

Monterey County
Water Resources Agency

Ordinance No. 3718

AN URGENCY ORDINANCE OF
THE MONTEREY COUNTY WATER RESOURCES AGENCY
AMENDING ORDINANCE NOS. 3663 AND 3717
TO PROVIDE CERTAIN STANDARDS FOR THE GRANTING OF VARIANCES
TO THE TIME REQUIREMENTS FOR THE INSTALLATION OF
WATER FLOWMETERS WITHIN ZONES 2, 2A AND 2B,
AND DECLARING THE URGENCY THEREOF

County Counsel Summary

This ordinance amends Ordinance Nos. 3663 and 3717, which require the installation of water flowmeters on groundwater extraction facilities in the Salinas Valley, so as to add standards for the granting of certain variances to time limits for the installation of flowmeters. Under these standards, a variance would be granted to the requirement for installation of meters by November 1, 1993, or February 15, 1994, to allow installation within four months after the applicable deadline when, on or before the applicable deadline, an order has been placed for the meter installation and the installation will occur within four months after the applicable deadline. The variance would also apply to other requirements that depend on the installation of flowmeters.

WHEREAS on February 2, 1993, the Board of Supervisors adopted Ordinance No. 3663, adopting requirements for water suppliers within Zones 2, 2A and 2B to report water use information for groundwater extraction facilities and service connections, and to install flowmeters on groundwater extraction facilities and service connections, and said ordinance required metering of all water wells covered by the ordinance in Zones 2, 2A and 2B not later than February 15, 1995; and

WHEREAS on July 27, 1993, the Board of Supervisors adopted Ordinance No. 3696, amending Ordinance No. 3663 to advance the time for metering of wells in subareas P-1, P-2, and E-1 of Zones 2 and 2A from February 15, 1995, to November 1, 1993; and

WHEREAS on October 5, 1993, Board of Supervisors adopted Ordinance No. 3717, requiring that all remaining wells subject to the ordinance be metered on or before February 15, 1994, due to

Ordinance No. 3718

requirements of the State Water Resources Control Board and the need to deal more expeditiously with the problems of seawater intrusion and basin-wide overdraft in the Salinas Valley Groundwater Basin; and

WHEREAS the Board of Supervisors finds that the installation of meters on all wells subject to the November 1, 1993, and February 15, 1994, deadlines may not be possible, and that the granting of variances subject to conditions would be an appropriate way to extend the time in cases of hardship;

NOW, THEREFORE, the Board of Supervisors of the Monterey County Water Resources Agency ordains as follows:

SECTION 1. Ordinance Nos. 3663 and 3717 are hereby amended by adding sub-section G. to Section 1.10.20, "Variances," of each ordinance, with sub-section G. to read as follows:

"G. If any person required to install water flowmeters under this ordinance is unable to complete such installation by the applicable deadline and such person has, on or before the applicable deadline, placed an order with a bona fide meter installation company that assures installation on or before June 15, 1994, then, upon application for a variance and proof that these conditions have been met, such person shall be granted a variance, subject to the condition that the meter be installed not later than four months after the applicable deadline. The granting of such a variance shall constitute a variance from the requirements of this or any other ordinance that depend upon the installation of a water flowmeter. In granting such a variance, the General Manager shall designate the timing and means for compliance with such other requirements, as shall be appropriate under the circumstances."

SECTION 2. SEVERABILITY. If any portion of this ordinance is declared invalid or unenforceable by a court of law, such declaration shall not affect any other portion of this ordinance and shall not affect the validity or enforceability of Ordinance No. 3717, and the same shall remain in full force and effect, as though the invalid portions of this ordinance had never been enacted.

SECTION 3. DECLARATION OF URGENCY. This ordinance is necessary to protect the economic needs of the persons subject to the well-metering requirements established in Ordinance No. 3717, which advances the deadline for installing certain meters from the deadlines established in Ordinance No. 3663. It is necessary as an urgency ordinance, in that the State Water Resources Control Board has placed an October 15, 1993, deadline on the Monterey County Water Resources Agency, within which to show proof of substantial progress in implementing short-term measures designed to aid in bringing the Salinas Valley Groundwater Basin into balance so as to

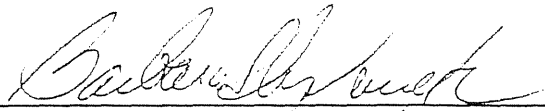
Ordinance No. 3718

help reduce seawater intrusion in the northern part of the basin and nitrate contamination in all parts of the basin. This ordinance is necessary to provide appropriate assurances that the implementation of Ordinance No. 3717 will not work an undue hardship on any person.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect immediately, as to Ordinance No. 3663, and upon the effective date of Ordinance No. 3717, as to that ordinance.

PASSED AND ADOPTED this 5th day of October, 1993, by the following vote:

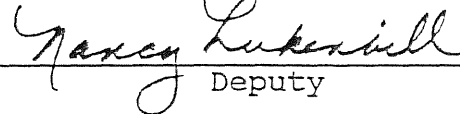
AYES: Supervisors Salinas, Shipnuck, Perkins, Johnsen & Karas.
NOES: None.
ABSENT: None.



BARBARA SHIPNUCK, Chairwoman
Board of Supervisors

ATTEST:

ERNEST K. MORISHITA
Clerk of the Board

By 

Deputy

APPROVED AS TO FORM:

County Counsel

REASONS WHY PROJECT IS EXEMPT: Changing the date for the installation of flowmeters on groundwaters will have no adverse effect on the environment.

The well metering speedup ordinance advances the date by which meters must be installed on groundwater wells in portions of the Salinas Valley Groundwater Basin, and the second ordinance provides for variances from the advanced deadline. This action will have no effect on the environment. It will facilitate the gathering of information about pumping in the Salinas Valley.

The ordinances are exempt from CEQA under the following sections of the CEQA Guidelines, as follows:

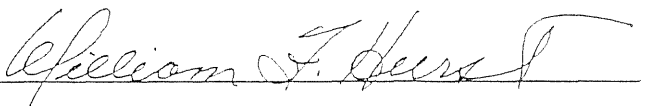
1. Sec. 15061(b)(3): it can be seen with certainty that there is no possibility that the ordinance may have a significant adverse effect on the environment.

2. Sec. 15307: the ordinance is categorically exempt as an action taken by a regulatory agency as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource, where the regulatory process involves procedures for protection of the environment. In the present case, the procedure for protection of the environment was to prepare an initial study under CEQA to analyze the potential environmental effects of the proposed ordinance.

3. Sec. 15308: the ordinance is categorically exempt as an action taken by a regulatory agency as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of the environment, where the regulatory process involves procedures for protection of the environment. In the present case, the procedure for protection of the environment was to prepare an initial study under CEQA to analyze the potential environmental effects of the proposed ordinance.

DATED: October 6, 1993

MONTEREY COUNTY WATER RESOURCES
AGENCY, William F. Hurst,
General Manager

BY 

(EXEMPT1.NOT - 10/6/93)