

Ordinance No. 90

AN ORDINANCE OF THE GOVERNING BOARD  
OF MONTECITO WATER DISTRICT  
ESTABLISHING DEFINITIONS AND CLASSIFICATIONS  
AND AMENDING DISTRICT ORDINANCE 82

WHEREAS the Montecito Water District is a County Water District organized and existing under the laws of the State of California, situated and serving an area entirely within the County of Santa Barbara, State of California; and

WHEREAS the District provides water service for domestic, agricultural, commercial, institutional, and public uses within the District; and

WHEREAS the District, pursuant to Section 31020 of the California Water Code, may do any act necessary to furnish sufficient water in the District for any present or future beneficial use; and

WHEREAS the District, pursuant to Section 31025 of the California Water Code, may establish rules and regulations for the sale, distribution and use of water; and

WHEREAS, beginning in water year 2006-2007, because of unusual climate conditions in the preceding two years, the District began to experience a substantial increase in water usage that resulted in an imbalance between customer demand and the supply available from the District's historically utilized sources of water, causing an increasing dependence on supplemental sources of supply; and

WHEREAS the District responded to the growing supply/demand imbalance by encouraging its customers, through a public outreach program, to voluntarily reduce water consumption and by adopting Ordinance 89 on April 15, 2008, which limits water distribution in the event of land division or changes of land use requiring county permits; and

WHEREAS the District's connection through the Central Coast Water Authority to the State Water Project system provides access to 3,300 acre feet of State Water entitlement and the ability to purchase other supplemental State Water supplies as needed, but at a higher cost than the District's other sources of supply; and

WHEREAS the District has determined that a tiered rate structure is needed to promote the conservation of resources and, at the same time, to generate funds sufficient to support the expense of supplemental sources of supply as may be needed to meet demand; and

WHEREAS the District has determined that it needs to make adjustments in classifications so that it can continue to maintain an equitable distribution of the water supply while meeting the health and safety needs of the District;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Montecito Water District as follows:

**Section 1: Amendment to District Ordinance 82**

1.1. Sections 1.2.1, 1.2.3, 1.2.7, 1.2.10, 1.2.11, and Section 1.3 in its entirety, are hereby repealed and replaced by the applicable provisions of this Ordinance.

1.2. As of the effective date of this Ordinance, the use classifications defined and described in this Ordinance shall have the meanings stated in this Ordinance wherever they may appear in the District's ordinances, including Ordinance 82, unless the context requires otherwise.

**Section 2: General Definitions**

For purposes of the use classifications established in this Ordinance, as well as any rates that may be approved for such classifications, the following definitions shall apply:

2.1. **"Mixed Use"** means a property with both domestic and non-domestic uses.

2.2. **"Base Allotment"** means the calculated average amount of water actually delivered to the property per month during the three-year fiscal period 2003/04 – 2005/06. A Base Allotment will be calculated for properties classified as Commercial or Institutional and Public Uses. If the property does not have three years of use history, or if the use changes materially, the District will determine the Base Allotment by taking into account other relevant factors such as the established historical use of the property, or the water usage of properties of comparable sizes or with comparable uses during the Base Allotment period.

**Section 3: Use Classifications**

**3.1. Domestic Uses**

**3.1.1. Single Family Residential (SFR) Use**

Single Family Residential Use includes all properties with a primary single family residential unit. The classification also applies to properties with uses and structures customarily incidental and accessory to single family residential use, such as a guesthouse, cabana, private recreational facilities, livestock grazing, polo fields, and the breeding, raising, training or stabling of horses. Single Family Residential Use also includes all properties with any number of residential condominium units, each of which is served by a separate meter. Home occupations within a residence that are permitted by the County of Santa Barbara, or that are exempt from such permit requirements, are included in this definition. Single Family Residential Use excludes those units defined as Multi-family Residential, and also excludes all Non-domestic Uses. A mixed use property that has both Single Family Residential and Commercial Uses will be billed at the rate applicable to Commercial Uses unless a separate meter is installed to serve each residential unit.

### **3.1.2. Multi-family Residential (MFR) Use**

Multi-family Residential (MFR) Use includes all properties with two or more residential units where at least two units are served by a single “master” meter. The multiple units may be constructed in any combination and configuration, including but not limited to apartment buildings, trailer parks and residential condominiums existing as of the effective date of this Ordinance and served by a single “master” meter. A mixed use property that has both Multi-family Residential and Commercial Uses will be billed at the rate applicable to Commercial Uses unless a separate meter is installed to serve the residential units.

## **3.2. Non-domestic Uses**

### **3.2.1. Commercial Use**

Commercial Use includes all properties where water is used for purposes of business, industry, trade or commerce. It includes businesses and industries that produce or sell goods or services, whether such sales are wholesale or retail. Commercial Uses shall include, but are not limited to, offices, retail stores and complexes, banks, restaurants, hotels, grocery stores, specialty markets, and manufacturing and processing facilities. A mixed use Commercial property with Domestic Uses shall be classified as Commercial and billed at Commercial rates unless one or more separate meters is installed to serve the Domestic Uses of the property.

### **3.2.2. Agricultural Use**

Agricultural Use is the exclusive use of at least two contiguous acres of land, under one ownership, to grow crops for human consumption or as floriculture. This classification applies only to properties for which the District has granted an agricultural use classification permit as of the effective date of this Ordinance, and for which the customer provides satisfactory evidence as may be required by the District from time to time to confirm that the property is used principally and predominantly for the cultivation and harvest of crops suitable for human consumption or for use as floriculture. Specifically excluded from this classification are the cultivation of any other crops, ornamental plants grown in containers for onsite retail sale, livestock grazing, polo fields, and the breeding, raising, training or stabling of horses. Any properties that do not meet all requirements of this section at any time following adoption of this Ordinance will be classified or reclassified based on their primary non-agricultural use.

### **3.2.3. Institutional and Public Use**

Institutional and Public Use includes properties, owned privately or publicly, that are used primarily as public offices, schools, churches, cemeteries, philanthropic organizations, membership associations, country clubs, sports clubs, recreational facilities, golf courses and tennis clubs. This classification also includes historic sites that are not in residential use and that are open to the public on a regular schedule. It also includes public entities providing essential services to the community such as Montecito Fire Protection District, Summerland-Carpinteria

Fire Protection District, Montecito Sanitary District, Summerland Sanitary District, and the Montecito Community Hall and Library.

**Section 4: Appeal Procedures**

Appeal procedures under District Ordinance 82, Section 9 shall apply to the provisions of this Ordinance.

**Section 5: Suspension of Conflicting Ordinances, Rules and Regulations**

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms and provisions of any prior District ordinance, resolution, rule or regulation, the terms and provisions of this Ordinance shall be controlling, and inconsistent or conflicting provisions of prior ordinances, resolutions, rules or regulations shall be suspended for as long as this Ordinance remains in effect.

**Section 6: Amendment**

This Ordinance may be amended or repealed, in whole or in part, at any meeting, general or special, of the Board, a quorum being present, by a majority vote of the Board, provided that a written notice of any proposed action shall first have been presented in writing to each Director at least thirty (30) days prior to such meeting. No officer, agent or employee of the District may waive, alter or amend any provision of this Ordinance.

**Section 7: Reservation of Powers**

Nothing in this Ordinance shall prevent the District from exercising any of its powers under the California Water Code, nor shall it be construed as constraining any of the District's powers under the California Water Code, including but not limited to its power to declare a water shortage emergency or a threat of water shortage and to adopt ordinances, resolutions, rules or regulations in response thereto.

**Section 8: Adoption of Findings**

All of the recitals hereinabove set forth are hereby adopted as findings of the Board of Directors of this District.

**Section 9: CEQA Exemption**

The District has considered the potential environmental impacts of this Ordinance and has determined that the adoption of this Ordinance is an exempt action under the California Environmental Quality Act ("CEQA"), California Public Resources Code section 21080(b)(8), and 14 CCR § 15273, which provide that an action is exempt if it is for the purpose of the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by public agencies which the agency finds are for the purpose of meeting operating expenses, purchasing or leasing supplies, equipment, or materials, meeting financial reserve

needs and requirements, or obtaining funds for capital projects necessary to maintain service within existing service areas. The Board has determined and hereby finds that the adoption of new or amended classifications is for the express purpose of restructuring the District's rates and charges in order to accomplish other purposes enumerated in Section 21080(b)(8) and 14 CCR § 15273. Therefore the adoption of this Ordinance is exempt from the requirements of CEQA. This Ordinance constitutes the written findings of the record of the proceedings claiming this exemption. Following adoption of this Ordinance by the District Board of Directors, the General Manager is authorized to prepare and file a Notice of Exemption in compliance with CEQA.

**Section 10: Effective Date and Publication**

This Ordinance shall be in full force and effect thirty days after the date of its adoption (the "Effective Date"), which effective date is declared to be October 1, 2008. This Ordinance shall be published once in full in a newspaper of general circulation, printed, published and circulated in the District within 10 days after adoption.

PASSED AND ADOPTED by the Board of Directors of Montecito Water District on the 20th day of August 2008 by the following vote, to wit:

AYES: Directors Abel, Frye, Morgan, Shaikewitz, and Wilson

NAYS: None

ABSENT: None

**APPROVED:**

*(signed)*

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Richard Shaikewitz, President

**ATTEST:**

*(signed)*

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Tom Mosby, Secretary