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Chapter 17.50 WATER MANAGEMENT PROGRAM¹

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17.50.010 Purpose.

The City recognizes a need to conserve and manage its water resources to achieve adopted land use planning objectives. The water resources of the City are presently derived from a water allocation system implemented by the Monterey Peninsula Water Management District. It is the purpose and intent of this chapter to establish a water management program that:

- A. Reduces unnecessary water consumption in existing and new development;
- B. Provides a process for dedication of the City's limited water resources in new development;
- C. Establishes a process for determining the broad land use categories to be served through allocations of existing and future water resources available to the City; and
- D. Implements the General Plan and Coastal Land Use Plan. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.50.020 Water Conservation.

Water conservation is an integral part of the City's water management program. Water resources available to the City are limited. In some cases, water conservation can increase the effective supply and allow development that otherwise would not be possible. Water conservation in new development can reduce the demand from each project and thereby increase the number of projects that can be served with available resources. It is the intent of this chapter to establish uniform standards for water conservation and to provide guidance on the manner in which conserved water is to be used within the City's total water management program.

- A. Uniform Standards for Plumbing Fixtures. The use of water-conserving plumbing fixtures shall be required for all new construction. All existing plumbing fixtures within any building that do not comply with the adopted standards for water conservation shall be replaced with complying fixtures upon issuance of any building permit authorizing substantial construction. Standards for water-conserving plumbing fixtures and the criteria for when such fixtures are required are established in Chapter 15.28 CMC.

B. Landscaping Standards. It is recognized that the irrigation of plants used in landscaping can consume large quantities of water. Proper design of irrigation systems and proper selection of plant species can significantly reduce water consumption while achieving a more natural appearance in community design through the use of native plants and other species habituated to the central coast. See landscaping standards contained in Chapter 17.34 CMC, Landscaping. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.50.030 Allocation of Water Resources.

A. Allocation. Following a public hearing, the City Council shall establish an allocation of water resources available for increased use by adopting an allocation resolution. The resolution shall define:

1. The remaining quantity of water available to the City including any new supplies made available since adoption of the last allocation resolution;
2. A list of defined land use or project categories for which water will be made available;
3. A discrete quantity of water, expressed in acre-feet per year, to be allotted for each defined land use category; and
4. A discrete quantity of water to be held as unallocated reserves.

B. Planning Commission Review and Monitoring. Before adoption of an allocation resolution, the City Council shall consider recommendations on the appropriate distribution of water to implement the General Plan and the Local Coastal Program as determined by the Planning Commission. Each allocation resolution shall reserve at least 10 percent of available water resources for projects that will create new affordable housing units for moderately low-, low- or very low-income households. Each allocation resolution also shall ensure that water is reserved for anticipated projects serving coastal recreation, access and essential public services. The allocation resolution shall remain in effect until replaced by a subsequent resolution containing the same information, and following the same process as outlined above. The Planning Commission should review water allocations for consistency with the General Plan and the Local Coastal Program on an annual basis and forward any recommendations for change to the City Council during the last month of each calendar year.

C. Unallocated Reserves. Water held in unallocated reserves shall not be used for any project or land use change until transferred to a defined allocation category. Such transfers shall be made by adopting a new allocation resolution as described in subsection (A) of this section. Reserves are intended to provide a means of adjusting water allocations to respond to changing conditions and General Plan policy. If new water resources become available to the City by action of the Monterey Peninsula Water Management District, they shall be placed in unallocated reserves administratively until distributed to other categories through adoption of a new allocation resolution. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.50.040 Effects of Allocation.

The purpose and effect of establishing categories for the allocation of water supplies are to limit access to water to those categories that are consistent with the General Plan and the Local Coastal Program. No change in land use shall be allowed through any permit or license that could result in a net increase in water use unless such change has been approved in accordance with all applicable provisions of the water management program. In determining whether a project may result in a net increase in water use the rules and regulations of the Monterey Peninsula Water Management District shall be followed.

A. Acceptance of Applications. The Department of Community Planning and Building shall monitor the water allocations established by resolution of the City Council (CMC [17.50.030](#), Allocation of Water Resources). Each proposed change in land use or project for which an application is submitted shall be evaluated to determine whether its approval could result in a net increase in water use as defined by the Water Management District. Projects involving no net increase in water use or that will create new housing affordable to moderate, low- or very low-income households may be accepted and processed without regard to water allocations. For projects that may result in a net increase in water use, the following procedure shall be used by the Department:

1. The project shall first be classified into one or more land use categories based on the type of project. (For example, a mixed-use project would be classified into both the commercial and multifamily residential categories.)
2. An estimate shall then be made of the net increase in water use that would result from the project within each land use category.
3. If the project would require water from a land use category for which no allocation has been made, the application shall be returned to the applicant and shall not be processed.
4. If the project would require more water from a land use category than currently remains, after considering the original allocation minus all existing pre-commitments and dedications, the application shall be returned to the applicant and shall not be processed or shall be denied. An exception shall be allowed if the project would create housing affordable to moderate, low- or very low-income households. In such cases, the project shall be processed and then put on a waiting list until water resources become available.
5. If the project requires water and there is a sufficient supply remaining in the allocation for each category affected by the project to fully meet the anticipated demand, the application may be accepted for processing after meeting all requirements for a complete application established by the City.
6. Upon acceptance of an application as complete by the department, a pre-commitment of water resources shall be temporarily assigned to the project during processing of the application. The department shall keep a record of the remaining balance of water within each allocation category and a running total of all temporary pre-commitments and dedications to ensure that applications are not accepted for processing for which water would be unavailable upon approval. For projects that are denied or abandoned, the pre-

commitment shall be terminated and the water shall be administratively restored to its original allocation category.

B. Approval of Applications. Once an application for a project requiring water resources has been approved, the Department shall permanently reduce the remaining balance within each allocation category affected by the project and shall issue a water release to the Monterey Peninsula Water Management District authorizing a debit to the City's water allocation. This action shall terminate the temporary pre-commitment of water resources and create a permanent dedication of water resources to the project, subject to all applicable time limits established in the permit or by the municipal code.

C. Abandonment of Dedicated Water Resources. Upon making a determination that a water release has expired without use, or that time limits applicable to a project have expired without implementation, all water previously dedicated to a project, but not used, shall be considered abandoned. All water abandoned or not used by such unimplemented projects shall be returned to the allocation category from which it originated and shall become available for use by subsequent projects. For projects that are implemented and water demand was overestimated, any remaining, unused water shall be credited back to the City's unallocated reserve. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

¹ Prior legislation: Ords. 87-14 and 93-11.