



ITEM 13. CONSIDER REQUEST FOR VARIANCE FROM DISTRICT RULE 23-B-2-a REQUIRING A SEPARATE WATER METER FOR EACH WATER USER AT 10 VISTA LADERA, CARMEL VALLEY (APN 187-111-027) –APPLICANT: ELAINE RANKIN

Meeting Date: August 15, 2011
Contact: Stephanie Pintar

Summary

- Mrs. Elaine Rankin is requesting a variance from District Rule 23 at 10 Vista Ladera, Carmel Valley.
- The Rankins constructed a caretaker unit at their home in 1994 that required a separate water meter pursuant to District Rule 23.
- District Rule 23-A-1-i requires that each water user have a separate water meter. A “user” is defined as a customer or consumer of water. Each Dwelling Unit is deemed a separate and distinct User, except that a User may extend incidental water use (e.g. a single Bar Sink) to another for convenience.

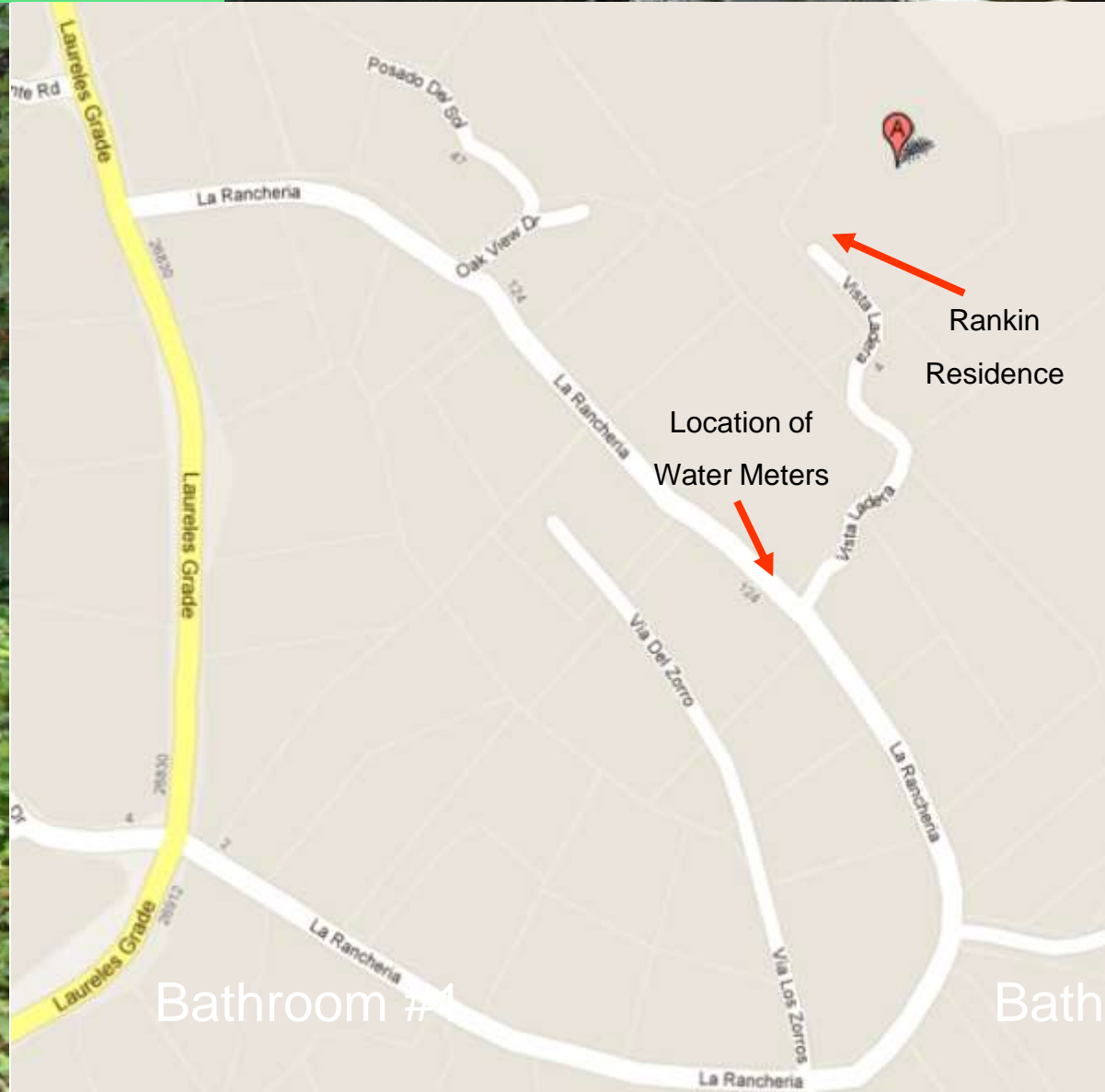
Summary

- MPWMD was contacted by Monterey County earlier this year when Mrs. Rankin applied for a building permit to allow the caretaker unit to be rented as a second unit.
- MPWMD had not been contacted to conduct a final inspection prior to that contact and was unaware that a water meter to the caretaker unit had not been installed as required by MPWMD Water Permit 14059.
- During discussions with Mrs. Rankin, it became apparent that her property was non-compliant with the Water Permit conditions and that compliance would be required before the County would act on her application.

Summary

- Mrs. Rankin obtained a quote from John Ford Construction to install the water line, booster pump system and backflow needed to separately plumb the caretaker unit.
- The quote from John Ford Construction was \$65,000.
- The cost is due to the location of this property in relation to the water main. The house is over 1,100 feet from the main and is up a steep hillside.

Summary



Vista Ladera is a private road located off of La Rancheria Road in Carmel Valley. Vista Ladera is located on a steep hillside, east of Los Laureles Grade Road and north of Carmel Valley Road.

Summary

- In addition to the fact that her home is located some distance from the location of the water meter, Mrs. Rankin is 84 years old and living on a fixed income and needs to rent the unit to generate enough income to stay in the home she and her late husband built in 1975.
- Mrs. Rankin's request is to have the requirement for a second water meter for her property waived due to the extreme expense of metering and delivering the water to the one-bathroom caretaker unit located above the garage of her home.
- She has agreed to install an in-line meter to monitor water usage in the caretaker unit, if necessary.

Summary

- District Rule 90 enables the Board to exercise its discretion by granting a variance in select circumstances. Rule 90 provides, in part:
 - “The Board may, after holding a public hearing, in specific cases, grant a variance from any provision of the standards incorporated into these Rules and Regulations whenever it finds: (a) that **Special Circumstances exist** in a particular case, and (b) that **practical difficulties or Undue Hardship would result** from the strict interpretation and enforcement of any such standard, and (c) that the granting of such a variance **would not tend to defeat the purposes of these Rules and Regulations.**”
- The Board may place conditions upon the grant of any variance.

Summary

- “Special Circumstances” are defined as “unusual, uncommon, peculiar, unique or rare situations that require Board consideration.”
- The location of the property in relation to the water main (i.e., on a steep hillside at the top of a private road), and the high cost of installing water service to the caretaker unit as a result of the location, could be considered to be Special Circumstances.

Summary

- “Undue Hardship” means “a condition that exists when compliance with a rule, regulation or condition poses significant difficulty when considered in light of unique circumstances related to the application.”
- The physical location of the property and high cost of installing the water line, as well as Mrs. Rankin's personal situation as explained in her application, support a finding of Undue Hardship.

Summary

- The third criteria for a variance, that the granting of a variance would not tend to defeat the purposes of the Rules and Regulations, is a determination of the Board and must be considered if the Board finds that the first two criteria have been met.
- District Rule 23-A-1-i, requiring individual water meters, was adopted to encourage conservation by making each water user accountable for their consumption.
- Individual water meters also facilitate compliance with water use reductions during rationing periods by facilitating assessment of fees to the water user and by demand reduction through physical flow restrictors.

Summary

- Factors against granting the variance are that many other applications are subject to this same criteria, as District Rule 23-B-2-a specifically states: “All new water use permitted by the District shall install a separate water meter to each User.”
- By granting a variance, the Board could essentially nullify the separate meter standard that it has previously set for caretaker units.
- Variances granted in the past have included a requirement for in-line water meters. However, California American Water no longer facilitates sub-metering, making sub-metering an ineffective option.
- Importantly, if a variance is granted, the Board must find that waiving the separate water meter requirement does not tend to defeat the purposes of the MPWMD Rules and Regulations.

Recommendation

- The Board should provide an opportunity for the applicant to present her request for a variance, followed by public comments.
- Following review of the facts and the information provided during the Public Hearing, the Board should determine if a variance to the metering requirement should be granted.
- The Board should then adopt findings supporting its action.



For More Information

Staff reports, ordinances and presentation materials can be found on the District's website at:

www.mpwmd.dst.ca.us

PowerPoint presentations will be posted on the website the day after the meeting