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**CEQA Environmental Checklist
MPWMD ORDINANCE NO. 156**

STEPHEN L. VAGNINI
MONTEREY COUNTY CLERK
DEPUTY

PROJECT DESCRIPTION AND BACKGROUND

Project Title:	Adoption of Ordinance No. 156: "2013 Water Permit and Conservation Programs Amendment and Clarification Ordinance."
Lead agency name and address:	Monterey Peninsula Water Management District (MPWMD), P.O. Box 85, Monterey, CA 93942-0085 [Street Address: 5 Harris Court, Bldg. G, Monterey, CA 93940]
Contact person and phone number:	Stephanie Pintar, 831/658-5630 or SPintar@mpwmd.net
Project Location:	Monterey Peninsula Water Management District in the cities of Monterey, Sand City and Seaside (see Attachment 1 map)
Project sponsor's name and address:	Monterey Peninsula Water Management District, P.O. Box 85, Monterey, CA 93942-0085 (Street address: 5 Harris Court, Bldg. G, Monterey, CA 93940)
General plan description:	Varies throughout MPWMD
Zoning:	Varies throughout MPWMD
Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)	Proposed Ordinance No. 156 (Attachment 2) clarifies and amends terms and procedures related to Water Permits, Water Use Credits, Rebates and Landscape Water Audits. The ordinance clarifies definitions and procedures to facilitate improved implementation of the Rules and Regulations of the District; resolves a problematic issue related to the interchangeability of Standard Bathtubs and Showers; revises the fixture unit value for Ultra-Low Flush Toilets; continues the conservation incentive for Ultra-Low Flush Toilets replaced with High Efficiency Toilets or Ultra High Efficiency Toilets; adds Rebates for flapper replacements and replacement of Ultra-Low Flush Toilets with High Efficiency Toilets; and amends Rule 172 to conform with amendments to Rule 11 (Definitions) related to Landscape Irrigation Auditors.
Surrounding land uses and setting; briefly describe the project's surroundings:	<p>Land uses within the MPWMD Cities of Monterey, Sand City, and Seaside are generally urban residential and commercial areas. Each of these jurisdictions regulates land uses within its boundaries. The MPWMD does not regulate land uses.</p> <p>The Monterey Peninsula is dependent on local sources of water supply, which (directly or indirectly) are dependent on local rainfall and runoff. The primary sources of supply include surface and groundwater in the Carmel River basin, and groundwater in the Seaside Basin (Attachment 3).</p> <p>Vegetation communities on the Monterey Peninsula include marine, estuarine, and riverine habitats; fresh emergent and saline emergent (coastal salt marsh) wetland communities; riparian communities, particularly along the Carmel River; a wetland community at the Carmel River lagoon; and upland vegetation communities such as</p>

	coastal scrub, mixed chaparral, mixed hardwood forest, valley oak woodland, and annual grassland. These communities provide habitat for a diverse group of wildlife. The Carmel River supports various fish resources, including federally threatened steelhead fish and California red-legged frog.
Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements):	None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

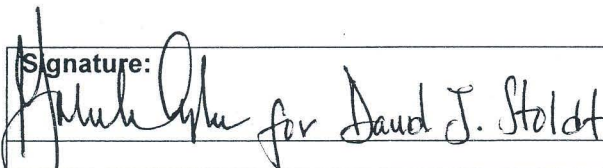
The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 3 for additional information.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials	<input type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

<input checked="" type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required

Signature: 	Date: Oct. 1, 2013
Printed Name: David J. Stoldt, General Manager	

CEQA Environmental Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AGRICULTURE AND FOREST RESOURCES:				
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES: Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. GEOLOGY AND SOILS: Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. GREENHOUSE GAS EMISSIONS: Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

X. LAND USE AND PLANNING: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XI. MINERAL RESOURCES: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XII. NOISE: Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
-) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

XIII. POPULATION AND HOUSING: Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

XIV. PUBLIC SERVICES:

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
 - Fire protection?
 - Police protection?
 - Schools?
 - Parks?
 - Other public facilities?

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XV. RECREATION:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVI. TRANSPORTATION/TRAFFIC: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION OF CHECKLIST ITEMS:

For all categories, "No Impact" was checked. Adoption of Ordinance No. 156 has no measurable physical impact on the environment, as the ordinance primarily clarifies and amends definitions and procedural matters.

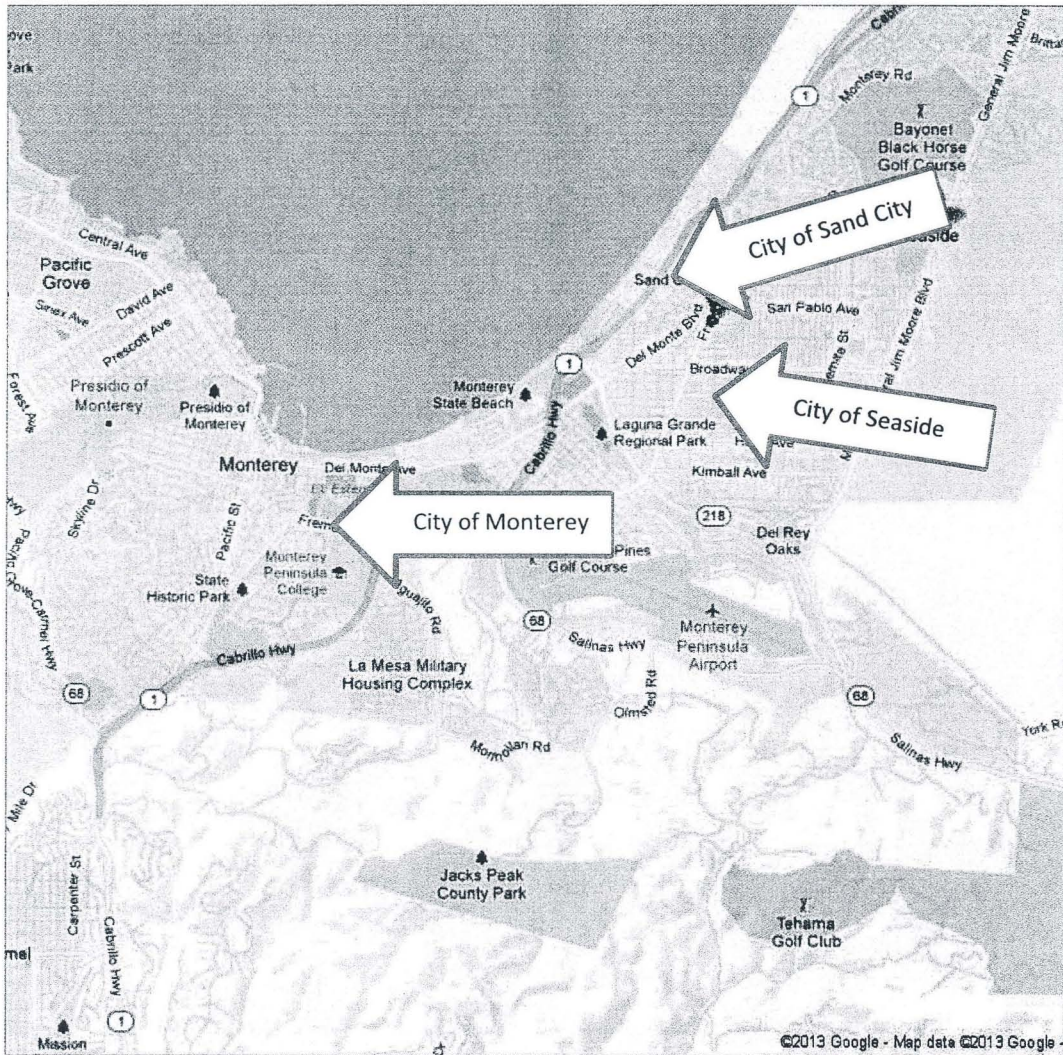
The revision of the fixture unit value for Ultra-Low Flush Toilets from 1.7 fixture units (0.017 Acre-Foot) to 1.8 fixture units (0.018 Acre-Foot) is considered insignificant as the revision facilitates voluntary water saving retrofits that would otherwise not occur due to the exemption from retrofit requirements allowed by District Rule 144-C.

Conclusion

Based on this Initial Study, the MPWMD believes that there is an absence of substantial evidence from which a fair argument can be made that adoption of Ordinance No. 156 has measurable and meaningful actual or potential adverse environmental consequences. MPWMD believes that adoption of Ordinance No. 156 would have less than significant environmental impacts. MPWMD is aware that CEQA requires preparation of a negative declaration if there is no substantial evidence that the project may cause a significant effect on the environment (CEQA Guidelines §15063(b)(2).) For these reasons, MPWMD intends to adopt a negative declaration regarding adoption of Ordinance No. 156.

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MPWMD Cities of Monterey, Sand City and Seaside



**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
CLARIFYING AND AMENDING TERMS AND PROCEDURES RELATED TO WATER PERMITS,
WATER USE CREDITS, REBATES AND LANDSCAPE WATER AUDITS**

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. The Monterey Peninsula Water Management District has adopted and regularly implements water conservation and efficiency measures which, inter alia, sets standards for the installation of plumbing fixtures in New Construction, and requires retrofit or replacement of existing plumbing fixtures upon Change of Ownership, Change of Use, and Expansion of Use, and for existing Non-Residential uses. The Monterey Peninsula 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.
3. The Monterey Peninsula Water Management District has found and determined that it is in the best interests of the Monterey Peninsula Water Management District and its inhabitants to define, implement and enforce water efficient plumbing standards and requirements for the conservation of Potable water supplies. Retrofit or replacement of existing plumbing fixtures shall lessen consumption of the limited water resources available on the Monterey Peninsula. Installation of water efficient plumbing fixtures reduces the burden of new, expanded or modified uses on the water resources.
4. The Monterey Peninsula Water Management District has determined that the water conservation and efficiency standards and requirements benefit the public good by increasing the supply of Potable water available for use and by reducing existing demand for Potable water. The reduction in demand will reduce production impacts upon the environment.
5. The Monterey Peninsula Water Management District approved a Rebate Program when it adopted the Action Plan for Water Supply Alternatives in February 1996. The Action

Plan addressed the need for water supply projects to meet the water supply needs of the Monterey Peninsula following voter rejection of District financing for the New Los Padres Water Supply Project in November 1995.

6. California State Water Resource Control Board (SWRCB) Order No. WR 95-10, issued in July 1995, ruled that California American Water did not have a legal right to take approximately 69 percent of the water supplied to California American Water users at that time. The SWRCB has set specific goals to reduce water diversions from the Carmel River Basin.
7. Under SWRCB Order No. WR 95-10, California American Water was ordered to reduce its historical diversion from the Carmel River Basin by 20 percent beginning with Water Year 1997 and in each subsequent year. Further cutbacks were ordered beginning in 2010.
8. *California American Water v. City of Seaside, et al*, Case No. M66343, resulted in a decision which determined the initial Operating Safe Yield for the Seaside Basin is 5,600 Acre-Feet (Coastal Subarea is 4,611 Acre-Feet and 989 Acre-Feet for the Laguna Seca Subarea). “Operating Safe Yield” is the maximum amount of Groundwater resulting from Natural Replenishment which can be produced from each Subarea for a finite period of years as these terms are defined in the decision. Water conservation is a component to achieving Operating Safe Yield and will require reductions in use in the future.
9. A Cease and Desist Order (CDO) against California American Water was issued in October 2009 by the SWRCB as Order No. WR 2009-0060. The CDO prescribes a series of significant cutbacks to California American Water’s pumping from the Carmel River from 2010 through December 2016. Cal-Am customers may be subject to water Rationing, a moratorium on Water Permits for new construction and remodels, and fines if pumping limits are exceeded.
10. This ordinance amends the definitions in District Rule 11 for the following terms: Benefited Property, Change of Use, Expansion of Use, Landscape Irrigation Auditor, Landscape Water Audit, and Landscape Water Budget. A definition for “Meter Split” is added.
11. This ordinance amends District Rules 20 and 24 to allow the replacement or installation of a Standard Bathtub in place of a Shower, Separate Stall, and vice versa. Exchanging these fixtures without first obtaining or amending a Water Permit occurs regularly and often does not involve permits with the Jurisdiction. The effort involved with permitting this exchange in fixtures by the District is burdensome on the public and does not result in a change in the Water Use Capacity of the Bathroom.

12. This ordinance amends District Rule 23 to clarify metering requirements and exemptions. The District mandates the use of individual Water Measuring Devices in New Structures and when feasible in New Construction (including additions and improvements) and Remodels.
13. This ordinance amends District Rule 23 to require public access to water records (at no additional charge) as a condition of all Water Permits.
14. This ordinance amends District Rule 23 to clarify the requirement for a tee on the customer side of the Water Measuring Device to supply water for domestic use (one line) and for fire suppression (the other line). A diagram depicting this requirement is available at MPWMD.
15. The ordinance amends District Rule 24 to increase the fixture unit value of an Ultra-Low Flush Toilet by 1/1,000th of an Acre-Foot to 1.8 fixture units (or 0.018). This amendment results in an increase to the high efficiency appliance credit (Rule 24, Table 4) for High Efficiency Toilets from 0.4 fixture units to 0.5 fixture units.
16. This ordinance amends District Rule 24 to update the Connection Charge history and to allow for future rule amendments that reflect the Connection Charge as prescribed in Rule 24 without Board approval. The Connection Charge calculation is set forth in Rule 24. This amendment does not change the calculation, but allows the current year's charge to be reflected in the Rules and Regulations without further action.
17. This ordinance amends District Rule 25.5 to clarify that a Limitation of Use of Water on a Property deed restriction is required when a Water Use Credit is used to offset an Intensification or Expansion of Use. The rule is further amended to exempt offsets made using credit from High Efficiency Toilets from the deed restriction due to the restriction on higher flush volume toilets after January 1, 2014 (Health & Safety Code §17921.3).
18. This ordinance amends District Rule 25.5 to continue the high efficiency appliance credit (Rule 24, Table 4) for High Efficiency Toilets. Although State Law requires all the sale and installation of High Efficiency Toilets after January 1, 2014, this amendment continues an incentive to replace existing Ultra-Low Flush Toilets and higher volume flush toilets, thereby achieving greater water savings. District Rule 144-C currently provides an exemption to the Water Permit and conservation toilet retrofit requirements for existing Ultra-Low Flush Toilets until December 31, 2016.
19. This ordinance amends District Rule 25.5 to allow a record of eight years of water records rather than ten when documenting Non-Residential Water Use Credit for retrofits with Ultra-Low Consumption Technology. This amendment is necessary due to

California American Water's record retention system.

20. This ordinance amends District Rule 141 to add a Rebate for Ultra-Low Flush Toilet, High Efficiency Toilet and Ultra High Efficiency Toilet flappers. The periodic replacement of flappers is encouraged to reduce potentially undetected leaks.
21. This ordinance adds a \$50 Rebate for replacement of Ultra-Low Flush Toilets with High Efficiency Toilets. The lower Rebate is justified due to implementation of amendments to the Health and Safety Code §17921.3 that mandates the sale and installation of High Efficiency Toilets in California after January 1, 2014.
22. This ordinance amends language related to mandatory inspection of Lawn removal and Cistern Rebate applications. Mandatory inspections are not necessary in many cases when there is sufficient evidence to determine if a Site qualifies for a Rebate. Often this evidence is available with District GIS and/or Internet resources and/or clear and convincing evidence provided by the Applicant.
23. This ordinance amends Rule 172 to clarify the Landscape Water Audit process.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the **2013 Water Permit and Conservation Programs Amendment and Clarification Ordinance** of the Monterey Peninsula Water Management District.

Section Two: Statement of Purpose

The Monterey Peninsula Water Management District enacts this ordinance to clarify and amend terms and procedures related to Water Permits, Water Use Credits, Rebates and Landscape Water Audits. The ordinance clarifies definitions and procedures to facilitate improved implementation of the Rules and Regulations of the District; resolves a problematic issue related to the interchangeability of Standard Bathtubs and Showers; revises the fixture unit value for Ultra-Low Flush Toilets by 1/1,000th of an Acre-Foot; continues the conservation incentive (Rule 25.5, Table 4) for Ultra-Low Flush Toilets replaced with High Efficiency Toilets or Ultra High Efficiency Toilets; adds Rebates for flapper replacements and replacement of Ultra-Low Flush Toilets with High Efficiency Toilets; and amends Rule 172 to conform with amendments to Rule 11 (Definitions) related to Landscape Irrigation Auditors.

Section Three: Amendment of Rule 11, Definitions

Rule 11, Definitions, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

BENEFITED PROPERTY – “Benefited Property” shall mean those properties located in the unincorporated portion of the Del Monte Forest described on Exhibit “A” to Monterey Peninsula Water Management District Ordinance No. 109 ~~or~~ ***and*** Sand City Sites located within the jurisdictional limits of the City of Sand City ***as recognized in*** ~~pursuant to~~ Monterey Peninsula Water Management District Ordinance No. 132.

CHANGE OF USE - “Change of Use” means, ~~in the case of commercial, industrial or public authority structures,~~ a ***Non-Residential*** change ***from one Group to another*** ~~in the use to which the structure was previously devoted, to a substantially different use,~~ as uses are categorized by ***in*** Table No. 2 of Rule 24, ***or a change from Table 1 to Table 2 or vice versa. Change of Use as defined by the District may differ from a change in zoning or use as defined by the Jurisdiction.***

EXPANSION OF USE - “Expansion of Use” shall mean the addition of any water fixture, ~~and/or~~ increase to existing floor area, ***or change to the character of a Non-Residential Use that results in an Intensification of Use.***

LANDSCAPE IRRIGATION AUDITOR – “Landscape Irrigation Auditor” shall mean a Person certified by the Irrigation Association ***or the California Landscape Contractors Association*** to perform Landscape Water Audits and ~~assign~~ ***prepare*** Landscape Water Budgets.

LANDSCAPE WATER AUDIT – “Landscape Water Audit” shall mean an action taken by a Landscape Irrigation Auditor ~~certified by the Irrigation Association~~ to determine reasonable outdoor water use.

LANDSCAPE WATER BUDGET – “Landscape Water Budget” shall mean a maximum annual water allowance in gallons per year, determined upon completion of a Landscape Water Audit by a Landscape Irrigation Auditor ~~certified by the Irrigation Association~~. The Landscape Water Budget shall take into consideration the types of plants, soil condition, Evapotranspiration rates and Irrigation System.

METER SPLIT – “Meter Split” shall mean the act of issuing one or more Water Permits that authorize individual Water Measuring Devices for more than one Water User on a Site that is, at the time of application, supplied by an existing Connection.

Section Four: Amendment of Rule 20, Permits Required

Rule 20, Permits Required, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

B. PERMITS TO CONNECT TO OR MODIFY A CONNECTION TO A WATER DISTRIBUTION SYSTEM

Before any Person connects to or modifies a water use Connection to a Water Distribution System regulated by the District or to any Mobile Water Distribution System, such Person shall obtain a written Permit from the District or the District’s delegated agent, as described in District Rules 21, 23 and 24. The addition of any Connection and/or modification of an existing water Connection to any Water Distribution System permitted and regulated by the District shall require a Water Permit.

The following actions require a Water Permit:

1. Any change in use, size, location, or relocation of a Connection or Water Measuring Device which may allow an Intensification of Use or increased water consumption.
2. Each use of an On-Site credit or Water Use Credit.
3. Any modification to, ~~or relocation~~ **the number or type** of; Residential water fixtures **shown in Table 1, Residential Fixture Unit Count, with the exceptions of (1) replacement of a Standard Bathtub fixture with a Shower, Separate Stall Shower fixture and vice versa, and (2) removal of a lawful water fixture.**
4. Any Landscaping changes resulting in an Intensification of Use when a Landscape plan has been reviewed and approved as a component of a Water Permit.
5. Any Change of Use and any expansion of a Non-Residential use to a more intensive use as shown on Table 2 (Rule 24), except when the Change of Use or expansion modifies (1) an unenclosed structure that has no plumbing; or (2) a temporary structure (i.e., a structure without permanent occupancy and without a permanent foundation and that has no plumbing).
6. ~~Installation~~ **ing of** new water fixtures **(Rule 24, Table 1) in a Residential use** ~~(i.e., other than replacem~~ent~~ing of existing water fixtures) in a Residential use.~~
7. Use of water from a Mobile Water Distribution System.

Section Five: **Amendment of Rule 23-A-i, Action on Application for a Water Permit to Connect to or Modify an Existing Water Distribution System**

Rule 23-A-i, Action on Application for a Water Permit to Connect to or Modify an Existing Water Distribution System, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

- i. The General Manager shall not issue a Water Permit which results in ~~the installation of a new~~ water meter that serves water to more than one User ***when there is substantial structural modification and/or new plumbing installed.*** Multiple Users shall apply for separate Water Permits pursuant to this rule. This provision, however, shall not prevent the issuance of a Water Permit which allows a single User to extend incidental water use (e.g. to a single Bar Sink) ***to another as the result of.*** ~~This provision shall be construed to enable the issuance of a Water Permit required by reason of a change in occupancy or use. of an Existing~~

~~Non-Residential Structure without a requirement to install separate water meters for each separate use or User, provided no substantial structural modifications are necessary to facilitate the changed use. Any such application shall nonetheless be processed in accord with Rule 24 (Calculation of Water Use Capacity and Connection Charges).~~

Section Six: **Amendment of Rule 23-B-1-e, Mandatory Conditions, Action on Application for a Water Permit to Connect to or Modify an Existing Water Distribution System**

Rule 23-B-1-e, Mandatory Conditions, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

- e. All Water Permits ~~requiring deed restrictions~~ shall also include a Notice and Deed Restriction titled “Provide Public Access to Water Use Data.” *There shall be no additional charge for this deed restriction.*

Section Seven: **Amendment of Rule 23-B-2-c, Mandatory Conditions, Action on Application for a Water Permit to Connect to or Modify an Existing Water Distribution System**

Rule 23-B-2-c, Mandatory Conditions, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

- c. All New Structures receiving a Water Permit after January 1, 2009, shall have separate water supply lines *that tee off* after the water meter to supply fire suppression service and domestic service. This configurations shall facilitate installation of a Flow Restrictor in the domestic service without interfering with the fire suppression service.

Section Eight: **Amendment of Rule 24, Table 1: Residential Fixture Unit Count**

Rule 24, Table 1, Residential Fixture Unit Count, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

	Water Fixture Description	Fixture Unit Value
1	Washbasin (lavatory sink), each	1
2	Two Washbasins in the Master Bathroom	1
3	<i>Toilet, Ultra Low Flush (1.6 gallons per flush)</i>	<i>1.8</i>

34	Toilet, High Efficiency (HET) (1.3 gallons maximum)	1.3
45	Toilet, Ultra High Efficiency (UHET) (0.8 gallon maximum)	0.8
56	Urinal, High Efficiency (0.5 gallon-per-flush)	0.5
67	Urinal, Zero Water Consumption	0
78	Bathtub, (may be Large with Showerhead above) & Separate Shower in the Master Bathroom	3
89	Bathtub, Large (may have Showerhead above)	3
910	Bathtub, Standard (may have Showerhead above) <i>or Shower, Separate Stall (one Showerhead)</i>	2
40	Shower, Separate Stall (one Showerhead)	2
11	Shower, each additional fixture (including additional Showerheads, Body Spray Nozzles, etc.)	2
12	Shower System, Rain Bars, or Custom Shower (varies according to specifications)	2
13	Kitchen Sink (including optional adjacent Dishwasher)	2
14	Kitchen Sink with adjacent High Efficiency Dishwasher (5.8 gallons maximum per cycle)	1.5
15	Dishwasher, each additional (including optional adjacent sink)	2
16	Dishwasher, High Efficiency, each additional (including optional adjacent sink) [5.8 gallons maximum per cycle]	1.5
17	Laundry Sink/Utility Sink (debit/Connection Charge applies to only one Laundry/Utility Sink per Residential Site)	2
18	Clothes Washer	2
19	Clothes Washer, High Efficiency (HEW) (Water Factor of 5.0 or less)	1
20	Bidet	2
21	Bar Sink	1
22	Entertainment Sink	1
23	Vegetable Sink	1
24	Swimming Pool (each 100 square-feet of pool surface area)	1
25	For all new Connections -- Refer to Rule 24-A-5, Exterior Residential Water Demand Calculations.	

Section Nine: **Amendment of Rule 24, Table 3: Connection Charge History**

Rule 24, Table 3, Connection Charge History, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~). This table shall be amended without further Board action on July 1 of each year pursuant to the calculation procedure codified in Rule 24.

TABLE 3: CONNECTION CHARGE HISTORY
YEAR CONNECTION CHARGE

1985	\$10,623.20
1985-86	\$11,133.00
1986-87	\$11,433.59
1987-88	\$11,890.93
1988-89	\$12,295.22
1989-90	\$12,983.75
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
1999-2000	\$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

Section Ten: Amendment of Rule 25.5-G-2, Water Use Credits and On-Site Water Use Credits

Rule 25.5-G-2, Water Use Credits and On-Site Water Credits, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

2. Use of a documented ***Residential*** Water Use Credit ***that originates from Table 4, High Efficiency Appliance Credits, or that originates from a Non-Residential Water Use Credit resulting from installation of Ultra Low Consumption Technology*** to offset an Expansion of Use shall cause recordation of a Notice and Deed Restriction Regarding Limitation on Use of Water on a property. ***There shall be an exception to this requirement when the credit originates from installation of High Efficiency Toilets.***

Section Eleven: Amendment of Rule 25.5, Table 4: High Efficiency Appliance Credits

- A. Rule 25.5, Table 4, High Efficiency Appliance Credits, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

TABLE 4: HIGH EFFICIENCY APPLIANCE CREDITS

Appliance	Description	Water Use Credit in Acre-Feet
High Efficiency Toilets (available until 12/31/2013)	A toilet designed to have an average maximum flush of 1.3 gallons.	0.004 <i>0.005</i> AFA
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.	0.010 AFA
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.	0.005 AFA
High Efficiency Dishwasher	A dishwasher designed to use a maximum of 5.8 gallons per cycle. A High Efficiency Dishwasher shall have Energy Star certification.	0.005 AFA
High Efficiency Clothes Washer	A Clothes Washer with a Water Factor of 5.0 or less.	0.010 AFA

Section Twelve: Amendment of Rule 25.5-D-1 and Rule 25.5-F-2, Water Use Credits and On-Site Water Use Credits

Rule 25.5-D-1 and Rule 25.5-F-2, shall be amended to require a minimum of eight years of water records.

Section Thirteen: Amendment of Rule 141, Rebates

A. The following Rebates (shown in ***bold italics***) shall be added to Rule 141:

- ***Toilet Flapper for Ultra-Low Flush Toilet, High Efficiency Toilet or Ultra High Efficiency Toilet: \$15***
- ***The Rebate for replacement of an Ultra-Low Flush Toilet with a High Efficiency Toilet shall be \$75.***

B. Rule 141-C-6-a shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

6. Outdoor Water Use Rebates.

- a. Rebates for Cisterns shall be limited to 25,000 gallons of 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 ~~shall~~ ***may*** require verification of usable roof area by Site inspection.

C. Rule 141-F-2 shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

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, ~~and when removal of the Lawn will result in documentable water savings,~~ ~~the~~ Applicant ~~shall~~ ***may*** be contacted to arrange a Site inspection to verify the Lawn.
- c. ~~Following a Site inspection~~ ***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.

Section Fourteen: Amendment of Rule 172 Landscape Water Audits

Rule 172, Landscape Water Audits, Sections A through B-5-a, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~). The remainder of the Rule shall remain unchanged.

RULE 172 - LANDSCAPE WATER AUDITS

- A. Landscape Water Audits shall be conducted under the supervision of ***a Landscape Irrigation Auditor*** ~~an individual who has been certified by the Irrigation Association to conduct audits and establish Landscape Water Budgets~~. Each audit shall be signed by that Person, who shall attest that the audit was performed under his/her direction.

- B. Landscape Water Audits and Landscape Water Budgets shall be offered by the District and/or California American Water or their agent free of charge to all Water Users of California American Water with Dedicated Irrigation Meters, large irrigated areas over three acres, irrigated Open Space, and Large Residential Water Users. Landscape Water Budgets shall be required for new Dedicated Irrigation Meters and shall be based on a Water Budget determined by the Estimated Total Water Use as determined by a Landscape and Irrigation System plan at the time the meter is installed. California American Water shall review its Residential customer consumption records at the completion of every Water Year to identify all Residential Users that consumed an average of 320 units per month (24,000 gallons) during the prior Water Year. California American Water shall identify the Users that require a Landscape Water Audit and Landscape Water Budget and that do not have a Water Budget on file at MPWMD and California American Water. Newly identified Users shall be notified by California American Water that they are required to obtain a Landscape Water Audit and Landscape Water Budget. Once notified of the requirement to obtain a Landscape Water Audit and Landscape Water Budget, a User must arrange to complete the audit process within sixty (60) days. Existing customers subject to this Rule shall be given annual notice by California American Water to report any changes to the

Landscaping or Irrigation Systems. Significant changes shall necessitate a follow-up audit.

1. California American Water Users shall be required to obtain Landscape Water Audits and establish Landscape Water Budgets if the property:
 - a. Has a Dedicated Irrigation Meter; or
 - b. Is an irrigated area of greater than three acres; or
 - c. Is a Large Residential Water User; or
 - d. Is irrigated public Open Space.
2. All Landscape Water Budgets must be prepared by ***a Landscape Irrigation Auditor***~~an individual certified by the Irrigation Association.~~
3. All Water Users required to complete a Landscape Water Audit and establish a Landscape Water Budget shall have the option of obtaining a Landscape Water Audit and Landscape Water Budget from a Landscape Irrigation Auditor of their choice at their own expense ~~if the auditor is certified by the Irrigation Association.~~
4. Landscape Water Audits and Landscape Water Budgets not conducted and prepared by the District and/or California American Water shall be completed as specified in this Rule. Completed Landscape Water Budgets and Landscape Water Audits shall be submitted to California American Water. California American Water shall forward a copy of all completed Landscape Water Audits and Budgets to the District within ten (10) days of receipt ~~by California American Water.~~ Landscape Water Audits not performed by the District or California American Water are subject to review and acceptance by the District. Landscape Water Audits and Landscape Water Budgets rejected by the District may be appealed to the Board of Directors pursuant to Rule 70 (Appeals).
5. Audit
 - a. An On-Site Landscape Irrigation Audit ~~shall be completed or overseen by a Certified Landscape Irrigation Auditor (CLIA) and~~ shall include evaluation and documentation of the following:

[The remainder of this Rule is not amended by this ordinance.]

Section Fifteen: Publication and Application

The provisions of this ordinance shall cause the amendment and republication of Rules 11, 20, 23, 24, 25.5, 141 and 172 of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

Section Sixteen: Effective Date and Sunset

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

This Ordinance shall not have a sunset date.

Section Seventeen: Severability

If any subdivision, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District’s express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director _____, and second by Director _____, the foregoing ordinance is adopted upon this ____ day of _____, 2013, 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 is a full, true, and correct copy of an ordinance duly adopted on the ____ day of _____, 2013.

Witness my hand and seal of the Board of Directors this _____ day of _____, 2013.

David J. Stoldt, Secretary to the Board

Monterey Peninsula Water Management District



Map provided: California State Plane, Zone 9, NAD 1983, 1:50,000
 Manually corrected from USGS Topographic Edition, 1982

**MAP SHOWING MPWMD BOUNDARY AND CARMEL RIVER WATERSHED BOUNDARY
 2002**



MPWMD Boundary (from MPWMD Map 07-0982, dated May 1992)
 Carmel River Watershed Boundary (from MPWMD map 06-046, dated June 1987)

This edition of the map is preliminary in nature. This information is presented with the understanding that it is not guaranteed to be correct and its use is at the user's own risk. Information, whether that information is or is not aggregated, and with other data, are the responsibility of the user.

<p>MONTEREY PENINSULA WATER MANAGEMENT DISTRICT</p>	<p>From USGS 1:50,000 Topographic Edition, 1982 (Zone 9, NAD 1983)</p> <p>Revised from MPWMD Map 07-0982, dated May 1992</p> <p>Map 07-0982, dated May 1992</p> <p>Digitized from USGS 1:50,000 Topographic Edition, 1982</p>
	<p>From USGS 1:50,000 Topographic Edition, 1982 (Zone 9, NAD 1983)</p> <p>Revised from MPWMD Map 06-046, dated June 1987</p> <p>Map 06-046, dated June 1987</p> <p>Digitized from USGS 1:50,000 Topographic Edition, 1982</p>