters maintained by the Water Distribution System Operator have been installed and verified by the District, the deed restriction shall be removed.
- (2) When requested, the Responsible Party shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the submeter (e.g. apartment or condo number) and the number of residents in each Dwelling Unit and requested information about common area uses;

- (3) During Stage Four of the Monterey Peninsula Water Conservation and Rationing Plan (Regulation XV), submetered consumption shall be provided to the District monthly or more frequently as requested by the General Manager.

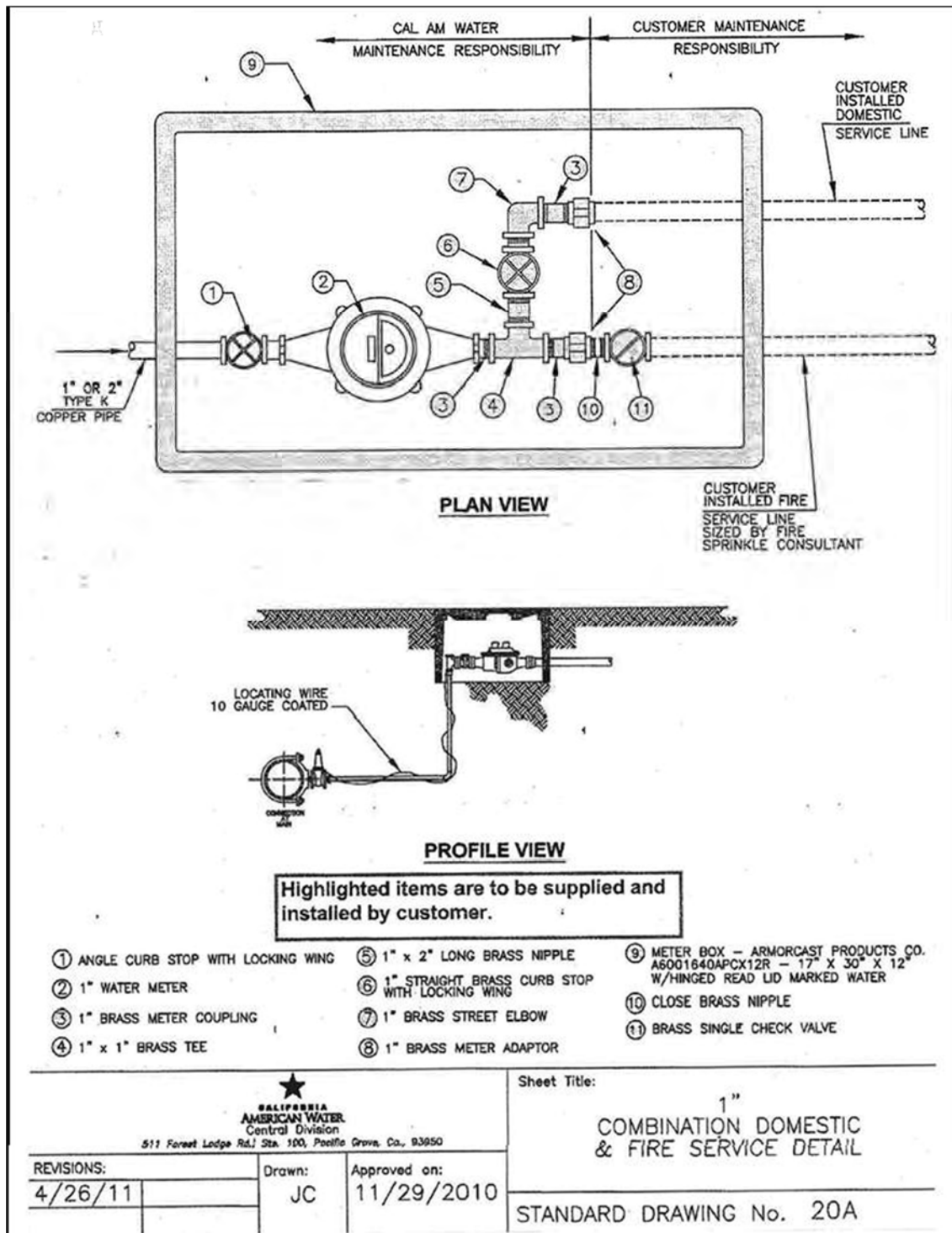
4. Sleepy Hollow Subdivision in Carmel Valley.

- a. All Landscape Area water use shall be supplied by the Sleepy Hollow Non-Potable Water system or by an On-Site Well.
- b. Potable water use shall be supplied by California-American Water Company (also known as the Sleepy Hollow Mutual Potable Water Distribution System) by a Master Meter at the subdivision boundary. See Rule 23-A-1 or Rule 23-A-1-c for restrictions that require annexation of the subdivision by California American Water prior to issuance of Water Permits.
- c. Both Potable water uses and Landscape Areas shall be metered by individual Water Meters.

C. **ADJUSTMENT OF ALLOCATION OR WATER USE PERMIT FOR UNUSED WATER CAPACITY**

1. Any permitted Water Use Capacity which is not used because of an abandoned, expired, Revoked, returned, or amended Water Permit shall be returned to the applicable Allocation or Water Use Permit.
2. The Owner of any Benefited Property shall be entitled to receive additional Water Permit(s) until the Water Use Permit has been used in full.

Figure 23-1



Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 2 (3/11/80); Ordinance No. 3 (7/11/80); Ordinance No. 5 (4/13/81); Ordinance No. 6 (5/11/81); Ordinance No. 7 (7/13/81); Ordinance No. 8 (1/14/81); Ordinance No. 9 (2/14/83); Ordinance No. 11 (11/14/83); Ordinance No. 16 (8/13/84); Ordinance No. 26 (9/8/86); Ordinance No. 40 (4/10/89); Ordinance No. 44 (10/9/89); Ordinance No. 60 (6/15/92); Ordinance No. 64 (10/5/92); Ordinance No. 71 (12/20/93); Ordinance No. 77 (8/21/95); Ordinance No. 115 (05/17/2004); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007); Ordinance No. 137 (12/8/2008); Ordinance No. 145 (9/20/2010); Ordinance No. 156 (11/18/2013); Ordinance No. 157 (12/9/2013); Ordinance No. 161 (7/21/2014); Ordinance No. 165 (8/17/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 172 (8/15/2016); Ordinance No. 177 (1/18/2017); Ordinance No. 178 (11/13/2017); Ordinance No. 179 (8/20/2018); Ordinance No. 182 (5/20/2019); Ordinance No. 184 (8/19/2019); Ordinance No. 185 (5/18/2020); Ordinance No. 189 (12/13/2021); Ordinance No. 198 (7/21/2025); Ordinance No. 201 (4/20/2026)

RULE 24 - CALCULATION OF WATER USE CAPACITY AND CAPACITY FEES**A. RESIDENTIAL CALCULATION OF WATER USE CAPACITY**

Residential Water Use Capacity shall be calculated using a fixture unit methodology whereby each water fixture is assigned a fixture unit value that corresponds to its approximate annual Water Use Capacity. Residential applications shall be reviewed to determine if there is an increase in fixture units as a result of the proposed Project.

1. Methodology for Determining Water Use Capacity

The following process shall be used to determine if there is an increase in Water Use Capacity:

- a. The General Manager shall estimate Water Use Capacity of the proposed Project using the fixture unit values and outdoor water uses calculation from Table ~~II-1~~: Residential Fixture Unit Count Values.
- b. If the application includes a Residential water fixture that is not specifically exempt from the Residential Permit requirements, and no factor is shown on ~~Table I~~Table II-1: Residential Fixture Unit Count Values, for a proposed water fixture, the General Manager shall research the projected annual consumption of the fixture and shall recommend a fixture unit count value to the Board that corresponds to the Estimated Annual Water Use Capacity of the fixture. ~~Table I~~Table II-1 shall subsequently be amended by Resolution of the Board of Directors to assign a value to the new fixture.
- c. Using ~~Table I~~Table II-1: Residential Fixture Unit Count Values, the General Manager shall compare the pre-Project fixture unit count against the fixture unit count shown on the Construction Plans submitted with the Water Release Form and Water Permit application. Pre-Project Estimated Annual Water Use Capacity shall be verified by inspection.
- d. The General Manager shall reduce the Estimated Annual Water Use Capacity by any verified Water Use Credit or On-Site Water Credit applicable to the application as shown on the Water Release Form and Water Permit application and shall determine the Adjusted Water Use Capacity of the proposed Project.

e. Based upon the review conducted in Rule 24-A-1, the General Manager shall determine if Project will result in a positive, neutral or reduced Water Use Capacity on the Site.

- (1) An increase in Capacity (Intensification of Use) shall cause the calculation and collection of a Capacity Fee prior to issuance of a Water Permit.
- (2) No Capacity Fee shall be assessed when there is no increase in Water Use Capacity.
- (3) A reduction in Water Use Capacity shall result in a Water Use Credit upon verification that the former use has been permanently abandoned. This credit shall be established in conformance with Rule 25.5.

2. Exempt Residential Water Fixtures

The following water fixtures shall be exempt from the Residential Permit requirements and shall have no fixture unit value: Portable Water Fixtures, fountains, ponds, hot tub/spas, drinking fountains, pot fillers behind a cooktop, darkroom sinks, outdoor showers, outdoor sinks, hose bibs, pet/livestock wash racks and water troughs, and multiple Utility Sinks (more than one per Site).

3. Second Bathroom Addition

A distinctive Water Permit protocol shall apply to any Residential application that proposes adding a second Bathroom to a Dwelling Unit built before May 16, 2001, that has less than two full Bathrooms and that has not removed water fixtures in a Bathroom to facilitate the addition of water fixtures elsewhere on the Site.

- a. The second Bathroom protocol shall be limited and shall apply only to the following water appliances if they are installed in a second Bathroom as an expansion or remodel of an existing Dwelling Unit: (a) a single toilet, and (b) a single Standard Bathtub, or single Shower Stall, or a single standard tub-shower combination, and (c) one or two Washbasins.
- b. The second Bathroom protocol shall further apply to a Residential

application that proposes to add one or more of the water fixtures referenced above to a second Bathroom which lacks that fixture(s) within a Dwelling Unit that has less than two full Bathrooms.

- c. The second Bathroom protocol shall apply only to a Dwelling Unit that has less than two full Bathrooms and that has not removed basic Bathroom water fixtures (i.e., a toilet, a Standard Bathtub or Shower Stall or a Washbasin) to enable the addition of water fixtures elsewhere on the Site.
- d. The second Bathroom protocol shall not apply to any Multi-Family Dwelling or Multi-Family Residential Site with four or more units. Water fixtures installed pursuant to this provision shall be installed within the Dwelling Unit. The second Bathroom protocol shall not be used to create a new Accessory Dwelling Unit. This includes the addition of a second Bathroom elsewhere in the Dwelling Unit that would allow a Bathroom to be used by an Accessory Dwelling Unit or Junior Accessory Dwelling Unit. The protocol was adopted to recognize that a second Bathroom is for convenience. It is not intended to support a new User.
- e. Under this second Bathroom protocol, the General Manager shall not debit the Jurisdiction's Allocation for the installation of the water fixtures in the second Bathroom.
- f. Capacity Fees shall nonetheless be collected for the addition of fixture units in the second Bathroom.
- g. No credit shall be granted for removal or retrofit of any fixture added pursuant to this second Bathroom protocol.
- h. Use of the second Bathroom protocol is voluntary. Any Dwelling Unit installing a second Bathroom pursuant to this provision shall be limited to two Bathrooms unless the fixtures permitted by this protocol in the second Bathroom are permitted by debit to a Jurisdiction's Allocation, an Entitlement, or offset by a credit. A Notice and Deed Restriction Regarding Limitation on Use of Water on a Property shall be recorded on the real property as a condition of the Water Permit.
- i. All Water Permits issued pursuant to this Rule shall include a Notice and Deed Restriction titled "Provide Public Access to Water Use Data"

pursuant to Rule 23. In addition, permits utilizing the second Bathroom protocol shall authorize access to water records for the sixty (60) months prior to the date the Water Permit is issued.

- j. The provisions of this second Bathroom protocol shall take precedence and supersede any contrary provision of the Water Management District Rules and Regulations.

4. Master Bathroom Fixture Unit Accounting

- a. All fixtures utilizing a Master Bathroom fixture unit value as shown in ~~Table I~~Table II-1: Residential Fixture Unit Count Values shall occur in the same Bathroom, and that Bathroom shall be designated as the “Master Bathroom.” Each Dwelling Unit shall have no more than one Master Bathroom.
- b. The Master Bathroom fixture unit value shall not apply to second Bathrooms utilizing the second Bathroom protocol.

5. Exterior Residential Water Demand Calculations

See Rule 142.1, Water Efficient Landscape Requirements, for calculation of landscape water demand. An additional 0.01 Acre-Foot of water shall be added for outdoor water uses other than irrigation.

- ~~a. Exterior water demand shall be calculated according to Rule 142.1.~~

6. Swimming Pools Filled ~~By~~ by a Mobile Water Distribution System.

Swimming Pools constructed with a condition prohibiting use of the local Potable Water Distribution System to fill the pool shall be required to secure their water supply from an entity that holds a current and valid Water Hauler’s License from the California Department of Public Health, Food and Drug Branch (FDB). The Water Hauler’s License is required to haul more than 250 gallons by any means of transportation for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans. There shall be a minimum deduction to the Water Distribution System serving the property in the amount of 0.01 Acre-Foot Annually to offset potential maintenance demand in addition to the requirement to fill and maintain the pool using a licensed Mobile Water Distribution System.

7. Calculating Adjusted Water Use Capacity

- a. Each fixture unit shall have a value of 0.01 Acre-Foot of water.
- b. Water use calculations shall be rounded to the third decimal place.

8. Multi-Family Dwelling Clothes Washers

Installation of a High Efficiency Clothes Washer within a Dwelling Unit ~~constructed prior to January 1, 2022,~~ on a Multi-Family Residential Site or Common Interest Development served by a Common Laundry Room does not increase Capacity.

When a Common Laundry Room is provided, Water Use Capacity shall be calculated based on the number of Dwelling Units with access to the laundry room. For example, if ten Dwelling Units have access to one or more Common Laundry Rooms, the Water Use Capacity shall be based on ten Dwelling Units, multiplied by the applicable fixture unit value. The number of Clothes Washers in the Common Laundry Room shall not be used to determine Water Use Capacity.

B. NON-RESIDENTIAL CALCULATION OF WATER USE CAPACITY

Non-Residential Water Use Capacity shall be calculated using ~~Table 2~~Table II-2: Non-Residential Water Use Factors. Each Non-Residential use shall be assigned a factor that when multiplied by a specified measurement shown on ~~Table 2~~Table II-2 (i.e., square-footage, number of rooms/seats, etc.) results in an estimate of the approximate annual Water Use Capacity in Acre-Feet. Non-Residential applications shall be reviewed to determine if there is an increase in water demand as a result of the proposed Project. Amendments to ~~Table 2~~Table II-2 shall be made by Resolution of the Board of Directors.

1. Methodology for Determining Water Use Capacity

The following process shall be used to determine if there is an increase in Water Use Capacity:

- a. The General Manager shall estimate Water Use Capacity of the proposed Project using the Water Use Factors from ~~Table 2~~Table II-2: Non-Residential Water Use Factors.

- (1) New Construction: When the Non-Residential Water Use Factor is based on a square-footage factor, the gross square-footage shall be applied to the factor for construction of a new building.
 - (2) Tenant Improvements within a defined lease space: When the Non-Residential Water Use Factor is based on square-footage for a Tenant Improvement in a defined lease space, the useable square-footage shall be applied to the factor. This calculation does not affect the remaining Capacity of the building and is to be used only to identify the Capacity of the area being remodeled.
- b. When a Non-Residential Project proposes two or more of the uses set forth in ~~Table 2~~ Table II-2, each proposed use shall be subject to a separate calculation. By way of example, a hotel with a restaurant would be subject to both the hotel use by unit and the restaurant use by seat calculation. Where a proposed use can be placed in more than one group, the group which most accurately depicts overall projected water use shall be selected or the uses shall be calculated based on the square-footage or other factor for each area in which the use occurs. When the proposed use appears to fall into more than one group or use, the higher factor shall be used.
- c. If the application includes a Non-Residential use that is not identical to or similar to those uses shown on ~~Table 2~~ Table II-2: Non-Residential Water Use Factors, the General Manager shall research the projected annual consumption of the use and shall recommend a value to the Board that corresponds to the Estimated Annual Water Use Capacity.
- d. The General Manager shall compare the pre-Project Estimated Annual Water Use Capacity against the Estimated Annual Water Use Capacity shown on the Construction Plans submitted with the Water Release Form and Water Permit application. Pre-Project Estimated Annual Water Use Capacity may be verified by inspection.
- e. The General Manager may reduce the Estimated Annual Water Use Capacity for the permanent installation and use of known and validated technology that results in a quantifiable reduction in Water Use Capacity above that anticipated with Best Management Practices.

- f. The General Manager shall reduce the Estimated Annual Water Use Capacity by any verified Water Use Credit or On-Site Water Credit applicable to the application as shown on the Water Release Form and Water Permit application and shall determine the Adjusted Water Use Capacity of the proposed project.
- g. Based upon the review conducted in 24-B-1-f, the General Manager shall determine if the Project will result in a positive, neutral or reduced Water Use Capacity on the Site.
 - (1) An increase in Capacity (Intensification of Use) shall cause the calculation and collection of a Capacity Fee prior to issuance of a Water Permit.
 - (2) No Capacity Fee shall be assessed when there is no increase in Water Use Capacity.
 - (3) A reduction in Water Use Capacity shall result in a Water Credit upon verification that the former use has been abandoned. This credit shall be established in conformance with Rule 25.5.
- h. Non-Residential Projects at Public School District Sites acquired prior to 2020 shall be considered to have a zero Adjusted Water Use Capacity when the entire Public School District Site meets or exceeds Rule 143 Water Efficiency Standards for Existing Non-Residential Uses.
- i. A Restaurant's Water Use Capacity shall be determined by the maximum Interior Restaurant Seat count authorized by the Jurisdiction and District. Exterior Restaurant Seats may be maintained for al fresco dining without a requirement for a new or amended Water Permit provided the maximum number of Exterior Restaurant Seats does not exceed one-half the number of authorized Interior Restaurant Seats (the "standard exterior seat allowance"). Exterior Restaurant Seating not in compliance with this paragraph shall require a new or amended Water Permit.

2. Exterior Water Demand

~~Shall be Calculated According to Rule 142.1~~ *Exterior Water Use Capacity shall be calculated according to Rule 142.1.*

Deleted by Ordinance No. 201 (4/20/2026)

2.3. Calculating Adjusted Water Use Capacity

Water use calculations shall be rounded to the third decimal place.

C. WATER SUPPLY COST COMPONENT

The water supply cost component used as a monetary multiplier in each Capacity Fee calculation required by this rule shall be \$10,623.20. This water supply cost component shall be adjusted on July 1st of each year beginning in July, 1985, to include the annual increase or decrease of the April Consumer Price Index (CPI), all items, for San Francisco/Oakland, as promulgated by the U.S. Department of Labor Bureau of Statistics. The adjusted multiplier shall apply to each Water Permit application received on or after July 1st of each year. ~~Table 3~~ Table II-3: Capacity Fee History shall be updated annually by Resolution of the Board to reflect the current year's Capacity Fee.

D. CALCULATION OF CAPACITY FEES

The Capacity Fee paid for a Water Permit shall be determined by multiplying the Adjusted Water Use Capacity by the current Capacity Fee. This charge shall be applied to each application for a Water Permit as follows:

1. Projects served by the California American Water Company System and Seaside Municipal Water System shall pay 100 percent of the final calculation.
2. All other Water Distribution Systems including private Wells and other Water Distribution Systems shall pay 18.67 percent of the final calculation.

E. ADJUSTMENT OF CALCULATIONS WHERE SPECIAL CIRCUMSTANCES EXIST

1. The General Manager may reduce (or increase) the Adjusted Water Use Capacity when Special Circumstances exist with respect to the anticipated water consumption resulting from that Permit. Special Circumstances shall be deemed to exist in the following circumstances:
 - a. After project completion and verification that Sub-potable Water or

untreated Well water is the exclusive supply for all exterior uses, the General Manager may make a proportional adjustment for the final Adjusted Water Use Capacity and shall refund that portion of the Capacity Fee and the portion of water debited from an Allocation or Water Entitlement.

- b. Projects that utilize water in conjunction with a manufacturing process.
 - c. Non-Residential projects owned by a Public entity.
- 2. The preliminary Estimated Annual Water Use Capacity Adjustment shall operate to exact a Capacity Fee as it relates to the increment of water which is projected to be available to and subject to use by the Applicant as a function of the Connection or the use of water. In the absence of a comparable water use factor on ~~Table-~~ Table II-2, the General Manager may make this adjustment based upon projected use figures supported by historical use or other relevant documentation. In the absence of Special Circumstances, calculation of the Estimated Annual Water Use Capacity shall be made by use of Non-Residential Water Use Factors shown on ~~Table-~~ Table II-2.
 - 3. The General Manager shall be granted authority to factor Adjusted Water Use Capacity and Capacity Fees for Industrial and Public Projects based upon the actual average annual water use record following 60 months of occupancy and use without the necessity of a hearing before the Board of Directors. The process shall require payment of an estimated Capacity Fee and corresponding Allocation or Water Entitlement debit. The final Capacity Fee and corresponding Allocation or Water Entitlement debit shall be adjusted upon the actual annual water use record for that Connection.
 - 4. For all situations where the General Manager finds Special Circumstances with Substantial Uncertainty exist regarding the Estimated Annual Water Use Capacity proposed by the permit Applicant, the Board shall consider approving a Water Permit upon payment of an estimated Capacity Fee and corresponding Allocation or Water Entitlement debit. The final Capacity Fee and corresponding Allocation or Water Entitlement debit shall be adjusted upon the actual average annual water use record for that Connection.
 - 5. This Rule shall not apply where a single meter supplies more than one water User.

6. All Water Permits issued with a finding of Special Circumstances shall be subject to the following conditions:
 - a. A deed restriction listing the conditions of the Permit shall be recorded on the property prior to issuance of a Water Permit.
 - b. By written communication, the Jurisdiction shall authorize the District to issue a Water Permit based on a finding of Special Circumstances consistent with CEQA compliance for the approved Project.
 - c. The Jurisdiction shall acknowledge in writing to the District that annual average water use above the preliminary Estimated Annual Water Use Capacity shall either result in a debit to its Allocation or shall require additional action to reduce or offset water use as authorized by the District Board.
 - d. Approval of Special Circumstances with Substantial Uncertainty is valid for thirty-six (36) months. The project shall be completed within thirty six (36) months of District approval. One extension of time for twelve (12) months will be granted by the General Manager upon evidence of due diligence by the Applicant.
 - e. The Project shall be exclusively equipped with all reasonable conservation measures as determined by the General Manager.
 - f. The property owner shall agree to allow public access to water consumption records for the life of the Project. Access shall be authorized by recordation of the appropriate deed restriction.
 - g. A Landscape Documentation Package, shall be included with the Water Permit application.
 - h. Prior to issuance of a Water Permit, the Water Permit Applicant shall submit Capacity Fees and processing fees as outlined in Rule 24 and Rule 60.
 - i. A water meter shall be installed to monitor exterior water use, apart from any interior use. District staff shall have access to the water meters and consumption reports upon reasonable request.

- j. The property owner or his agent shall annually complete and submit a Special Circumstances Review Form and applicable attachments to the District by February 1. The Special Circumstances Review Form shall require the property owner to provide information about the Project's annual water use and practices, copies of the past year's water bills, information about the performance of any special appliances, and other information useful in reviewing Project-related water demand. The Special Circumstances Review Form shall be submitted each year during construction and for ten years following full occupancy after completion of the Project.
- k. Water use will be reviewed annually after occupancy. If actual water use exceeds the preliminary Water Use Capacity estimate during any annual review, the District will debit the Jurisdiction's Allocation for the difference. At the end of the monitoring period, if the average annual water use exceeds the preliminary Water Use Capacity estimate, the District will determine whether the Jurisdiction shall transfer some of its Allocation to the Project, or whether the Applicant shall pay the cost of District-approved water conservation projects within the District or on the Project Site to establish Water Use Credits to offset the increased increment of water needed by the Project.
 - l. The Applicant and any successor in interest to the Water Permit shall enter into an indemnification agreement with the District, whereby the Applicant agrees to indemnify, defend and hold harmless the District from any and all legal and financial responsibility that may arise in connection with approval of the application, including but not limited to attorney's fees and costs that the District may incur.
- 7. The Board shall specify the appropriate number of years to monitor actual annual water use when it finds Special Circumstances with Substantial Uncertainty exist.
- 8. In all applications where evidence does not support the finding that Special Circumstances with Substantial Uncertainty exist regarding a Project's Water Use Capacity, it shall be presumed that the Non-Residential Water Use Factors as shown on ~~Table 2~~Table II-2 apply to the Permit.
- 9. Determinations of the General Manager pursuant to this Rule may be appealed to

the Board.

F. CAPACITY FEE REFUNDS

1. The Capacity Fee paid for a Water Permit under these Rules and Regulations shall be a fee retained by the District in consideration of, and as reimbursement for the costs and expenses incurred by the District in planning for, acquiring, reserving, and maintaining capacity in the water distribution facilities existing or to be constructed within the District.
2. If a Project, as built, eliminates all or a portion of the Adjusted Water Use Capacity upon which the Water Permit was originally calculated, a refund of that portion of the Capacity Fee may occur.
3. Refunds of Capacity Fees shall occur if the Permit is abandoned prior to construction.
4. Refunds will only occur if a reduction in the Water Use Capacity is documented, or for abandoned Projects, if the Applicant has permanently removed the Water Meter and canceled the building permit.
5. Requests for refunds shall be in writing, and shall include the Water Permit number and the reason a refund is requested. Refunds are subject to fees under Rule 60.
6. All refunds shall be made to the then-current titleholder of the real property to which the Water Permit was issued.
7. Refunds requested for Capacity Fees paid for a Conditional Water Permit shall be processed under the following time lines:
 - a. Refunds of less than fifty thousand dollars (\$50,000) shall be processed within thirty (30) days;
 - b. Refunds between fifty thousand dollars (\$50,000) and one hundred thousand dollars (\$100,000) shall be processed within forty-five (45) days;
 - c. Refunds over one hundred thousand dollars (\$100,000) shall be processed within sixty (60) days.

G. CAPACITY FEE FUND ACCOUNTING

1. The District shall maintain separate accounts in its general fund for Capacity Fees received. Those separate fund accounts shall be maintained and designated as Capacity Fee accounts “A” and “B”. Account “A” shall receive 18.67% of all Capacity Fees collected. Account “B” shall receive 81.33% of all Capacity Fees collected. The proceeds of any connection surcharge shall be transferred to the District’s general fund, without restriction.
2. Capacity Fee funds shall be expended from Capacity Fee accounts “A” and “B” for the sole purpose of planning for, acquiring and/or reserving augmented water supply capacity for District water distribution facilities. It is recognized that such purposes include engineering, hydrologic, geologic, fishery, appraisal, financial, and property acquisition endeavors. Capacity Fee funds may further be used to acquire, maintain, and/or reserve capacity in existing water distribution facilities existing within the District.

H. PERMIT FEE PAYMENT PLANS

1. Except as may be required by operation of law, or as approved by the Board of Directors on a case-by-case basis pursuant to this Rule, the District shall not authorize a payment plan for fees and charges due for the issuance of a Water Permit. This means that no Permit will be issued by the District unless all required fees and charges have first been paid in full to the District. In any circumstance where a Permit has been issued on less than full payment of all fees and charges due from that Parcel, that Permit shall immediately be Suspended and thereafter Revoked. Revocation of a Water Permit shall cause removal or limitation of water service to that Connection.
2. Notwithstanding any provision of this Rule, the Board, on a case-by-case basis, may authorize delayed payment for Projects which are solely undertaken by California Non-Profit Public Benefit Corporations provided each such plan shall ensure, by recorded deed restriction which includes the consent of each property owner, that all fees and charges due for the issuance of a Water Permit, together with deferred interest at the rate to be set by the Board, shall be paid in full in the event Project-ownership or occupancy is transferred to any entity other than a California Non-Profit Public Benefit Corporation. This provision is intended for use only in the presence of a substantial financial hardship to the Project

proponent such that the development of the Project would be jeopardized by the present assessment of the full fees and charges due for the issuance of a Water Permit.

Rule added by Ordinance No. 8 (1/14/81); amended by Ordinance No. 9 (2/14/83); Ordinance No. 17 (9/24/84); Ordinance No. 18 (11/12/84); Ordinance No. 20 (12/10/84); Ordinance No. 21 (3/11/85); Ordinance No. 26 (9/8/86); Ordinance No. 33 (3/14/88); Ordinance 34 (5/9/88); Ordinance No. 40 (4/10/89); Ordinance No. 60 (6/15/92); Ordinance No. 71 (12/20/93); Ordinance No. 76 (5/15/95); Ordinance No. 80 (11/20/95); Ordinance No. 98 (4/16/2001); Ordinance No. 111 (1/29/2004); Ordinance No. 114 (5/17/2004); Ordinance No. 125 (9/18/2006); Ordinance No. 145 (9/20/2010); Ordinance No. 157 (12/9/2013); Ordinance No. 162 (8/18/2014); Ordinance No. 164 (4/20/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 182 (5/20/2019); Ordinance No. 185 (5/18/2020); Ordinance No. 189 (12/13/2021); Ordinance No. 193 (8/21/2023); Ordinance No. 198 (7/21/2025); Ordinance No. 199 (11/17/2025)

TABLE II-1: RESIDENTIAL FIXTURE UNIT COUNT VALUES

Water Fixture Description		Fixture Unit Value
1	Washbasin, each	1
2	Two Washbasins in the Master Bathroom	1
3	Toilet	1.3
4	Toilet, Ultra High Efficiency w/Deed Restriction (UHET) (0.8 gallon maximum)	0.8
5	Urinal, (Pint (0.125 gallon maximum)	0.1
6	Urinal, Zero Water Consumption	0
7	Bathtub, (may be Large Bathtub) & Separate Shower located in the Master Bathroom	3
8	Bathtub, Large (may have Showerhead above)	3
9	Bathtub, Standard (may have Showerhead above) or Shower Stall (one Showerhead)	2
10	Shower, each additional fixture (including additional Showerheads, Body Spray Nozzles, etc.)	2
11	Shower System, Rain Bars, or Custom Shower (varies according to specifications)	Inquire
12	Kitchen Sink (including optional adjacent non-High Efficiency Dishwasher)	2
13	Kitchen Sink with adjacent High Efficiency Dishwasher ¹	1.5
14	Dishwasher, High Efficiency, each additional <u>when all Dishwashers are High Efficiency Dishwashers (including optional adjacent sink)</u>	<u>1.50</u>
15	<u>Dishwasher, High Efficiency, each additional when one or more Dishwashers are NOT High Efficiency Dishwashers (including optional adjacent sink)</u>	<u>1.5</u>
~~15~~ 16	Laundry Sink/Utility Sink (debit/Capacity Fee applies to only one Laundry/Utility Sink per Residential Site)	2
~~16~~ 17	Clothes Washer (existing non-High Efficiency Clothes Washer)	2
~~17~~ 18	Clothes Washer, Common Laundry Room (per Dwelling Unit with access to the CLR)	1
~~18~~ 19	Clothes Washer, High Efficiency (HEW)	1
~~19~~ 20	Bidet	1
~~20~~ 21	Bar Sink	1
~~21~~ 22	Entertainment Sink	1
~~22~~ 23	Vegetable Sink	1
~~23~~ 24	Swimming Pool (each 100 square-feet of pool surface area)	1

¹ When a Kitchen Sink exists without the benefit of a Dishwasher, a Dishwasher may be added without a Water Permit.

Table Amended by Resolution 2009-11 (8/17/2009); Ordinance No. 140 (11/16/2009); Resolution 2009-13 (12/14/2009); Resolution 2010-15 (12/13/2010); Ordinance No. 151 (11/19/2012); Ordinance No. 156 (11/18/2013); Resolution 2016-04 (2/17/2016); Resolution 2021-14 (11/15/2021); Resolution 2022-22 (7/18/2022); Ordinance No. 201 (4/20/2026)

242	For all new Connections -- Refer to Rule 24-A-5, Exterior Residential Water Demand Calculations.
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TABLE II-2: NON-RESIDENTIAL WATER USE FACTORS**Group I** 0.00007 AF/SF

Users in this category are low water uses where water is primarily used for employee hygiene and minimal janitorial uses. Examples are offices, warehouses, and low water use retail businesses.

Group II 0.0002 AF/SF

Users in this category prepare and/or sell food/beverages that are primarily provided to customers in/on disposable tableware. Food with high moisture content and liquid Food may be served on reusable tableware. Glassware may be used to serve beverages. Users in this category are not full-service restaurants.

Group III

Assisted Living (more than 6 beds) ²	0.085 AF/Bed
Bar (limited food/not a full-service restaurant)	0.0002 AF/SF ¹
Dog Grooming	0.0567 AF/Grooming
Child/Dependent Adult Day Care	0.0072 AF/Person
Dry Cleaner w/on-Site laundry	0.0002 AF/SF
Dormitory Beds @ Educational Institution ³	0.02 AF/Bed
Laundromat	0.12 AF/Machine
Motel/Hotel/Bed & Breakfast	0.064 AF/Bedroom
Large Bathtub (Add to bedroom factor)	0.03 AF/Tub
Each additional Showerhead beyond one per stall (Add to bedroom factor)	0.02 AF/Showerhead
Nail and/or Beauty Salon	0.00007 AF/SF
Irrigated Areas/Landscaping	ETWU (See Rule 142.1)
Plant Nursery	0.00009 AF/SF Land Area
Public Toilet	0.058 AF/Toilet
Public Urinal	0.036 AF/Urinal
Zero Water Consumption Urinal	No Value
Recreational Vehicle Water Hookup	0.064 AF
Restaurant - Full Service (including associated Bar Seats)	0.02 AF/Interior Restaurant Seat
Exterior Restaurant Seats above the “Standard Exterior Seat Allowance” ⁴	0.01 AF/Exterior Restaurant Seat
Exterior Restaurant Seats within the “Standard Exterior Seat Allowance”	No Value
Restaurant (24-Hour and Fast Food)	0.038 AF/Interior Restaurant Seat
School or Church	0.00007 AF/SF
Self-Storage	0.0002 AF/100 SF
Skilled Nursing/Alzheimer’s Care	0.12 AF/Bed
Spa	0.05 AF/Spa
Swimming Pool	0.02 AF/100 SF of Surface Area

¹ ABC Licensed Premises Diagram area shall be used for calculation of square-footage.

² Assisted living Dwelling Units shall be permitted as Residential uses per ~~Table I~~Table II-1, Residential Fixture Unit Count Values.

³ Dormitory water use at educational facilities is a Residential use, although the factor is shown on ~~Table 2~~Table II-2.

⁴ See Rule 24-B-1 and Rule 25.5 for information about the “Standard Exterior Seat Allowance”.

Theater

0.0012 AF/Seat

Group IV – MODIFIED NON-RESIDENTIAL USES

Users in this category have a reduced water Capacity compared to Groups I-III and have received a Water Use Credit for modifications (Rule 25.5-F-4-d) or the permanent installation of validated technology that results in a quantifiable reduction in Water Use Capacity. Please inquire for specific property information.

Group V – INDUSTRIAL USES

Users in this category use water during the production process for either creating their products or cooling equipment. Industrial water may also be used for fabricating, processing, washing, diluting, cooling, or transporting a product.

This includes industries involved in the production of chemicals and food products, as well as certain hospital uses. The Water Use Capacity shall be determined after reviewing the project's construction and business plans, along with estimated water use, and may be considered under Rule 24 Special Circumstances.

Notes: Any Non-Residential water use which cannot be characterized by one of the use categories set forth in ~~Table 2~~Table II-2 shall be designated as "other" and assigned a factor which has a positive correlation to the anticipated Water use Capacity for that Site. When a Non-Residential project proposes two or more of the uses set forth in ~~Table 2~~Table II-2, each proposed use shall be subject to a separate calculation. When the proposed use appears to fall into more than one group or use, the higher factor shall be used.

Table amended by Ordinance No. 125 (9/29/2006); Resolution 2008-01 (1/24/2008); Resolution 2010-15 (12/13/2010); Resolution 2013-16 (9/16/2013); Resolution 2014-04 (3/17/2014); Resolution 2014-12 (7/21/2014); Ordinance No. 164 (4/20/2015); Resolution 2016-06 (3/21/2016); Ordinance No. 176 (1/25/2017); Resolution 2017-14 (7/21/2017); Resolution 2017-16 (12/11/2017); Resolution 2018-21 (11/19/2018); Ordinance No. 182 (5/20/2019); Resolution 2019-10 (7/15/2019); Resolution 2019-15 (9/16/2019); Resolution 2021-15 (11/15/2021); Resolution 2022-27 (9/19/2022); Resolution 2022-33 (11/14/2022); Resolution 2024-14 (12/16/2024); Ordinance No. 201 (4/20/2026)

TABLE II-3: CAPACITY FEE HISTORY

YEAR	CAPACITY FEE	YEAR	CAPACITY FEE
1985	\$10,623.20	2021-22	\$32,008.00
1985-86	\$11,133.00	2022-23	\$33,608.00
1986-87	\$11,433.59	2023-24	\$35,019.00
1987-88	\$11,890.93	2024-25	\$36,350.00
1988-89	\$12,295.22	2025-26	\$36,823.00
1989-90	\$12,983.75	2026-27	\$38,222.00
1990-91	\$13,529.07		
1991-92	\$14,056.70		
1992-93	\$14,661.00		
1993-94	\$15,202.00		
1994-95	\$15,325.00		
1995-96	\$15,692.00		
1996-97	\$15,960.00		
1997-98	\$16,551.00		
1998-99	\$17,048.00		
1999-00	\$17,832.00		
2000-01	\$18,492.00		
2001-02	\$19,565.00		
2002-03	\$19,976.00		
2003-04	\$20,415.00		
2004-05	\$20,517.00		
2005-06	\$20,948.00		
2006-07	\$21,618.00		
2007-08	\$22,331.00		
2008-09	\$22,979.00		
2009-10	\$23,163.00		
2010-11	\$23,567.00		
2011-12	\$24,227.00		
2012-13	\$24,735.00		
2013-14	\$25,328.00		
2014-15	\$26,037.00		
2015-16	\$26,661.00		
2016-17	\$27,380.00		
2017-18	\$28,420.00		
2018-19	\$29,329.00		
2019-20	\$30,502.00		
2020-21	\$30,837.00		

Table added by Ordinance No. 125 (9/18/2006); amended by Ordinance No. 145 (9/20/2010); Resolution 2014-19 (12/15/2014); Resolution No. 2015-20 (11/16/2015); Resolution 2016-13 (7/18/2016); Resolution 2017-11 (6/19/2017); Resolution 2018-14 (6/18/2018); 2019-08 (6/17/2019); Resolution 2020-11 (6/15/2020); Resolution 2021-08 (6/21/2021); Resolution 2022-20 (6/20/2022); Resolution No. 2023-11 (6/20/2023); Resolution No. 2024-10 (6/17/2024); Resolution 2025-06 (6/16/2025); Ordinance No. 201 (4/20/2026); Resolution No. 2026-07 (6/15/2026)

RULE 25.5 - WATER USE CREDITS AND WATER CREDITS

- A. Except where a Water Permit has been abandoned, expired, Revoked, Suspended, or canceled under these Rules, a Person may apply to receive a documented Water Use Credit for ~~the a P~~permanent ~~A~~abandonment of ~~some or all prior water U~~use on that Site by one of the methods set forth in this Rule. Water Use Credits pursuant to this Rule shall be documented by written correspondence between the District and the property owner and shall remain valid unless expired or prohibited by the provisions of Rule 25.5. Documented Water Use Credits shall not be recorded by notice on a property title, except as specified in Rule 25.5-H. Except as allowed by Rule 28, Water Use Credits shall not be transferable to any other Site. When applicable, a Water Use Credit shall reference the factor shown in Rule 24 Table II-1 or Table II-2, at the time it was established, as the basis for the credit. A District correspondence documented Water Use Credit shall not be affected by any future change to that factor, although it is subject to the time limitation(s) specified in Rule 25.5.
- B. Water savings resulting from mandatory compliance with Regulation XIV, Water Conservation, shall not result in a Water Use Credit other than those credits specifically available in Table II-4. Water Use Credits for required retrofits shall expire upon the date mandated by any District, State, or Federal law unless otherwise stated in these rules. Such savings shall be set aside as permanent water conservation savings.
- C. A Water Use Credit may be applied to and shall allow future water use on that Site at any time within a period of ten-five years following the Permanent Abandonment of Use documented by a demolition permit or other credible evidence of removal. In the absence of documentation, the date of the last MPWMD inspection documenting the existence of the fixture shall be used as the date of Permanent Abandonment. A one-year extension of time may be granted by the General Manager for justifiable cause. Subsequently, any remaining unused Water Use Credit shall expire.
- ~~C.~~D. A Water Use Credit shall expire or retire based upon the date of installation or purchase, or the date the fixture becomes mandated by any District, State, or Federal conservation program. This rule shall apply to all Water Use Credits, including Water Use Credits tolled by a California Public Utilities Commission moratorium or by State 4 Water Rationing, unless otherwise exempted or modified by Rule 25.5. Credits documented in writing with an expiration date shall be honored by the District.
- ~~D.~~E. A Water Use Credit at a Department of Defense Site shall expire after twenty (20) years.
- ~~E.~~F. The following types of Permanent Abandonment of Capacity shall qualify for a Water Use

Credit under this Rule:

1. Demolition of a building or use that has been recognized by the District as being a lawful water use;
2. Demolition or permanent removal of Exterior Restaurant Seats specifically permitted by debiting Water Use Capacity from an Allocation or Entitlement, Water Credit or Water Use Credit;
3. Permanent disconnection of a lawful water use from a Water Distribution System;
4. ~~Permanent removal of Residential removal of~~ District-documented and lawful water fixtures listed in Rule 24, Table II-1: Residential Fixture Unit Count Values and the associated plumbing for those fixtures so there is no evidence of the removed water fixture;
5. Permanent installation of water fixtures or appliances that are designed to achieve greater water efficiency than mandated in ~~District Rule 142 and Rule 143~~ Regulations XIV and XIV. When newer appliances become more water efficient, no further credit shall be available, and upgrading to the newer standard may be required as a condition of a Water Permit.
6. Removal of established Lawn on sports fields at a Public School District Site that pre-dates the District's permit requirements or that was permitted with a debit to an Allocation.

~~F.G.~~ F.G. To determine a Water Use Credit, the General Manager shall:

1. Verify that the reduction is one which is permanent (i.e. Permanent Abandonment of Use) and the date that Permanent Abandonment of Use occurred.
2. Quantify the Water Use Capacity of the Site using the water use factors from Rule 24, Tables II-1 and/or II-2. If no factor is available on Table II-2 or if the use is substantially different than any of the uses shown on Table II-2, the General Manager may make an estimate based upon water records showing the average use over a minimum of eight (8) years.
3. Grant a Residential Water Use Credit for the permanent removal of water using fixtures if the fixture was properly and lawfully installed.

- a. Water Use Credits for multiple Showerheads shall be limited to a maximum of four (4) fixture units per Separate Stall Shower or Bathtub unless permitted using a Water Entitlement documented on an Assignment Document. A Shower System shall be considered a component of a Separate Stall Shower or Bathtub for purposes of this Rule.
 - b. Credit shall not be given for any reduction which occurs as the result of the removal of landscaping installed without a Water Permit or installed pursuant to a Water Permit for New Construction. An exception to this limitation shall be made for Non-Residential landscaping that was specifically identified, quantified, and permitted by the District. Any Water Use Credit granted under this subdivision shall be determined using the Estimated Applied Water for the increment of landscaping being permanently abandoned.
 - c. A 0.5 fixture unit credit for non-HET toilets that was available on Table II-4 prior to adoption of Ordinance No. 201 shall continue to be allowed until January 1, 2027. At that time, the Water Use Credit shall expire.
4. Quantify the water use reduction (the abandoned Capacity) using the following methods:
- a. Residential Water Use Credit for demolitions, permanent disconnection of water service, and permanent removal of water fixtures shall be determined using the current Fixture Unit Values from Rule 24, Table II -1 ~~4:-~~ Residential Fixture Unit Count Values.
 - b. Residential Water Use Credits shall only be granted for installation of the ultra-low consumption appliances listed in Table II-4: High Efficiency Appliance Credits and for Permanent Abandonment of Use. This table may be amended by Resolution of the Board of Directors. A Water Use Credit shall not be issued for a fixture for which an MPWMD rebate has been issued, or for which an MPWMD rebate has previously been claimed.
 - c. Non-Residential Water Use Credit for demolition and for permanent disconnection of water service shall be determined using current Table II-2: Non-Residential Water Use Factors.

- d. Non-Residential Water Use Credit for retrofits with advanced Ultra-Low Consumption Technology ~~shall~~may be ~~documented under the following circumstances and shall be granted~~ by the Board of Directors for the increment of water savings beyond the water savings anticipated from the installation of ~~Low Water Use Plumbing Fixtures and other District mandates,~~mandatory District requirements:
- (1) Application for Water Use Credit Post-Retrofit. The Applicant shall submit clear and convincing evidence of water savings. This shall be accomplished by providing the District with a minimum of eight (8) years of documented pre-retrofit water history for the use from the Water Distribution System (i.e. bills or correspondence from the Water Distribution System Operator) along with two or more years of post-retrofit water history for the use (i.e. bills or correspondence from the Water Distribution System Operator). When eight (8) years of water history for a use is unavailable or when less than two years of post-retrofit water history is available, the Applicant shall obtain an independent third party's review of the projected water savings, subject to review and acceptance by the District. The District shall verify the installation of Ultra-Low Consumption Technology by conducting an inspection.
 - (2) Application for Water Use Credit Pre-Retrofit. The Applicant shall submit clear and convincing evidence of water savings. This shall be accomplished by providing the District with a minimum of eight (8) years of documented pre-retrofit water history for the use from the Water Distribution System (i.e. bills or correspondence from the Water Distribution System Operator) to establish a baseline consumption level and documentation of the dates of previous retrofits done pursuant to Regulation XIV. When eight (8) years of pre-retrofit water history for a use is unavailable, the factor from Rule 24, Table II-2: Non-Residential Water Use Factors shall be used as the historic use baseline. To substantiate projected water savings resulting from the proposed retrofit(s), the Applicant shall submit additional documentation to support the estimated water savings. When District staff is not able to verify the estimated water savings, the Applicant may be required to reimburse the District for costs to obtain an independent third party's review of the projected water savings. The District shall verify the installation of Ultra-Low

Consumption Technology by conducting an inspection.

- (3) When a Non-Residential Water Use Credit is requested for a Site that cannot demonstrate that the Site was equipped with Low Water Use Plumbing Fixtures for the full period of the water records used, there shall be a 15 percent reduction of the final calculated Water Use Credit.
 - (4) In the event that the General Manager disagrees with the amount of water savings resulting from the installation of Ultra-Low Consumption Technology, the complete Water Use Credit application shall be presented to the Board for further consideration.
5. Written notification of the quantity and expiration of a Water Use Credit shall be provided to ~~the Applicant and to~~ the property owner.
6. No Water Use Credit or reduced Water Use Capacity shall be granted for the removal of a Non-Residential associated use to an ~~out--of--~~District location or to another Water Distribution System. For example: No reduction in Water Use Capacity or Water Use Credit shall be granted for laundering hotel textiles at another location.

~~G.H.~~ H. A valid Water Use Credit may provide the basis for the General Manager to issue a Water Permit for new, modified, or Intensified Water Use on that Site.

1. There shall be no Capacity Fee assessed for any Water Use Credit. Capacity Fees, however, shall apply to the Capacity for water use which exceeds the Water Use Credit, or for any Expansion of Use following the expiration of the Water Use Credit.
2. No Capacity Fee refund shall accrue by reason of a water use reduction or abandonment of Capacity, whether or not reflected by a Water Use Credit.
3. Issuance of a Water Use Credit shall not result in any change to a Jurisdiction's Allocation or to any Water Entitlement. Use of any Water Use Credit shall similarly not result in a change to a Jurisdiction's Allocation or any Water Entitlement.

~~H.I.~~ H.I. When a Water Use Credit on a Site results from demolition of a building that straddled a lot line, the property owner shall specify in writing the quantity of Water Use Credit

assigned to each of the lots formerly occupied by that building. Such designation may be recorded upon the title of each Parcel and shall specify the date the credit expires.

J. A Water Use Credit shall enable reuse of saved water on the Site.

1. Water Use Credits may be moved between one or more structures on the same Site or may be used to construct new uses on the same Site.
2. The District shall not require an additional increment of water for exterior water usage on a vacant lot or lot containing an uninhabitable structure when the owner of the Site has submitted clear and convincing evidence of continuous landscaping and irrigation that was installed by and has been consistently maintained since March 11, 1985. Examples of acceptable evidence are dated photographs, official documents, permits or correspondence of the Jurisdiction, receipts or invoices for gardening services or purchases related to landscaping and maintaining landscaping on the Site. Credit shall only apply to the portion of the Site for which evidence has been provided.
3. A Water Use Credit for disconnection from a Potable Water Distribution System shall be granted by the General Manager only upon the removal of the Connection and written confirmation of such removal by the Water Distribution System Owner or Operator.
4. Water Use Credits shall remain on the Department of Defense Site where the credit originated unless there is agreement between the parties to allow use of a Water use Credit at a different Department of Defense Site.

J.K. An on-Site Water Credit resulting from the non-permanent removal of a lawful Non-Residential use that occurred on or after March 1, 1985, may be applied to, and shall allow, the future reuse of that increment of water on that Site. A Water Permit for reinstating the former use shall be required and allowed.

Rule added by Ordinance No. 60 (6/15/92); amended by Ordinance No. 64 (10/05/92); Ordinance No. 71 (12/20/93); Ordinance No. 110 (9/30/2003); Ordinance No. 115 (05/17/2004); Ordinance No. 121 (8/15/2005); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007); Ordinance No. 139 (5/12/2009); Ordinance No. 145 (9/20/2010); Ordinance No. 155 (3/18/2013); Ordinance No. 156 (11/18/2013); Ordinance No. 157 (12/9/2013); Ordinance No. 162 (8/18/2014); Ordinance No. 164 (4/20/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 182 (5/20/2019); Ordinance No. 187 (6/21/2021); Ordinance No. 189 (12/13/2021); Ordinance No. 201 (4/20/2026).

TABLE II-4: HIGH EFFICIENCY APPLIANCE CREDITS¹

Appliance	Description	Water Use Credit in Fixture Units (FU)
High Efficiency Toilets	A toilet designed to have an average maximum flush of 1.28 gallons and that is labeled by the U.S. Environmental Protection Agency's WaterSense program. This credit is only available until January 1, 2027, at which time it shall be deleted from Table II-4.	0.5 FU
Ultra High Efficiency Toilet	A toilet designed and manufactured to flush with a maximum of 0.8 gallon of water and that is labeled by the U.S. Environmental Protection Agency's WaterSense program.	1 FU
Instant-Access Hot Water System	A recirculating hot water system or other device(s) that results in hot water contact at every point of access throughout the Dwelling Unit within ten (10) seconds. Instant-Access Hot Water Systems shall be installed in each auxiliary building plumbed with hot water on a Single Family Residential Site. There shall be no Water Use Credit for installation of Instant-Access Hot Water Systems for New Structures.	0.5 FU
High Efficiency Dishwasher	See Rules 11, 23, and Table II-1, Residential Fixture Unit Count Values. A High Efficiency Dishwasher (HEDW) shall have Energy Star certification. <u>Granted for one HEDW per Dwelling Unit.</u>	0.5 FU
High Efficiency Clothes Washer	See Rule 11. A High Efficiency Clothes Washer shall have Energy Star certification.	1 FU

Table II-4 amended by Resolution 2008-03 (2/28/2008); Resolution 2009-10 (7/20/2009); Ordinance No. 140 (11/16/2009); Resolution 2009-14 (12/14/2009); Ordinance No. 151 (11/19/2012); Ordinance No. 156 (11/18/2013); Resolution 2019-09 (7/15/2019); Resolution 2020-01 (1/23/2020); Resolution 2022-08 (3/21/2022); Ordinance No. 201 (4/20/2026)

¹ A Water Use Credit shall not be issued for a fixture for which an MPWMD rebate has been issued, or for which an MPWMD rebate has previously been claimed.

RULE 141 - WATER CONSERVATION REBATES

A. QUALIFYING DEVICES

Rebates are available for purchase of the following Qualifying Devices within the boundaries of the Monterey Peninsula Water Management District. Qualifying Devices and the associated Rebate amount are shown in Table XIV-1.

B. REBATE AMOUNTS

Rebates shall be issued by the District on a first-come, first-served basis as long as funds remain available. Rebate amounts shall be listed in Table XIV-1 which may be modified from time to time by resolution of the Board. At no time shall a Rebate exceed the purchase price of the Qualifying Device.

**Table XIV-1
Rebate Amounts
Updated April 20, 2026**

Qualifying Device	Maximum Rebate
Ultra High Efficiency Toilet	\$75
Toilet Flapper	\$15
Pint Urinal (in a Residential use only)	\$75
High Efficiency Dishwasher (Residential)	\$125
High Efficiency Clothes Washer (Residential)	\$500
Instant-Access Hot Water System (per Qualifying Property)	\$200
On-demand hot water pump or point of source water heater (maximum of two per Qualifying Property)	\$100
Smart Flowmeter (one per User on a Site)	\$200
Smart Flowmeter with System Shut-Off (one per User on a Site)	\$500
Graywater Irrigation System supplied by one Clothes Washer	\$100
Graywater Irrigation System supplied by one or more Bathrooms that have a Bathtub/Shower connected to a Graywater Irrigation System. Residential limit: 4.	\$100 per Bathroom
Non-Residential Graywater system	Case-by-case basis
Weather Based or Smart Irrigation Controller	\$100 for up to four stations. An additional \$10 shall be available per station up to twenty (20) stations
Soil Moisture Sensor(s) on a conventional automatic Irrigation System (gypsum block Soil Moisture Sensors shall not qualify for Rebate)	\$25
Cistern water tanks installed on Sites supplied with water from the Monterey Peninsula Water Resource System (per Qualifying Property)	\$50 per 100 gallons for the first 500 gallons and \$25 per 100 gallons of water storage capacity to a maximum storage capacity of 25,000 gallons
Lawn removal and replacement with low water use plants or permeable surfaces ¹ (Prequalification required - See MPWMD Rule 141-F)	\$1.00 per square-foot to a maximum of 2,500 square-feet
Rotating Sprinkler Nozzle (minimum purchase and installation of ten)	\$4 each
Water Broom	\$150

¹ Lawn removal Rebate at a Public facility may exceed the square-footage limitation subject to Board approval.

Commercial High Efficiency Clothes Washer ²	\$1,000
Commercial Ozone Laundry System	\$1,000
Cooling Tower Conductivity Controller	\$1,000
Cooling Tower Conductivity/pH Controller	\$2,500
High Efficiency Connectionless Food Steamer (per compartment)	\$1,500
Commercial Waterless Wok Stove	\$5,000
Water Efficient Commercial Steam or Combi Oven	\$2,500
High Efficiency Commercial Dishwasher	
Under counter model	\$1,000
Single tank door type model	\$1,500
Single tank conveyor	\$2,000
Multi-tank conveyor	\$2,500
Water Pressure Regulator Valve Replacement	\$250
Medical equipment steam sterilizer retrofit with a water tempering device	\$1,500
Dry Vacuum Pump (per 0.05 HP to a limit of 4 HP)	\$200
Removal of whirlpool (or jetted water system) Bathtub in Visitor-Serving Facility	\$250
Multi-Family Dwelling Meter Split	\$100/dwelling unit
Smart Toilet Leak Detectors installed in Visitor Serving Facilities and Master Metered Multi-Family Housing	25 percent of the cost of 20 or more smart toilet leak detector units to a maximum of \$15,000

² Available only to Residential Sites with up to three Dwelling Units. Required for all Non-Residential Users and Common Laundry Rooms at Multi-Family Sites with four or more units.

Table added by Ordinance No. 163 (3/16/2015) and revised by Resolution 2015-04 (4/20/2015); Resolution 2015-25 (12/14/2015); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Resolution 2021-09 (June 21, 2021); Resolution 2021-16 (12/13/2021); Resolution No. 2023-03 (2/13/2023); amended by Ordinance No. 201 (4/20/2026)

C. REBATE ELIGIBILITY

1. Rebates shall be issued for Qualifying Devices installed on Sites located within the District that are served by Water Distribution Systems regulated by the District. The Site shall be in compliance with District Rules prior to issuance of a Rebate.
2. No Rebate shall be issued for installation of Qualifying Devices that are required to be installed and maintained by Regulation II (Permits) or Regulation XIV (Water Conservation) of the District. No Rebate shall be issued for installation of Qualifying Devices that were required to obtain a Water Permit. Rebates shall be available until the date the retrofit becomes mandatory, such as the date a Change of Ownership or Change of Use occurs or a Water Permit is issued. Rebates shall not be available for Qualifying Devices that have been required to be installed and maintained by local, State, or Federal water conservation programs, including state requirements for the sale and installation of High Efficiency Toilets. Special programs undertaken by MPWMD may be exempt from this restriction by specific action of the Board.
3. Rebates shall be available only for the initial purchase of a Qualifying Device. Rebates shall not be issued for replacement of an existing Qualifying Device except for High Efficiency Clothes Washers that have been removed from the Qualifying Property by a previous owner/tenant or that are being replaced after eight or more years and High Efficiency Dishwashers and Ultra High Efficiency Toilets replaced after ten years. Applicants submitting an application for a High Efficiency Clothes Washer Rebate on a Site that has previously qualified for a High Efficiency Clothes Washer Rebate may be required to provide information to substantiate a subsequent Rebate.
- ~~4.~~ Ultra High Efficiency Toilets shall meet or exceed the EPA WaterSense labeling criteria and shall bear the WaterSense Label and be listed on the WaterSense website. No behind-the-wall mounted toilets (e.g. Durivet and Gerberit) shall qualify as Ultra High Efficiency Toilets.
- ~~4.5.~~ No Water Use Credit (Rule 25.5) shall be available for a Qualifying Device that has received a Rebate.
- ~~5.6.~~ Rebates shall be available for a maximum of twenty (20) toilets at one Site-.

~~6.7.~~ 7. Outdoor Water Use Rebates

- a. Rebates for Cisterns shall be limited to 25,000 gallons of r a i n w a t e r storage capacity on a Qualifying Property. All Cistern Rebate Sites shall have sufficient roof area to fill the capacity of the Cistern(s) after first flush during a “normal” Water Year and may require verification of usable roof area by Site inspection.
- b. Rebates for Lawn removal shall be available only to Qualifying Properties irrigated with water from the Monterey Peninsula Water Resource System.
- c. To be eligible for any Rebate for Lawn Removal, Lawns must be green, regularly maintained at a low even height, irrigated regularly, and be well cared for at the time of application for a Rebate. Dead Lawns or Lawns that have been removed prior to issuance of a Lawn Rebate prequalification statement from the District shall not be eligible for a Rebate.
- d. A minimum of 250 square-feet of Lawn shall be removed to qualify for a Rebate.
- e. Eligibility for any Lawn Removal Rebate shall be determined upon receipt of a complete application as described in Rule 141-E. The District will notify the Applicant by written prequalification documentation that the proposed Lawn removal and replacement proposal has been “prequalified.”

~~7.8.~~ 8. Non-Residential Rebates

- a. Rebates for Dry Vacuum Pumps shall be available only when the Qualifying Device is replacing a water (liquid) ring pump.
- b. Rebates for retrofitting medical steam sterilizers with water tempering devices are limited to those sterilizers that use a continuous water flow to cool the steam discharge.

D. CONDITIONS OF APPROVAL

1. Applications for all Rebates with the exception of Lawn removal Rebates, shall be

submitted within 120 days of purchase of Qualifying Devices.

2. Applicant shall install the fixture and/or appliance at the property listed on the application form.
3. Applicant shall certify under the penalty of perjury that the information on the application is true and complete.
4. Rebates shall only be granted for Qualifying Devices that meet the definitions as provided in Rule 11.
5. Applicant agrees that the District may conduct an inspection of the Rebate Site to verify installation of Qualifying Devices.
6. Rebates for Weather Based Irrigation Controllers
 - a. Rebates shall only be granted for Weather Based Irrigation Controllers that meet minimum quality and dependability requirements as determined by product testing conducted by the Irrigation Association.
 - b. Irrigation System shall be a fully operational, and shall be efficiently designed, or modified if necessary, to include proper Distribution Uniformity, matched spray heads or emitters with similar precipitation rates, efficient Hydrozoning, and proper spacing.
 - c. Site shall include at least 1,500 square-feet of automatically irrigated Landscaping.
7. Rebates for Lawn removal and replacement with low water use plants or permeable surfaces.
 - a. Lawn removal and replacement at a Qualifying Property shall be subject to annual visual verification by the District.
 - b. Determinations of eligibility for Lawn removal and replacement Rebates shall be at the discretion of the General Manager.
 - c. Applications for Lawn removal Rebates shall require prequalification. The prequalification process is explained in Rule 141-F-2, Process.

- d. Lawn must be replaced with low water use plants or permeable surfaces (e.g., mulch, decomposed granite, Synthetic Turf, permeable pavers). Concrete and grouted pavers do not qualify.
 - e. If converted area is irrigated, a Drip Irrigation System must be installed and maintained. Overhead irrigation shall not be installed.
 - f. Planted areas must be mulched to a minimum depth of three inches from the plant to the drip line of the plant.
 - g. Lawn shall not be relocated to another area on the Site. The total Lawn area shall be listed on the deed restriction that restricts the changed Landscaped Area ~~for fifteen (15) years~~.
 - h. Recipients of Rebates for Lawn removal shall agree to have a deed restriction recorded on the title of the property allowing public access to water use records prior to issuance of a Rebate. The application shall not be deemed complete until the deed restriction document has been notarized and returned to the District and has been successfully recorded. Rejected notarizations shall void the date of completion until the document has been recorded.
 - i. Lawn removal Rebates shall require recordation of a deed restriction on the title of the property prior to release of Rebate funds that specifies that the property is restricted to the changed Landscaped Area ~~for a period of fifteen (15) years~~. The deed restriction shall be rescinded upon repayment to the District of the full Rebate amount and any processing fee required pursuant to Regulation VI, Fees ~~-,~~ and issuance of a Landscape Water Permit pursuant to Rule 142.1. The application shall not be deemed complete until the deed restriction document has been notarized and returned to the District and has been successfully recorded.
8. Graywater Irrigation System Rebates shall be granted when the following conditions have been met:
- a. Applicant shall comply with the Monterey County Environmental Health Bureau Graywater Irrigation Systems Permitting Process and Design Criteria.

- b. Any necessary building/plumbing permits have been completed and copies provided with the Rebate application.
 - c. MPWMD staff may verify Graywater Irrigation Systems by Site inspection or other means.
- 9. Multi-Family Dwelling Meter Split Rebates shall only be approved and processed after verification that a Water Meter has been installed by the Water Distribution System Operator.
- 10. Rebates for Smart Flowmeters. Qualifying Devices shall meet the following requirements:
 - a. Eligible Smart Flowmeters shall measure total water usage at least hourly and report water usage on a web portal or smartphone application.
 - b. Limit of one Smart Flowmeter Rebate per User on a Parcel.
 - c. An Applicant for a Smart Flowmeter shall obtain authorization from the Water Distribution System Operator when a flowmeter is attached to the Water Meter.
 - d. The Smart Flowmeter shall be designed for at least two years of continuous operation.
 - e. Property owner shall agree to keep the flowmeter installed and operational for a minimum of two years.
 - f. Applicant shall submit a photograph of the installed Smart Flowmeter with the Rebate application.

E. APPLICATION

- 1. A completed application for Rebate shall include the name and address of the Applicant, property owner's name, telephone numbers, address of property where the fixture and/or Qualifying Device is being installed, Assessor's Parcel Number, water company account number, date of retrofit, brand and model of Qualifying Device installed, name of installer and receipt for the purchase of the appliance.

The application shall also request information about how the Applicant learned of the Rebate program.

2. Lawn removal Rebate applications shall follow the process shown in Rule 141-F-2.
3. Applications for Rebate shall include either the original or a full copy of the receipt for purchase.
4. Written authorization of the current property owner or property manager shall be required for Applicants who are not the owners of the property for which a Rebate is requested. The authorization must indicate consent to the Applicant receiving a Rebate for installation of the Qualifying Devices. Applications submitted without approval will be denied.

F. PROCESS

1. Upon receipt of an application, the District shall verify completion and accuracy of information and shall verify the purchase of the Qualifying Device(s) by reviewing the purchase receipt(s).
2. Lawn removal Rebate application process.
 - a. Prequalification: Applicants must complete and submit a Lawn Rebate application form that includes the following documents:
 - (1) Water records (either copies of bills or a printout from the Water Distribution System) for the two most recent years;
 - (2) A drawn Site plan showing a detailed description (including measured areas) of the Lawn replacement project, including square-footage of Lawn to be removed, names and numbers of plants or other surfaces to be installed, and the irrigation plan.
 - (3) Two to three current photographs of the Lawn to be removed. A minimum of 250 square-feet of Lawn shall be removed to qualify for Rebate.
 - b. The Lawn Rebate Application shall be reviewed for completeness. The Applicant may be contacted to arrange a Site inspection to verify the

Lawn.

- c. When a determination has been made that removal of Lawn will result in permanent and quantifiable water savings, and when present funding is available in an amount sufficient to fund a Rebate for the Lawn removal, the District shall issue a Lawn Rebate prequalification letter. The Applicant shall have 120 days from the date of the prequalification letter to complete the project and submit receipts, arrange for a final inspection by the District, and successfully record deed restrictions. Applications not completed within 120 days of the date of the prequalification letter shall be denied.
 - d. Rebates shall be subject to availability of funding.
- 3. The District shall search its records and shall verify compliance with previous retrofit requirements. If no violation is found, a Rebate shall be processed if funds are available in the Rebate Account.
 - 4. Information contained on the application shall be added to the District's records for future use in assessing water savings achieved through the Rebate Program.
 - 5. When funds are available in the Rebate Account, a Rebate check shall be processed and mailed to the Applicant.

Added by Ordinance No. 129 (8/20/2007); amended by Ordinance No. 139 (5/21/2009); Ordinance No. 140 (11/16/2009); Ordinance No. 144 (8/16/2010); Ordinance No. 148 (4/18/2011); Ordinance No. 149 (9/19/2011); Ordinance No. 153 (6/19/2012); Ordinance No. 156 (11/18/2013); Ordinance No. 159 (4/21/2014); Ordinance No. 163 (3/16/2015); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 179 (8/20/2018); Ordinance No. 182 (5/20/2019); Ordinance No. 189 (12/31/2021); Ordinance No. 201 (4/20/2026)

RULE 142.1 - WATER EFFICIENT LANDSCAPE REQUIREMENTS

- A. **Purpose.** The purpose of this Rule is to provide landscape standards that minimize water use, eliminate Water Waste, and reduce stormwater Runoff by requiring low water landscape plantings, design, and irrigation methods. Pursuant to California Government Code Section 65595, this Rule is intended to be at least as effective in water conservation and efficiency as the State’s Model Water Efficient Landscape Ordinance (MWEL0).

B. **General Requirements**

1. Water Waste prohibitions remain in place according to MPWMD Rule 162, including prohibitions on irrigation of Non-Functional Turf.
2. Recycled Water.
 - a. All Recycled Water use is subject to applicable provisions of the California Code of Regulations (Cal. Code Regs.), Titles 17 and 22, the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 15), and all applicable local and State laws.
 - b. Landscape Areas using Recycled Water are considered Special Landscape Areas.
3. Graywater Irrigation Systems. All Graywater Irrigation Systems are required to conform to the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 15) and any applicable local ordinance standards.
 - a. Graywater Irrigation Systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation.
 - b. For projects using treated or untreated Graywater, any Parcel within the project that has less than 2,500 square-feet of Landscape Area and meets the Parcel’s landscape water requirement (Estimated Total Water Use or ETWU) entirely with Graywater is subject only to Rule 142.1-H-1-b.
4. Stormwater Management and Rainwater Retention.

- a. Project Applicants shall refer to the Jurisdiction or Regional Water Quality Control Board for information on any applicable stormwater technical requirements.
- b. All Non-Potable rainwater catchment systems are required to conform to the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 16).
- c. All Landscape Areas are required to have Friable soil to maximize water retention and infiltration. Refer to Rule 142.1-I-1.
- d. For projects using rainwater captured on site, any Parcel within the project that has less than 2,500 square-feet of Landscape Area and meets the Parcel's landscape water requirement (ETWU) entirely through stored rainwater captured on site is subject only to Rule 142.1-H-1-b.
- e. It is strongly recommended that Landscape Areas be designed for capture and infiltration capacity that is sufficient to prevent Runoff from impervious surfaces (i.e., roof and paved areas) from either:
 - (1) the one inch, 24-hour rain event, or
 - (2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.
- f. It is recommended that landscape projects incorporate any of the following elements to improve on-site storm water and dry weather Runoff capture and use:
 - (1) Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
 - (2) Minimize the area of impervious surfaces such as paved areas, roofs, and concrete driveways.
 - (3) Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete)

that minimize Runoff.

- (4) Direct Runoff from paved surfaces and roof areas into planting beds or Landscaped Areas to maximize site water capture and reuse.
- (5) Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
- (6) Incorporate infiltration beds, swales, basins, and drywells to capture storm water and dry weather Runoff and increase percolation into the soil.
- (7) Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

g. Sites utilizing rainwater storage as a component in an Irrigation System.

- (1) For all new Connections on Sites where rainwater storage is included as a source of water supply for an Irrigation System, the Estimated Total Water Use as determined by the landscaping plan shall be reduced by the available Rainwater Harvesting Capacity. Any modification of the landscaping that results in an Intensification of Use shall require a Water Permit.
- (2) Sites utilizing rainwater storage as a component of an Irrigation System shall have landscape water use restricted by a recorded deed restriction enforceable by the District. The recorded deed restriction shall provide notice to each subsequent owner that failure to maintain and utilize the rainwater storage component of the Irrigation System shall constitute an Intensification of Use which requires a Water Permit and may result in collection of additional Capacity Fees and a debit to a Jurisdiction's Allocation or Water Entitlement and/or other enforcement actions.

5. Fire Safe Landscaping.

- a. A Landscape Design Plan for development and construction in Local Responsibility Areas designated as Very High Fire Hazard Severity Zones and areas designated by the Board of Forestry and Fire Protection as State Responsibility Areas are required to comply with the California Fire Code (Cal. Code Regs., Title 24, Part 9, Chapter 49) “Requirements for Wildland- Urban Interface Fire Areas.”
- b. Public Resources Code section 4291(a) and (b) describes the requirements for a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material to address fire safety and prevention by maintaining a defensible space or zone around a building or structure.
 - (1) Avoid fire-prone plant materials and highly flammable Mulches.
- c. Local Fuel Modification Plan guidelines may prescribe additional requirements per Public Resources Code section 4291(a) and (b).

6. Plant Selection.

- a. Any plant may be selected for the landscape project provided that the requirements of the selected compliance option are met.
- b. Select trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area.
- c. The use of Invasive Plant Species, such as those listed by the California Invasive Plant Council, is strongly discouraged. Pursuant to Food and Agricultural Code section 52334, the declaration of a plant, seed, nursery stock, or crop as invasive is a power reserved for the Secretary of the California Department of Food and Agriculture.

7. The architectural guidelines of a Common Interest Development shall not prohibit or include conditions that have the effect of prohibiting the use of Low Water Use Plants as a group (Civil Code sections 4100 and 4735).
8. Environmental Review. The Jurisdiction must comply with the California Environmental Quality Act (CEQA), as appropriate.
9. Public Education. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management, and maintenance that save water is encouraged in the community.
10. Local agencies shall provide information to owners of permitted renovations and new Residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a Water Budget.
11. Model Homes. All model homes that are landscaped shall display signs that provide information demonstrating the principles of water efficient landscapes described in this Rule.
 - a. Signs shall be used to identify the model home as an example of a water efficient landscape. Signage shall include:
 - (1) Fundamental water efficient landscape elements such as Hydrozones, irrigation equipment, native plants, Graywater systems, rainwater catchment systems, and other elements as applicable that contribute to the overall water efficient theme.
 - (2) Information about the Site water use budget as designed per this Rule; specify who designed and installed the water efficient landscape.
 - b. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

C. Applicability

This Rule shall apply to all of the following landscape projects:

1. New construction (including demolition projects) with a new Landscape Area or Rehabilitated Landscape Area as defined equal to or greater than 500 square feet requiring a building or landscape permit, plan check, or design review;
2. Rehabilitated Landscape projects with a Landscape Area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
3. Landscape projects with a new Landscape Area equal to or greater than 500 square feet or a Rehabilitated Landscape Area equal to or greater than 2,500 square feet undertaken within one (1) year of completion of projects requiring a grading permit, building permit, or design review;
4. Landscape projects with a new Landscape Area equal to or greater than 500 square feet or a Rehabilitated Landscape Area equal to or greater than 2,500 square feet undertaken to repair unintended damage from a project requiring a grading permit, building permit, or design review;
5. Existing non-Rehabilitated Landscapes are limited to Rule 142.1-D; and
6. Any project with a Landscape Area of 2,500 square feet or less may comply with either the performance requirements described in Rule 142.1-I or conform to the prescriptive measures contained in Rule 142.1-H.
7. This rule does not apply to:
 - a. registered local, state, or federal historical Sites;
 - b. ecological restoration projects that do not require a permanent Irrigation System;
 - c. existing plant collections, as part of botanical gardens and arboretums open to the public.

D. Requirements for Existing Non-Rehabilitated Landscapes

~~This section shall apply to all existing non-Rehabilitated Landscapes that were installed before December 1, 2015, and are over one acre in size.~~

1. For all existing non-Rehabilitated Landscapes installed before December 1, 2015, that have a Water Meter, the District and the Water Distribution System Operator shall administer programs that may include, but not be limited to, irrigation water use analyses, Irrigation Surveys, and Irrigation Audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance (MAWA) for existing non-Rehabilitated Landscapes.
 - a. The Maximum Applied Water Allowance for existing non-Rehabilitated Landscapes shall be calculated as: $MAWA = (ET_o) \times (0.62) \times (0.8 \times RLA + 1.0 \times SLA)$.
2. For all existing non-Rehabilitated Landscapes installed before December 1, 2015, that do not have a Water Meter, the District and the Water Distribution System Operator shall administer programs that may include, but not be limited to, Irrigation Surveys and Irrigation Audits to evaluate water use and provide recommendations as necessary in order to prevent Water Waste.
3. All landscape Irrigation Audits shall be conducted by a Certified Landscape Irrigation Auditor.

E. Requirements for New Construction or Rehabilitated Landscapes

There are two options for compliance with Rule 142.1:

1. Prescriptive compliance option as described in Rule 142.1-G-1, H, and J-1; or
2. Performance compliance option as described in Rule 142.1-G-2, H, and J-2.
3. An Applicant may comply with either the prescriptive or performance compliance option for any new construction project with a Landscape Area

between 500 and 2,500 square feet.

4. An Applicant shall use the performance compliance option for any landscape project with a Landscape Area of 2,500 square feet, or greater.

F. Compliance Responsibilities

1. Designation of Responsibility. The District may, by mutual agreement, designate another agency, such as a water purveyor, to implement some or all of the requirements contained in Rule 142.1.
2. The District is responsible for the enforcement of Rule 142.1 in coordination with the local land use agency, including but not limited to, approval of a Landscape Water Permit, plan check, and/or design review of a project. Prior to construction, the District or its agent shall:
 - a. provide the project Applicant with the rule and procedures for permits, plan checks, or design reviews;
 - b. review the Landscape Documentation Package submitted by the project Applicant;
 - c. approve or deny the Landscape Documentation Package;
 - d. issue a Landscape Water Permit.
3. Project Applicant.
 - a. Prior to construction, the project Applicant shall submit a Landscape Documentation Package to the District.
 - b. Upon approval of the Landscape Documentation Package by the District, the project Applicant shall:
 - (1) receive a Landscape Water Permit and record the date of the permit in the Certificate of Completion;
 - (2) submit a copy of the approved Landscape Documentation Package along with the Record Drawings, and any other

information to the property owner or their designee unless the property owner is the project Applicant.

G. Elements of the Landscape Documentation Package

1. **Prescriptive Compliance.** The Landscape Documentation Package shall include:
 - a. A project information sheet with the following elements:
 - (1) date the project information sheet is completed;
 - (2) name of the project Applicant;
 - (3) contact information for the project Applicant and property owner;
 - (4) project address and Parcel number;
 - (5) total Landscape Area (square feet);
 - (6) project type (e.g., institutional (i.e., public), private, cemetery, homeowner-installed);
 - (7) water supply type (e.g., Potable, recycled, Well) and identify the local retail water purveyor if the Applicant is not served by a private Well; and,
 - (8) Applicant signature and date with statement: *“I agree to comply with the requirements of the prescriptive compliance option of the MPWMD Water Efficient Landscape Requirements.”*
 - b. A Landscape Design Plan that includes:
 - (1) Total Landscape Area (square feet); and
 - (2) A breakdown of Turfgrass and plant material (e.g., plant legend).

2. **Performance Compliance.** The Landscape Documentation Package shall include the following six (6) elements:

- a. A project information sheet with the following elements:
 - (1) date the project information sheet is completed;
 - (2) name of the project Applicant;
 - (3) contact information for the project Applicant and property owner;
 - (4) project address and Parcel number;
 - (5) total Landscape Area (square feet);
 - (6) project type (e.g., institutional (i.e., public), private, cemetery, homeowner-installed);
 - (7) water supply type (e.g., Potable, recycled, Well) and identify the local retail water purveyor if the Applicant is not served by a private Well;
 - (8) checklist of all documents in Landscape Documentation Package; and,
 - (9) Applicant signature and date with statement: *“I agree to comply with the requirements for the performance compliance option of the MPWMD Water Efficient Landscape Requirements and submit a complete Landscape Documentation Package.”*
- b. Soil Management Report pursuant to Rule 142.1-I-1;
- c. Landscape Design Plan pursuant to Rule 142.1-I-2;
- d. grading design plan pursuant to Rule 142.1-I-3;
- e. Irrigation Design Plan pursuant to Rule 142.1-I-4; and

- f. Water Efficient Landscape Worksheet pursuant to Rule 142.1-I-5:
 - (1) Maximum Applied Water Allowance (MAWA);
 - (2) Estimated Water Use (EWU); and
 - (3) Estimated Total Water Use (ETWU).

H. Prescriptive Compliance Option

This section contains prescriptive requirements, which may be used as a compliance option for new construction projects with a Landscape Area between 500 and 2,500 square feet. Compliance with the requirements of this section is mandatory and must be documented in the Landscape Documentation Package pursuant to Rule 142.1-G-1 to use the prescriptive compliance option.

- 1. Landscape project requirements.
 - a. Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into Landscape Area (unless contra-indicated by a soil test). Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.
 - b. Irrigation Systems shall comply with the following:
 - (1) For Non-Residential projects with Landscape Areas of 1,000 square feet or more, a dedicated irrigation Water Meter or private submeter(s) to measure landscape water use shall be installed.
 - (2) Automatic irrigation controllers are required and must use either evapotranspiration (weather-based) or soil moisture (sensor- based) data and utilize a rain sensor.
 - (3) Irrigation controllers shall use non-volatile memory.
 - (4) Pressure Regulating Devices, which may include pressure

boosters or reducers, shall be installed on the Irrigation System to ensure the dynamic pressure of the system is within the manufacturers' recommended pressure range.

- (5) Manual shut-off Valves (such as a gate Valve, ball Valve, or butterfly Valve) shall be installed as close as possible to the point of connection to the water supply.
- (6) All irrigation emission devices must meet the requirements set by ANSI in the 2020 ASABE/ICC 802 Landscape Irrigation Sprinkler and Emitter Standard, which is herein incorporated by reference. All sprinkler heads installed in the landscape must document a low-quarter Distribution Uniformity of 0.65 or higher using the protocol defined in 2020 ASABE/ICC 802 Standard.
- (7) Non-rotating spray sprinkler bodies are required to meet the standards described in the California Code of Regulations, Title 20, Division 4, Chapter 4, Section 1605.3(x).
- (8) Landscape Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no Water Waste, Runoff or Overspray.

c. Plant material shall comply with all of the following:

- (1) For Residential landscapes, install climate adapted plants that require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 75% of the Landscape Area excluding areas permanently and solely dedicated to edible plants, and areas using Recycled Water;
- (2) For Non-Residential landscapes, install climate adapted plants that require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 100% of the Landscape Area excluding areas permanently and solely dedicated to edible plants, and areas using Recycled Water;
- (3) Turfgrass shall comply with all of the following:

- (a) Turfgrass shall not exceed 20% or a maximum of 1,500 square feet of the Landscape Area, whichever is less;
 - (b) There shall be no Turfgrass in Non-Residential landscapes; and
 - (c) Turfgrass shall not be planted on sloped areas which exceed a slope of one foot vertical elevation change for every four feet of horizontal length; and,
 - (d) Turfgrass is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any Turfgrass in parkways must be irrigated by subsurface irrigation or by other technology that creates no Water Waste, Overspray or Runoff.
- d. A minimum three-inch (3") layer of Mulch shall be applied on all exposed soil surfaces of planting areas except in Turfgrass areas, creeping or rooting groundcovers, or direct seeding applications where Mulch is contraindicated.
- 2. The designer of record shall make plants identifiable to an inspector during final inspection. Plants must be identifiable by botanical name, common name or cultivar as specified in Section 53481 of the Food and Agricultural Code.
- 3. At the time of final inspection, the Landscape Water Permit Applicant must provide the owner of the property and the District with a Certificate of Completion Package pursuant to Rule 142.1-J-1.

I. Performance Compliance Option

The performance compliance requirements shall be used as the compliance option for any landscape project with greater than 2,500 square feet of area and documented in the Landscape Documentation Package, as described in Rule 1421.1-G-2, and the Certificate of Completion Package, as described in Rule

142.1-J-2.

1. **Soil Management Report**

A Soil Management Report shall be completed by the project Applicant, or their designee, as follows:

- a. Submit soil samples to a laboratory for analysis and recommendations. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants. The soil analysis shall include:
 - (1) soil texture;
 - (2) infiltration rate determined by laboratory test or soil texture infiltration rate table;
 - (3) pH;
 - (4) total soluble salts;
 - (5) sodium;
 - (6) percent organic matter; and
 - (7) recommendations.
- b. In landscape projects with multiple landscape installations (i.e., production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% of the total number of lots will satisfy this requirement.
 - (1) Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.
- c. The project Applicant, or their designee, shall comply with one of the following:
 - (1) If significant mass grading is not planned, the report shall

be submitted to the District as part of the Landscape Documentation Package; or

- (2) If significant mass grading is planned, the Soil Management Report shall be submitted to the District as part of the Certificate of Completion Package.
- (3) The Soil Management Report shall be made available, in a timely manner, to the professionals preparing the Landscape Design Plans and Irrigation Design Plans to make any necessary adjustments to the design plans.
- (4) The project Applicant, or their designee, shall submit documentation verifying implementation of Soil Management Report recommendations to the District with the Certificate of Completion Package.

2. Landscape Design Plan.

a. The Landscape Design Plan, at a minimum, shall:

- (1) delineate and label each Hydrozone by number, letter, or other method;
- (2) identify the Plant Water Use Factor for each Hydrozone as very low, low, moderate, high, or mixed water use.
 - (a) Temporarily irrigated Landscape Areas shall use the low water use plant factor range in the water budget calculation specified in Rule 142.1-5-b-(1).
- (3) identify Special Landscape Areas, including:
 - (a) Recreational Areas;
 - (b) areas permanently and solely dedicated to edible plants; and,
 - (c) areas irrigated with or water features using Recycled

Water;

- (4) identify type of Mulch and application depth;
- (5) identify type and quantity of soil amendments;
- (6) identify type and surface areas of water features;
- (7) identify hardscapes (pervious and non-pervious);
- (8) identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project Applicants shall refer to the Jurisdiction or Regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the Landscape Design Plan and examples are provided in Rule 142.1-B-4 requirements;
- (9) identify any applicable rain harvesting or catchment technologies and their 24-hour retention or infiltration capacity, if applicable;
- (10) identify any applicable Graywater discharge piping, system components, and area(s) of distribution;
- (11) identify designated insect habitat;
- (12) make plants identifiable to an inspector during final inspection:
 - (a) Plants must be identifiable by botanical name, common name or cultivar as specified in Section 53481 of the Food and Agricultural Code.
- (13) contain the following statement: *“I have complied with the performance compliance option criteria of the MPWMD Water Efficient Landscape Requirements and*

applied them for the efficient use of water in the Landscape Design Plan.”; and

(14) bear the signature of the designer of record as defined.

b. Plant Selection.

(1) Any plant may be selected for the landscape, providing the ETWU in the Landscape Area does not exceed the MAWA.

(2) The architectural guidelines of Common Interest Developments shall not prohibit or include conditions that have the effect of prohibiting the use of Low Water Use Plants as a group.

(3) Each Hydrozone shall have plant materials with similar water use.

(a) Exceptions are allowed for Hydrozones that use a mix of plant materials with low and moderate plant factors or moderate and high plant factors, as specified in Rule 142.1-I-4-c-(7).

(4) High water use plants, characterized by a plant factor range of 0.7 to 1.0, are prohibited in street medians.

(5) Turfgrass is not allowed on slopes greater than 25% where the toe of the slope is adjacent to a non-pervious hardscape and where 25% means one (1) foot of vertical elevation change for every four (4) feet of horizontal length (rise divided by run x 100 = slope percent).

(6) Methods to achieve water efficiency shall include one or more of the following:

(a) protection and preservation of native species and natural vegetation;

- (b) selection of plants based on local climate suitability, disease, and pest resistance;
 - (c) selection of water-conserving plant, tree, and Turfgrass species, especially local native plants;
 - (d) selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area;
 - (e) selection of plants from local and regional landscape program recommended plant lists; and
 - (f) selection of plants from local Fuel Modification Plan Guidelines.
- (7) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:
- (a) use the Sunset Western Climate Zone System, 2007, which is herein incorporated by reference, which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - (b) recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); allow for adequate soil volume for healthy root growth; and
 - (c) consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

c. Water Features.

- (1) Recirculating water systems shall be used for water features.
- (2) Where available, Recycled Water shall be used for decorative water features.
- (3) Surface area of a water feature shall use the high water use Hydrozone plant factor in the water budget calculation.
- (4) Pool and spa covers are highly recommended pursuant to subdivision (d) of Section 115921 of the Health and Safety Code.

d. Soil Preparation, Mulch, and Amendments.

- (1) Prior to the planting of any materials, compacted soils shall be transformed to a Friable condition. On engineered slopes, only amended planting holes need to meet this requirement.
- (2) Soil amendments shall be incorporated according to recommendations of the Soil Management Report and what is appropriate for the plants selected (see Rule 142.1-I-1).
- (3) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of pervious area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.
- (4) A minimum three-inch (3") layer of Mulch shall be applied on all exposed soil surfaces of planting areas except in Turfgrass areas, creeping or rooting groundcovers, or direct seeding applications where Mulch is contraindicated.
 - (a) To provide habitat for beneficial insects and other wildlife, up to 5% of the Landscape Area may be left without Mulch and identified in the Landscape Design Plan (see Rule 142.1-I-2-a-(11)).

- (5) The mulching portion of the seed/Mulch slurry in hydro-seeded applications shall meet the mulching requirement in Rule 142.1-I-d-(4).
- (6) Stabilizing mulching products shall be used on slopes that meet current engineering standards.
- (7) Organic Mulch made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available.
 - (a) Organic Mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances. (Public Resources Code section 4291).

3. Grading Design Plan.

- a. Grading of a project site shall be designed to minimize soil erosion, Runoff, and Water Waste. A grading plan shall be submitted by the project Applicant as part of the Landscape Documentation Package. A comprehensive grading plan approved by the Jurisdiction for other Jurisdictional permits satisfies this requirement.
 - (1) A landscape grading plan that indicates finished configurations and elevations of the Landscape Area, including:
 - (a) height of graded slopes;
 - (b) drainage patterns;
 - (c) pad elevations;
 - (d) finish grade; and
 - (e) stormwater retention improvements, if applicable.

- (2) To prevent excessive erosion and Runoff, it is highly recommended that project Applicant(s):
 - (a) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-pervious hardscapes;
 - (b) avoid disruption of natural drainage patterns and undisturbed soil; and
 - (c) avoid soil compaction in Landscape Areas.
- (3) The grading design plan shall contain the following statement: *“I have complied with the performance compliance option criteria of the MPWMD Water Efficient Landscape Requirements and applied them accordingly for the efficient use of water in the grading design plan.”* and shall bear the signature of a licensed professional as authorized by law.

4. **Irrigation Design Plan.**

- a. This section applies to Landscaped Areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period of three years or less. For the efficient use of water, an Irrigation System shall meet all the requirements listed in this section and the manufacturers’ recommendations. The Irrigation System and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An Irrigation Design Plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.
- b. Irrigation System Efficiency.
 - (1) The Irrigation System must be designed and installed to meet, at a minimum, the Irrigation Efficiency criteria described in Rule 142.1-I-5 regarding the MAWA.

- (2) For the purpose of determining ETWU, average Irrigation Efficiency is assumed to be:
 - (a) 0.75 for overhead Irrigation Systems; and
 - (b) 0.81 for Drip Irrigation.
 - (3) Sprinkler head spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations. Head-to-head coverage is recommended.
- c. The Irrigation Design Plan, at a minimum, shall contain the following:
- (1) location and size of separate water meters and submeters;
 - (2) location, type, and size of all components of the Irrigation System, including Controllers, main and lateral lines, Valves, emission devices, moisture sensing devices, Rain Sensors, quick couplers, Pressure Regulating Devices, and Backflow Prevention Devices;
 - (3) static water pressure at the point of connection to the public water supply;
 - (4) Flow Rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for the emission devices controlled by each station;
 - (5) identification of Special Landscape Areas irrigated with and water features using Recycled Water as specified in Rule 142.1-B-2;
 - (6) identification of any applicable Graywater discharge piping, system components, and Landscape Areas where Graywater is distributed;

- (7) identification of Hydrozone areas shall be designated by number, letter, or other designation as identified on the Landscape Design Plan. Designate the areas irrigated by each Valve and assign a number to each Valve using the Water Efficient Landscape Worksheet (see Appendix A). This table can also assist with the Irrigation Audit and programming the Controller.
 - (a) Each Valve shall irrigate a Hydrozone, or part of a Hydrozone, with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- (8) the following statement: “*I have complied with the performance compliance option criteria of the MPWMD Water Efficient Landscape Requirements and applied them accordingly for the efficient use of water in the Irrigation Design Plan.*”; and
- (9) the signature of the designer of record. (See Division 3, Chapter 3.5, Article 3 of the Business and Professions Code).

d. General Design Criteria.

- (1) Backflow Prevention Devices shall be required to protect the water supply from contamination by the Irrigation System as specified in the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 6).
- (2) The design of the Irrigation System shall conform to the Hydrozones of the Landscape Design Plan.
- (3) Emission devices shall be selected based on what is appropriate for the plant type within that Hydrozone.
- (4) Where feasible, trees shall be placed on separate stations from Hydrozones that include shrubs, groundcovers, and Turfgrass to facilitate the appropriate irrigation of trees.

The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

- (5) In Mulched planting areas, the use of low-pressure and low volume Irrigation Systems is required to maximize water infiltration into the root zone.
- (6) Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no Water Waste, Runoff, or Overspray.
- (7) Individual Hydrozones that use a mix of plants with low and moderate plant factors, or moderate and high plant factors, may be allowed if the plant factor used in the calculation of the EWU is either:
 - (a) plant factor calculation is based on the proportions of the respective plant factors; or
 - (b) the highest plant factor is used.
- (8) Individual Hydrozones that use a mix of plants with high and low plant factors shall not be permitted.
- (9) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing Irrigation Systems.
- (10) Overhead irrigation shall not be permitted within 24 inches of any non-pervious surface. Allowable irrigation within the setback from non-permeable surfaces may include Drip Irrigation, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be Mulch, gravel, or other porous material. These restrictions may be modified if:
 - (a) no Runoff occurs; or
 - (b) the adjacent non-pervious surfaces are designed and

constructed to drain entirely to landscaping; or

- (c) the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates strict adherence to the prevention of Water Waste. Prevention of Overspray and Runoff must be confirmed during the Irrigation Audit.
- (11) Restrictions regarding Overspray and Runoff in any Irrigation System may be modified if:
- (a) the Landscape Area is adjacent to pervious surfaces and no Runoff occurs; or
 - (b) the adjacent non-pervious surfaces are designed and constructed to drain entirely to the landscaping.
- (12) Slopes greater than 25% shall not be irrigated with an Irrigation System using an application rate exceeding 0.75 inches per hour.
- (a) This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no Runoff or erosion will occur. Prevention of Runoff and erosion must be confirmed during the Irrigation Audit.
- (13) It is highly recommended that the project Applicant inquire with the local water purveyor about water restrictions that may impact the effectiveness of the Irrigation System.

e. Irrigation System Components.

- (1) Meters.
 - (a) Pursuant to California Water Code section 535, a

water purveyor with 15 or more service Connections shall install a dedicated irrigation Water Meter(s) for new retail water service to a property with more than 5,000 square feet of irrigated landscape, excluding Single-Family Residential Connections and Connections for the commercial production of agricultural crops or livestock.

- (b) For the purposes of this rule, a submeter or dedicated Irrigation Meter shall be installed and may be used to assist with leak detection and water management for:

- (i) Non-Residential landscapes with an irrigated landscape of 1,000 square feet but not more than 5,000 square feet.
- (ii) Residential landscapes with an irrigated landscape of 5,000 square feet or more.

(2) Water Pressure.

- (a) Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- (b) If the static pressure is above or below the required dynamic pressure of the Irrigation System, Pressure Regulating Devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the Irrigation System.
- (c) If the water pressure is below or exceeds the recommended pressure range of the specified emission devices, the installation of a Pressure-

Regulating Device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(3) Water Waste Prevention Equipment.

- (a) The Irrigation System shall be designed to prevent Water Waste.
- (b) Master shut-off Valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.
- (c) Manual shut-off Valves (such as a gate Valve, ball Valve, or butterfly Valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a break in the pressurized pipeline that delivers water from the water source to the Valve or outlet) or routine repair.
- (d) Check Valves or anti-drain Valves are required on all sprinkler heads where low point drainage could occur.
- (e) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of Turfgrass.
- (f) Flow Sensors that detect high flow conditions created by system damage or malfunction are required for all Non-Residential and Residential landscapes of 5,000 square feet or larger.

(4) Emission Devices.

- (a) Emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
 - (b) All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2020 "Landscape Irrigation Sprinkler and Emitter Standard," which is incorporated herein by reference.
 - (i) All overhead Irrigation Systems installed in the landscape must document a low quarter distribution uniformity of 0.65 or higher using the protocol defined in ASABE/ICC 802-2020.
 - (c) Non-rotating spray sprinkler bodies are required to meet standards described in California Code of Regulations, Title 20, Division 2, Chapter 4, Section 1605.3(x).
- (5) System Controls.
- (a) Automatic irrigation Controllers utilizing either Evapotranspiration or Soil Moisture Sensing Device data utilizing non-volatile memory shall be required for scheduling irrigation events.
 - (b) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all Irrigation Systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

5. **Water Efficient Landscape Worksheet.**

- a. A project Applicant shall complete the Water Efficient Landscape Worksheet in Appendix A, which compares the landscape project's ETWU with the MAWA. ETWU must be equal to or below the MAWA.
 - (1) The MAWA is calculated based on the maximum ETAF allowed for the landscape project and is expressed as annual gallons allowed. The maximum ETAF allowed is:
 - (a) 0.55 for Residential Regular Landscape Areas,
 - (b) 0.45 for Non-Residential Regular Landscape Areas,
 - (c) 1.0 for new and existing (non-rehabilitated) Special Landscape Areas.
 - (2) ETWU is the sum of EWU for each Hydrozone. The evapotranspiration adjustment factor (ETAF) for each Hydrozone is based on the Plant Water Use Factor and the average Irrigation System Efficiency. EWU is calculated using the ETAF, Regular Landscape Areas, and the Special Landscape Areas.
 - (3) In calculating the MAWA and ETWU, a project Applicant shall use the ETo values from the Reference Evapotranspiration Table (Table 142.1-1).
- b. Water budget calculations shall adhere to the following requirements:
 - (1) The Plant Water Use Factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources. The plant factor ranges are:

- (a) less than 0.1 for very Low Water Use Plants,
 - (b) 0.1 to 0.3 for Low Water Use Plants,
 - (c) 0.4 to 0.6 for moderate water use plants,
 - (d) 0.7 to 1.0 for high water use plants.
- (2) All Water Features shall use the high water use plant factor in the Water Budget calculations.
 - (3) Temporarily irrigated areas shall use the Low Water Use Plant factor in the Water Budget calculations.
 - (4) All Special Landscape Areas (SLA) shall be identified in the Landscape Design Plan (Rule 142.1-2) and the Irrigation Design Plan (Rule 142.1-4) and their water use calculated as shown in Rule 142.1-L.
 - (5) Effective Precipitation (Eppt) (25% of annual precipitation) may be considered in tracking water use and may use the following equation to calculate MAWA:

- (a) Residential landscapes:

$$\text{MAWA} = (\text{ETo} - \text{Eppt}) \times (0.62) \times [0.55 \times \text{RLA} + 1.0 \times \text{SLA}].$$

- (b) Non-Residential landscapes:

$$\text{MAWA} = (\text{ETo} - \text{Eppt}) \times (0.62) \times [0.45 \times \text{RLA} + 1.0 \times \text{SLA}].$$

6. Irrigation Scheduling.

- a. All irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health and prevent Water Waste. Irrigation schedules shall meet the following criteria:

- (1) Irrigation scheduling shall be regulated by automatic irrigation Controllers.
- (2) Parameters used to set the automatic irrigation Controller shall be developed and submitted with the Certificate of Completion for each of the following:
 - (a) the plant establishment period;
 - (b) the established landscape; and
 - (c) temporarily irrigated areas.
- (3) Each irrigation schedule shall consider for each station all of the following parameters that apply:
 - (a) irrigation interval (days between irrigation events);
 - (b) irrigation run times (hours or minutes per irrigation event to avoid Runoff and prevent Water Waste);
 - (c) number of cycle starts required for each irrigation event to avoid Runoff and prevent Water Waste;
 - (d) amount of applied water scheduled to be applied on a monthly basis;
 - (e) application rate setting;
 - (f) root depth setting;
 - (g) plant type setting;
 - (h) soil type;
 - (i) slope factor setting;
 - (j) shade factor setting; and

- (k) distribution uniformity or irrigation efficiency setting.
- (4) Irrigation Systems shall be scheduled between ~~8:00~~5:00 p.m. and 9:00 a.m. on Saturdays and Wednesdays only, unless weather conditions prevent it, except for irrigation overseen by a professional gardener or landscaper who is available on Site and that is not exceeding a maximum two watering days per week. Operation of the Irrigation System outside the normal watering window is allowed for auditing and system maintenance.
- (5) Total annual applied water shall be less than or equal to MAWA.
 - (a) Actual irrigation schedules shall be regulated by automatic irrigation Controllers using current Reference Evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
 - (b) For implementation of the irrigation schedule, carefully consider the irrigation run times, emission device, flow rate, and current Reference Evapotranspiration, so that applied water does not exceed the ETWU.

7. Landscape and Irrigation Maintenance Schedule.

- a. Landscapes shall be maintained to ensure water use efficiency. A regular Landscape and Irrigation Maintenance Schedule shall be submitted with the Certificate of Completion Package.
- b. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment, and repair of the Irrigation System and its components; aerating and dethatching Turfgrass areas; topdressing with compost, replenishing Mulch; fertilizing; pruning; weeding in all Landscape Areas; and removing obstructions to emission devices.

- (1) Operation of the Irrigation System outside the normal watering window is allowed for auditing and system maintenance.
- c. Repair of all irrigation equipment shall be done with replacement parts for the originally installed components or their equivalents, or with components that improve the average Irrigation Efficiency.
- d. A project Applicant is encouraged to implement established landscape industry sustainable Best Management Practices for all landscape maintenance activities.

8. **Irrigation Audit.**

- a. All landscape Irrigation Audits shall be conducted by a Certified Landscape Irrigation Auditor. Landscape Irrigation Audits shall not be conducted by the person who designed the landscape or installed the landscape.
- b. In large landscape projects or landscape projects with multiple landscape installations (i.e., production home developments) an auditing rate of 1 in 7 individual lots or approximately 15% of the total number of individual lots will satisfy this requirement.
- c. For new construction and Rehabilitated Landscape projects installed after December 1, 2015, as described in Rule 142.1-I:
 - (1) the project Applicant shall submit an Irrigation Audit report with the Certificate of Completion Package to MPWMD that may include, but is not limited to, inspection, system tune-up, system test with distribution uniformity, and reporting Overspray or Runoff that causes overland flow; and
 - (2) MPWMD shall administer programs that may include, but not be limited to, Irrigation Water Use Analysis, Irrigation Audits, and Irrigation Surveys for compliance with the MAWA.

J. Certificate of Completion Package

The Certificate of Completion Package is completed by the project Applicant or their designee to certify that the landscape project has been installed in accordance with the MPWMD Water Efficient Landscape Requirements.

1. Prescriptive Compliance Option. The Certificate of Completion Package (see Rule 142.1-M for a sample certificate) shall include a Certificate of Completion limited to:
 - a. Project Information Sheet (Rule 142.1-M – Element 1);
 - b. according to the Landscape Documentation Package (Rule 142.1-M – Element 2);
 - c. addressing applicable parameters as described in Rule 142.1-I-6-a-(3) (Rule 142.1-M – Element 4); and
 - d. Landscape and Irrigation Maintenance Schedule (Rule 142.1-M – Element 5).
2. Performance Compliance Option. The Certificate of Completion Package (see Rule 142.1-M for a sample certificate) shall include the project information sheet that contains the following elements:
 - a. date the project information sheet is completed;
 - b. project name;
 - c. project Applicant name, telephone, and mailing and email address;
 - d. project address and location; and
 - e. property owner name, telephone, and mailing and email address.
 - f. certification by the designer of record that the landscape project has been installed per the approved Landscape Documentation Package (see Rule 142.1-G):

- (1) Where there have been significant changes made in the field during construction, the As-Built Drawings or Record Drawings shall be included with the certification.
 - (2) A diagram of the irrigation plan showing Hydrozones shall be kept with the Automatic Irrigation Controller for subsequent management purposes.
- g. Soil Management Report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Rule 142.1-I-1);
- h. irrigation scheduling parameters used to set the Automatic Irrigation Controller (see Rule 142.1-I-6);
- i. Landscape and Irrigation Maintenance Schedule (see Rule 142.1-I-7);
- j. Irrigation Audit report (see Rule 142.1-I-8); and
3. The project Applicant shall:
 - a. submit the signed Certificate of Completion Package to the District for review; and
 - b. ensure that copies of the approved Certificate of Completion Package are submitted to the District and the property owner or their designee, unless the property owner is the project Applicant.
4. The District shall:
 - a. receive the signed Certificate of Completion Package from the project Applicant; and
 - b. approve or deny the Certificate of Completion Package. If the Certificate of Completion Package is denied, the District shall provide information to the project Applicant regarding

reapplication, appeal, or other assistance.

K. Reporting

The District or its agent shall submit annual reports to the Department of Water Resources by January 31st for the previous calendar year (January 1 to December 31) using the WUEdata portal for submission.

L. Sample Water Efficient Landscape Worksheet

Rule 142.1-L
Sample Water Efficient Landscape Worksheet

When the performance compliance option is selected, this worksheet is to be filled out by the project applicant or their designee and is required to be submitted with the Landscape Documentation Package. Additional rows or multiple sheets should be used if there are more than 10 Hydrozones. The ETWU (gallons per year) must be equal to or less than the MAWA (annual gallons allowed) to comply with the MPWMD Water Efficient Landscape Requirements (Rule 142.1).

Project Applicant: _____ **Phone Number:** _____
Email Address: _____ **Date:** _____
Project address: _____ **APN:** _____ (ETo a) (in./year):

Maximum Applied Water Allowance (MAWA):

MAWA = ETo a x 0.62 x [ETAF x RLA + 1.0 x SLA] = (Annual Gallons Allowed) The maximum ETAF allowed in the MAWA equation must be equal to or below:

0.55 -- for Residential Regular Landscape Areas (RLA)

0.45 -- for Non-Residential Regular Landscape Areas (RLA)

1.0 -- for Special Landscape Areas (SLA)

Estimated Total Water Use (ETWU) Table: (see instructions)

<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>
<i>Hydrozone (Number, letter, or other designation)</i>	<i>Plant Factor^b “PF”</i>	<i>Irrigation Efficiency^c “IE”</i>	<i>Evapotranspiration Adjustment Factor ETAF = PF / IE</i>	<i>Hydrozone Area (sq. ft.)</i>	<i>Estimated Water Use “EWU” = D x E x ETo^a x 0.62 (gallons/ year)</i>
SLA -	NA	NA	1.0		
SLA -	NA	NA	1.0		

SLA -	NA	NA	1.0		
ETWU Total	NA	NA	NA	NA	
MAWA	NA	NA	NA	NA	

^a Annual ETo for the nearest City from Table 142.1-1	^b Plant Factor (PF) from WUCOLS:	^c Average Irrigation System
	Very Low = less than 0.1	Efficiency (IE):
	Low = 0.1 - 0.3	Overhead Irrigation = 0.75
	Moderate = 0.4 - 0.6	Drip Irrigation = 0.81
	High = 0.7 - 1.0	

WATER EFFICIENT LANDSCAPE WORKSHEET INSTRUCTIONS

1. Reference Evapotranspiration

- a. Look up the Annual ETo^a value for the nearest City using the Reference Evapotranspiration (ETo) Table provided in Table 142.1-1 and use this value in the EWU and MAWA calculations.

2. Calculate the Maximum Applied Water Allowance (MAWA).

- a. RLA is the total regular Landscape Area in square feet.
- b. SLA is the total Special Landscape Area in square feet.
- c. MAWA is calculated based on the maximum ETAF allowed for the type of Landscape Areas for the landscape project and is expressed as annual gallons allowed.
- d. Effective Precipitation. The following equation may be used to calculate MAWA:

3. Residential landscapes:

$$\text{MAWA} = (\text{ETo} - \text{Eppt}) \times (0.62) \times [0.55 \times \text{RLA} + 1.0 \times \text{SLA}]$$

4. Non-Residential landscapes:

$$\text{MAWA} = (\text{ETo} - \text{Eppt}) \times (0.62) \times [0.45 \times \text{RLA} + 1.0 \times \text{SLA}]$$

5. Calculate the Estimated Total Water Use (ETWU).

- a. Column A – List each Hydrozone using the label corresponding to the Landscape Design Plan.
- b. Columns B and C – Complete the ETWU table for each Hydrozone based on the Plant Water Use Factor (PF) and the average Irrigation Efficiency (IE). The PF is found in Water Use Classification of Landscape Species (WUCOLS).
- c. Column D – calculate the ETAF for each Hydrozone by dividing the PF (Column B) by the IE (column C); write the result in column D.
- d. Column E – for each Hydrozone measure and report:
 - i. Regular Landscape Area (RLA) as defined in MPWMD Rule 11.
 - ii. Special Landscape Areas (SLA), as defined in MPWMD Rule 11, are not included in RLA measurements.
- e. Column F – calculate the Estimated Water Use (EWU) for each Hydrozone by multiplying columns D, E, ETo a and 0.62 (conversion factor) and write the result in column F.
- f. ETWU – is the sum of EWU for each Hydrozone and is expressed as gallons per year.

6. Compare ETWU with MAWA.

The ETWU (gallons per year) must be equal to or less than the MAWA (annual gallons allowed) to comply with WELO.

M. Sample Certificate of Completion Package**Rule 142.1-M
Sample Certificate of Completion Package**

This certificate is filled out by the project Applicant to certify that the landscape project has been installed in accordance with the MPWMD Water Efficient Landscape Requirements (Rule 142.1).

- (a) Prescriptive Compliance Option is limited to elements 1, 2, and 4.
- (b) Performance Compliance Option shall include all six (6) elements.

ELEMENT 1. PROJECT INFORMATION SHEET**Applicant Information:**

Name of Project Applicant (or designee if applicable):	Project Name:
Name of Property Owner (if different):	Title:
Street Address:	Water Supply Type (Circle One):
City:	Potable / Recycled / Well / Other (specify)
Email:	Water Purveyor:
Company:	Phone No.:

Project Address and Location:

Street Address:	Parcel Number:
City:	Meter number(s) (if available):
Zip Code:	

ELEMENT 2. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE

Certification by the designer of record that the landscape project has been installed per the approved Landscape Documentation Package per Rule 142.1-G and the applicable documents:

- (A) Where there have been significant changes made in the field during construction, these As-Built Drawings or Record Drawings shall be included.
- (B) A diagram of the irrigation plan showing Hydrozones shall be kept with the Automatic Irrigation Controller for subsequent management processes.

“I/we certify that based upon periodic site observations, the work has been completed in accordance with MPWMD Water Efficient Landscape Requirements and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package.”

Primary Designer of Record Signature		Date
Secondary Designer of Record Signature		Date

ELEMENT 3. SOIL MANAGEMENT REPORT

Attach Soil Management Report, if not previously submitted with the Landscape Documentation Package per MPWMD Rule 142.1-I-1.

Attach documentation verifying implementation of recommendations from the soil analysis management report.

ELEMENT 4. IRRIGATION SCHEDULING PARAMETERS

Attach irrigation scheduling parameters used to set the Automatic Irrigation Controller per MPWMD Rule 142.1-I-6.

ELEMENT 5. LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE

Attach landscape and irrigation maintenance schedule per MPWMD Rule 142.1-I-7.

ELEMENT 6. IRRIGATION AUDIT REPORT

Attach Irrigation Audit report per MPWMD Rule 142.1-I-8.

PROJECT APPLICANT SIGNATURE:

“I/we certify that I/we have received copies of all the documents within the Certificate of Completion Package and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule.”

Project Applicant (or designee) Signature		Date

Please answer the questions below:

1. Date the Landscape Documentation Package was submitted to the local agency:
2. Date the Landscape Documentation Package was approved by the local agency:
3. Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to MPWMD:

N. **Table 142.1 Reference Evapotranspiration**Table 142.1-1. Monterey County Reference Evapotranspiration (ETo) Table¹
(All values shown in inches)

<i>Monterey County²</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>April</i>	<i>May</i>	<i>Jun</i>	<i>July</i>	<i>Aug</i>	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Annual</i>
													<i>ETo</i>
Bradley	1.7	2.3	3.7	4.8	6.3	7.1	7.5	6.8	5.5	3.9	2.3	1.6	53.6
Carmel Valley Village	1.7	2.0	3.0	3.7	4.4	4.9	4.9	4.6	3.9	3.1	2.0	1.4	39.7
Carmel-by-the-Sea	1.7	2.0	2.9	3.5	3.9	4.0	3.9	3.7	3.4	2.9	2.0	1.5	35.4
Castroville	1.6	2.0	3.1	3.9	4.6	5.0	4.8	4.5	4.0	3.1	1.9	1.4	39.8
King City	1.7	2.2	3.5	4.7	6.0	6.7	6.9	6.3	5.2	3.8	2.3	1.5	50.9
Marina	1.6	2.0	3.1	3.8	4.4	4.7	4.5	4.3	3.8	3.1	2.0	1.4	38.7
Monterey	1.7	2.0	2.9	3.6	4.0	4.3	4.2	4.0	3.6	3.0	2.0	1.4	36.7
Moss Landing	1.6	2.0	3.1	3.9	4.6	4.8	4.6	4.3	3.9	3.1	1.9	1.4	39.1
Pacific Grove	1.7	1.9	2.9	3.5	3.9	4.1	3.8	3.6	3.4	2.9	1.9	1.4	35.1
Salinas	1.6	2.0	3.2	4.1	4.9	5.4	5.5	5.1	4.3	3.3	2.0	1.4	42.8
Seaside	1.7	2.0	3.0	3.7	4.3	4.6	4.5	4.2	3.8	3.1	2.0	1.4	38.2
Soledad	1.6	2.1	3.4	4.4	5.6	6.3	6.4	5.9	4.9	3.6	2.2	1.5	47.8

¹ The defined boundaries of each city and place are from the California Open Data website. The shapefiles and description can be found at (<https://data.ca.gov/dataset/ca-geographic-boundaries/resource/436fc714-831c-4070-b44b-b06dcde6bf18>).

² The Eto values are monthly averages of Special California Irrigation Management Information System (CIMIS) for the 2004 to 2021 period. The Annual Eto is the sum of the monthly averages. Eto is expressed in inches.

O. Definitions Used In Regulation XV

The following Rule 11 Definitions are used in Regulation XV:

APPLICANT – “Applicant” shall mean the Person or Persons responsible for completing the requirements of an application. The “Applicant” is usually the property or business owner.

AS-BUILT DRAWINGS – “As-Built Drawings” shall mean landscape drawings prepared by the contractor that show, in red ink, on-site changes to the original landscape construction documents.

AUTOMATIC IRRIGATION CONTROLLER – “Automatic Irrigation Controller” shall mean a timing device used to remotely control valves that operate an Irrigation System. Automatic Irrigation Controllers are able to self-adjust and schedule irrigation events using either Evapotranspiration (weather-based) or soil moisture data.

BACKFLOW PREVENTION DEVICE – “Backflow Prevention Device” shall mean a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water.

BEST MANAGEMENT PRACTICES – “Best Management Practices (BMP)” or “BMP” shall mean a conservation measure or series of measures that is useful, proven, cost-effective, and generally accepted among conservation experts to reduce water consumption and protect water quality.

CERTIFICATE OF COMPLETION – “Certificate of Completion” shall mean the document with the required elements pursuant to Rule 142.1-J.

CERTIFICATE OF COMPLETION PACKAGE – “Certificate of Completion Package” shall mean the document with the required elements pursuant to Rule 142.1-J.

CERTIFIED LANDSCAPE IRRIGATION AUDITOR – “Certified Landscape Irrigation Auditor” shall mean a Person certified to perform landscape Irrigation Audits by an accredited academic institution, a professional trade organization or other program such as the United States Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.

COMMON INTEREST DEVELOPMENT (CID) – “Common Interest Development” shall mean community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Article 2. Definitions [4075 - 4190] (Article 2

added by Stats. 2012, Ch. 180, Sec. 2.).

CONTROLLER – “Controller” shall mean an automatic timing device used to remotely control valves or heads to operate an Irrigation System. A weather-based Controller is a Controller that utilizes Evapotranspiration or weather data to make adjustments to irrigation schedules. A self-adjusting irrigation Controller is a Controller that uses sensor data (e.g., soil moisture) to adjust irrigation schedules.

DISTRIBUTION UNIFORMITY (DU) – “Distribution Uniformity (DU)” shall mean the measure of the uniformity of irrigation water over a defined area.

DRIP IRRIGATION – “Drip Irrigation” shall mean any non-spray Low Volume Irrigation System utilizing emission devices with a Flow Rate measured in gallons per hour. Low Volume Irrigation Systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants. The term “Drip Irrigation” shall have the same meaning as “Micro Irrigation” and “Trickle Irrigation.”

EFFECTIVE PRECIPITATION (EPPT) – “Effective Precipitation” (“Eppt”) shall mean the portion of total precipitation which becomes available for plant growth. Effective Precipitation is also known as “useable rainfall.”

ESTIMATED TOTAL WATER USE (ETWU) – “Estimated Total Water Use” (“ETWU”) shall mean the total water used for the landscape based on the plants used in the landscape design.

ESTIMATED WATER USE (EWU) – “Estimated Water Use” (EWU) is the calculated water used for each Hydrozone as described in Rule 142.1-L. Estimated Water Use equals the Evapotranspiration Adjustment Factor times the Hydrozone area in square-feet times the appropriate Evapotranspiration Adjustment Factor x 0.62.

EVAPOTRANSPIRATION ADJUSTMENT FACTOR or ET ADJUSTMENT FACTOR – “Evapotranspiration Adjustment Factor” or “ET Adjustment Factor” (“ETAF”) shall mean, except for Special Landscape Areas, a factor of 0.55 for Residential projects and 0.45 for Non-Residential projects that, when applied to Reference Evapotranspiration, adjusts for Plant Water Use Factors and Irrigation Efficiency.

FLOW RATE – “Flow Rate” shall mean the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

FRIABLE – “Friable” shall mean a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root

structure of newly planted material will be allowed to spread unimpeded.

GRAYWATER – “Graywater” shall mean untreated waste water which has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. “Graywater” includes, but is not limited to; waste water from bathtubs, showers, Bathroom Washbasins, clothes washing machines and laundry tubs. It does not include waste water from Kitchen Sinks and Dishwashers Health and Safety Code Section 17922.12. “Graywater” shall have the same meaning as “Greywater.”

GREENBELT – “Greenbelt” means cemeteries, Golf Courses, parks, highway Landscaping and shall include other broad expanses of Landscape area including housing and other Projects with common Landscape uses.

HYDROZONE – “Hydrozone” shall mean a portion of the Landscape Area having plants with similar water needs and rooting depths served by a valve or set of valves with the same schedule. A Hydrozone may be irrigated or non-irrigated.

INVASIVE PLANT SPECIES – “Invasive Plant Species” shall mean a species of plants not historically found in California that spreads outside cultivated areas and can damage environmental or economic resources and is listed as an Invasive Plant Species in either the California Invasive Plant Inventory; USDA invasive, noxious weeds database, or the Landscape Manual.

IRRIGATION AUDIT – “Irrigation Audit” shall mean an in-depth evaluation of the performance of an Irrigation System conducted by a Certified Landscape Irrigation Auditor. An Irrigation Audit shall include, but is not limited to: inspection, system tune-up, system test with Distribution Uniformity or emission uniformity, reporting Overspray or Runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor certification program or other U.S. Environmental Protection Agency “WaterSense” labeled auditing program.

IRRIGATION DESIGN PLAN – “Irrigation Design Plan” “IE” shall mean an irrigation plan and drawings designed and signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other Person authorized to design an Irrigation System (see Sections 5615, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code).

IRRIGATION EFFICIENCY – “Irrigation Efficiency” shall mean the measurement of the

amount of water beneficially used divided by the amount of water applied. Irrigation Efficiency is derived from measurements and estimates of Irrigation System characteristics and management practices. The Irrigation Efficiency is 0.75 for overhead spray devices and 0.81 for drip systems.

IRRIGATION SURVEY – “Irrigation Survey” shall mean an evaluation of an Irrigation System that is less detailed than an Irrigation Audit.

IRRIGATION SYSTEM – “Irrigation System” shall mean a device or combination of devices having a hose, pipe or other type of conduit installed in the Landscape which transmits water, and through which device or combination of devices, water is drawn and applied to Residential, industrial or commercial lawns, Landscapes or green space.

IRRIGATION WATER USE ANALYSIS – “Irrigation Water Use Analysis” shall mean an analysis of water use data based on meter readings and billing data.

JURISDICTION – “Jurisdiction” shall mean one of the following: (1) Carmel-by-the-Sea, (2) Del Rey Oaks, (3) Monterey City, (4) Monterey County, (5) Monterey Peninsula Airport District, (6) Pacific Grove, (7) Sand City, (8) Seaside, and (9) Department of Defense.

LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE – “Landscape and Irrigation Maintenance Schedule” shall mean a document provided to the property owner and submitted with the Certificate of Completion for landscape installation that provides information about routine inspection; auditing, adjustment and repair of the Irrigation System and its components; aerating and dethatching Turf areas; topdressing with Compost, replenishing Mulch; fertilizing; pruning; weeding in all Landscape Areas; and removing obstructions to emission devices.

LANDSCAPE AREA – “Landscape Area” shall mean all the planting areas, Turf areas, and Water Features in a Landscape Design Plan subject to the Maximum Applied Water Allowance and the Estimated Applied Water Use calculations. The Landscape Area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other Pervious or non-Pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., Open Spaces and existing Native Vegetation).

LANDSCAPE DESIGN PLAN – “Landscape Design Plan” shall mean a plan (and drawings) that: (1) delineates and labels each Hydrozone; (2) identifies each Hydrozone as low, moderate, high water, or mixed water use; (3) identifies any Recreational Areas; (4) identifies areas permanently and solely dedicated to edible plants; (5) identifies areas irrigated with Recycled Water; (6) identifies type of Mulch and application depth; (7)

identifies soil amendments, type, and quantity; (8) identifies type and surface area of any Water Features; (9) identifies hardscapes (Pervious and non-Pervious); (10) identifies applicable storm water Best Management Practices; (11) identifies any applicable rain harvesting or catchment technologies; and (12) identifies any applicable Graywater discharge piping, system components and area(s) of distribution. A Landscape Design Plan must be signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other Person authorized to design an Irrigation System (see Permitted Practices in California prepared by the Landscape Architects Technical Committee (LATC), the licensing and regulatory agency for the practice of landscape architecture in California. “Landscape Design Plan” shall also be known as a “Planting Plan.”

LANDSCAPE DOCUMENTATION PACKAGE – “Landscape Documentation Package” means the documents required per the compliance option chosen by the applicant, as described in Rule 142.1-G.

LANDSCAPE WATER PERMIT – “Landscape Water Permit” shall mean a permit issued by the District for landscape projects subject to Rule 142.1.

LOW WATER USE PLANT – “Low Water Use Plant” shall mean any plant categorized as low water need by the Water Use Classification of Landscape Species (“WUCOLS”) guide.

MAXIMUM APPLIED WATER ALLOWANCE (MAWA) – “Maximum Applied Water Allowance” shall mean the upper limit of annual Applied Water for the established Landscape Area. It is based upon the area’s Reference Evapotranspiration, the ET Adjustment Factor, and the size of the Landscape Area.

MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO) – “Model Water Efficient Landscape Ordinance” shall refer to the California Code of Regulations, Title 23. Waters, Division 2. Department of Water Resources, Chapter 2.7. Model Water Efficient Landscape Ordinance.

MULCH – “Mulch” shall mean any organic material such as leaves, bark, straw, Compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

NEW CONSTRUCTION – “New Construction” means any construction of a previously nonexistent structure or additions to a structure requiring a discretionary or ministerial permit. “New Construction” shall include additions, modifications, or structural

improvements which add square footage to floor space of Existing Structures.

NON-POTABLE – “Non-Potable Water” shall mean water which is not fit for human consumption.

NON-RESIDENTIAL – “Non-Residential” shall mean water uses not associated with Residential use. These uses include Commercial, Industrial, Public Authority, Golf Course, Other Use, Non-Revenue Metered Use, and Reclaimed Water.

OVERSPRAY – “Overspray” shall mean the irrigation water that is delivered beyond the Landscape Area, wetting pavements, walks, structures, or other non-Landscaped Areas.

PARCEL – “Parcel” shall mean any unit of land which qualifies as a Parcel under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel (or are separated only by a road or easement), and (2) which have identical owners, or (3) are an Accredited Institution of Higher Education Site, a Department of Defense Site, a Jurisdiction Site, a Public School District Site, or Community Hospital Site. The term “Parcel” shall be given the same meaning as the term “Site”.

PLANT WATER USE FACTOR – “Plant Water Use Factor” shall mean a value, when multiplied by “Reference Evapotranspiration,” that estimates the amount of water needed by plants. The Plant Water Use Factor range for very Low Water Use Plants is less than 0.1, the Plant Water Use Factor range for Low Water Use Plants is 0.1 to 0.3, the Plant Water Use Factor range for Moderate Water Use Plants is 0.4 to 0.6, and the Plant Water Use Factor range for High Water Use Plants is 0.7 to 1.0. Plant Water Use Factors are derived from the publication “Water Use Classification of Landscape Species.” Plant Water Use Factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources.

POTABLE – “Potable” shall mean water that is suitable for drinking.

PRESSURE REGULATING DEVICE – “Pressure Regulating Device” shall mean a water pressure reducing device installed in the water line after the Water Meter that automatically reduces the pressure from the water supply main to a lower pressure.

RAIN SENSOR – “Rain Sensor” shall mean a component of an Irrigation System which automatically suspends irrigation when it rains. The term “Rain Sensor” shall have the same meaning as the term “Rain Sensing Shutoff Device.”

RECORD DRAWINGS – “Record Drawings” shall mean landscape documents prepared by the Landscape Architect that reflects on-site changes the contractor noted in the As-

Built Drawings. They are often compiled as a set of on-site changes made for the owner per the owner-architect contract.

RECYCLED WATER – “Recycled Water” shall mean treated or recycled waste water of a quality suitable for Non-Potable uses such as landscape irrigation and Water Features. This water is not intended for human consumption.

REFERENCE EVAPOTRANSPIRATION – “Reference Evapotranspiration” shall mean a standard measurement of environmental parameters which affects the water use of plants. Reference Evapotranspiration is expressed in inches per day, month, or year, and is an estimate of the Evapotranspiration of a large field of four to seven inches tall, cool-season grass that is well watered. Reference Evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

REGULAR LANDSCAPE AREA – “Regular Landscape Area” (RLA) is the portion of the irrigated Landscape Area that is not a Special Landscape Area. $RLA = LA - SLA$.

REHABILITATED LANDSCAPE – “Rehabilitated Landscape” shall mean any relandscaping of existing landscapes where the modified Landscape Area is equal to or greater than two thousand five hundred (2,500) square feet.

RESIDENTIAL – “Residential” shall mean water used for household purposes, including water used on the premises for irrigating lawns, gardens and shrubbery, washing vehicles, and other similar and customary purposes pertaining to Single and Multi-Family Dwellings.

RUNOFF – “Runoff” shall mean water which is not absorbed by the soil or landscape to which it is applied and flows from the Landscape Area. For example, Runoff may result from water that is applied at too great a rate (application rate exceeds Infiltration Rate) or when there is a slope.

SOIL MANAGEMENT REPORT – “Soil Management Report” shall mean an analysis of the existing soil conditions relative to horticulture (versus agriculture or structural integrity) resulting in recommendations of appropriate soil amendments.

SOIL MOISTURE SENSING DEVICE – “Soil Moisture Sensing Device” shall mean a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

SPECIAL LANDSCAPE AREA (SLA) – “Special Landscape Area” or “SLA” shall mean an area of the landscape irrigated with Recycled Water, Water Features using Recycled

Water, and areas dedicated to active play such as parks, sports fields, golf courses, and where Turf provides a playing surface.

TURF or TURFGRASS – “Turf” or “Turfgrass” shall mean a ground cover surface of mowed grass and does not include artificial Turf surfaces. For example, Annual Bluegrass, Kentucky Bluegrass, Perennial Ryegrass, Red Fescue, and Tall Fescue are cool-season grasses and Bermuda Grass, Kikuyu Grass, Seashore Paspalum, St. Augustine Grass, Zoysia Grass, and Buffalo Grass are warm-season grasses.

VALVE – “Valve” shall mean a device used to control the flow of water in the Irrigation System.

WATER BUDGET – “Water Budget” shall mean a maximum annual water allowance in gallons per year that takes into consideration the types of plants, Evapotranspiration Rates and Irrigation System.

WATER DISTRIBUTION SYSTEM OPERATOR – “Water Distribution System Operator” shall mean the Person or Persons who assume through the District Permit process legal responsibility for the proper performance of the requirements of a Water Distribution System Permit holder as defined in the Rules and Regulations and/or in conditions attached to a Permit.

WATER EFFICIENT LANDSCAPE WORKSHEET – “Water Efficient Landscape Worksheet” shall mean the form used in the Landscape Package to calculate the Water Budget for a landscape. The form is found in Appendix B of the Landscape Package.

WATER FEATURE – “Water Feature” shall mean a design element where open water performs an aesthetic or recreational function. Water Features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and Swimming Pools where water is artificially supplied. The surface area of Water Features is included in the high water use Hydrozone of the Landscape Area. Constructed facilities used for Site waste water treatment or Storm Water Control Measures that are not irrigated and used solely for water treatment or storm water retention are not considered Water Features.

WATER METER – “Water Meter” means any measuring device intended to measure water usage. The term “Water Meter” shall have the same meaning as the term “Water Measuring Device.”

WATER PERMIT – “Water Permit” shall mean a document issued by the MPWMD that authorizes a specific amount and type of water use on a Site.

WATER WASTE – “Water Waste” shall mean the indiscriminate, unreasonable, or

excessive running or dissipation of water as defined in Rule 162.

WELL – “Well” means any device or method, mechanical or otherwise, for the production of water from Groundwater supplies within the District excluding seepage pits and natural springs.

WUCOLS – “WUCOLS” shall mean the Water Use Classification of Landscape Species guide published by the University of California Cooperative Extension and the California Department of Water Resources 2014, as may be periodically updated.

Rule added by Ordinance No. 199 (11/17/2025)

Ordinance No. 203:
Exhibits C-1 through C-5
Clean Version of Rules

**RULE 23 - ACTION ON APPLICATION FOR A WATER PERMIT TO CONNECT TO
OR MODIFY A CONNECTION TO AN EXISTING WATER
DISTRIBUTION SYSTEM**

A. PROCESS

1. New and Amended Water Permit

- a. The General Manager shall review the application and determine whether the Applicant has met the criteria for a Water Permit. If additional information is required to complete the application, the Applicant shall be notified in writing within thirty (30) days of the initial application. Applications are subject to the rules in effect at the time the application is deemed complete.
- b. The General Manager shall determine if the District has temporarily delayed the issuance of new Water Permits pursuant to Regulation XV. If a temporary delay is in place that affects the application, no Water Permit shall be processed and the application shall be returned to the Applicant.
- c. The General Manager shall not process a Water Permit when any portion of the Site lies outside of the affected Water Distribution System Service Area. Annexation of the Site must be pursued.
- d. The General Manager shall not process a Water Permit when there is a previously issued Permit for a completed Project on the application Site and a final inspection by the District has not been conducted, or where the property is not in compliance with District Rules and Regulations or is non-compliant with conditions attached to previous District Permits.
- e. The General Manager shall calculate the appropriate Capacity Fee for the Project using Rule 24, Calculation of Water Use Capacity and Capacity Fees. Estimation of past and future water use should be done according to the Rule 24 methodology.
- f. When the application involves an Intensification of Use, the General Manager shall ensure that the total quantity of water permitted for all projects, including the current application, within a Jurisdiction shall not exceed that Jurisdiction's total Allocation. Similarly, for Projects not

subject to a Jurisdiction's Allocation, the General Manager shall ensure that the total quantity of water permitted for all Projects, including the current application, does not exceed the production limit, the Connection limit, or the total Water Entitlement available of the Water Distribution System serving the Project Site.

- g. When the Adjusted Water Use Capacity as determined in Rule 24 is a positive number, that amount of water shall be deducted from the Jurisdiction's Allocation or Water Entitlement as authorized on the Water Release Form. If additional water is required to meet the Adjusted Water Use Capacity of the Project and the Applicant is unable to reduce the Adjusted Water Use Capacity, the application shall be denied and returned to the Applicant to secure additional water resources.
- h. Intensification of Use allowed by a Water Permit shall result in a deduction from a Jurisdiction's Allocation (for Projects served by the Main California American Water System), from a Water Entitlement available to the property, or from the total available production limit for that Water Distribution System. Each Project which allows new, modified, or Intensified Water Use, shall require a Water Permit.
- i. When the application involves recordation of notices on the title of the property, all notices shall be recorded by the District prior to final issuance of a Water Permit. Additional information (e.g. trust documents, Articles of Incorporation) may be requested to verify ownership and to facilitate preparation of District notices.
- j. The General Manager shall collect payment of the appropriate Capacity Fee and processing fees and shall issue a receipt prior to final issuance of a Water Permit.
- k. When the application requests a Permit to install a new water meter for a fire suppression system, to extend a water main within the boundaries of the Water Distribution System, or to individually meter uses previously metered by one water meter (i.e. Meter Split), there shall be no processing fee.
- l. A digital copy of the District-approved Construction Plans and the Landscape Design Plan shall be retained by the District.

- m. The General Manager shall review the final Water Permit with the Applicant or his agent prior to securing a signature on the Water Permit and releasing the permit.
- n. Following Project completion, a final inspection of the Project shall be conducted by the District. Major Landscape Projects shall be audited by a Certified Landscape Irrigation Auditor and corrections noted in the audit shall be made prior to District inspection. If the completed Project varies from the permitted Project, application for an amended Water Permit is required. When the completed Project has fewer fixture units than the number permitted (Residential Water Permits), or has a smaller Water Use Capacity than permitted (Non-Residential and landscape Water Permits), the Applicant shall not be required to secure the signature of the authorized official of the applicable Jurisdiction on the Water Release Form.
- o. Notice by the District to correct any discrepancy shall be provided on the inspection report to the Person contacted at the Site and by regular mail or email to the owner of record. Notice of violations that may result in a debit to a Jurisdiction's Allocation shall also be mailed, faxed or emailed to the Jurisdiction. Such notice shall include a date by which any corrections and amendments shall be made.
- p. Following the notice period referenced above, if no action is taken to correct the violation the General Manager may adjust the charge and debit the water from a Jurisdiction's Allocation or cause a refund of Capacity Fees paid and water previously debited from an Allocation to reflect the Project as built rather than the Project as permitted.
- q. Removal of unpermitted water fixture. When a water fixture requiring a Water Permit by the District is installed without a Water Permit and the Applicant is unable to secure sufficient Allocation from a Jurisdiction or Entitlement, or if there is insufficient Water Credit on Site to permit the fixture, the Applicant shall remove the fixture and return the location to its original state where there is no evidence of the unpermitted water fixture.

2. Temporary Water Permits.

- a. The General Manager may issue a Water Permit for temporary water use when the Applicant has submitted a written request for a Temporary Water

Permit, including an explanation of the type of use and quantity of water requested and a signed Water Release Form authorizing a temporary water debit from the Jurisdiction.

- b. The Applicant for a Temporary Water Permit shall acknowledge in writing that the Temporary Water Permit does not confer a property interest to obtain or use water after expiration and/or Revocation of the Permit. The terms and conditions of the Temporary Water Permit shall be recorded on the title of the property for the duration of the Temporary Water Permit.
- c. The term of a Temporary Water Permit shall not exceed twenty-four (24) months.
- d. The General Manager shall process a Temporary Water Permit pursuant to the process in Rule 23-A-1.
- e. Following removal of the temporary use and verification by the District, water temporarily debited from the Jurisdiction's Allocation will be returned to the Jurisdiction and the Capacity Fee paid for the temporary use will be refunded to the current property owner.
- f. A Notice of Removal of Deed Restriction shall be recorded by the District at the conclusion of the Temporary Water Permit process.

3. Water Permit Waiver

When requested by a Jurisdiction, or at the request of an Applicant, the District will review a Water Permit application that does not appear to require a Water Permit. When a Water Permit is not required, the District will issue a "permit waiver." A waiver involves the same review process as a Water Permit but does not result in recordation of deed restrictions and does not authorize changes that require a Water Permit.

B. MANDATORY CONDITIONS, ACTION ON APPLICATION FOR A WATER PERMIT TO CONNECT TO OR MODIFY AN EXISTING WATER DISTRIBUTION SYSTEM

- 1. Construction Affecting the Interior or Exterior of an Existing Structure. All Projects that require a Water Permit shall be subject to the following conditions:

- a. The project Site must meet all applicable water conservation requirements of Regulations XIV and XV.
- b. Other conditions may be placed upon approval as indicated in the applicable rule governing the Water Permit process.
- c. The installation of more than one Dishwasher in a Dwelling Unit shall require that all Dishwashers meet the definition of High Efficiency Dishwasher.
- d. The Applicant shall arrange for a final inspection by the District upon Project completion. District staff shall review the Project, water fixtures, and Landscaping for compliance with the Water Permit.
- e. Permit amendments or other actions required as a result of a final inspection shall be completed within thirty (30) days of the date of the final inspection.
- f. All Water Permits shall include Notice and Deed Restrictions titled “Provide Public Access to Water Use Data” and “Limitation on Use of Water on a Site.” There shall be no charge for the public access deed restriction.
- g. To encourage separate metering, permits for Meter Splits for existing Users shall be processed and issued with no charge to the Applicant.

2. Construction of a New Structure.

- a. Water Meters maintained by the Water Distribution System Operator shall be installed for each Residential and Non-Residential water User except as allowed in Rule 23-B-3.
- b. All Non-Residential New Structures that include irrigated landscapes of 1,000 square-feet or greater shall utilize a separate Water Meter supplied by the Water Distribution System to measure all exterior water uses. All Residential irrigated landscapes of 5,000 square-feet or greater shall install a sub-meter to measure outdoor water use.
- c. All New Structures receiving a Water Permit after January 1, 2009, shall

have separate water supply lines that tee off in the meter box after the Water Meter to supply fire suppression service and domestic service as demonstrated in **Figure 23-1**, (found at the end of this rule) unless the User has separate Water Meters maintained by the Water Distribution System Operator for fire and domestic services. This configuration shall facilitate installation of a Flow Restrictor in the domestic service without interfering with the fire suppression service. The General Manager shall have authority to make exceptions to this requirement for Undue Hardship. Exceptions shall be recorded on the property title with notice that rationing enforcement could result in a Flow Restrictor.

- d. Other conditions may be placed upon approval as indicated in the applicable rule governing the Water Permit process.
- e. The Applicant shall arrange for a final inspection by the District upon Project completion. District staff shall review the Project, water fixtures, and Landscaping for compliance with the Water Permit.
- f. Permit amendments or other actions required as a result of a final inspection shall be completed within sixty (60) days of the date of the final inspection.
- g. All Water Permits shall include a Notice and Deed Restrictions titled “Provide Public Access to Water Use Data” and “No There shall be no additional charge for this deed restriction.

3. Water Meter Requirements

- a. Water Meters maintained by the Water Distribution System Operator shall be installed for each Residential and Non-Residential water User, including Wells, with exceptions listed below.
- b. Accessory Dwelling Unit. Permanent submetering of all water use into one Accessory Dwelling Unit shall be allowed when the Jurisdiction confirms there is no potential that the submetered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site. 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 submetering

requirement. Submetering is, however, encouraged as a conservation tool that promotes the efficient use of water.

- c. Transfer of Title to an Accessory Dwelling Unit shall require installation of a Water Meter for that Dwelling Unit.
- d. Multi-Family Dwelling and Residential Common Interest Developments of four or more units. Permanent submetering of each User's water use in a Multi-Family Dwelling or Residential Common Interest Development of more than four units shall be allowed pursuant to California Water Code Division 1 Chapter 8, Water Measurement. Submeters or Water Meters shall be required for Common Areas. Landscape shall be separately metered pursuant to Rule 142.1.

Approval of a Water Permit allowing submetering under this provision shall require recordation of a deed restriction on the title of the property that shall encumber current and future Site/common area owners to comply with the following conditions:

- (1) When requested, the Responsible Party shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the submeter (e.g. apartment or condo number) and the number of residents in each Dwelling Unit and information about common area uses;
 - (2) During Stage Four of the Monterey Peninsula Water Conservation and Rationing Plan (Regulation XV), submetered consumption shall be provided to the District monthly or more frequently if requested by the General Manager.
- e. A Non-Residential User may extend incidental water use to another Non- Residential User within an existing structure. For example, incidental water use would include the addition of a Bathroom for use by the tenant, but would not include the addition of a commercial kitchen or manufacturing facilities.
 - f. A Change of Use shall trigger the requirement for a separate Water Meter if the User uses water as a component of their business (i.e.,

restaurant, Group II uses, manufacturing, etc.).

- g. Multiple structures on a Site occupied by one Non-Residential User may submeter with a meter per building. A landscape Water Meter may be required by Rule 142.1.
- h. The Board shall consider variances to this Rule when the installation of separate Water Measuring Devices is not feasible due to Special Circumstances. In considering a variance, the Board shall determine if another type of Water Measuring Device is appropriate and shall make reporting of consumption a condition of approval.
- i. The General Manager shall allow submetering for each Multi-Family Dwelling (including condominiums and Common Interest Developments), Mixed Use, or Non-Residential User when the installation of separate Water Meters is not feasible due to a Connection moratorium and the User is utilizing Water Credits, an Entitlement, or a Jurisdiction's Allocation on a Site that has a Connection. Applications for submetering of Single-Family Dwellings will be considered by the General Manager when the Jurisdiction confirms there is no potential that the submetered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site. Approval of a Water Permit allowing submetering under this provision shall require recordation of a deed restriction on the title of the property that shall encumber current and future Site owners to comply with the following conditions:
 - (1) The Site's owner shall have Water Meters installed for each submetered User by the Water Distribution System Operator within ninety (90) days of the conclusion of a Connection moratorium. It is recommended that the submeter(s) be located in or near the future meter box to facilitate this requirement. Once Water Meters maintained by the Water Distribution System Operator have been installed and verified by the District, the deed restriction shall be removed.
 - (2) When requested, the Responsible Party shall provide the General

Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the submeter (e.g. apartment or condo number) and the number of residents in each Dwelling Unit and requested information about common area uses;

- (3) During Stage Four of the Monterey Peninsula Water Conservation and Rationing Plan (Regulation XV), submetered consumption shall be provided to the District monthly or more frequently as requested by the General Manager.

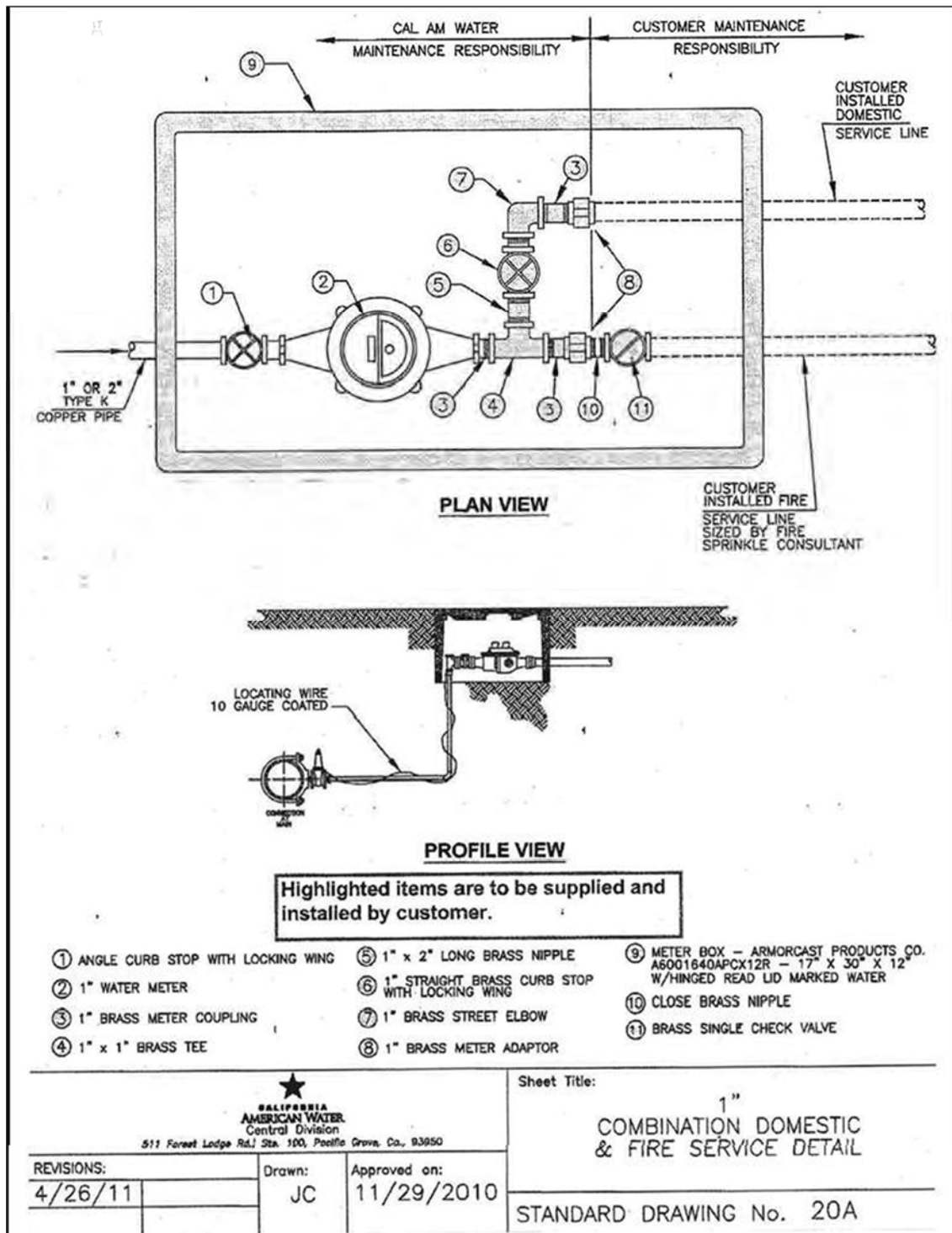
4. Sleepy Hollow Subdivision in Carmel Valley.

- a. All Landscape Area water use shall be supplied by the Sleepy Hollow Non-Potable Water system or by an On-Site Well.
- b. Potable water use shall be supplied by California-American Water Company (also known as the Sleepy Hollow Mutual Potable Water Distribution System) by a Master Meter at the subdivision boundary. See Rule 23-A-1 or Rule 23-A-1-c for restrictions that require annexation of the subdivision by California American Water prior to issuance of Water Permits.
- c. Both Potable water uses and Landscape Areas shall be metered by individual Water Meters.

C. **ADJUSTMENT OF ALLOCATION OR WATER USE PERMIT FOR UNUSED WATER CAPACITY**

1. Any permitted Water Use Capacity which is not used because of an abandoned, expired, Revoked, returned, or amended Water Permit shall be returned to the applicable Allocation or Water Use Permit.
2. The Owner of any Benefited Property shall be entitled to receive additional Water Permit(s) until the Water Use Permit has been used in full.

Figure 23-1



Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 2 (3/11/80); Ordinance No. 3 (7/11/80); Ordinance No. 5 (4/13/81); Ordinance No. 6 (5/11/81); Ordinance No. 7 (7/13/81); Ordinance No. 8 (1/14/81); Ordinance No. 9 (2/14/83); Ordinance No. 11 (11/14/83); Ordinance No. 16 (8/13/84); Ordinance No. 26 (9/8/86); Ordinance No. 40 (4/10/89); Ordinance No. 44 (10/9/89); Ordinance No. 60 (6/15/92); Ordinance No. 64 (10/5/92); Ordinance No. 71 (12/20/93); Ordinance No. 77 (8/21/95); Ordinance No. 115 (05/17/2004); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007); Ordinance No. 137 (12/8/2008); Ordinance No. 145 (9/20/2010); Ordinance No. 156 (11/18/2013); Ordinance No. 157 (12/9/2013); Ordinance No. 161 (7/21/2014); Ordinance No. 165 (8/17/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 172 (8/15/2016); Ordinance No. 177 (1/18/2017); Ordinance No. 178 (11/13/2017); Ordinance No. 179 (8/20/2018); Ordinance No. 182 (5/20/2019); Ordinance No. 184 (8/19/2019); Ordinance No. 185 (5/18/2020); Ordinance No. 189 (12/13/2021); Ordinance No. 198 (7/21/2025); Ordinance No. 201 (4/20/2026)

RULE 24 - CALCULATION OF WATER USE CAPACITY AND CAPACITY FEES

A. RESIDENTIAL CALCULATION OF WATER USE CAPACITY

Residential Water Use Capacity shall be calculated using a fixture unit methodology whereby each water fixture is assigned a fixture unit value that corresponds to its approximate annual Water Use Capacity. Residential applications shall be reviewed to determine if there is an increase in fixture units as a result of the proposed Project.

1. Methodology for Determining Water Use Capacity

The following process shall be used to determine if there is an increase in Water Use Capacity:

- a. The General Manager shall estimate Water Use Capacity of the proposed Project using the fixture unit values and outdoor water uses calculation from Table II-1: Residential Fixture Unit Count Values.
- b. If the application includes a Residential water fixture that is not specifically exempt from the Residential Permit requirements, and no factor is shown on Table II-1: Residential Fixture Unit Count Values, for a proposed water fixture, the General Manager shall research the projected annual consumption of the fixture and shall recommend a fixture unit count value to the Board that corresponds to the Estimated Annual Water Use Capacity of the fixture. Table II-1 shall subsequently be amended by Resolution of the Board of Directors to assign a value to the new fixture.
- c. Using Table II-1: Residential Fixture Unit Count Values, the General Manager shall compare the pre-Project fixture unit count against the fixture unit count shown on the Construction Plans submitted with the Water Release Form and Water Permit application. Pre-Project Estimated Annual Water Use Capacity shall be verified by inspection.
- d. The General Manager shall reduce the Estimated Annual Water Use Capacity by any verified Water Use Credit or On-Site Water Credit applicable to the application as shown on the Water Release Form and Water Permit application and shall determine the Adjusted Water Use Capacity of the proposed Project.

- e. Based upon the review conducted in Rule 24-A-1, the General Manager shall determine if Project will result in a positive, neutral or reduced Water Use Capacity on the Site.
 - (1) An increase in Capacity (Intensification of Use) shall cause the calculation and collection of a Capacity Fee prior to issuance of a Water Permit.
 - (2) No Capacity Fee shall be assessed when there is no increase in Water Use Capacity.
 - (3) A reduction in Water Use Capacity shall result in a Water Use Credit upon verification that the former use has been permanently abandoned. This credit shall be established in conformance with Rule 25.5.

2. Exempt Residential Water Fixtures

The following water fixtures shall be exempt from the Residential Permit requirements and shall have no fixture unit value: Portable Water Fixtures, fountains, ponds, hot tub/spas, drinking fountains, pot fillers behind a cooktop, darkroom sinks, outdoor showers, outdoor sinks, hose bibs, pet/livestock wash racks and water troughs, and multiple Utility Sinks (more than one per Site).

3. Second Bathroom Addition

A distinctive Water Permit protocol shall apply to any Residential application that proposes adding a second Bathroom to a Dwelling Unit built before May 16, 2001, that has less than two full Bathrooms and that has not removed water fixtures in a Bathroom to facilitate the addition of water fixtures elsewhere on the Site.

- a. The second Bathroom protocol shall be limited and shall apply only to the following water appliances if they are installed in a second Bathroom as an expansion or remodel of an existing Dwelling Unit: (a) a single toilet, and (b) a single Standard Bathtub, or single Shower Stall, or a single standard tub-shower combination, and (c) one or two Washbasins.
- b. The second Bathroom protocol shall further apply to a Residential

application that proposes to add one or more of the water fixtures referenced above to a second Bathroom which lacks that fixture(s) within a Dwelling Unit that has less than two full Bathrooms.

- c. The second Bathroom protocol shall apply only to a Dwelling Unit that has less than two full Bathrooms and that has not removed basic Bathroom water fixtures (i.e., a toilet, a Standard Bathtub or Shower Stall or a Washbasin) to enable the addition of water fixtures elsewhere on the Site.
- d. The second Bathroom protocol shall not apply to any Multi-Family Dwelling or Multi-Family Residential Site with four or more units. Water fixtures installed pursuant to this provision shall be installed within the Dwelling Unit. The second Bathroom protocol shall not be used to create a new Accessory Dwelling Unit. This includes the addition of a second Bathroom elsewhere in the Dwelling Unit that would allow a Bathroom to be used by an Accessory Dwelling Unit or Junior Accessory Dwelling Unit. The protocol was adopted to recognize that a second Bathroom is for convenience. It is not intended to support a new User.
- e. Under this second Bathroom protocol, the General Manager shall not debit the Jurisdiction's Allocation for the installation of the water fixtures in the second Bathroom.
- f. Capacity Fees shall nonetheless be collected for the addition of fixture units in the second Bathroom.
- g. No credit shall be granted for removal or retrofit of any fixture added pursuant to this second Bathroom protocol.
- h. Use of the second Bathroom protocol is voluntary. Any Dwelling Unit installing a second Bathroom pursuant to this provision shall be limited to two Bathrooms unless the fixtures permitted by this protocol in the second Bathroom are permitted by debit to a Jurisdiction's Allocation, an Entitlement, or offset by a credit. A Notice and Deed Restriction Regarding Limitation on Use of Water on a Property shall be recorded on the real property as a condition of the Water Permit.
- i. All Water Permits issued pursuant to this Rule shall include a Notice and Deed Restriction titled "Provide Public Access to Water Use Data"

pursuant to Rule 23. In addition, permits utilizing the second Bathroom protocol shall authorize access to water records for the sixty (60) months prior to the date the Water Permit is issued.

- j. The provisions of this second Bathroom protocol shall take precedence and supersede any contrary provision of the Water Management District Rules and Regulations.

4. Master Bathroom Fixture Unit Accounting

- a. All fixtures utilizing a Master Bathroom fixture unit value as shown in Table II-1: Residential Fixture Unit Count Values shall occur in the same Bathroom, and that Bathroom shall be designated as the “Master Bathroom.” Each Dwelling Unit shall have no more than one Master Bathroom.
- b. The Master Bathroom fixture unit value shall not apply to second Bathrooms utilizing the second Bathroom protocol.

5. Exterior Residential Water Demand Calculations

See Rule 142.1, Water Efficient Landscape Requirements, for calculation of landscape water demand. An additional 0.01 Acre-Foot of water shall be added for outdoor water uses other than irrigation.

6. Swimming Pools Filled by a Mobile Water Distribution System.

Swimming Pools constructed with a condition prohibiting use of the local Potable Water Distribution System to fill the pool shall be required to secure their water supply from an entity that holds a current and valid Water Hauler’s License from the California Department of Public Health, Food and Drug Branch (FDB). The Water Hauler’s License is required to haul more than 250 gallons by any means of transportation for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans. There shall be a minimum deduction to the Water Distribution System serving the property in the amount of 0.01 Acre-Foot Annually to offset potential maintenance demand in addition to the requirement to fill and maintain the pool using a licensed Mobile Water Distribution System.

7. Calculating Adjusted Water Use Capacity

- a. Each fixture unit shall have a value of 0.01 Acre-Foot of water.
- b. Water use calculations shall be rounded to the third decimal place.

8. Multi-Family Dwelling Clothes Washers

Installation of a High Efficiency Clothes Washer within a Dwelling Unit on a Multi-Family Residential Site or Common Interest Development served by a Common Laundry Room does not increase Capacity.

When a Common Laundry Room is provided, Water Use Capacity shall be calculated based on the number of Dwelling Units with access to the laundry room. For example, if ten Dwelling Units have access to one or more Common Laundry Rooms, the Water Use Capacity shall be based on ten Dwelling Units, multiplied by the applicable fixture unit value. The number of Clothes Washers in the Common Laundry Room shall not be used to determine Water Use Capacity.

B. NON-RESIDENTIAL CALCULATION OF WATER USE CAPACITY

Non-Residential Water Use Capacity shall be calculated using Table II-2: Non-Residential Water Use Factors. Each Non-Residential use shall be assigned a factor that when multiplied by a specified measurement shown on Table II-2 (i.e., square-footage, number of rooms/seats, etc.) results in an estimate of the approximate annual Water Use Capacity in Acre-Feet. Non-Residential applications shall be reviewed to determine if there is an increase in water demand as a result of the proposed Project. Amendments to Table II-2 shall be made by Resolution of the Board of Directors.

1. Methodology for Determining Water Use Capacity

The following process shall be used to determine if there is an increase in Water Use Capacity:

- a. The General Manager shall estimate Water Use Capacity of the proposed Project using the Water Use Factors from Table II-2: Non-Residential Water Use Factors.
 - (1) New Construction: When the Non-Residential Water Use Factor is based on a square-footage factor, the gross square-footage shall be applied to the factor for construction of a new building.

- (2) Tenant Improvements within a defined lease space: When the Non-Residential Water Use Factor is based on square-footage for a Tenant Improvement in a defined lease space, the useable square-footage shall be applied to the factor. This calculation does not affect the remaining Capacity of the building and is to be used only to identify the Capacity of the area being remodeled.
- b. When a Non-Residential Project proposes two or more of the uses set forth in Table II-2, each proposed use shall be subject to a separate calculation. By way of example, a hotel with a restaurant would be subject to both the hotel use by unit and the restaurant use by seat calculation. Where a proposed use can be placed in more than one group, the group which most accurately depicts overall projected water use shall be selected or the uses shall be calculated based on the square-footage or other factor for each area in which the use occurs. When the proposed use appears to fall into more than one group or use, the higher factor shall be used.
- c. If the application includes a Non-Residential use that is not identical to or similar to those uses shown on Table II-2: Non-Residential Water Use Factors, the General Manager shall research the projected annual consumption of the use and shall recommend a value to the Board that corresponds to the Estimated Annual Water Use Capacity.
- d. The General Manager shall compare the pre-Project Estimated Annual Water Use Capacity against the Estimated Annual Water Use Capacity shown on the Construction Plans submitted with the Water Release Form and Water Permit application. Pre-Project Estimated Annual Water Use Capacity may be verified by inspection.
- e. The General Manager may reduce the Estimated Annual Water Use Capacity for the permanent installation and use of known and validated technology that results in a quantifiable reduction in Water Use Capacity above that anticipated with Best Management Practices.
- f. The General Manager shall reduce the Estimated Annual Water Use Capacity by any verified Water Use Credit or On-Site Water Credit applicable to the application as shown on the Water Release Form and Water Permit application and shall determine the Adjusted Water Use Capacity of the proposed project.

- g. Based upon the review conducted in 24-B-1-f, the General Manager shall determine if the Project will result in a positive, neutral or reduced Water Use Capacity on the Site.
 - (1) An increase in Capacity (Intensification of Use) shall cause the calculation and collection of a Capacity Fee prior to issuance of a Water Permit.
 - (2) No Capacity Fee shall be assessed when there is no increase in Water Use Capacity.
 - (3) A reduction in Water Use Capacity shall result in a Water Credit upon verification that the former use has been abandoned. This credit shall be established in conformance with Rule 25.5.
- h. Non-Residential Projects at Public School District Sites acquired prior to 2020 shall be considered to have a zero Adjusted Water Use Capacity when the entire Public School District Site meets or exceeds Rule 143 Water Efficiency Standards for Existing Non-Residential Uses.
- i. A Restaurant's Water Use Capacity shall be determined by the maximum Interior Restaurant Seat count authorized by the Jurisdiction and District. Exterior Restaurant Seats may be maintained for al fresco dining without a requirement for a new or amended Water Permit provided the maximum number of Exterior Restaurant Seats does not exceed one-half the number of authorized Interior Restaurant Seats (the "standard exterior seat allowance"). Exterior Restaurant Seating not in compliance with this paragraph shall require a new or amended Water Permit.

2. Exterior Water Demand

Exterior Water Use Capacity shall be calculated according to Rule 142.1.

3. Calculating Adjusted Water Use Capacity

Water use calculations shall be rounded to the third decimal place.

C. **WATER SUPPLY COST COMPONENT**

The water supply cost component used as a monetary multiplier in each Capacity Fee calculation required by this rule shall be \$10,623.20. This water supply cost component shall be adjusted on July 1st of each year beginning in July, 1985, to include the annual increase or decrease of the April Consumer Price Index (CPI), all items, for San Francisco/Oakland, as promulgated by the U.S. Department of Labor Bureau of Statistics. The adjusted multiplier shall apply to each Water Permit application received on or after July 1st of each year. Table II-3: Capacity Fee History shall be updated annually by Resolution of the Board to reflect the current year's Capacity Fee.

D. CALCULATION OF CAPACITY FEES

The Capacity Fee paid for a Water Permit shall be determined by multiplying the Adjusted Water Use Capacity by the current Capacity Fee. This charge shall be applied to each application for a Water Permit as follows:

1. Projects served by the California American Water Company System and Seaside Municipal Water System shall pay 100 percent of the final calculation.
2. All other Water Distribution Systems including private Wells and other Water Distribution Systems shall pay 18.67 percent of the final calculation.

E. ADJUSTMENT OF CALCULATIONS WHERE SPECIAL CIRCUMSTANCES EXIST

1. The General Manager may reduce (or increase) the Adjusted Water Use Capacity when Special Circumstances exist with respect to the anticipated water consumption resulting from that Permit. Special Circumstances shall be deemed to exist in the following circumstances:
 - a. After project completion and verification that Sub-potable Water or untreated Well water is the exclusive supply for all exterior uses, the General Manager may make a proportional adjustment for the final Adjusted Water Use Capacity and shall refund that portion of the Capacity Fee and the portion of water debited from an Allocation or Water Entitlement.
 - b. Projects that utilize water in conjunction with a manufacturing process.
 - c. Non-Residential projects owned by a Public entity.

2. The preliminary Estimated Annual Water Use Capacity Adjustment shall operate to exact a Capacity Fee as it relates to the increment of water which is projected to be available to and subject to use by the Applicant as a function of the Connection or the use of water. In the absence of a comparable water use factor on Table II-2, the General Manager may make this adjustment based upon projected use figures supported by historical use or other relevant documentation. In the absence of Special Circumstances, calculation of the Estimated Annual Water Use Capacity shall be made by use of Non-Residential Water Use Factors shown on Table II-2.
3. The General Manager shall be granted authority to factor Adjusted Water Use Capacity and Capacity Fees for Industrial and Public Projects based upon the actual average annual water use record following 60 months of occupancy and use without the necessity of a hearing before the Board of Directors. The process shall require payment of an estimated Capacity Fee and corresponding Allocation or Water Entitlement debit. The final Capacity Fee and corresponding Allocation or Water Entitlement debit shall be adjusted upon the actual annual water use record for that Connection.
4. For all situations where the General Manager finds Special Circumstances with Substantial Uncertainty exist regarding the Estimated Annual Water Use Capacity proposed by the permit Applicant, the Board shall consider approving a Water Permit upon payment of an estimated Capacity Fee and corresponding Allocation or Water Entitlement debit. The final Capacity Fee and corresponding Allocation or Water Entitlement debit shall be adjusted upon the actual average annual water use record for that Connection.
5. This Rule shall not apply where a single meter supplies more than one water User.
6. All Water Permits issued with a finding of Special Circumstances shall be subject to the following conditions:
 - a. A deed restriction listing the conditions of the Permit shall be recorded on the property prior to issuance of a Water Permit.
 - b. By written communication, the Jurisdiction shall authorize the District to issue a Water Permit based on a finding of Special Circumstances consistent with CEQA compliance for the approved Project.
 - c. The Jurisdiction shall acknowledge in writing to the District that annual

average water use above the preliminary Estimated Annual Water Use Capacity shall either result in a debit to its Allocation or shall require additional action to reduce or offset water use as authorized by the District Board.

- d. Approval of Special Circumstances with Substantial Uncertainty is valid for thirty-six (36) months. The project shall be completed within thirty six (36) months of District approval. One extension of time for twelve (12) months will be granted by the General Manager upon evidence of due diligence by the Applicant.
- e. The Project shall be exclusively equipped with all reasonable conservation measures as determined by the General Manager.
- f. The property owner shall agree to allow public access to water consumption records for the life of the Project. Access shall be authorized by recordation of the appropriate deed restriction.
- g. A Landscape Documentation Package, shall be included with the Water Permit application.
- h. Prior to issuance of a Water Permit, the Water Permit Applicant shall submit Capacity Fees and processing fees as outlined in Rule 24 and Rule 60.
- i. A water meter shall be installed to monitor exterior water use, apart from any interior use. District staff shall have access to the water meters and consumption reports upon reasonable request.
- j. The property owner or his agent shall annually complete and submit a Special Circumstances Review Form and applicable attachments to the District by February 1. The Special Circumstances Review Form shall require the property owner to provide information about the Project's annual water use and practices, copies of the past year's water bills, information about the performance of any special appliances, and other information useful in reviewing Project-related water demand. The Special Circumstances Review Form shall be submitted each year during construction and for ten years following full occupancy after completion of the Project.

k. Water use will be reviewed annually after occupancy. If actual water use exceeds the preliminary Water Use Capacity estimate during any annual review, the District will debit the Jurisdiction's Allocation for the difference. At the end of the monitoring period, if the average annual water use exceeds the preliminary Water Use Capacity estimate, the District will determine whether the Jurisdiction shall transfer some of its Allocation to the Project, or whether the Applicant shall pay the cost of District-approved water conservation projects within the District or on the Project Site to establish Water Use Credits to offset the increased increment of water needed by the Project.

l. The Applicant and any successor in interest to the Water Permit shall enter into an indemnification agreement with the District, whereby the Applicant agrees to indemnify, defend and hold harmless the District from any and all legal and financial responsibility that may arise in connection with approval of the application, including but not limited to attorney's fees and costs that the District may incur.

7. The Board shall specify the appropriate number of years to monitor actual annual water use when it finds Special Circumstances with Substantial Uncertainty exist.
8. In all applications where evidence does not support the finding that Special Circumstances with Substantial Uncertainty exist regarding a Project's Water Use Capacity, it shall be presumed that the Non-Residential Water Use Factors as shown on Table II-2 apply to the Permit.
9. Determinations of the General Manager pursuant to this Rule may be appealed to the Board.

F. CAPACITY FEE REFUNDS

1. The Capacity Fee paid for a Water Permit under these Rules and Regulations shall be a fee retained by the District in consideration of, and as reimbursement for the costs and expenses incurred by the District in planning for, acquiring, reserving, and maintaining capacity in the water distribution facilities existing or to be constructed within the District.
2. If a Project, as built, eliminates all or a portion of the Adjusted Water Use

Capacity upon which the Water Permit was originally calculated, a refund of that portion of the Capacity Fee may occur.

3. Refunds of Capacity Fees shall occur if the Permit is abandoned prior to construction.
4. Refunds will only occur if a reduction in the Water Use Capacity is documented, or for abandoned Projects, if the Applicant has permanently removed the Water Meter and canceled the building permit.
5. Requests for refunds shall be in writing, and shall include the Water Permit number and the reason a refund is requested. Refunds are subject to fees under Rule 60.
6. All refunds shall be made to the then-current titleholder of the real property to which the Water Permit was issued.
7. Refunds requested for Capacity Fees paid for a Conditional Water Permit shall be processed under the following time lines:
 - a. Refunds of less than fifty thousand dollars (\$50,000) shall be processed within thirty (30) days;
 - b. Refunds between fifty thousand dollars (\$50,000) and one hundred thousand dollars (\$100,000) shall be processed within forty-five (45) days;
 - c. Refunds over one hundred thousand dollars (\$100,000) shall be processed within sixty (60) days.

G. CAPACITY FEE FUND ACCOUNTING

1. The District shall maintain separate accounts in its general fund for Capacity Fees received. Those separate fund accounts shall be maintained and designated as Capacity Fee accounts “A” and “B”. Account “A” shall receive 18.67% of all Capacity Fees collected. Account “B” shall receive 81.33% of all Capacity Fees collected. The proceeds of any connection surcharge shall be transferred to the District’s general fund, without restriction.
2. Capacity Fee funds shall be expended from Capacity Fee accounts “A” and “B”

for the sole purpose of planning for, acquiring and/or reserving augmented water supply capacity for District water distribution facilities. It is recognized that such purposes include engineering, hydrologic, geologic, fishery, appraisal, financial, and property acquisition endeavors. Capacity Fee funds may further be used to acquire, maintain, and/or reserve capacity in existing water distribution facilities existing within the District.

H. PERMIT FEE PAYMENT PLANS

1. Except as may be required by operation of law, or as approved by the Board of Directors on a case-by-case basis pursuant to this Rule, the District shall not authorize a payment plan for fees and charges due for the issuance of a Water Permit. This means that no Permit will be issued by the District unless all required fees and charges have first been paid in full to the District. In any circumstance where a Permit has been issued on less than full payment of all fees and charges due from that Parcel, that Permit shall immediately be Suspended and thereafter Revoked. Revocation of a Water Permit shall cause removal or limitation of water service to that Connection.
2. Notwithstanding any provision of this Rule, the Board, on a case-by-case basis, may authorize delayed payment for Projects which are solely undertaken by California Non-Profit Public Benefit Corporations provided each such plan shall ensure, by recorded deed restriction which includes the consent of each property owner, that all fees and charges due for the issuance of a Water Permit, together with deferred interest at the rate to be set by the Board, shall be paid in full in the event Project-ownership or occupancy is transferred to any entity other than a California Non-Profit Public Benefit Corporation. This provision is intended for use only in the presence of a substantial financial hardship to the Project proponent such that the development of the Project would be jeopardized by the present assessment of the full fees and charges due for the issuance of a Water Permit.

Rule added by Ordinance No. 8 (1/14/81); amended by Ordinance No. 9 (2/14/83); Ordinance No. 17 (9/24/84); Ordinance No. 18 (11/12/84); Ordinance No. 20 (12/10/84); Ordinance No. 21 (3/11/85); Ordinance No. 26 (9/8/86); Ordinance No. 33 (3/14/88); Ordinance No. 34 (5/9/88); Ordinance No. 40 (4/10/89); Ordinance No. 60 (6/15/92); Ordinance No. 71 (12/20/93); Ordinance No. 76 (5/15/95); Ordinance No. 80 (11/20/95); Ordinance No. 98 (4/16/2001); Ordinance No. 111 (1/29/2004); Ordinance No. 114 (5/17/2004); Ordinance No. 125 (9/18/2006); Ordinance No. 145 (9/20/2010); Ordinance No. 157 (12/9/2013); Ordinance No. 162 (8/18/2014); Ordinance No. 164 (4/20/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 182 (5/20/2019); Ordinance No. 185 (5/18/2020); Ordinance No. 189 (12/13/2021);

Ordinance No. 193 (8/21/2023); Ordinance No. 198 (7/21/2025); Ordinance No. 199 (11/17/2025)

TABLE II-1: RESIDENTIAL FIXTURE UNIT COUNT VALUES

Water Fixture Description		Fixture Unit Value
1	Washbasin, each	1
2	Two Washbasins in the Master Bathroom	1
3	Toilet	1.3
4	Toilet, Ultra High Efficiency w/Deed Restriction (UHET) (0.8 gallon maximum)	0.8
5	Urinal, (Pint (0.125 gallon maximum)	0.1
6	Urinal, Zero Water Consumption	0
7	Bathtub, (may be Large Bathtub) & Separate Shower located in the Master Bathroom	3
8	Bathtub, Large (may have Showerhead above)	3
9	Bathtub, Standard (may have Showerhead above) or Shower Stall (one Showerhead)	2
10	Shower, each additional fixture (including additional Showerheads, Body Spray Nozzles, etc.)	2
11	Shower System, Rain Bars, or Custom Shower (varies according to specifications)	Inquire
12	Kitchen Sink (including optional adjacent non-High Efficiency Dishwasher)	2
13	Kitchen Sink with adjacent High Efficiency Dishwasher ¹	1.5
14	Dishwasher, High Efficiency, each additional when all Dishwashers are High Efficiency Dishwashers	0
15	Dishwasher, High Efficiency, each additional when one or more Dishwashers are NOT High Efficiency Dishwashers (including optional adjacent sink)	1.5
16	Laundry Sink/Utility Sink (debit/Capacity Fee applies to only one Laundry/Utility Sink per Residential Site)	2
17	Clothes Washer (existing non-High Efficiency Clothes Washer)	2
18	Clothes Washer, Common Laundry Room (per Dwelling Unit with access to the CLR)	1
19	Clothes Washer, High Efficiency (HEW)	1
20	Bidet	1
21	Bar Sink	1
22	Entertainment Sink	1
23	Vegetable Sink	1
24	Swimming Pool (each 100 square-feet of pool surface area)	1

¹ When a Kitchen Sink exists without the benefit of a Dishwasher, a Dishwasher may be added without a Water Permit.

Table Amended by Resolution 2009-11 (8/17/2009); Ordinance No. 140 (11/16/2009); Resolution 2009-13 (12/14/2009); Resolution 2010-15 (12/13/2010); Ordinance No. 151 (11/19/2012); Ordinance No. 156 (11/18/2013); Resolution 2016-04 (2/17/2016); Resolution 2021-14 (11/15/2021); Resolution 2022-22 (7/18/2022); Ordinance No. 201 (4/20/2026)

25	For all new Connections -- Refer to Rule 24-A-5, Exterior Residential Water Demand Calculations.
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TABLE II-2: NON-RESIDENTIAL WATER USE FACTORS**Group I** 0.00007 AF/SF

Users in this category are low water uses where water is primarily used for employee hygiene and minimal janitorial uses. Examples are offices, warehouses, and low water use retail businesses.

Group II 0.0002 AF/SF

Users in this category prepare and/or sell food/beverages that are primarily provided to customers in/on disposable tableware. Food with high moisture content and liquid Food may be served on reusable tableware. Glassware may be used to serve beverages. Users in this category are not full-service restaurants.

Group III

Assisted Living (more than 6 beds) ²	0.085 AF/Bed
Bar (limited food/not a full-service restaurant)	0.0002 AF/SF ¹
Dog Grooming	0.0567 AF/Grooming
Child/Dependent Adult Day Care	0.0072 AF/Person
Dry Cleaner w/on-Site laundry	0.0002 AF/SF
Dormitory Beds @ Educational Institution ³	0.02 AF/Bed
Laundromat	0.12 AF/Machine
Motel/Hotel/Bed & Breakfast	0.064 AF/Bedroom
Large Bathtub (Add to bedroom factor)	0.03 AF/Tub
Each additional Showerhead beyond one per stall (Add to bedroom factor)	0.02 AF/Showerhead
Nail and/or Beauty Salon	0.00007 AF/SF
Irrigated Areas/Landscaping	ETWU (See Rule 142.1)
Plant Nursery	0.00009 AF/SF Land Area
Public Toilet	0.058 AF/Toilet
Public Urinal	0.036 AF/Urinal
Zero Water Consumption Urinal	No Value
Recreational Vehicle Water Hookup	0.064 AF
Restaurant - Full Service (including associated Bar Seats)	0.02 AF/Interior Restaurant Seat
Exterior Restaurant Seats above the “Standard Exterior Seat Allowance” ⁴	0.01 AF/Exterior Restaurant Seat
Exterior Restaurant Seats within the “Standard Exterior Seat Allowance”	No Value
Restaurant (24-Hour and Fast Food)	0.038 AF/Interior Restaurant Seat
School or Church	0.00007 AF/SF
Self-Storage	0.0002 AF/100 SF
Skilled Nursing/Alzheimer’s Care	0.12 AF/Bed
Spa	0.05 AF/Spa
Swimming Pool	0.02 AF/100 SF of Surface Area
Theater	0.0012 AF/Seat

¹ ABC Licensed Premises Diagram area shall be used for calculation of square-footage.

² Assisted living Dwelling Units shall be permitted as Residential uses per Table II-1, Residential Fixture Unit Count Values.

³ Dormitory water use at educational facilities is a Residential use, although the factor is shown on Table II-2.

⁴ See Rule 24-B-1 and Rule 25.5 for information about the “Standard Exterior Seat Allowance”.

Group IV – MODIFIED NON-RESIDENTIAL USES

Users in this category have a reduced water Capacity compared to Groups I-III and have received a Water Use Credit for modifications (Rule 25.5-F-4-d) or the permanent installation of validated technology that results in a quantifiable reduction in Water Use Capacity. Please inquire for specific property information.

Group V – INDUSTRIAL USES

Users in this category use water during the production process for either creating their products or cooling equipment. Industrial water may also be used for fabricating, processing, washing, diluting, cooling, or transporting a product.

This includes industries involved in the production of chemicals and food products, as well as certain hospital uses. The Water Use Capacity shall be determined after reviewing the project's construction and business plans, along with estimated water use, and may be considered under Rule 24 Special Circumstances.

Notes: Any Non-Residential water use which cannot be characterized by one of the use categories set forth in Table II-2 shall be designated as "other" and assigned a factor which has a positive correlation to the anticipated Water use Capacity for that Site. When a Non-Residential project proposes two or more of the uses set forth in Table II-2, each proposed use shall be subject to a separate calculation. When the proposed use appears to fall into more than one group or use, the higher factor shall be used.

Table amended by Ordinance No. 125 (9/29/2006); Resolution 2008-01 (1/24/2008); Resolution 2010-15 (12/13/2010); Resolution 2013-16 (9/16/2013); Resolution 2014-04 (3/17/2014); Resolution 2014-12 (7/21/2014); Ordinance No. 164 (4/20/2015); Resolution 2016-06 (3/21/2016); Ordinance No. 176 (1/25/2017); Resolution 2017-14 (7/21/2017); Resolution 2017-16 (12/11/2017); Resolution 2018-21 (11/19/2018); Ordinance No. 182 (5/20/2019); Resolution 2019-10 (7/15/2019); Resolution 2019-15 (9/16/2019); Resolution 2021-15 (11/15/2021); Resolution 2022-27 (9/19/2022); Resolution 2022-33 (11/14/2022); Resolution 2024-14 (12/16/2024); Ordinance No. 201 (4/20/2026)

TABLE II-3: CAPACITY FEE HISTORY

YEAR	CAPACITY FEE	YEAR	CAPACITY FEE
1985	\$10,623.20	2021-22	\$32,008.00
1985-86	\$11,133.00	2022-23	\$33,608.00
1986-87	\$11,433.59	2023-24	\$35,019.00
1987-88	\$11,890.93	2024-25	\$36,350.00
1988-89	\$12,295.22	2025-26	\$36,823.00
1989-90	\$12,983.75	2026-27	\$38,222.00
1990-91	\$13,529.07		
1991-92	\$14,056.70		
1992-93	\$14,661.00		
1993-94	\$15,202.00		
1994-95	\$15,325.00		
1995-96	\$15,692.00		
1996-97	\$15,960.00		
1997-98	\$16,551.00		
1998-99	\$17,048.00		
1999-00	\$17,832.00		
2000-01	\$18,492.00		
2001-02	\$19,565.00		
2002-03	\$19,976.00		
2003-04	\$20,415.00		
2004-05	\$20,517.00		
2005-06	\$20,948.00		
2006-07	\$21,618.00		
2007-08	\$22,331.00		
2008-09	\$22,979.00		
2009-10	\$23,163.00		
2010-11	\$23,567.00		
2011-12	\$24,227.00		
2012-13	\$24,735.00		
2013-14	\$25,328.00		
2014-15	\$26,037.00		
2015-16	\$26,661.00		
2016-17	\$27,380.00		
2017-18	\$28,420.00		
2018-19	\$29,329.00		
2019-20	\$30,502.00		
2020-21	\$30,837.00		

Table added by Ordinance No. 125 (9/18/2006); amended by Ordinance No. 145 (9/20/2010); Resolution 2014-19 (12/15/2014); Resolution No. 2015-20 (11/16/2015); Resolution 2016-13 (7/18/2016); Resolution 2017-11 (6/19/2017); Resolution 2018-14 (6/18/2018); 2019-08 (6/17/2019); Resolution 2020-11 (6/15/2020); Resolution 2021-08 (6/21/2021); Resolution 2022-20 (6/20/2022); Resolution No. 2023-11 (6/20/2023); Resolution No. 2024-10 (6/17/2024); Resolution 2025-06 (6/16/2025); Ordinance No. 201 (4/20/2026); Resolution No. 2026-07 (6/15/2026)

RULE 25.5 - WATER USE CREDITS AND WATER CREDITS

- A. Except where a Water Permit has been abandoned, expired, Revoked, Suspended, or canceled under these Rules, a Person may apply to receive a documented Water Use Credit for a Permanent Abandonment of Use on that Site by one of the methods set forth in this Rule. Water Use Credits pursuant to this Rule shall be documented by written correspondence between the District and the property owner and shall remain valid unless expired or prohibited by the provisions of Rule 25.5. Documented Water Use Credits shall not be recorded by notice on a property title, except as specified in Rule 25.5-H. Except as allowed by Rule 28, Water Use Credits shall not be transferable to any other Site. When applicable, a Water Use Credit shall reference the factor shown in Rule 24 Table II-1 or Table II-2, at the time it was established, as the basis for the credit. A District correspondence documented Water Use Credit shall not be affected by any future change to that factor, although it is subject to the time limitation(s) specified in Rule 25.5.
- B. Water savings resulting from mandatory compliance with Regulation XIV, Water Conservation, shall not result in a Water Use Credit other than those credits specifically available in Table II-4. Water Use Credits for required retrofits shall expire upon the date mandated by any District, State, or Federal law unless otherwise stated in these rules. Such savings shall be set aside as permanent water conservation savings.
- C. A Water Use Credit may be applied to and shall allow future water use on that Site at any time within a period of five years following the Permanent Abandonment of Use documented by a demolition permit or other credible evidence of removal. In the absence of documentation, the date of the last MPWMD inspection documenting the existence of the fixture shall be used as the date of Permanent Abandonment. A one-year extension of time may be granted by the General Manager for justifiable cause. Subsequently, any remaining unused Water Use Credit shall expire.
- D. A Water Use Credit shall expire or retire based upon the date of installation or purchase, or the date the fixture becomes mandated by any District, State, or Federal conservation program. This rule shall apply to all Water Use Credits, including Water Use Credits tolled by a California Public Utilities Commission moratorium or by State 4 Water Rationing, unless otherwise exempted or modified by Rule 25.5. Credits documented in writing with an expiration date shall be honored by the District.

- E. A Water Use Credit at a Department of Defense Site shall expire after twenty (20) years.
- F. The following types of Permanent Abandonment of Capacity shall qualify for a Water Use Credit under this Rule:
 - 1. Demolition of a building or use that has been recognized by the District as being a lawful water use;
 - 2. Demolition or permanent removal of Exterior Restaurant Seats specifically permitted by debiting Water Use Capacity from an Allocation or Entitlement, Water Credit or Water Use Credit;
 - 3. Permanent disconnection of a lawful water use from a Water Distribution System;
 - 4. Permanent removal of District-documented and lawful water fixtures listed in Rule 24, Table II-1: Residential Fixture Unit Count Values and the associated plumbing for those fixtures so there is no evidence of the removed water fixture;
 - 5. Permanent installation of water fixtures or appliances that are designed to achieve greater water efficiency than mandated in Regulations XIV and XIV. When newer appliances become more water efficient, no further credit shall be available, and upgrading to the newer standard may be required as a condition of a Water Permit.
 - 6. Removal of established Lawn on sports fields at a Public School District Site that pre-dates the District's permit requirements or that was permitted with a debit to an Allocation.
- G. To determine a Water Use Credit, the General Manager shall:
 - 1. Verify that the reduction is one which is permanent (i.e. Permanent Abandonment of Use) and the date that Permanent Abandonment of Use occurred.
 - 2. Quantify the Water Use Capacity of the Site using the water use factors from Rule 24, Tables II-1 and/or II-2. If no factor is available on Table II-2 or if

the use is substantially different than any of the uses shown on Table II-2, the General Manager may make an estimate based upon water records showing the average use over a minimum of eight (8) years.

3. Grant a Residential Water Use Credit for the permanent removal of water using fixtures if the fixture was properly and lawfully installed.
 - a. Water Use Credits for multiple Showerheads shall be limited to a maximum of four (4) fixture units per Separate Stall Shower or Bathtub unless permitted using a Water Entitlement documented on an Assignment Document. A Shower System shall be considered a component of a Separate Stall Shower or Bathtub for purposes of this Rule.
 - b. Credit shall not be given for any reduction which occurs as the result of the removal of landscaping installed without a Water Permit or installed pursuant to a Water Permit for New Construction. An exception to this limitation shall be made for Non-Residential landscaping that was specifically identified, quantified, and permitted by the District. Any Water Use Credit granted under this subdivision shall be determined using the Estimated Applied Water for the increment of landscaping being permanently abandoned.
 - c. A 0.5 fixture unit credit for non-HET toilets that was available on Table II-4 prior to adoption of Ordinance No. 201 shall continue to be allowed until January 1, 2027. At that time, the Water Use Credit shall expire.
4. Quantify the water use reduction (the abandoned Capacity) using the following methods:
 - a. Residential Water Use Credit for demolitions, permanent disconnection of water service, and permanent removal of water fixtures shall be determined using the current Fixture Unit Values from Rule 24, Table II -1 -Residential Fixture Unit Count Values.
 - b. Residential Water Use Credits shall only be granted for installation of the ultra-low consumption appliances listed in Table II-4: High Efficiency Appliance Credits and for Permanent Abandonment of

Use. This table may be amended by Resolution of the Board of Directors. A Water Use Credit shall not be issued for a fixture for which an MPWMD rebate has been issued, or for which an MPWMD rebate has previously been claimed.

- c. Non-Residential Water Use Credit for demolition and for permanent disconnection of water service shall be determined using current Table II-2: Non-Residential Water Use Factors.
- d. Non-Residential Water Use Credit for retrofits with advanced Ultra-Low Consumption Technology may be granted by the Board of Directors for the increment of water savings beyond the water savings anticipated from the installation of ,mandatory District requirements:
 - (1) Application for Water Use Credit Post-Retrofit. The Applicant shall submit clear and convincing evidence of water savings. This shall be accomplished by providing the District with a minimum of eight (8) years of documented pre-retrofit water history for the use from the Water Distribution System (i.e. bills or correspondence from the Water Distribution System Operator) along with two or more years of post-retrofit water history for the use (i.e. bills or correspondence from the Water Distribution System Operator). When eight (8) years of water history for a use is unavailable or when less than two years of post-retrofit water history is available, the Applicant shall obtain an independent third party's review of the projected water savings, subject to review and acceptance by the District. The District shall verify the installation of Ultra-Low Consumption Technology by conducting an inspection.
 - (2) Application for Water Use Credit Pre-Retrofit. The Applicant shall submit clear and convincing evidence of water savings. This shall be accomplished by providing the District with a minimum of eight (8) years of documented pre-retrofit water history for the use from the Water Distribution System (i.e. bills or correspondence from the Water Distribution System Operator) to establish a baseline

consumption level and documentation of the dates of previous retrofits done pursuant to Regulation XIV. When eight (8) years of pre-retrofit water history for a use is unavailable, the factor from Rule 24, Table II-2: Non-Residential Water Use Factors shall be used as the historic use baseline. To substantiate projected water savings resulting from the proposed retrofit(s), the Applicant shall submit additional documentation to support the estimated water savings. When District staff is not able to verify the estimated water savings, the Applicant may be required to reimburse the District for costs to obtain an independent third party's review of the projected water savings. The District shall verify the installation of Ultra-Low Consumption Technology by conducting an inspection.

- (3) When a Non-Residential Water Use Credit is requested for a Site that cannot demonstrate that the Site was equipped with Low Water Use Plumbing Fixtures for the full period of the water records used, there shall be a 15 percent reduction of the final calculated Water Use Credit.
 - (4) In the event that the General Manager disagrees with the amount of water savings resulting from the installation of Ultra-Low Consumption Technology, the complete Water Use Credit application shall be presented to the Board for further consideration.
- 5. Written notification of the quantity and expiration of a Water Use Credit shall be provided to the property owner.
- 6. No Water Use Credit or reduced Water Use Capacity shall be granted for the removal of a Non-Residential associated use to an out-of-District location or to another Water Distribution System. For example: No reduction in Water Use Capacity or Water Use Credit shall be granted for laundering hotel textiles at another location.
- H. A valid Water Use Credit may provide the basis for the General Manager to issue a Water Permit for new, modified, or Intensified Water Use on that Site.

1. There shall be no Capacity Fee assessed for any Water Use Credit. Capacity Fees, however, shall apply to the Capacity for water use which exceeds the Water Use Credit, or for any Expansion of Use following the expiration of the Water Use Credit.
 2. No Capacity Fee refund shall accrue by reason of a water use reduction or abandonment of Capacity, whether or not reflected by a Water Use Credit.
 3. Issuance of a Water Use Credit shall not result in any change to a Jurisdiction's Allocation or to any Water Entitlement. Use of any Water Use Credit shall similarly not result in a change to a Jurisdiction's Allocation or any Water Entitlement.
- I. When a Water Use Credit on a Site results from demolition of a building that straddled a lot line, the property owner shall specify in writing the quantity of Water Use Credit assigned to each of the lots formerly occupied by that building. Such designation may be recorded upon the title of each Parcel and shall specify the date the credit expires.
- J. A Water Use Credit shall enable reuse of saved water on the Site.
1. Water Use Credits may be moved between one or more structures on the same Site or may be used to construct new uses on the same Site.
 2. The District shall not require an additional increment of water for exterior water usage on a vacant lot or lot containing an uninhabitable structure when the owner of the Site has submitted clear and convincing evidence of continuous landscaping and irrigation that was installed by and has been consistently maintained since March 11, 1985. Examples of acceptable evidence are dated photographs, official documents, permits or correspondence of the Jurisdiction, receipts or invoices for gardening services or purchases related to landscaping and maintaining landscaping on the Site. Credit shall only apply to the portion of the Site for which evidence has been provided.
 3. A Water Use Credit for disconnection from a Potable Water Distribution System shall be granted by the General Manager only upon the removal of the Connection and written confirmation of such removal by the Water Distribution System Owner or Operator.

4. Water Use Credits shall remain on the Department of Defense Site where the credit originated unless there is agreement between the parties to allow use of a Water use Credit at a different Department of Defense Site.
- K. An on-Site Water Credit resulting from the non-permanent removal of a lawful Non-Residential use that occurred on or after March 1, 1985, may be applied to, and shall allow, the future reuse of that increment of water on that Site. A Water Permit for reinstating the former use shall be required and allowed.

Rule added by Ordinance No. 60 (6/15/92); amended by Ordinance No. 64 (10/05/92); Ordinance No. 71 (12/20/93); Ordinance No. 110 (9/30/2003); Ordinance No. 115 (05/17/2004); Ordinance No. 121 (8/15/2005); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007); Ordinance No. 139 (5/12/2009); Ordinance No. 145 (9/20/2010); Ordinance No. 155 (3/18/2013); Ordinance No. 156 (11/18/2013); Ordinance No. 157 (12/9/2013); Ordinance No. 162 (8/18/2014); Ordinance No. 164 (4/20/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 182 (5/20/2019); Ordinance No. 187 (6/21/2021); Ordinance No. 189 (12/13/2021); Ordinance No. 201 (4/20/2026).

TABLE II-4: HIGH EFFICIENCY APPLIANCE CREDITS¹		
Appliance	Description	Water Use Credit in Fixture Units (FU)
High Efficiency Toilets	A toilet designed to have an average maximum flush of 1.28 gallons and that is labeled by the U.S. Environmental Protection Agency's WaterSense program. This credit is only available until January 1, 2027, at which time it shall be deleted from Table II-4.	0.5 FU
Ultra High Efficiency Toilet	A toilet designed and manufactured to flush with a maximum of 0.8 gallon of water and that is labeled by the U.S. Environmental Protection Agency's WaterSense program.	1 FU
Instant-Access Hot Water System	A recirculating hot water system or other device(s) that results in hot water contact at every point of access throughout the Dwelling Unit within ten (10) seconds. Instant-Access Hot Water Systems shall be installed in each auxiliary building plumbed with hot water on a Single Family Residential Site. There shall be no Water Use Credit for installation of Instant-Access Hot Water Systems for New Structures.	0.5 FU
High Efficiency Dishwasher	See Rules 11, 23, and Table II-1, Residential Fixture Unit Count Values. A High Efficiency Dishwasher (HEDW) shall have Energy Star certification. Granted for one HEDW per Dwelling Unit.	0.5 FU
High Efficiency Clothes Washer	See Rule 11. A High Efficiency Clothes Washer shall have Energy Star certification.	1 FU

Table II-4 amended by Resolution 2008-03 (2/28/2008); Resolution 2009-10 (7/20/2009); Ordinance No. 140 (11/16/2009); Resolution 2009-14 (12/14/2009); Ordinance No. 151 (11/19/2012); Ordinance No. 156 (11/18/2013); Resolution 2019-09 (7/15/2019); Resolution 2020-01 (1/23/2020); Resolution 2022-08 (3/21/2022); Ordinance No. 201 (4/20/2026)

¹ A Water Use Credit shall not be issued for a fixture for which an MPWMD rebate has been issued, or for which an MPWMD rebate has previously been claimed.

RULE 141 - WATER CONSERVATION REBATES

A. QUALIFYING DEVICES

Rebates are available for purchase of the following Qualifying Devices within the boundaries of the Monterey Peninsula Water Management District. Qualifying Devices and the associated Rebate amount are shown in Table XIV-1.

B. REBATE AMOUNTS

Rebates shall be issued by the District on a first-come, first-served basis as long as funds remain available. Rebate amounts shall be listed in Table XIV-1 which may be modified from time to time by resolution of the Board. At no time shall a Rebate exceed the purchase price of the Qualifying Device.

**Table XIV-1
Rebate Amounts
Updated April 20, 2026**

Qualifying Device	Maximum Rebate
Ultra High Efficiency Toilet	\$75
Toilet Flapper	\$15
Pint Urinal (in a Residential use only)	\$75
High Efficiency Dishwasher (Residential)	\$125
High Efficiency Clothes Washer (Residential)	\$500
Instant-Access Hot Water System (per Qualifying Property)	\$200
On-demand hot water pump or point of source water heater (maximum of two per Qualifying Property)	\$100
Smart Flowmeter (one per User on a Site)	\$200
Smart Flowmeter with System Shut-Off (one per User on a Site)	\$500
Graywater Irrigation System supplied by one Clothes Washer	\$100
Graywater Irrigation System supplied by one or more Bathrooms that have a Bathtub/Shower connected to a Graywater Irrigation System. Residential limit: 4.	\$100 per Bathroom
Non-Residential Graywater system	Case-by-case basis
Weather Based or Smart Irrigation Controller	\$100 for up to four stations. An additional \$10 shall be available per station up to twenty (20) stations
Soil Moisture Sensor(s) on a conventional automatic Irrigation System (gypsum block Soil Moisture Sensors shall not qualify for Rebate)	\$25
Cistern water tanks installed on Sites supplied with water from the Monterey Peninsula Water Resource System (per Qualifying Property)	\$50 per 100 gallons for the first 500 gallons and \$25 per 100 gallons of water storage capacity to a maximum storage capacity of 25,000 gallons
Lawn removal and replacement with low water use plants or permeable surfaces ¹ (Prequalification required - See MPWMD Rule 141-F)	\$1.00 per square-foot to a maximum of 2,500 square-feet
Rotating Sprinkler Nozzle (minimum purchase and installation of ten)	\$4 each
Water Broom	\$150

¹ Lawn removal Rebate at a Public facility may exceed the square-footage limitation subject to Board approval.

Commercial High Efficiency Clothes Washer ²	\$1,000
Commercial Ozone Laundry System	\$1,000
Cooling Tower Conductivity Controller	\$1,000
Cooling Tower Conductivity/pH Controller	\$2,500
High Efficiency Connectionless Food Steamer (per compartment)	\$1,500
Commercial Waterless Wok Stove	\$5,000
Water Efficient Commercial Steam or Combi Oven	\$2,500
High Efficiency Commercial Dishwasher	
Under counter model	\$1,000
Single tank door type model	\$1,500
Single tank conveyor	\$2,000
Multi-tank conveyor	\$2,500
Water Pressure Regulator Valve Replacement	\$250
Medical equipment steam sterilizer retrofit with a water tempering device	\$1,500
Dry Vacuum Pump (per 0.05 HP to a limit of 4 HP)	\$200
Removal of whirlpool (or jetted water system) Bathtub in Visitor-Serving Facility	\$250
Multi-Family Dwelling Meter Split	\$100/dwelling unit
Smart Toilet Leak Detectors installed in Visitor Serving Facilities and Master Metered Multi-Family Housing	25 percent of the cost of 20 or more smart toilet leak detector units to a maximum of \$15,000

² Available only to Residential Sites with up to three Dwelling Units. Required for all Non-Residential Users and Common Laundry Rooms at Multi-Family Sites with four or more units.

Table added by Ordinance No. 163 (3/16/2015) and revised by Resolution 2015-04 (4/20/2015); Resolution 2015-25 (12/14/2015); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Resolution 2021-09 (June 21, 2021); Resolution 2021-16 (12/13/2021); Resolution No. 2023-03 (2/13/2023); amended by Ordinance No. 201 (4/20/2026)

C. REBATE ELIGIBILITY

1. Rebates shall be issued for Qualifying Devices installed on Sites located within the District that are served by Water Distribution Systems regulated by the District. The Site shall be in compliance with District Rules prior to issuance of a Rebate.
2. No Rebate shall be issued for installation of Qualifying Devices that are required to be installed and maintained by Regulation II (Permits) or Regulation XIV (Water Conservation) of the District. No Rebate shall be issued for installation of Qualifying Devices that were required to obtain a Water Permit. Rebates shall be available until the date the retrofit becomes mandatory, such as the date a Change of Ownership or Change of Use occurs or a Water Permit is issued. Rebates shall not be available for Qualifying Devices that have been required to be installed and maintained by local, State, or Federal water conservation programs, including state requirements for the sale and installation of High Efficiency Toilets. Special programs undertaken by MPWMD may be exempt from this restriction by specific action of the Board.
3. Rebates shall be available only for the initial purchase of a Qualifying Device. Rebates shall not be issued for replacement of an existing Qualifying Device except for High Efficiency Clothes Washers that have been removed from the Qualifying Property by a previous owner/tenant or that are being replaced after eight or more years and High Efficiency Dishwashers and Ultra High Efficiency Toilets replaced after ten years. Applicants submitting an application for a High Efficiency Clothes Washer Rebate on a Site that has previously qualified for a High Efficiency Clothes Washer Rebate may be required to provide information to substantiate a subsequent Rebate.
4. Ultra High Efficiency Toilets shall meet or exceed the EPA WaterSense labeling criteria and shall bear the WaterSense Label and be listed on the WaterSense website. No behind-the-wall mounted toilets (e.g. Durivet and Gerberit) shall qualify as Ultra High Efficiency Toilets.
5. No Water Use Credit (Rule 25.5) shall be available for a Qualifying Device that has received a Rebate.
6. Rebates shall be available for a maximum of twenty (20) toilets at one Site.

7. Outdoor Water Use Rebates

- a. Rebates for Cisterns shall be limited to 25,000 gallons of r a i n w a t e r storage capacity on a Qualifying Property. All Cistern Rebate Sites shall have sufficient roof area to fill the capacity of the Cistern(s) after first flush during a “normal” Water Year and may require verification of usable roof area by Site inspection.
- b. Rebates for Lawn removal shall be available only to Qualifying Properties irrigated with water from the Monterey Peninsula Water Resource System.
- c. To be eligible for any Rebate for Lawn Removal, Lawns must be green, regularly maintained at a low even height, irrigated regularly, and be well cared for at the time of application for a Rebate. Dead Lawns or Lawns that have been removed prior to issuance of a Lawn Rebate prequalification statement from the District shall not be eligible for a Rebate.
- d. A minimum of 250 square-feet of Lawn shall be removed to qualify for a Rebate.
- e. Eligibility for any Lawn Removal Rebate shall be determined upon receipt of a complete application as described in Rule 141-E. The District will notify the Applicant by written prequalification documentation that the proposed Lawn removal and replacement proposal has been “prequalified.”

8. Non-Residential Rebates

- a. Rebates for Dry Vacuum Pumps shall be available only when the Qualifying Device is replacing a water (liquid) ring pump.
- b. Rebates for retrofitting medical steam sterilizers with water tempering devices are limited to those sterilizers that use a continuous water flow to cool the steam discharge.

D. CONDITIONS OF APPROVAL

- 1. Applications for all Rebates with the exception of Lawn removal Rebates, shall be

submitted within 120 days of purchase of Qualifying Devices.

2. Applicant shall install the fixture and/or appliance at the property listed on the application form.
3. Applicant shall certify under the penalty of perjury that the information on the application is true and complete.
4. Rebates shall only be granted for Qualifying Devices that meet the definitions as provided in Rule 11.
5. Applicant agrees that the District may conduct an inspection of the Rebate Site to verify installation of Qualifying Devices.
6. Rebates for Weather Based Irrigation Controllers
 - a. Rebates shall only be granted for Weather Based Irrigation Controllers that meet minimum quality and dependability requirements as determined by product testing conducted by the Irrigation Association.
 - b. Irrigation System shall be a fully operational, and shall be efficiently designed, or modified if necessary, to include proper Distribution Uniformity, matched spray heads or emitters with similar precipitation rates, efficient Hydrozoning, and proper spacing.
 - c. Site shall include at least 1,500 square-feet of automatically irrigated Landscaping.
7. Rebates for Lawn removal and replacement with low water use plants or permeable surfaces.
 - a. Lawn removal and replacement at a Qualifying Property shall be subject to annual visual verification by the District.
 - b. Determinations of eligibility for Lawn removal and replacement Rebates shall be at the discretion of the General Manager.
 - c. Applications for Lawn removal Rebates shall require prequalification. The prequalification process is explained in Rule 141-F-2, Process.

- d. Lawn must be replaced with low water use plants or permeable surfaces (e.g., mulch, decomposed granite, Synthetic Turf, permeable pavers). Concrete and grouted pavers do not qualify.
 - e. If converted area is irrigated, a Drip Irrigation System must be installed and maintained. Overhead irrigation shall not be installed.
 - f. Planted areas must be mulched to a minimum depth of three inches from the plant to the drip line of the plant.
 - g. Lawn shall not be relocated to another area on the Site. The total Lawn area shall be listed on the deed restriction that restricts the changed Landscaped Area.
 - h. Recipients of Rebates for Lawn removal shall agree to have a deed restriction recorded on the title of the property allowing public access to water use records prior to issuance of a Rebate. The application shall not be deemed complete until the deed restriction document has been notarized and returned to the District and has been successfully recorded. Rejected notarizations shall void the date of completion until the document has been recorded.
 - i. Lawn removal Rebates shall require recordation of a deed restriction on the title of the property prior to release of Rebate funds that specifies that the property is restricted to the changed Landscaped Area. The deed restriction shall be rescinded upon repayment to the District of the full Rebate amount and any processing fee required pursuant to Regulation VI, Fees, and issuance of a Landscape Water Permit pursuant to Rule 142.1. The application shall not be deemed complete until the deed restriction document has been notarized and returned to the District and has been successfully recorded.
8. Graywater Irrigation System Rebates shall be granted when the following conditions have been met:
- a. Applicant shall comply with the Monterey County Environmental Health Bureau Graywater Irrigation Systems Permitting Process and Design Criteria.

- b. Any necessary building/plumbing permits have been completed and copies provided with the Rebate application.
 - c. MPWMD staff may verify Graywater Irrigation Systems by Site inspection or other means.
- 9. Multi-Family Dwelling Meter Split Rebates shall only be approved and processed after verification that a Water Meter has been installed by the Water Distribution System Operator.
- 10. Rebates for Smart Flowmeters. Qualifying Devices shall meet the following requirements:
 - a. Eligible Smart Flowmeters shall measure total water usage at least hourly and report water usage on a web portal or smartphone application.
 - b. Limit of one Smart Flowmeter Rebate per User on a Parcel.
 - c. An Applicant for a Smart Flowmeter shall obtain authorization from the Water Distribution System Operator when a flowmeter is attached to the Water Meter.
 - d. The Smart Flowmeter shall be designed for at least two years of continuous operation.
 - e. Property owner shall agree to keep the flowmeter installed and operational for a minimum of two years.
 - f. Applicant shall submit a photograph of the installed Smart Flowmeter with the Rebate application.

E. APPLICATION

- 1. A completed application for Rebate shall include the name and address of the Applicant, property owner's name, telephone numbers, address of property where the fixture and/or Qualifying Device is being installed, Assessor's Parcel Number, water company account number, date of retrofit, brand and model of Qualifying Device installed, name of installer and receipt for the purchase of the appliance. The application shall also request information about how the Applicant learned of

the Rebate program.

2. Lawn removal Rebate applications shall follow the process shown in Rule 141-F-2.
3. Applications for Rebate shall include either the original or a full copy of the receipt for purchase.
4. Written authorization of the current property owner or property manager shall be required for Applicants who are not the owners of the property for which a Rebate is requested. The authorization must indicate consent to the Applicant receiving a Rebate for installation of the Qualifying Devices. Applications submitted without approval will be denied.

F. PROCESS

1. Upon receipt of an application, the District shall verify completion and accuracy of information and shall verify the purchase of the Qualifying Device(s) by reviewing the purchase receipt(s).
2. Lawn removal Rebate application process.
 - a. Prequalification: Applicants must complete and submit a Lawn Rebate application form that includes the following documents:
 - (1) Water records (either copies of bills or a printout from the Water Distribution System) for the two most recent years;
 - (2) A drawn Site plan showing a detailed description (including measured areas) of the Lawn replacement project, including square-footage of Lawn to be removed, names and numbers of plants or other surfaces to be installed, and the irrigation plan.
 - (3) Two to three current photographs of the Lawn to be removed. A minimum of 250 square-feet of Lawn shall be removed to qualify for Rebate.
 - b. The Lawn Rebate Application shall be reviewed for completeness. The Applicant may be contacted to arrange a Site inspection to verify the Lawn.

- c. When a determination has been made that removal of Lawn will result in permanent and quantifiable water savings, and when present funding is available in an amount sufficient to fund a Rebate for the Lawn removal, the District shall issue a Lawn Rebate prequalification letter. The Applicant shall have 120 days from the date of the prequalification letter to complete the project and submit receipts, arrange for a final inspection by the District, and successfully record deed restrictions. Applications not completed within 120 days of the date of the prequalification letter shall be denied.
 - d. Rebates shall be subject to availability of funding.
- 3. The District shall search its records and shall verify compliance with previous retrofit requirements. If no violation is found, a Rebate shall be processed if funds are available in the Rebate Account.
 - 4. Information contained on the application shall be added to the District's records for future use in assessing water savings achieved through the Rebate Program.
 - 5. When funds are available in the Rebate Account, a Rebate check shall be processed and mailed to the Applicant.

Added by Ordinance No. 129 (8/20/2007); amended by Ordinance No. 139 (5/21/2009); Ordinance No. 140 (11/16/2009); Ordinance No. 144 ((8/16/2010); Ordinance No. 148 (4/18/2011); Ordinance No. 149 (9/19/2011); Ordinance No. 153 (6/19/2012); Ordinance No. 156 (11/18/2013); Ordinance No. 159 (4/21/2014); Ordinance No. 163 (3/16/2015); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 179 (8/20/2018); Ordinance No. 182 (5/20/2019); Ordinance No. 189 (12/31/2021); Ordinance No. 201 (4/20/2026)

RULE 142.1 - WATER EFFICIENT LANDSCAPE REQUIREMENTS

- A. **Purpose.** The purpose of this Rule is to provide landscape standards that minimize water use, eliminate Water Waste, and reduce stormwater Runoff by requiring low water landscape plantings, design, and irrigation methods. Pursuant to California Government Code Section 65595, this Rule is intended to be at least as effective in water conservation and efficiency as the State’s Model Water Efficient Landscape Ordinance (MWEL0).
- B. **General Requirements**
1. Water Waste prohibitions remain in place according to MPWMD Rule 162, including prohibitions on irrigation of Non-Functional Turf.
 2. Recycled Water.
 - a. All Recycled Water use is subject to applicable provisions of the California Code of Regulations (Cal. Code Regs.), Titles 17 and 22, the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 15), and all applicable local and State laws.
 - b. Landscape Areas using Recycled Water are considered Special Landscape Areas.
 3. Graywater Irrigation Systems. All Graywater Irrigation Systems are required to conform to the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 15) and any applicable local ordinance standards.
 - a. Graywater Irrigation Systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation.
 - b. For projects using treated or untreated Graywater, any Parcel within the project that has less than 2,500 square-feet of Landscape Area and meets the Parcel’s landscape water requirement (Estimated Total Water Use or ETWU) entirely with Graywater is subject only to Rule 142.1-H-1-b.
 4. Stormwater Management and Rainwater Retention.
 - a. Project Applicants shall refer to the Jurisdiction or Regional Water Quality Control Board for information on any applicable stormwater technical

requirements.

- b. All Non-Potable rainwater catchment systems are required to conform to the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 16).
- c. All Landscape Areas are required to have Friable soil to maximize water retention and infiltration. Refer to Rule 142.1-I-1.
- d. For projects using rainwater captured on site, any Parcel within the project that has less than 2,500 square-feet of Landscape Area and meets the Parcel's landscape water requirement (ETWU) entirely through stored rainwater captured on site is subject only to Rule 142.1-H-1-b.
- e. It is strongly recommended that Landscape Areas be designed for capture and infiltration capacity that is sufficient to prevent Runoff from impervious surfaces (i.e., roof and paved areas) from either:
 - (1) the one inch, 24-hour rain event, or
 - (2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.
- f. It is recommended that landscape projects incorporate any of the following elements to improve on-site storm water and dry weather Runoff capture and use:
 - (1) Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
 - (2) Minimize the area of impervious surfaces such as paved areas, roofs, and concrete driveways.
 - (3) Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize Runoff.
 - (4) Direct Runoff from paved surfaces and roof areas into planting

beds or Landscaped Areas to maximize site water capture and reuse.

- (5) Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
- (6) Incorporate infiltration beds, swales, basins, and drywells to capture storm water and dry weather Runoff and increase percolation into the soil.
- (7) Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

g. Sites utilizing rainwater storage as a component in an Irrigation System.

- (1) For all new Connections on Sites where rainwater storage is included as a source of water supply for an Irrigation System, the Estimated Total Water Use as determined by the landscaping plan shall be reduced by the available Rainwater Harvesting Capacity. Any modification of the landscaping that results in an Intensification of Use shall require a Water Permit.
- (2) Sites utilizing rainwater storage as a component of an Irrigation System shall have landscape water use restricted by a recorded deed restriction enforceable by the District. The recorded deed restriction shall provide notice to each subsequent owner that failure to maintain and utilize the rainwater storage component of the Irrigation System shall constitute an Intensification of Use which requires a Water Permit and may result in collection of additional Capacity Fees and a debit to a Jurisdiction's Allocation or Water Entitlement and/or other enforcement actions.

5. Fire Safe Landscaping.

- a. A Landscape Design Plan for development and construction in Local Responsibility Areas designated as Very High Fire Hazard Severity Zones and areas designated by the Board of Forestry and Fire Protection as State Responsibility Areas are required to comply with the California Fire Code (Cal.

Code Regs., Title 24, Part 9, Chapter 49) “Requirements for Wildland-Urban Interface Fire Areas.”

- b. Public Resources Code section 4291(a) and (b) describes the requirements for a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material to address fire safety and prevention by maintaining a defensible space or zone around a building or structure.

- (1) Avoid fire-prone plant materials and highly flammable Mulches.

- c. Local Fuel Modification Plan guidelines may prescribe additional requirements per Public Resources Code section 4291(a) and (b).

6. Plant Selection.

- a. Any plant may be selected for the landscape project provided that the requirements of the selected compliance option are met.
- b. Select trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area.
- c. The use of Invasive Plant Species, such as those listed by the California Invasive Plant Council, is strongly discouraged. Pursuant to Food and Agricultural Code section 52334, the declaration of a plant, seed, nursery stock, or crop as invasive is a power reserved for the Secretary of the California Department of Food and Agriculture.

7. The architectural guidelines of a Common Interest Development shall not prohibit or include conditions that have the effect of prohibiting the use of Low Water Use Plants as a group (Civil Code sections 4100 and 4735).

8. Environmental Review. The Jurisdiction must comply with the California Environmental Quality Act (CEQA), as appropriate.

9. Public Education. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management, and maintenance that save water is encouraged in the community.

10. Local agencies shall provide information to owners of permitted renovations and new Residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a Water Budget.
11. Model Homes. All model homes that are landscaped shall display signs that provide information demonstrating the principles of water efficient landscapes described in this Rule.
 - a. Signs shall be used to identify the model home as an example of a water efficient landscape. Signage shall include:
 - (1) Fundamental water efficient landscape elements such as Hydrozones, irrigation equipment, native plants, Graywater systems, rainwater catchment systems, and other elements as applicable that contribute to the overall water efficient theme.
 - (2) Information about the Site water use budget as designed per this Rule; specify who designed and installed the water efficient landscape.
 - b. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

C. Applicability

This Rule shall apply to all of the following landscape projects:

1. New construction (including demolition projects) with a new Landscape Area or Rehabilitated Landscape Area as defined equal to or greater than 500 square feet requiring a building or landscape permit, plan check, or design review;
2. Rehabilitated Landscape projects with a Landscape Area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
3. Landscape projects with a new Landscape Area equal to or greater than 500 square feet or a Rehabilitated Landscape Area equal to or greater than 2,500 square feet undertaken within one (1) year of completion of projects requiring a grading permit, building permit, or design review;

4. Landscape projects with a new Landscape Area equal to or greater than 500 square feet or a Rehabilitated Landscape Area equal to or greater than 2,500 square feet undertaken to repair unintended damage from a project requiring a grading permit, building permit, or design review;
5. Existing non-Rehabilitated Landscapes are limited to Rule 142.1-D; and
6. Any project with a Landscape Area of 2,500 square feet or less may comply with either the performance requirements described in Rule 142.1-I or conform to the prescriptive measures contained in Rule 142.1-H.
7. This rule does not apply to:
 - a. registered local, state, or federal historical Sites;
 - b. ecological restoration projects that do not require a permanent Irrigation System;
 - c. existing plant collections, as part of botanical gardens and arboretums open to the public.

D. Requirements for Existing Non-Rehabilitated Landscapes

1. For all existing non-Rehabilitated Landscapes installed before December 1, 2015, that have a Water Meter, the District and the Water Distribution System Operator shall administer programs that may include, but not be limited to, irrigation water use analyses, Irrigation Surveys, and Irrigation Audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance (MAWA) for existing non-Rehabilitated Landscapes.
 - a. The Maximum Applied Water Allowance for existing non-Rehabilitated Landscapes shall be calculated as: $MAWA = (ET_o) \times (0.62) \times (0.8 \times RLA + 1.0 \times SLA)$.
2. For all existing non-Rehabilitated Landscapes installed before December 1, 2015, that do not have a Water Meter, the District and the Water Distribution System Operator shall administer programs that may include, but not be limited to,

Irrigation Surveys and Irrigation Audits to evaluate water use and provide recommendations as necessary in order to prevent Water Waste.

3. All landscape Irrigation Audits shall be conducted by a Certified Landscape Irrigation Auditor.

E. Requirements for New Construction or Rehabilitated Landscapes

There are two options for compliance with Rule 142.1:

1. Prescriptive compliance option as described in Rule 142.1-G-1, H, and J-1; or
2. Performance compliance option as described in Rule 142.1-G-2, H, and J-2.
3. An Applicant may comply with either the prescriptive or performance compliance option for any new construction project with a Landscape Area between 500 and 2,500 square feet.
4. An Applicant shall use the performance compliance option for any landscape project with a Landscape Area of 2,500 square feet, or greater.

F. Compliance Responsibilities

1. Designation of Responsibility. The District may, by mutual agreement, designate another agency, such as a water purveyor, to implement some or all of the requirements contained in Rule 142.1.
2. The District is responsible for the enforcement of Rule 142.1 in coordination with the local land use agency, including but not limited to, approval of a Landscape Water Permit, plan check, and/or design review of a project. Prior to construction, the District or its agent shall:
 - a. provide the project Applicant with the rule and procedures for permits, plan checks, or design reviews;
 - b. review the Landscape Documentation Package submitted by the project Applicant;
 - c. approve or deny the Landscape Documentation Package;

- d. issue a Landscape Water Permit.
- 3. Project Applicant.
 - a. Prior to construction, the project Applicant shall submit a Landscape Documentation Package to the District.
 - b. Upon approval of the Landscape Documentation Package by the District, the project Applicant shall:
 - (1) receive a Landscape Water Permit and record the date of the permit in the Certificate of Completion;
 - (2) submit a copy of the approved Landscape Documentation Package along with the Record Drawings, and any other information to the property owner or their designee unless the property owner is the project Applicant.

G. Elements of the Landscape Documentation Package

- 1. **Prescriptive Compliance.** The Landscape Documentation Package shall include:
 - a. A project information sheet with the following elements:
 - (1) date the project information sheet is completed;
 - (2) name of the project Applicant;
 - (3) contact information for the project Applicant and property owner;
 - (4) project address and Parcel number;
 - (5) total Landscape Area (square feet);
 - (6) project type (e.g., institutional (i.e., public), private, cemetery, homeowner-installed);
 - (7) water supply type (e.g., Potable, recycled, Well) and identify the local retail water purveyor if the Applicant is not served by a

private Well; and,

- (8) Applicant signature and date with statement: *“I agree to comply with the requirements of the prescriptive compliance option of the MPWMD Water Efficient Landscape Requirements.”*

b. A Landscape Design Plan that includes:

- (1) Total Landscape Area (square feet); and
- (2) A breakdown of Turfgrass and plant material (e.g., plant legend).

2. **Performance Compliance.** The Landscape Documentation Package shall include the following six (6) elements:

a. A project information sheet with the following elements:

- (1) date the project information sheet is completed;
- (2) name of the project Applicant;
- (3) contact information for the project Applicant and property owner;
- (4) project address and Parcel number;
- (5) total Landscape Area (square feet);
- (6) project type (e.g., institutional (i.e., public), private, cemetery, homeowner-installed);
- (7) water supply type (e.g., Potable, recycled, Well) and identify the local retail water purveyor if the Applicant is not served by a private Well;
- (8) checklist of all documents in Landscape Documentation Package; and,
- (9) Applicant signature and date with statement: *“I agree to comply with the requirements for the performance compliance option of the MPWMD Water Efficient Landscape Requirements and submit a*

complete Landscape Documentation Package.”

- b. Soil Management Report pursuant to Rule 142.1-I-1;
- c. Landscape Design Plan pursuant to Rule 142.1-I-2;
- d. grading design plan pursuant to Rule 142.1-I-3;
- e. Irrigation Design Plan pursuant to Rule 142.1-I-4; and
- f. Water Efficient Landscape Worksheet pursuant to Rule 142.1-I-5:
 - (1) Maximum Applied Water Allowance (MAWA);
 - (2) Estimated Water Use (EWU); and
 - (3) Estimated Total Water Use (ETWU).

H. Prescriptive Compliance Option

This section contains prescriptive requirements, which may be used as a compliance option for new construction projects with a Landscape Area between 500 and 2,500 square feet. Compliance with the requirements of this section is mandatory and must be documented in the Landscape Documentation Package pursuant to Rule 142.1-G-1 to use the prescriptive compliance option.

- 1. Landscape project requirements.
 - a. Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into Landscape Area (unless contra-indicated by a soil test). Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.
 - b. Irrigation Systems shall comply with the following:
 - (1) For Non-Residential projects with Landscape Areas of 1,000 square feet or more, a dedicated irrigation Water Meter or private submeter(s) to measure landscape water use shall be installed.

- (2) Automatic irrigation controllers are required and must use either evapotranspiration (weather-based) or soil moisture (sensor- based) data and utilize a rain sensor.
 - (3) Irrigation controllers shall use non-volatile memory.
 - (4) Pressure Regulating Devices, which may include pressure boosters or reducers, shall be installed on the Irrigation System to ensure the dynamic pressure of the system is within the manufacturers' recommended pressure range.
 - (5) Manual shut-off Valves (such as a gate Valve, ball Valve, or butterfly Valve) shall be installed as close as possible to the point of connection to the water supply.
 - (6) All irrigation emission devices must meet the requirements set by ANSI in the 2020 ASABE/ICC 802 Landscape Irrigation Sprinkler and Emitter Standard, which is herein incorporated by reference. All sprinkler heads installed in the landscape must document a low-quarter Distribution Uniformity of 0.65 or higher using the protocol defined in 2020 ASABE/ICC 802 Standard.
 - (7) Non-rotating spray sprinkler bodies are required to meet the standards described in the California Code of Regulations, Title 20, Division 4, Chapter 4, Section 1605.3(x).
 - (8) Landscape Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no Water Waste, Runoff or Overspray.
- c. Plant material shall comply with all of the following:
- (1) For Residential landscapes, install climate adapted plants that require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 75% of the Landscape Area excluding areas permanently and solely dedicated to edible plants, and areas using Recycled Water;
 - (2) For Non-Residential landscapes, install climate adapted plants that

require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 100% of the Landscape Area excluding areas permanently and solely dedicated to edible plants, and areas using Recycled Water;

- (3) Turfgrass shall comply with all of the following:
 - (a) Turfgrass shall not exceed 20% or a maximum of 1,500 square feet of the Landscape Area, whichever is less;
 - (b) There shall be no Turfgrass in Non-Residential landscapes; and
 - (c) Turfgrass shall not be planted on sloped areas which exceed a slope of one foot vertical elevation change for every four feet of horizontal length; and,
 - (d) Turfgrass is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any Turfgrass in parkways must be irrigated by subsurface irrigation or by other technology that creates no Water Waste, Overspray or Runoff.
- d. A minimum three-inch (3") layer of Mulch shall be applied on all exposed soil surfaces of planting areas except in Turfgrass areas, creeping or rooting groundcovers, or direct seeding applications where Mulch is contraindicated.
- 2. The designer of record shall make plants identifiable to an inspector during final inspection. Plants must be identifiable by botanical name, common name or cultivar as specified in Section 53481 of the Food and Agricultural Code.
- 3. At the time of final inspection, the Landscape Water Permit Applicant must provide the owner of the property and the District with a Certificate of Completion Package pursuant to Rule 142.1-J-1.

I. Performance Compliance Option

The performance compliance requirements shall be used as the compliance option for

any landscape project with greater than 2,500 square feet of area and documented in the Landscape Documentation Package, as described in Rule 1421.1-G-2, and the Certificate of Completion Package, as described in Rule 142.1-J-2.

1. **Soil Management Report**

A Soil Management Report shall be completed by the project Applicant, or their designee, as follows:

- a. Submit soil samples to a laboratory for analysis and recommendations. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants. The soil analysis shall include:
 - (1) soil texture;
 - (2) infiltration rate determined by laboratory test or soil texture infiltration rate table;
 - (3) pH;
 - (4) total soluble salts;
 - (5) sodium;
 - (6) percent organic matter; and
 - (7) recommendations.
- b. In landscape projects with multiple landscape installations (i.e., production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% of the total number of lots will satisfy this requirement.
 - (1) Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.
- c. The project Applicant, or their designee, shall comply with one of the following:
 - (1) If significant mass grading is not planned, the report shall be

submitted to the District as part of the Landscape Documentation Package; or

- (2) If significant mass grading is planned, the Soil Management Report shall be submitted to the District as part of the Certificate of Completion Package.
- (3) The Soil Management Report shall be made available, in a timely manner, to the professionals preparing the Landscape Design Plans and Irrigation Design Plans to make any necessary adjustments to the design plans.
- (4) The project Applicant, or their designee, shall submit documentation verifying implementation of Soil Management Report recommendations to the District with the Certificate of Completion Package.

2. Landscape Design Plan.

- a. The Landscape Design Plan, at a minimum, shall:
 - (1) delineate and label each Hydrozone by number, letter, or other method;
 - (2) identify the Plant Water Use Factor for each Hydrozone as very low, low, moderate, high, or mixed water use.
 - (a) Temporarily irrigated Landscape Areas shall use the low water use plant factor range in the water budget calculation specified in Rule 142.1-5-b-(1).
 - (3) identify Special Landscape Areas, including:
 - (a) Recreational Areas;
 - (b) areas permanently and solely dedicated to edible plants; and,
 - (c) areas irrigated with or water features using Recycled Water;

- (4) identify type of Mulch and application depth;
 - (5) identify type and quantity of soil amendments;
 - (6) identify type and surface areas of water features;
 - (7) identify hardscapes (pervious and non-pervious);
 - (8) identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project Applicants shall refer to the Jurisdiction or Regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the Landscape Design Plan and examples are provided in Rule 142.1-B-4 requirements;
 - (9) identify any applicable rain harvesting or catchment technologies and their 24-hour retention or infiltration capacity, if applicable;
 - (10) identify any applicable Graywater discharge piping, system components, and area(s) of distribution;
 - (11) identify designated insect habitat;
 - (12) make plants identifiable to an inspector during final inspection:
 - (a) Plants must be identifiable by botanical name, common name or cultivar as specified in Section 53481 of the Food and Agricultural Code.
 - (13) contain the following statement: *“I have complied with the performance compliance option criteria of the MPWMD Water Efficient Landscape Requirements and applied them for the efficient use of water in the Landscape Design Plan.”*; and
 - (14) bear the signature of the designer of record as defined.
- b. Plant Selection.

- (1) Any plant may be selected for the landscape, providing the ETWU in the Landscape Area does not exceed the MAWA.
- (2) The architectural guidelines of Common Interest Developments shall not prohibit or include conditions that have the effect of prohibiting the use of Low Water Use Plants as a group.
- (3) Each Hydrozone shall have plant materials with similar water use.
 - (a) Exceptions are allowed for Hydrozones that use a mix of plant materials with low and moderate plant factors or moderate and high plant factors, as specified in Rule 142.1-I-4-c-(7).
- (4) High water use plants, characterized by a plant factor range of 0.7 to 1.0, are prohibited in street medians.
- (5) Turfgrass is not allowed on slopes greater than 25% where the toe of the slope is adjacent to a non-pervious hardscape and where 25% means one (1) foot of vertical elevation change for every four (4) feet of horizontal length (rise divided by run x 100 = slope percent).
- (6) Methods to achieve water efficiency shall include one or more of the following:
 - (a) protection and preservation of native species and natural vegetation;
 - (b) selection of plants based on local climate suitability, disease, and pest resistance;
 - (c) selection of water-conserving plant, tree, and Turfgrass species, especially local native plants;
 - (d) selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area;

- (e) selection of plants from local and regional landscape program recommended plant lists; and
 - (f) selection of plants from local Fuel Modification Plan Guidelines.
- (7) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:
 - (a) use the Sunset Western Climate Zone System, 2007, which is herein incorporated by reference, which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - (b) recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); allow for adequate soil volume for healthy root growth; and
 - (c) consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
- c. Water Features.
 - (1) Recirculating water systems shall be used for water features.
 - (2) Where available, Recycled Water shall be used for decorative water features.
 - (3) Surface area of a water feature shall use the high water use Hydrozone plant factor in the water budget calculation.
 - (4) Pool and spa covers are highly recommended pursuant to subdivision (d) of Section 115921 of the Health and Safety Code.

d. Soil Preparation, Mulch, and Amendments.

- (1) Prior to the planting of any materials, compacted soils shall be transformed to a Friable condition. On engineered slopes, only amended planting holes need to meet this requirement.
- (2) Soil amendments shall be incorporated according to recommendations of the Soil Management Report and what is appropriate for the plants selected (see Rule 142.1-I-1).
- (3) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of pervious area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.
- (4) A minimum three-inch (3") layer of Mulch shall be applied on all exposed soil surfaces of planting areas except in Turfgrass areas, creeping or rooting groundcovers, or direct seeding applications where Mulch is contraindicated.
 - (a) To provide habitat for beneficial insects and other wildlife, up to 5% of the Landscape Area may be left without Mulch and identified in the Landscape Design Plan (see Rule 142.1-I-2-a-(11)).
- (5) The mulching portion of the seed/Mulch slurry in hydro-seeded applications shall meet the mulching requirement in Rule 142.1-I-d-(4).
- (6) Stabilizing mulching products shall be used on slopes that meet current engineering standards.
- (7) Organic Mulch made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available.
 - (a) Organic Mulches are not required where prohibited by local

Fuel Modification Plan Guidelines or other applicable local ordinances. (Public Resources Code section 4291).

3. **Grading Design Plan.**

- a. Grading of a project site shall be designed to minimize soil erosion, Runoff, and Water Waste. A grading plan shall be submitted by the project Applicant as part of the Landscape Documentation Package. A comprehensive grading plan approved by the Jurisdiction for other Jurisdictional permits satisfies this requirement.
 - (1) A landscape grading plan that indicates finished configurations and elevations of the Landscape Area, including:
 - (a) height of graded slopes;
 - (b) drainage patterns;
 - (c) pad elevations;
 - (d) finish grade; and
 - (e) stormwater retention improvements, if applicable.
 - (2) To prevent excessive erosion and Runoff, it is highly recommended that project Applicant(s):
 - (a) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-pervious hardscapes;
 - (b) avoid disruption of natural drainage patterns and undisturbed soil; and
 - (c) avoid soil compaction in Landscape Areas.
 - (3) The grading design plan shall contain the following statement: “*I have complied with the performance compliance option criteria of the MPWMD Water Efficient Landscape Requirements and applied*

them accordingly for the efficient use of water in the grading design plan.” and shall bear the signature of a licensed professional as authorized by law.

4. Irrigation Design Plan.

- a. This section applies to Landscaped Areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period of three years or less. For the efficient use of water, an Irrigation System shall meet all the requirements listed in this section and the manufacturers’ recommendations. The Irrigation System and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An Irrigation Design Plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.
- b. Irrigation System Efficiency.
 - (1) The Irrigation System must be designed and installed to meet, at a minimum, the Irrigation Efficiency criteria described in Rule 142.1-I-5 regarding the MAWA.
 - (2) For the purpose of determining ETWU, average Irrigation Efficiency is assumed to be:
 - (a) 0.75 for overhead Irrigation Systems; and
 - (b) 0.81 for Drip Irrigation.
 - (3) Sprinkler head spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer’s recommendations. Head-to-head coverage is recommended.
- c. The Irrigation Design Plan, at a minimum, shall contain the following:
 - (1) location and size of separate water meters and submeters;
 - (2) location, type, and size of all components of the Irrigation System, including Controllers, main and lateral lines, Valves, emission

devices, moisture sensing devices, Rain Sensors, quick couplers, Pressure Regulating Devices, and Backflow Prevention Devices;

- (3) static water pressure at the point of connection to the public water supply;
 - (4) Flow Rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for the emission devices controlled by each station;
 - (5) identification of Special Landscape Areas irrigated with and water features using Recycled Water as specified in Rule 142.1-B-2;
 - (6) identification of any applicable Graywater discharge piping, system components, and Landscape Areas where Graywater is distributed;
 - (7) identification of Hydrozone areas shall be designated by number, letter, or other designation as identified on the Landscape Design Plan. Designate the areas irrigated by each Valve and assign a number to each Valve using the Water Efficient Landscape Worksheet (see Appendix A). This table can also assist with the Irrigation Audit and programming the Controller.
 - (a) Each Valve shall irrigate a Hydrozone, or part of a Hydrozone, with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
 - (8) the following statement: *“I have complied with the performance compliance option criteria of the MPWMD Water Efficient Landscape Requirements and applied them accordingly for the efficient use of water in the Irrigation Design Plan.”*; and
 - (9) the signature of the designer of record. (See Division 3, Chapter 3.5, Article 3 of the Business and Professions Code).
- d. General Design Criteria.
- (1) Backflow Prevention Devices shall be required to protect the water

supply from contamination by the Irrigation System as specified in the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 6).

- (2) The design of the Irrigation System shall conform to the Hydrozones of the Landscape Design Plan.
- (3) Emission devices shall be selected based on what is appropriate for the plant type within that Hydrozone.
- (4) Where feasible, trees shall be placed on separate stations from Hydrozones that include shrubs, groundcovers, and Turfgrass to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.
- (5) In Mulched planting areas, the use of low-pressure and low volume Irrigation Systems is required to maximize water infiltration into the root zone.
- (6) Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no Water Waste, Runoff, or Overspray.
- (7) Individual Hydrozones that use a mix of plants with low and moderate plant factors, or moderate and high plant factors, may be allowed if the plant factor used in the calculation of the EWU is either:
 - (a) plant factor calculation is based on the proportions of the respective plant factors; or
 - (b) the highest plant factor is used.
- (8) Individual Hydrozones that use a mix of plants with high and low plant factors shall not be permitted.
- (9) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing Irrigation

Systems.

- (10) Overhead irrigation shall not be permitted within 24 inches of any non-pervious surface. Allowable irrigation within the setback from non-permeable surfaces may include Drip Irrigation, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be Mulch, gravel, or other porous material. These restrictions may be modified if:
 - (a) no Runoff occurs; or
 - (b) the adjacent non-pervious surfaces are designed and constructed to drain entirely to landscaping; or
 - (c) the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates strict adherence to the prevention of Water Waste. Prevention of Overspray and Runoff must be confirmed during the Irrigation Audit.
- (11) Restrictions regarding Overspray and Runoff in any Irrigation System may be modified if:
 - (a) the Landscape Area is adjacent to pervious surfaces and no Runoff occurs; or
 - (b) the adjacent non-pervious surfaces are designed and constructed to drain entirely to the landscaping.
- (12) Slopes greater than 25% shall not be irrigated with an Irrigation System using an application rate exceeding 0.75 inches per hour.
 - (a) This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no Runoff or erosion will occur. Prevention of Runoff and erosion must be confirmed during the Irrigation Audit.

- (13) It is highly recommended that the project Applicant inquire with the local water purveyor about water restrictions that may impact the effectiveness of the Irrigation System.

e. Irrigation System Components.

(1) Meters.

- (a) Pursuant to California Water Code section 535, a water purveyor with 15 or more service Connections shall install a dedicated irrigation Water Meter(s) for new retail water service to a property with more than 5,000 square feet of irrigated landscape, excluding Single-Family Residential Connections and Connections for the commercial production of agricultural crops or livestock.
- (b) For the purposes of this rule, a submeter or dedicated Irrigation Meter shall be installed and may be used to assist with leak detection and water management for:
 - (i) Non-Residential landscapes with an irrigated landscape of 1,000 square feet but not more than 5,000 square feet.
 - (ii) Residential landscapes with an irrigated landscape of 5,000 square feet or more.

(2) Water Pressure.

- (a) Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- (b) If the static pressure is above or below the required dynamic pressure of the Irrigation System, Pressure Regulating Devices such as inline pressure regulators,

booster pumps, or other devices shall be installed to meet the required dynamic pressure of the Irrigation System.

- (c) If the water pressure is below or exceeds the recommended pressure range of the specified emission devices, the installation of a Pressure-Regulating Device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(3) Water Waste Prevention Equipment.

- (a) The Irrigation System shall be designed to prevent Water Waste.
- (b) Master shut-off Valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.
- (c) Manual shut-off Valves (such as a gate Valve, ball Valve, or butterfly Valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a break in the pressurized pipeline that delivers water from the water source to the Valve or outlet) or routine repair.
- (d) Check Valves or anti-drain Valves are required on all sprinkler heads where low point drainage could occur.
- (e) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of Turfgrass.
- (f) Flow Sensors that detect high flow conditions created by system damage or malfunction are required for all Non-Residential and Residential landscapes of 5,000 square feet

or larger.

(4) Emission Devices.

- (a) Emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- (b) All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2020 "Landscape Irrigation Sprinkler and Emitter Standard," which is incorporated herein by reference.
 - (i) All overhead Irrigation Systems installed in the landscape must document a low quarter distribution uniformity of 0.65 or higher using the protocol defined in ASABE/ICC 802-2020.
- (c) Non-rotating spray sprinkler bodies are required to meet standards described in California Code of Regulations, Title 20, Division 2, Chapter 4, Section 1605.3(x).

(5) System Controls.

- (a) Automatic irrigation Controllers utilizing either Evapotranspiration or Soil Moisture Sensing Device data utilizing non-volatile memory shall be required for scheduling irrigation events.
- (b) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all Irrigation Systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

5. **Water Efficient Landscape Worksheet.**

- a. A project Applicant shall complete the Water Efficient Landscape Worksheet in Appendix A, which compares the landscape project's ETWU with the MAWA. ETWU must be equal to or below the MAWA.
 - (1) The MAWA is calculated based on the maximum ETAF allowed for the landscape project and is expressed as annual gallons allowed. The maximum ETAF allowed is:
 - (a) 0.55 for Residential Regular Landscape Areas,
 - (b) 0.45 for Non-Residential Regular Landscape Areas,
 - (c) 1.0 for new and existing (non-rehabilitated) Special Landscape Areas.
 - (2) ETWU is the sum of EWU for each Hydrozone. The evapotranspiration adjustment factor (ETAF) for each Hydrozone is based on the Plant Water Use Factor and the average Irrigation System Efficiency. EWU is calculated using the ETAF, Regular Landscape Areas, and the Special Landscape Areas.
 - (3) In calculating the MAWA and ETWU, a project Applicant shall use the ETo values from the Reference Evapotranspiration Table (Table 142.1-1).
- b. Water budget calculations shall adhere to the following requirements:
 - (1) The Plant Water Use Factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources. The plant factor ranges are:
 - (a) less than 0.1 for very Low Water Use Plants,
 - (b) 0.1 to 0.3 for Low Water Use Plants,
 - (c) 0.4 to 0.6 for moderate water use plants,
 - (d) 0.7 to 1.0 for high water use plants.

- (2) All Water Features shall use the high water use plant factor in the Water Budget calculations.
- (3) Temporarily irrigated areas shall use the Low Water Use Plant factor in the Water Budget calculations.
- (4) All Special Landscape Areas (SLA) shall be identified in the Landscape Design Plan (Rule 142.1-2) and the Irrigation Design Plan (Rule 142.1-4) and their water use calculated as shown in Rule 142.1-L.
- (5) Effective Precipitation (Eppt) (25% of annual precipitation) may be considered in tracking water use and may use the following equation to calculate MAWA:
 - (a) Residential landscapes:
$$\text{MAWA} = (\text{ETo} - \text{Eppt}) \times (0.62) \times [0.55 \times \text{RLA} + 1.0 \times \text{SLA}].$$
 - (b) Non-Residential landscapes:
$$\text{MAWA} = (\text{ETo} - \text{Eppt}) \times (0.62) \times [0.45 \times \text{RLA} + 1.0 \times \text{SLA}].$$

6. Irrigation Scheduling.

- a. All irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health and prevent Water Waste. Irrigation schedules shall meet the following criteria:
 - (1) Irrigation scheduling shall be regulated by automatic irrigation Controllers.
 - (2) Parameters used to set the automatic irrigation Controller shall be developed and submitted with the Certificate of Completion for each of the following:

- (a) the plant establishment period;
 - (b) the established landscape; and
 - (c) temporarily irrigated areas.
- (3) Each irrigation schedule shall consider for each station all of the following parameters that apply:
- (a) irrigation interval (days between irrigation events);
 - (b) irrigation run times (hours or minutes per irrigation event to avoid Runoff and prevent Water Waste);
 - (c) number of cycle starts required for each irrigation event to avoid Runoff and prevent Water Waste;
 - (d) amount of applied water scheduled to be applied on a monthly basis;
 - (e) application rate setting;
 - (f) root depth setting;
 - (g) plant type setting;
 - (h) soil type;
 - (i) slope factor setting;
 - (j) shade factor setting; and
 - (k) distribution uniformity or irrigation efficiency setting.
- (4) Irrigation Systems shall be scheduled between 5:00 p.m. and 9:00 a.m. on Saturdays and Wednesdays only, unless weather conditions prevent it, except for irrigation overseen by a professional gardener or landscaper who is available on Site and

that is not exceeding a maximum two watering days per week. Operation of the Irrigation System outside the normal watering window is allowed for auditing and system maintenance.

- (5) Total annual applied water shall be less than or equal to MAWA.
 - (a) Actual irrigation schedules shall be regulated by automatic irrigation Controllers using current Reference Evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
 - (b) For implementation of the irrigation schedule, carefully consider the irrigation run times, emission device, flow rate, and current Reference Evapotranspiration, so that applied water does not exceed the ETWU.

7. **Landscape and Irrigation Maintenance Schedule.**

- a. Landscapes shall be maintained to ensure water use efficiency. A regular Landscape and Irrigation Maintenance Schedule shall be submitted with the Certificate of Completion Package.
- b. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment, and repair of the Irrigation System and its components; aerating and dethatching Turfgrass areas; topdressing with compost, replenishing Mulch; fertilizing; pruning; weeding in all Landscape Areas; and removing obstructions to emission devices.
 - (1) Operation of the Irrigation System outside the normal watering window is allowed for auditing and system maintenance.
- c. Repair of all irrigation equipment shall be done with replacement parts for the originally installed components or their equivalents, or with components that improve the average Irrigation Efficiency.
- d. A project Applicant is encouraged to implement established landscape industry sustainable Best Management Practices for all landscape maintenance activities.

8. **Irrigation Audit.**

- a. All landscape Irrigation Audits shall be conducted by a Certified Landscape Irrigation Auditor. Landscape Irrigation Audits shall not be conducted by the person who designed the landscape or installed the landscape.
- b. In large landscape projects or landscape projects with multiple landscape installations (i.e., production home developments) an auditing rate of 1 in 7 individual lots or approximately 15% of the total number of individual lots will satisfy this requirement.
- c. For new construction and Rehabilitated Landscape projects installed after December 1, 2015, as described in Rule 142.1-I:
 - (1) the project Applicant shall submit an Irrigation Audit report with the Certificate of Completion Package to MPWMD that may include, but is not limited to, inspection, system tune-up, system test with distribution uniformity, and reporting Overspray or Runoff that causes overland flow; and
 - (2) MPWMD shall administer programs that may include, but not be limited to, Irrigation Water Use Analysis, Irrigation Audits, and Irrigation Surveys for compliance with the MAWA.

J. Certificate of Completion Package

The Certificate of Completion Package is completed by the project Applicant or their designee to certify that the landscape project has been installed in accordance with the MPWMD Water Efficient Landscape Requirements.

- 1. Prescriptive Compliance Option. The Certificate of Completion Package (see Rule 142.1-M for a sample certificate) shall include a Certificate of Completion limited to:
 - a. Project Information Sheet (Rule 142.1-M – Element 1);
 - b. according to the Landscape Documentation Package (Rule 142.1-M – Element 2);
 - c. addressing applicable parameters as described in Rule 142.1-I-6-a-(3)

(Rule 142.1-M – Element 4); and

- d. Landscape and Irrigation Maintenance Schedule (Rule 142.1-M – Element 5).
2. Performance Compliance Option. The Certificate of Completion Package (see Rule 142.1-M for a sample certificate) shall include the project information sheet that contains the following elements:
- a. date the project information sheet is completed;
 - b. project name;
 - c. project Applicant name, telephone, and mailing and email address;
 - d. project address and location; and
 - e. property owner name, telephone, and mailing and email address.
 - f. certification by the designer of record that the landscape project has been installed per the approved Landscape Documentation Package (see Rule 142.1-G):
 - (1) Where there have been significant changes made in the field during construction, the As-Built Drawings or Record Drawings shall be included with the certification.
 - (2) A diagram of the irrigation plan showing Hydrozones shall be kept with the Automatic Irrigation Controller for subsequent management purposes.
 - g. Soil Management Report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Rule 142.1-I-1);
 - h. irrigation scheduling parameters used to set the Automatic Irrigation Controller (see Rule 142.1-I-6);
 - i. Landscape and Irrigation Maintenance Schedule (see Rule 142.1-I-7);

- j. Irrigation Audit report (see Rule 142.1-I-8); and
- 3. The project Applicant shall:
 - a. submit the signed Certificate of Completion Package to the District for review; and
 - b. ensure that copies of the approved Certificate of Completion Package are submitted to the District and the property owner or their designee, unless the property owner is the project Applicant.
- 4. The District shall:
 - a. receive the signed Certificate of Completion Package from the project Applicant; and
 - b. approve or deny the Certificate of Completion Package. If the Certificate of Completion Package is denied, the District shall provide information to the project Applicant regarding reapplication, appeal, or other assistance.

K. Reporting

The District or its agent shall submit annual reports to the Department of Water Resources by January 31st for the previous calendar year (January 1 to December 31) using the WUEdata portal for submission.

L. Sample Water Efficient Landscape Worksheet

Rule 142.1-L
Sample Water Efficient Landscape Worksheet

When the performance compliance option is selected, this worksheet is to be filled out by the project applicant or their designee and is required to be submitted with the Landscape Documentation Package. Additional rows or multiple sheets should be used if there are more than 10 Hydrozones. The ETWU (gallons per year) must be equal to or less than the MAWA (annual gallons allowed) to comply with the MPWMD Water Efficient Landscape Requirements (Rule 142.1).

Project Applicant: _____ **Phone Number:** _____ **Email**
Address: _____ **Date:** _____
Project address: _____ **APN:** _____ **(ETo a) (in./year):** _____

Maximum Applied Water Allowance (MAWA):

MAWA = $ETo \times a \times 0.62 \times [ETAF \times RLA + 1.0 \times SLA]$ = (Annual Gallons Allowed) The maximum ETAF allowed in the MAWA equation must be equal to or below:

0.55 -- for Residential Regular Landscape Areas (RLA)

0.45 -- for Non-Residential Regular Landscape Areas (RLA)

1.0 -- for Special Landscape Areas (SLA)

Estimated Total Water Use (ETWU) Table: (see instructions)

A <i>Hydrozone (Number, letter, or other designation)</i>	B <i>Plant Factor^b “PF”</i>	C <i>Irrigation Efficiency^c “IE”</i>	D <i>Evapotranspiration Adjustment Factor ETAF = PF / IE</i>	E <i>Hydrozone Area (sq. ft.)</i>	F <i>Estimated Water Use “EWU” = D x E x ETo^a x 0.62 (gallons/ year)</i>
SLA -	NA	NA	1.0		
SLA -	NA	NA	1.0		

SLA -	NA	NA	1.0		
ETWU Total	NA	NA	NA	NA	
MAWA	NA	NA	NA	NA	

^a Annual ETo for the nearest City from Table 142.1-1	^b Plant Factor (PF) from WUCOLS: Very Low = less than 0.1 Low = 0.1 - 0.3 Moderate = 0.4 - 0.6 High = 0.7 - 1.0	^c Average Irrigation System Efficiency (IE): Overhead Irrigation = 0.75 Drip Irrigation = 0.81
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WATER EFFICIENT LANDSCAPE WORKSHEET INSTRUCTIONS

1. Reference Evapotranspiration

- a. Look up the Annual ETo^a value for the nearest City using the Reference Evapotranspiration (ETo) Table provided in Table 142.1-1 and use this value in the EWU and MAWA calculations.

2. Calculate the Maximum Applied Water Allowance (MAWA).

- a. RLA is the total regular Landscape Area in square feet.
- b. SLA is the total Special Landscape Area in square feet.
- c. MAWA is calculated based on the maximum ETAF allowed for the type of Landscape Areas for the landscape project and is expressed as annual gallons allowed.
- d. Effective Precipitation. The following equation may be used to calculate MAWA:

3. Residential landscapes:

$$\text{MAWA} = (\text{ETo} - \text{Eppt}) \times (0.62) \times [0.55 \times \text{RLA} + 1.0 \times \text{SLA}]$$

4. Non-Residential landscapes:

$$\text{MAWA} = (\text{ETo} - \text{Eppt}) \times (0.62) \times [0.45 \times \text{RLA} + 1.0 \times \text{SLA}]$$

5. Calculate the Estimated Total Water Use (ETWU).

- a. Column A – List each Hydrozone using the label corresponding to the Landscape Design Plan.
- b. Columns B and C – Complete the ETWU table for each Hydrozone based on the Plant Water Use Factor (PF) and the average Irrigation Efficiency (IE). The PF is found in Water Use Classification of Landscape Species (WUCOLS).
- c. Column D – calculate the ETAF for each Hydrozone by dividing the PF (Column B) by the IE (column C); write the result in column D.
- d. Column E – for each Hydrozone measure and report:
 - i. Regular Landscape Area (RLA) as defined in MPWMD Rule 11.
 - ii. Special Landscape Areas (SLA), as defined in MPWMD Rule 11, are not included in RLA measurements.
- e. Column F – calculate the Estimated Water Use (EWU) for each Hydrozone by multiplying columns D, E, ETo a and 0.62 (conversion factor) and write the result in column F.
- f. ETWU – is the sum of EWU for each Hydrozone and is expressed as gallons per year.

6. Compare ETWU with MAWA.

The ETWU (gallons per year) must be equal to or less than the MAWA (annual gallons allowed) to comply with WELO.

M. Sample Certificate of Completion Package**Rule 142.1-M
Sample Certificate of Completion Package**

This certificate is filled out by the project Applicant to certify that the landscape project has been installed in accordance with the MPWMD Water Efficient Landscape Requirements (Rule 142.1).

- (a) Prescriptive Compliance Option is limited to elements 1, 2, and 4.
- (b) Performance Compliance Option shall include all six (6) elements.

ELEMENT 1. PROJECT INFORMATION SHEET**Applicant Information:**

Name of Project Applicant (or designee if applicable):	Project Name:
Name of Property Owner (if different):	Title:
Street Address:	Water Supply Type (Circle One):
City:	Potable / Recycled / Well / Other (specify)
Email:	Water Purveyor:
Company:	Phone No.:

Project Address and Location:

Street Address:	Parcel Number:
City:	Meter number(s) (if available):
Zip Code:	

ELEMENT 2. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE

Certification by the designer of record that the landscape project has been installed per the approved Landscape Documentation Package per Rule 142.1-G and the applicable documents:

- (A) Where there have been significant changes made in the field during construction, these As-Built Drawings or Record Drawings shall be included.
- (B) A diagram of the irrigation plan showing Hydrozones shall be kept with the Automatic Irrigation Controller for subsequent management processes.

“I/we certify that based upon periodic site observations, the work has been completed in accordance with MPWMD Water Efficient Landscape Requirements and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package.”

Primary Designer of Record Signature		Date
Secondary Designer of Record Signature		Date

ELEMENT 3. SOIL MANAGEMENT REPORT

Attach Soil Management Report, if not previously submitted with the Landscape Documentation Package per MPWMD Rule 142.1-I-1.

Attach documentation verifying implementation of recommendations from the soil analysis management report.

ELEMENT 4. IRRIGATION SCHEDULING PARAMETERS

Attach irrigation scheduling parameters used to set the Automatic Irrigation Controller per MPWMD Rule 142.1-I-6.

ELEMENT 5. LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE

Attach landscape and irrigation maintenance schedule per MPWMD Rule 142.1-I-7.

ELEMENT 6. IRRIGATION AUDIT REPORT

Attach Irrigation Audit report per MPWMD Rule 142.1-I-8.

PROJECT APPLICANT SIGNATURE:

“I/we certify that I/we have received copies of all the documents within the Certificate of Completion Package and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule.”

Project Applicant (or designee) Signature		Date

Please answer the questions below:

1. Date the Landscape Documentation Package was submitted to the local agency:
2. Date the Landscape Documentation Package was approved by the local agency:
3. Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to MPWMD:

N. **Table 142.1 Reference Evapotranspiration**Table 142.1-1. Monterey County Reference Evapotranspiration (ETo) Table¹
(All values shown in inches)

<i>Monterey County²</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>April</i>	<i>May</i>	<i>Jun</i>	<i>July</i>	<i>Aug</i>	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Annual</i>
													<i>ETo</i>
Bradley	1.7	2.3	3.7	4.8	6.3	7.1	7.5	6.8	5.5	3.9	2.3	1.6	53.6
Carmel Valley Village	1.7	2.0	3.0	3.7	4.4	4.9	4.9	4.6	3.9	3.1	2.0	1.4	39.7
Carmel-by-the-Sea	1.7	2.0	2.9	3.5	3.9	4.0	3.9	3.7	3.4	2.9	2.0	1.5	35.4
Castroville	1.6	2.0	3.1	3.9	4.6	5.0	4.8	4.5	4.0	3.1	1.9	1.4	39.8
King City	1.7	2.2	3.5	4.7	6.0	6.7	6.9	6.3	5.2	3.8	2.3	1.5	50.9
Marina	1.6	2.0	3.1	3.8	4.4	4.7	4.5	4.3	3.8	3.1	2.0	1.4	38.7
Monterey	1.7	2.0	2.9	3.6	4.0	4.3	4.2	4.0	3.6	3.0	2.0	1.4	36.7
Moss Landing	1.6	2.0	3.1	3.9	4.6	4.8	4.6	4.3	3.9	3.1	1.9	1.4	39.1
Pacific Grove	1.7	1.9	2.9	3.5	3.9	4.1	3.8	3.6	3.4	2.9	1.9	1.4	35.1
Salinas	1.6	2.0	3.2	4.1	4.9	5.4	5.5	5.1	4.3	3.3	2.0	1.4	42.8
Seaside	1.7	2.0	3.0	3.7	4.3	4.6	4.5	4.2	3.8	3.1	2.0	1.4	38.2
Soledad	1.6	2.1	3.4	4.4	5.6	6.3	6.4	5.9	4.9	3.6	2.2	1.5	47.8

¹ The defined boundaries of each city and place are from the California Open Data website. The shapefiles and description can be found at (<https://data.ca.gov/dataset/ca-geographic-boundaries/resource/436fc714-831c-4070-b44b-b06dcde6bf18>).

² The Eto values are monthly averages of Special California Irrigation Management Information System (CIMIS) for the 2004 to 2021 period. The Annual Eto is the sum of the monthly averages. Eto is expressed in inches.

O. Definitions Used In Regulation XV

The following Rule 11 Definitions are used in Regulation XV:

APPLICANT – “Applicant” shall mean the Person or Persons responsible for completing the requirements of an application. The “Applicant” is usually the property or business owner.

AS-BUILT DRAWINGS – “As-Built Drawings” shall mean landscape drawings prepared by the contractor that show, in red ink, on-site changes to the original landscape construction documents.

AUTOMATIC IRRIGATION CONTROLLER – “Automatic Irrigation Controller” shall mean a timing device used to remotely control valves that operate an Irrigation System. Automatic Irrigation Controllers are able to self-adjust and schedule irrigation events using either Evapotranspiration (weather-based) or soil moisture data.

BACKFLOW PREVENTION DEVICE – “Backflow Prevention Device” shall mean a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water.

BEST MANAGEMENT PRACTICES – “Best Management Practices (BMP)” or “BMP” shall mean a conservation measure or series of measures that is useful, proven, cost-effective, and generally accepted among conservation experts to reduce water consumption and protect water quality.

CERTIFICATE OF COMPLETION – “Certificate of Completion” shall mean the document with the required elements pursuant to Rule 142.1-J.

CERTIFICATE OF COMPLETION PACKAGE – “Certificate of Completion Package” shall mean the document with the required elements pursuant to Rule 142.1-J.

CERTIFIED LANDSCAPE IRRIGATION AUDITOR – “Certified Landscape Irrigation Auditor” shall mean a Person certified to perform landscape Irrigation Audits by an accredited academic institution, a professional trade organization or other program such as the United States Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.

COMMON INTEREST DEVELOPMENT (CID) – “Common Interest Development” shall mean community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Article 2. Definitions [4075 - 4190] (Article 2

added by Stats. 2012, Ch. 180, Sec. 2.).

CONTROLLER – “Controller” shall mean an automatic timing device used to remotely control valves or heads to operate an Irrigation System. A weather-based Controller is a Controller that utilizes Evapotranspiration or weather data to make adjustments to irrigation schedules. A self-adjusting irrigation Controller is a Controller that uses sensor data (e.g., soil moisture) to adjust irrigation schedules.

DISTRIBUTION UNIFORMITY (DU) – “Distribution Uniformity (DU)” shall mean the measure of the uniformity of irrigation water over a defined area.

DRIP IRRIGATION – “Drip Irrigation” shall mean any non-spray Low Volume Irrigation System utilizing emission devices with a Flow Rate measured in gallons per hour. Low Volume Irrigation Systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants. The term “Drip Irrigation” shall have the same meaning as “Micro Irrigation” and “Trickle Irrigation.”

EFFECTIVE PRECIPITATION (EPPT) – “Effective Precipitation” (“Eppt”) shall mean the portion of total precipitation which becomes available for plant growth. Effective Precipitation is also known as “useable rainfall.”

ESTIMATED TOTAL WATER USE (ETWU) – “Estimated Total Water Use” (“ETWU”) shall mean the total water used for the landscape based on the plants used in the landscape design.

ESTIMATED WATER USE (EWU) – “Estimated Water Use” (EWU) is the calculated water used for each Hydrozone as described in Rule 142.1-L. Estimated Water Use equals the Evapotranspiration Adjustment Factor times the Hydrozone area in square-feet times the appropriate Evapotranspiration Adjustment Factor x 0.62.

EVAPOTRANSPIRATION ADJUSTMENT FACTOR or ET ADJUSTMENT FACTOR – “Evapotranspiration Adjustment Factor” or “ET Adjustment Factor” (“ETAF”) shall mean, except for Special Landscape Areas, a factor of 0.55 for Residential projects and 0.45 for Non-Residential projects that, when applied to Reference Evapotranspiration, adjusts for Plant Water Use Factors and Irrigation Efficiency.

FLOW RATE – “Flow Rate” shall mean the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

FRIABLE – “Friable” shall mean a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root

structure of newly planted material will be allowed to spread unimpeded.

GRAYWATER – “Graywater” shall mean untreated waste water which has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. “Graywater” includes, but is not limited to; waste water from bathtubs, showers, Bathroom Washbasins, clothes washing machines and laundry tubs. It does not include waste water from Kitchen Sinks and Dishwashers Health and Safety Code Section 17922.12. “Graywater” shall have the same meaning as “Greywater.”

GREENBELT – “Greenbelt” means cemeteries, Golf Courses, parks, highway Landscaping and shall include other broad expanses of Landscape area including housing and other Projects with common Landscape uses.

HYDROZONE – “Hydrozone” shall mean a portion of the Landscape Area having plants with similar water needs and rooting depths served by a valve or set of valves with the same schedule. A Hydrozone may be irrigated or non-irrigated.

INVASIVE PLANT SPECIES – “Invasive Plant Species” shall mean a species of plants not historically found in California that spreads outside cultivated areas and can damage environmental or economic resources and is listed as an Invasive Plant Species in either the California Invasive Plant Inventory; USDA invasive, noxious weeds database, or the Landscape Manual.

IRRIGATION AUDIT – “Irrigation Audit” shall mean an in-depth evaluation of the performance of an Irrigation System conducted by a Certified Landscape Irrigation Auditor. An Irrigation Audit shall include, but is not limited to: inspection, system tune-up, system test with Distribution Uniformity or emission uniformity, reporting Overspray or Runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor certification program or other U.S. Environmental Protection Agency “WaterSense” labeled auditing program.

IRRIGATION DESIGN PLAN – “Irrigation Design Plan” “IE” shall mean an irrigation plan and drawings designed and signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other Person authorized to design an Irrigation System (see Sections 5615, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code).

IRRIGATION EFFICIENCY – “Irrigation Efficiency” shall mean the measurement of the

amount of water beneficially used divided by the amount of water applied. Irrigation Efficiency is derived from measurements and estimates of Irrigation System characteristics and management practices. The Irrigation Efficiency is 0.75 for overhead spray devices and 0.81 for drip systems.

IRRIGATION SURVEY – “Irrigation Survey” shall mean an evaluation of an Irrigation System that is less detailed than an Irrigation Audit.

IRRIGATION SYSTEM – “Irrigation System” shall mean a device or combination of devices having a hose, pipe or other type of conduit installed in the Landscape which transmits water, and through which device or combination of devices, water is drawn and applied to Residential, industrial or commercial lawns, Landscapes or green space.

IRRIGATION WATER USE ANALYSIS – “Irrigation Water Use Analysis” shall mean an analysis of water use data based on meter readings and billing data.

JURISDICTION – “Jurisdiction” shall mean one of the following: (1) Carmel-by-the-Sea, (2) Del Rey Oaks, (3) Monterey City, (4) Monterey County, (5) Monterey Peninsula Airport District, (6) Pacific Grove, (7) Sand City, (8) Seaside, and (9) Department of Defense.

LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE – “Landscape and Irrigation Maintenance Schedule” shall mean a document provided to the property owner and submitted with the Certificate of Completion for landscape installation that provides information about routine inspection; auditing, adjustment and repair of the Irrigation System and its components; aerating and dethatching Turf areas; topdressing with Compost, replenishing Mulch; fertilizing; pruning; weeding in all Landscape Areas; and removing obstructions to emission devices.

LANDSCAPE AREA – “Landscape Area” shall mean all the planting areas, Turf areas, and Water Features in a Landscape Design Plan subject to the Maximum Applied Water Allowance and the Estimated Applied Water Use calculations. The Landscape Area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other Pervious or non-Pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., Open Spaces and existing Native Vegetation).

LANDSCAPE DESIGN PLAN – “Landscape Design Plan” shall mean a plan (and drawings) that: (1) delineates and labels each Hydrozone; (2) identifies each Hydrozone as low, moderate, high water, or mixed water use; (3) identifies any Recreational Areas; (4) identifies areas permanently and solely dedicated to edible plants; (5) identifies areas irrigated with Recycled Water; (6) identifies type of Mulch and application depth; (7)

identifies soil amendments, type, and quantity; (8) identifies type and surface area of any Water Features; (9) identifies hardscapes (Pervious and non-Pervious); (10) identifies applicable storm water Best Management Practices; (11) identifies any applicable rain harvesting or catchment technologies; and (12) identifies any applicable Graywater discharge piping, system components and area(s) of distribution. A Landscape Design Plan must be signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other Person authorized to design an Irrigation System (see Permitted Practices in California prepared by the Landscape Architects Technical Committee (LATC), the licensing and regulatory agency for the practice of landscape architecture in California. “Landscape Design Plan” shall also be known as a “Planting Plan.”

LANDSCAPE DOCUMENTATION PACKAGE – “Landscape Documentation Package” means the documents required per the compliance option chosen by the applicant, as described in Rule 142.1-G.

LANDSCAPE WATER PERMIT – “Landscape Water Permit” shall mean a permit issued by the District for landscape projects subject to Rule 142.1.

LOW WATER USE PLANT – “Low Water Use Plant” shall mean any plant categorized as low water need by the Water Use Classification of Landscape Species (“WUCOLS”) guide.

MAXIMUM APPLIED WATER ALLOWANCE (MAWA) – “Maximum Applied Water Allowance” shall mean the upper limit of annual Applied Water for the established Landscape Area. It is based upon the area’s Reference Evapotranspiration, the ET Adjustment Factor, and the size of the Landscape Area.

MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO) – “Model Water Efficient Landscape Ordinance” shall refer to the California Code of Regulations, Title 23. Waters, Division 2. Department of Water Resources, Chapter 2.7. Model Water Efficient Landscape Ordinance.

MULCH – “Mulch” shall mean any organic material such as leaves, bark, straw, Compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

NEW CONSTRUCTION – “New Construction” means any construction of a previously nonexistent structure or additions to a structure requiring a discretionary or ministerial permit. “New Construction” shall include additions, modifications, or structural

improvements which add square footage to floor space of Existing Structures.

NON-POTABLE – “Non-Potable Water” shall mean water which is not fit for human consumption.

NON-RESIDENTIAL – “Non-Residential” shall mean water uses not associated with Residential use. These uses include Commercial, Industrial, Public Authority, Golf Course, Other Use, Non-Revenue Metered Use, and Reclaimed Water.

OVERSPRAY – “Overspray” shall mean the irrigation water that is delivered beyond the Landscape Area, wetting pavements, walks, structures, or other non-Landscaped Areas.

PARCEL – “Parcel” shall mean any unit of land which qualifies as a Parcel under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel (or are separated only by a road or easement), and (2) which have identical owners, or (3) are an Accredited Institution of Higher Education Site, a Department of Defense Site, a Jurisdiction Site, a Public School District Site, or Community Hospital Site. The term “Parcel” shall be given the same meaning as the term “Site”.

PLANT WATER USE FACTOR – “Plant Water Use Factor” shall mean a value, when multiplied by “Reference Evapotranspiration,” that estimates the amount of water needed by plants. The Plant Water Use Factor range for very Low Water Use Plants is less than 0.1, the Plant Water Use Factor range for Low Water Use Plants is 0.1 to 0.3, the Plant Water Use Factor range for Moderate Water Use Plants is 0.4 to 0.6, and the Plant Water Use Factor range for High Water Use Plants is 0.7 to 1.0. Plant Water Use Factors are derived from the publication “Water Use Classification of Landscape Species.” Plant Water Use Factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources.

POTABLE – “Potable” shall mean water that is suitable for drinking.

PRESSURE REGULATING DEVICE – “Pressure Regulating Device” shall mean a water pressure reducing device installed in the water line after the Water Meter that automatically reduces the pressure from the water supply main to a lower pressure.

RAIN SENSOR – “Rain Sensor” shall mean a component of an Irrigation System which automatically suspends irrigation when it rains. The term “Rain Sensor” shall have the same meaning as the term “Rain Sensing Shutoff Device.”

RECORD DRAWINGS – “Record Drawings” shall mean landscape documents prepared by the Landscape Architect that reflects on-site changes the contractor noted in the As-

Built Drawings. They are often compiled as a set of on-site changes made for the owner per the owner-architect contract.

RECYCLED WATER – “Recycled Water” shall mean treated or recycled waste water of a quality suitable for Non-Potable uses such as landscape irrigation and Water Features. This water is not intended for human consumption.

REFERENCE EVAPOTRANSPIRATION – “Reference Evapotranspiration” shall mean a standard measurement of environmental parameters which affects the water use of plants. Reference Evapotranspiration is expressed in inches per day, month, or year, and is an estimate of the Evapotranspiration of a large field of four to seven inches tall, cool-season grass that is well watered. Reference Evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

REGULAR LANDSCAPE AREA – “Regular Landscape Area” (RLA) is the portion of the irrigated Landscape Area that is not a Special Landscape Area. $RLA = LA - SLA$.

REHABILITATED LANDSCAPE – “Rehabilitated Landscape” shall mean any relandscaping of existing landscapes where the modified Landscape Area is equal to or greater than two thousand five hundred (2,500) square feet.

RESIDENTIAL – “Residential” shall mean water used for household purposes, including water used on the premises for irrigating lawns, gardens and shrubbery, washing vehicles, and other similar and customary purposes pertaining to Single and Multi-Family Dwellings.

RUNOFF – “Runoff” shall mean water which is not absorbed by the soil or landscape to which it is applied and flows from the Landscape Area. For example, Runoff may result from water that is applied at too great a rate (application rate exceeds Infiltration Rate) or when there is a slope.

SOIL MANAGEMENT REPORT – “Soil Management Report” shall mean an analysis of the existing soil conditions relative to horticulture (versus agriculture or structural integrity) resulting in recommendations of appropriate soil amendments.

SOIL MOISTURE SENSING DEVICE – “Soil Moisture Sensing Device” shall mean a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

SPECIAL LANDSCAPE AREA (SLA) – “Special Landscape Area” or “SLA” shall mean an area of the landscape irrigated with Recycled Water, Water Features using Recycled

Water, and areas dedicated to active play such as parks, sports fields, golf courses, and where Turf provides a playing surface.

TURF or TURFGRASS – “Turf” or “Turfgrass” shall mean a ground cover surface of mowed grass and does not include artificial Turf surfaces. For example, Annual Bluegrass, Kentucky Bluegrass, Perennial Ryegrass, Red Fescue, and Tall Fescue are cool-season grasses and Bermuda Grass, Kikuyu Grass, Seashore Paspalum, St. Augustine Grass, Zoysia Grass, and Buffalo Grass are warm-season grasses.

VALVE – “Valve” shall mean a device used to control the flow of water in the Irrigation System.

WATER BUDGET – “Water Budget” shall mean a maximum annual water allowance in gallons per year that takes into consideration the types of plants, Evapotranspiration Rates and Irrigation System.

WATER DISTRIBUTION SYSTEM OPERATOR – “Water Distribution System Operator” shall mean the Person or Persons who assume through the District Permit process legal responsibility for the proper performance of the requirements of a Water Distribution System Permit holder as defined in the Rules and Regulations and/or in conditions attached to a Permit.

WATER EFFICIENT LANDSCAPE WORKSHEET – “Water Efficient Landscape Worksheet” shall mean the form used in the Landscape Package to calculate the Water Budget for a landscape. The form is found in Appendix B of the Landscape Package.

WATER FEATURE – “Water Feature” shall mean a design element where open water performs an aesthetic or recreational function. Water Features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and Swimming Pools where water is artificially supplied. The surface area of Water Features is included in the high water use Hydrozone of the Landscape Area. Constructed facilities used for Site waste water treatment or Storm Water Control Measures that are not irrigated and used solely for water treatment or storm water retention are not considered Water Features.

WATER METER – “Water Meter” means any measuring device intended to measure water usage. The term “Water Meter” shall have the same meaning as the term “Water Measuring Device.”

WATER PERMIT – “Water Permit” shall mean a document issued by the MPWMD that authorizes a specific amount and type of water use on a Site.

WATER WASTE – “Water Waste” shall mean the indiscriminate, unreasonable, or

excessive running or dissipation of water as defined in Rule 162.

WELL – “Well” means any device or method, mechanical or otherwise, for the production of water from Groundwater supplies within the District excluding seepage pits and natural springs.

WUCOLS – “WUCOLS” shall mean the Water Use Classification of Landscape Species guide published by the University of California Cooperative Extension and the California Department of Water Resources 2014, as may be periodically updated.

Rule added by Ordinance No. 199 (11/17/2025)