

INVERNESS PUBLIC UTILITY DISTRICT

FIRE DEPARTMENT  WATER SYSTEM

50 INVERNESS WAY NORTH • P.O. BOX 469 • INVERNESS CA 94937 • (415) 669-1414

Board of Directors

Friday, May 14, 2021

AGENDA

9:00 a.m.

Special Meeting

Inverness Firehouse

Opening

1. **Call to Order and Roll Call**
2. **Public Expression:** Opportunity for members of the public to address the Board on matters under the Board's jurisdiction but not on the Agenda. Members of the public may comment on any item on the Agenda at the time the item is considered by the Board. Please note that, in general, the Brown Act precludes the Board members from responding to comments made by the public during Public Expression.

The Business of the District

3. **Request to amend Regulation 117:** Bartolini Request to amend Water Shortage Emergency Regulation to allow new service connections.
4. **Closed Session:** Public Employee Appointment (Fire Chief Position) pursuant to Gov. Code Sec.54957
5. **Reconvene in Open Session**

Closing

6. **Adjournment**

Posted: May 6, 2021

Material provided in the meeting packet is available to the public by contacting the District Office or by visiting www.invernesspubd.org.
Items may not be taken up in the order shown on this Agenda.

For assistance in participating in this event due to a disability as defined under the ADA, please call in advance to (415) 669-1414.

THE PUBLIC IS CORDIALLY INVITED TO ATTEND THIS MEETING

**BOARD OF DIRECTORS: KENNETH J. EMANUELS, PRESIDENT • DAKOTA WHITNEY, VICE PRESIDENT
KATHRYN DONOHUE, TREASURER • BRENT JOHNSON • DAVID PRESS**



SHELLEY REDDING, ADMINISTRATOR

JAMES K. FOX, CHIEF OF OPERATIONS (FIRE CHIEF, WATER SYSTEM SUPERINTENDENT)



Inverness Public Utility District
Special Board Meeting May 14, 2021

Agenda Item No. 1

Call to Order;

Attendance Report



Inverness Public Utility District
Special Board Meeting May 14, 2021

Agenda Item No. 2

Public Expression

Opportunity for members of the public to address the Board on matters under the Board's jurisdiction but not on the posted agenda.

Directors or staff “*may briefly respond to statements made or questions posed*” during Public Expression, but “*no action or discussion shall be undertaken on any item not appearing on the posted agenda*” (Gov. Code §54954.2(a)(3)).

Members of the public may comment on any item listed on the posted agenda at the time the item is considered by the Board.



Inverness Public Utility District
Special Board Meeting May 14, 2021

Agenda Item No. 3

**Request to Amend Regulation 117:
Bartolini Request to amend Water Shortage Emergency
Regulation to allow new service connections.**



Board Agenda Item Staff Report

Subject: Bartolini/Garcia request for an amendment to Water Shortage Emergency Regulation 117 to allow New Service Connection

Meeting Date: May 14, 2021 (special meeting)

Date Prepared: May 10, 2021

Prepared by: Wade B. Holland, Customer Services Manager

Attachments: Letter of request from Nicole Bartolini and Josh Garcia, 4/28/2021
IPUD Resolution 255-2020 (approved 7/20/2020) declaring a Water Shortage Emergency
IPUD Water System Regulation 117 (Water Shortage Emergency)
CDA Planning referral for Bartolini Garcia Coastal Permit and Design Review Amendment (4/6/2021)
IPUD email response to foregoing Planning referral (4/20/2021)
Bartolini/Garcia Application for a New Water Service Connection (dated 4/29/2021)
IPUD letter to Bartolini/Garcia, 5/4/2021, conditionally allocating a New Water Service Connection
IPUD's March 18, 2019, response to Planning referral for Leahy Coastal Permit and Design Review

Recommended Action: Deny request to modify moratorium on issuance of new service connections during Water Shortage Emergency (alternatively, decline to take action on the request)

The Water System's Regulation 117 (attached) specifies the District's restrictions on water usage during a declared Water Shortage Emergency. Regulation 117 became operative and enforceable upon adoption by your Board of Resolution 255-2020 (attached) on July 20, 2020, declaring a Water Shortage Emergency.

Paragraph (e) of Regulation 117 states that "*the Water System shall not provide the physical connection to a system main nor install the meter for a New Service Connection the application for which was received while a declared water shortage emergency was in effect.*"

The Bartolini-Garcia letter of April 28, 2021 (attached), requests that an exception to this moratorium on new connections be created for "*open permits that have a letter of record on file with previous IPUD approval for a new water connection*" so that a meter could be installed to provide service to their undeveloped property at 88 Vision Rd. (A.P. 112-141-13).

The problem with the specific language of their request is that there is no "*letter of record on file*" for the parcel in question, because at the time the water shortage moratorium came into effect the District had never been asked for such a letter and no such a letter had ever been issued. Stated another way, **there has never been a "*previous IPUD approval for a new water connection*" for this parcel.** The first time a request was made to IPUD to provide water to this parcel was when we were contacted (by phone) by Ms. Bartolini on April 27, 2021 (this year), many months after the moratorium had come into effect.

The reference in the Bartolini/Garcia letter to "*open permits*" refers apparently to Design Review and Coastal Development permits issued by the County of Marin in 2019 for development of the parcel by a former owner. Issuance of these types of discretionary permits is a County function, for which the IPUD's limited role is to advise the County on what our requirements would be with respect to providing fire protection and domestic water supply for the specific development being evaluated by the County for issuance of County permits.

More than two years ago, on March 5, 2019, a County planner requested this type of fire and water information from our agency for the County's use in determining whether to approve the two discretionary permits being applied for at that time by the former owner of the property (name of Leahy). Our response, dated March 18, 2019 (attached), and addressed to the County planner (not to the applicant Leahy), stated the conditions under which, at that time, we would provide domestic and fire protection water service.

It is this March 2019 response by IPUD to the County planner that Ms. Bartolini has been regarding as a commitment from IPUD to provide water. This type of standard response to an interagency planning referral is not intended to provide anything more than a statement to the County about the availability of water and the conditions under which it could be provided. Such a response to the County does not constitute our allocation of a new meter, especially when we have not been contacted by anyone about applying for service to the property and paying our required New Service Connection fee.

Here is the backstory.

There are several undeveloped parcels on the steep north side of Vision Rd. in the first block in from Sir Francis Drake Blvd. Over the years, we have received numerous inquiries, typically by telephone, asking about the availability of water for these various parcels; these inquiries have come from Realtors, prospective buyers, architects, planning consultants, etc. Because there is no water main on this section of Vision Rd., we have always responded that provision of municipal water would require installation (at applicant's expense) of a 6-inch main from approximately the intersection of Vision Rd. and Cameron St. eastward along Vision Rd. to the edge of the subject property (and also installation of fire hydrant(s)). Most often, that has been as much as the caller wanted to hear, but when more detail was requested, we would explain our process for applying for a new water service connection and, in this particular case, for entering into a contract with us to have the necessary engineering work performed for the main extension project so that we could estimate what it would cost to install the required facilities. We have no record that before April of this year anyone ever contacted us expressing an actual interest in applying for a water connection for any of these parcels and becoming our customer.

The first time we became aware that someone was pursuing development of one of these parcels was in March 2019 when we received the interagency referral from County Planning that is noted above (for the applicant named Leahy). We never heard anything more about Leahy's application at the County, nor did applicant Leahy ever contact us about pursuing the main extension requirement, applying for service, and paying the New Service Connection fee. We had no knowledge whether the County had even approved Leahy's permits.

In April of this year, more than two years later and some nine months after your Board declared the Water Shortage Emergency, we received a new interagency referral (attached) from County Planning for the same parcel. This one was for a different applicant (Bartolini/Garcia) and it had a different County Planning project number. Nonetheless, the description of the project indicated that the new applicants were seeking to activate and amend previously approved Leahy permits. We responded quickly (by email; copy attached) to this referral because we realized that the response we had provided in 2019 for the Leahy application was no longer applicable due to the Water Shortage Emergency that had come into effect and which, importantly, included a moratorium on new water hookups.

One day later, we were contacted by phone by Nicole Bartolini. It became apparent that she had assumed that the County's approval of a Coastal permit for Leahy somehow constituted an assurance that IPUD was permanently obligated to provide a water hookup. We explained why this was not the case and, moreover, that Leahy had never followed up about obtaining water service.

At her request, we sent Ms. Bartolini an Application for a New Service Connection, which she and Mr. Garcia filed with us on May 3 (attached) together with a check for the New Service Connection fee. We sent to them on May 4 a letter of acceptance (attached) with a statement that a New Water Service Connection has been conditionally allocated for their parcel, but that actual provision of the connection would

have to wait until the Water Shortage Emergency declaration has been cancelled (and a Main Extension Agreement has been executed).

Ms. Bartolini has indicated that Marin County will not further process their Coastal Permit and Design Review Amendment application until IPUD provides categorical assurance that a water meter will be installed. IPUD cannot do that because in this time of climate-change uncertainty and unprecedented drought conditions there is no certainty that the Water Shortage Emergency will be cancelled within a reasonable timeframe that would enable Bartolini/Garcia to proceed with construction of their project. (We have assured them that if at any time they want to withdraw their application, we will fully refund the New Service Connection fee.)

Please be advised that two other applications for new service connections have been submitted to the District since the water shortage emergency was declared (and are also similarly on hold). We don't see any way to accommodate the Bartolini/Garcia request without also obligating the District to provide new meters immediately to these other two applicants (one of them is for an existing residential structure which, presumably, could start using water immediately).

Staff is also concerned that at the same time we are exhorting existing customers to cut back on their water usage and warning them that we may be obligated in coming months to further restrict, even ration, water, it would be difficult to justify why IPUD is continuing to install new meters.

Your options are as follows:

- Vote to grant the Bartolini/Garcia request exactly as stated (which would be meaningless because they don't have a qualifying "*letter of record on file with previous IPUD approval for a new water connection*").
- Vote to grant the intent of the Bartolini/Garcia request by directing staff to bring back an ordinance amending Water System Regulation 117 to modify or delete paragraph (e).
- Vote to deny the Bartolini/Garcia request.
- Decline to take action (at the end of your discussion, the chair could ask for a motion, then if no Director offers a motion, the effect would be that "the Board declined to act on the request").



Board Agenda Item Staff Report

Subject: Addendum to Staff Report for Bartolini/Garcia request for an amendment to Water Shortage Emergency Regulation 117 to allow New Service Connection

Meeting Date: May 14, 2021 (special meeting)

Date Prepared: May 11, 2021

Prepared by: Wade B. Holland, Customer Services Manager

Attachments:

Recommended Action: Provide staff with direction on incorporating an exception into the restriction on installing new meters during a Water Shortage Emergency.

Two items have arisen since the main Staff Report was prepared.

1. An existing customer has contacted us requesting applications for New Service Connections for two undeveloped parcels he owns within the District. We made him aware of the moratorium on new service connections during the Water Shortage Emergency, but he explained that he wants to be “in the queue” when the Water Shortage Emergency is lifted. This means that soon there will likely be five pending new service installations on file.
2. We have been in contact with North Marin Water District after we learned that their restrictions on new service connections while their Water Shortage Emergency is in effect in West Marin include an exception for:

“...connection of property for which the Applicant agrees to defer landscape installation until after the suspension period.”

This is a possibility that your Board may want to consider for incorporation into the rewrite of Regulation 117 that is on the agenda for your regular May 26 meeting.

The following considerations should be kept in mind about this possibility:

- Such an exception would be applicable, presumably, to all three applications for new services that are already on file, as well as to the two potential new applications noted in No. 1 above.
- In four of these five cases, it is most likely that no water will actually be needed before sometime next year at the earliest, by which time it is possible that the Water Shortage Emergency will have been cancelled.
- There is no assurance about the rainfall pattern this winter, so it is possible that the Water Shortage Emergency will still be in effect a year from now and perhaps even indefinitely into the future thereafter.
- We have no knowledge of whether granting a meter subject to this exception would be acceptable to County Planning and they would be willing to proceed with issuance of Coastal Development and Design Review permits, as well as subsequent issuance of building permits.

If your Board wishes to proceed with the possibility of incorporating such an exception into the rewrite of Regulation 117, here are some items for which your direction is requested:

- Is the wording of North Marin’s exception suitable for us as is?

- Should we limit the exception to meters for single-family residences only? (We've never in 41 years had a request for a new meter for anything other than a single-family residence, so the likelihood of a meter for some other purpose is probably too low to bother with including such a provision).
- Should we add language restricting outdoor water usage to what is minimally necessary for construction purposes (and explicitly barring use of system water for any other use, including for existing landscaping, for example)?
- Should applicability of the exception be available only while water rationing is not in effect?

April 28, 2021

Dear Board of Directors for the Inverness Public Utilities District,

We received the unfortunate news yesterday from the assigned County of Marin Planner, Sabrina Cardoza, that the lot we purchased (at 88 Vision Rd.) in January 2021 is currently unbuildable due to IPUD's refusal to issue a new water connection at this time due to the water shortage emergency.

We have been looking to buy or build a home in Inverness for years. While not our "dream lot" due to the hillside location, we specifically decided to purchase 88 Vision because the property already had an active open coastal permit (P2356), and all infrastructure and exploration into building feasibility had already been completed and approved by the County of Marin, Design review and Coastal permitting process. The purchase of the lot included all the necessary disclosures, studies and approvals for building, including a letter from IPUD acknowledging that the property's application was complete for water system purposes. After purchasing the lot, in March of 2021 we applied for an amendment to the coastal permit because we want to reduce the square footage of the home (as compared to the previously-approved plans), and to incorporate solar power.

In the midst of the planning and approval process for the development at 88 Vision that was approved prior to our buying the property, on March 18, 2019, IPUD provided a letter to County Planner Sabrina Cardoza (then Sabrina Sihakom), which reads in relevant part as follows:

Inverness Water System

3. The application appears to be complete for Water System purposes.
4. Applicants must enter into a Main Line Extension Agreement with the Inverness Public Utility District in order for the District's Water System to provide domestic and fire protection water service to the subject property. District requests that this requirement be made a condition of project approval.

When we purchased this lot, we read all disclosures, and we were aware of and prepared to comply with the main line extension agreement with IPUD pursuant to IPUD's March 2019 letter. In making the decision to purchase the lot, we relied on the disclosures, including IPUD's letter to the County (including IPUD's statement that the application appears to be complete, and that all that would be required is a main line extension agreement) and the County's approval of the planned development. At no time prior to buying the property were we made aware that IPUD had made a decision to stop issuing new water connections. Simply, we would not have bought the property at 88 Vision had we been aware of that decision.

In addition, our understanding was that we didn't need to contact IPUD regarding a main line extension and water connection until we moved on to the process of applying for our building permit to start construction. At the time we purchased the lot, we understood that we had all needed information from IPUD and that we were aware of any conditions IPUD had put in place for our lot.

It appears there is no process of notification for anyone holding an open permit, so the change to not grant new water connections was not included in the property disclosures, nor was our local real estate agent aware. We had no way of knowing this would be an issue that would prevent us from building.

I grew up in Inverness, and our family spends the bulk of our free time there and my understanding (and the understanding of those I know who currently live in Inverness) has always been that a vacant lot within the jurisdiction of IPUD in Inverness would be issued a water connection assuming the proposed project met all other criteria to build under the guidelines of the Coastal Commission and local building regulations, including IPUD approval, EHS for septic design, etc (as is the case for this lot).

We completely understand that water shortage is a very real and serious issue in Inverness, and the gravity of the drought we've all been in, most recently the lack of rainfall this past winter. We are in no way adversarial to IPUD's efforts to minimize the impact of the water shortage, and fully understand the need for restrictions.

We bought this lot with the hope that we can return to live in the place I grew-up, and the place we both love and have a community of friends and family. With that goal in mind, our plea to you is ultimately a simple one: we are hoping that IPUD will consider revising its current resolution on this issue to account for people in our position---who purchased property in reliance on prior approvals and representations and with no knowledge regarding even the possibility that it would not be possible to bring water to the property. Specifically, we request that you consider revising your resolution and allows new water connections for open permits that have a letter of record on file with previous IPUD approval for a new water connection, especially given that there is no mechanism in place to alert the county planning department or applicants with open permits of these critical changes.

Finally, just so the Board is aware: given the timing of this issue coming to light and where we are in the season we will not be able to break ground until Spring of 2022. Accordingly, please note that we will therefore not actually be using water during this summer of rationing. But the issuance of the new water connection by IPUD is required for us to move forward with any further planning.

We sincerely thank you for your time and consideration,

Nicole Bartolini and Josh Garcia

Handwritten signatures of Nicole Bartolini and Josh Garcia. The signature on the left is a cursive signature, and the signature on the right is a more stylized cursive signature.

RESOLUTION 255-2020

**A RESOLUTION DECLARING THAT A
WATER SHORTAGE EMERGENCY CONDITION
PREVAILS WITHIN THE AREA SERVED BY THE
INVERNESS PUBLIC UTILITY DISTRICT WATER SYSTEM**

- WHEREAS**, the Inverness Public Utility District Water System is a surface water system relying on surface water sources for its water supply; and
- WHEREAS**, weather in general and rainfall in particular are known to be key determinants of the amount of water available from the District's surface water sources; and
- WHEREAS**, the District's measurements of rainfall during the 2019/2020 rainfall year (July 1, 2019 – June 30, 2020) show that rainfall over this period was abnormally low, to wit, 23.08 inches, which is only 61.2% of the 89-year average of 37.72 inches, making 2019/2020 one of the driest year recorded in Inverness and the driest year since 1976/77; and
- WHEREAS**, the District's measurements of rainfall during the five-month period of February–June 2020 show that total rainfall over this period was critically low, to wit, 5.99 inches, which is only 38.6% of the 89-year average of 15.53 inches for the period; and
- WHEREAS**, weather during the spring of 2020 was unusually warm and sunny, and the month of June 2020 was notable for an absence of the morning fog and overcast conditions that typically characterize this time of the year; and
- WHEREAS**, measurements of streamflows at the District's water collection points over the period of January through June 2020 show abnormally low streamflow volumes; and
- WHEREAS**, the District's customer usage records show consistently that customer demand is greatest in the summer and fall months when the streamflows are approaching their lowest volumes; and
- WHEREAS**, there is a general recognition throughout Northern California at this time that drought conditions already or will soon prevail; and
- WHEREAS**, because of limited water supply the operations staff of the Water System has been unable repeatedly since mid-June to maintain adequate reserves to ensure availability of water for essential uses; and
- WHEREAS**, the District's staff initiated on June 25 a water conservation educational effort among the District's customers, which effort has not been fully successful in reducing customer demand to levels that enable maintenance of adequate reserves to ensure availability of water for essential uses; and
- WHEREAS**, the District's Directors convened a teleconferencing public hearing on July 22, 2020, pursuant to Section 351 of the Water Code of the State of California, at which time the public in general and the consumers of the District's water supply in particular were provided an opportunity to present testimony and evidence in favor of or in opposition to a declaration of a water shortage emergency and to present their respective needs for water to the District's governing board; and
- WHEREAS**, a notice of the date and time of, and means of participating in, said public hearing was published, pursuant to Section 6061 of the Government Code, on July 9, 2020, in the *Point Reyes Light*, a newspaper of general circulation in the area of the Inverness Public Utility District; and
- WHEREAS**, in view of the various aforementioned factors and in compliance with the aforementioned requirements, the Board of Directors finds that the District is unable to provide assurance that the ordinary demands and requirements of its water customers can be satisfied in the immediate future without depleting

the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Inverness Public Utility District as follows,

SECTION 1. A Water Shortage Emergency Condition, as defined in Section 350 of the Water Code of the State of California, prevails within the area served by the Inverness Public Utility District Water System.


SECTION 2. The Board of Directors, in compliance with Section 353 of the Water Code of the State of California and so as to regulate and restrict the delivery and consumption of water for public use within the District's service area in order to conserve the water supply for the greatest public benefit, with particular regard to domestic use, sanitation, and fire protection, declares that Inverness Public Utility District Water System Regulation 117, "Water Shortage Emergency," as enacted by Ordinance 58-2001, is now in effect with the full force of law and constitutes the District's emergency water conservation program.

SECTION 3. Pursuant to Section 376(a) of the Water Code of the State of California, the regulations and restrictions implemented by activation of the effectiveness of Water System Regulation 117, "Water Shortage Emergency," shall be effective, implementable, and have the full force of law immediately upon adoption of this Resolution, and shall remain in effect as the District's emergency water conservation program until the Board of Directors declares an end to the water shortage emergency declared by Section 1 of this Resolution.

SECTION 4. The Board of Directors hereby declares that a violation of a requirement of the District's emergency water conservation program may at the discretion of the General Manager be handled by application of the provisions of Sections 377 and 377.5 of the Water Code of the State of California instead of by application of the provisions of paragraph (h), "Enforcement," of Inverness Public Utility District Water System Regulation 117.

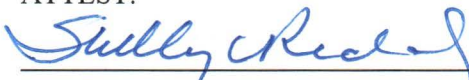
PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Inverness Public Utility District on the 22nd day of July, 2020, by the following vote, to wit:

- AYES:** Directors **Kenneth J. Emanuels, Kathryn Donohue, Brent Johnson, David Press**
- NOES:** **None**
- ABSTAINING:** **None**
- ABSENT:** **Director Dakota Whitney**



Kenneth J. Emanuels, President

ATTEST:



Shelley Redding, Clerk of the Board



I hereby certify that the foregoing instrument is a true and correct copy of the original of Resolution 255-2020 on record in this office and that subsequent to its adoption no declaration contained in Resolution 255-2020 has been amended, modified, or revoked by the governing body.

_____, Clerk of the Board, Inverness Public Utility District, County of Marin, State of California.

By _____ Date _____

Regulation 117

WATER SHORTAGE EMERGENCY

(a) **Declaration of a Water Shortage Emergency**

A Water Shortage Emergency may be declared by the Board of Directors under the conditions cited in, and pursuant to the provisions of, Sections 350 through 358 of the Water Code of the State of California.

(b) **Purpose**

The purpose of this Regulation is to provide such regulations and restrictions on the delivery of water and the consumption of water supplied for public use as will, in the sound discretion of the District's Board of Directors, conserve the District's water supply for the greatest public benefit, with particular regard to domestic use, sanitation, and fire protection. This Regulation is intended to be operative pursuant to a declaration by the Board of Directors that a water shortage emergency condition prevails within the area served by the District.

(c) **Implementation**

This Regulation and its provisions shall be in effect and shall be binding on the customers of the District's Water System with the full force of law immediately upon the adoption by the Board of Directors of the Inverness Public Utility District of a Resolution declaring that a water shortage emergency condition prevails within the area served by the District's Water System, unless said Resolution provides otherwise, and shall remain in full force and effect until the Board of Directors of the Inverness Public Utility District declares an end to the water shortage emergency. In its declaration of a water shortage emergency, the Board of Directors may provide for regulations and restrictions on the delivery and consumption of water other than as provided for in this Regulation, or in addition to the regulations and restrictions provided for in this Regulation; it may also exempt enumerated provisions of this Regulation from being placed in effect during a declared water shortage emergency.

(d) **Limited Effectiveness**

The provisions of this Regulation shall be not be effective or applicable when no duly declared water shortage emergency is in effect in the District.

(e) **New Service Connections**

At any time a water shortage emergency is in effect, the Water System may continue to receive, accept, and process applications for New Service Connections. However, the Water System shall not provide the physical connection to a system main nor install the meter for a New Service Connection the application for which was received while a declared water shortage emergency was in effect. Such connection and meter installation shall be provided only after the water shortage emergency has been duly declared ended.

(f) **Four-Stage Program**

The District's program to conserve the public water supply during a water shortage emergency shall consist of the four stages detailed in subparagraphs (1), (2), (3), and (4) below. These stages shall be implemented as provided for in paragraph (g) below.

(1) **Stage 1: General Conservation and Prohibition of Nonessential Uses of Water**

When Stage 1 is in effect, the Water System shall implement a program of encouraging customers to conserve water and informing them of the need to reduce water usage. In addition, the following non-essential uses of water shall be prohibited during Stage 1:

- a. Any use of water in conjunction with installation of new landscaping or in support of replacement of more than 25 square feet within a 90-day period of replacement landscaping, except as necessary for erosion control or for dust control at construction sites.

- b. Use of water through any service when the customer or the owner of the premises is aware of, or should have cause to be aware of, any broken or defective plumbing, sprinkler, watering or irrigation system, and the customer or owner has failed to effect necessary repairs within ten (10) days.
- c. Use of water which results in flooding or runoff into a gutter, street, roadway, or elsewhere of similar nature.
- d. Use of water through a hose not equipped with a positive shutoff mechanism for washing cars, busses, boats, trailers, or any other types of vehicles.
- e. Use of water through a hose for washing the exteriors of buildings or structures, or for washing sidewalks, driveways, patios, parking lots, athletic or game courts (such as tennis courts), or other hard-surfaced outdoor areas.
- f. Use of water for filling any new swimming pool or for refilling any existing swimming pool, except for reasonable “topping off” or reasonable backwashing-to-waste of existing swimming pools at intervals of not less than fourteen (14) days.
- g. Use of water to clean, fill, or maintain levels in decorative fountains, pools, or ponds exceeding one hundred (100) gallons capacity, except as minimally necessary to maintain existing piscine life.
- h. Use of water for construction purposes, such as consolidating backfill, unless no other source of water or method is reasonably available to be used, and a permit for said use has been issued by the General Manager of the Inverness Public Utility District.
- i. Service of water to a customer by any restaurant or food-service establishment except when requested by the customer.
- j. Use of water without a permit issued by the General Manager to fill any privately-owned water storage tank exceeding one hundred (100) gallons capacity unless said tank is directly online in and an integral part of the customer’s water service connection.

(2) Stage 2: Prohibitions on Outdoor Uses of Water and/or Restrictions on When Outdoor Watering Is Permitted

In addition to the provisions of Stage 1, which shall remain in effect during Stage 2, Stage 2 shall consist of such restrictions on outdoor uses of water as in the judgment of the General Manager are necessary to conserve the District’s water supply for essential uses. Any or all of the following restrictions on water usage may be placed in effect in any order or in any combination by the General Manager during Stage 2:

- a. Prohibition of use of water for washing vehicles (cars, busses, trailers, boats, etc.).
- b. Prohibition of use at any time of sprinkler devices for outdoor watering.
- c. Prohibition of use at any time of timer-activated automatic outdoor watering or irrigation systems.
- d. Prohibition of use of the public water supply to fill swimming pools, outdoor spas, or ornamental ponds exceeding one hundred (100) gallons capacity.
- e. Prohibition of outdoor watering on specified days of the week or month or during specified times of the day.
- f. Permitting outdoor watering only at specified times or on specified days or on a specified schedule, such as permitting outdoor watering on a schedule based on whether a property has an even-numbered or an odd-numbered address.
- g. Permitting outdoor watering only by handheld hose or by watering can or container not exceeding five (5) gallons capacity.

(3) Stage 3: Prohibition of Outdoor Watering at All Times

In addition to the applicable prohibitions of nonessential uses of the public water supply in Stages 1 and 2, which shall remain in effect during Stage 3, all uses of the public water supply for any type of outdoor watering shall be prohibited at all times while Stage 3 is in effect. Under unusual circumstances of unavoidable necessity and for the protection of the general public welfare, the General Manager may grant on a case-by-case basis permits for specified uses of water outdoors while Stage 3 is in effect.

(4) Stage 4: Water Rationing

In the event it is necessary to conserve an even greater portion of the public water supply than is achieved by implementation of Stage 3, the Board of Directors may impose mandatory rationing, either as provided for in Inverness Public Utility District Ordinance 78-2009 or as provided for by other legal means.

(g) Authorization to Implement Stages

- (1) The General Manager shall have full authority to place Stage 1 in effect.
- (2) The General Manager shall have authority to place Stage 2 and Stage 3 in effect, provided that within five (5) days of placing Stage 2 or Stage 3 in effect the General Manager shall notify in writing each of the Directors of the circumstances which, in the General Manager's opinion, made it advisable to place the stage in effect, which notification to the Directors shall also be made available to the public; however, this requirement shall not apply when the stage placed in effect is lower than the stage it replaces. The Directors may, at a subsequent regular meeting or a duly called special meeting, rescind the General Manager's action in placing the stage in effect and may direct that a lower stage be placed in effect.
- (3) Upon adoption by the Board of Directors of a water shortage emergency declaration, the General Manager shall devise and implement a program to inform the public of the applicable provisions of this Regulation.
- (4) The General Manager shall devise and implement means of informing the public whenever a stage is placed in effect or a declared water shortage emergency is ended.

(h) Enforcement

- (1) The following penalties shall be applied in the event of a use of water that is in violation of this Regulation or in violation of a restriction on water usage that is in effect pursuant to implementation of this Regulation while a declared water shortage emergency is in effect.
 - a. First violation at a customer's service: An oral warning shall be issued upon detection of the violation, and a letter explaining the violation shall be mailed to the customer within fourteen (14) days.
 - b. Second violation at the same customer's service: A surcharge of one hundred dollars (\$100.00) for the water used in violation of this Regulation shall be added to the customer's service account.
 - c. Third violation at the same customer's service: A surcharge of two hundred dollars (\$200.00) for the water used in violation of this Regulation shall be added to the customer's service account and a flow restrictor permitting a flow rate of approximately one-quarter (1/4) gallon per minute shall be placed on the customer's service connection for a period of seven (7) days.
 - d. Fourth violation at the same customer's service: A surcharge of three hundred dollars (\$300.00) for the water used in violation of this Regulation shall be added to the customer's service account and a flow restrictor permitting a flow rate of approximately one-quarter (1/4) gallon per minute shall be placed on the customer's service connection for the duration of the water shortage emergency.
 - e. In addition to the applicable penalties above, the customer's service connection shall be turned off and service shall be restored only upon payment of a fifty dollar (\$50.00) service restoration

charge if at the time the violation is detected there is no responsible adult present on the premises.

- f. In addition to the applicable penalties above, the customer's service connection shall be turned off and service shall be restored only upon payment of a fifty dollar (\$50.00) service restoration charge if at the time the violation is detected the person or persons engaged in the violation refuse to immediately cease the usage of water that is in violation of this Regulation.
- (2) A customer charged with a violation of this Regulation may submit an appeal in writing to the Board of Directors within fourteen (14) days of notification of the violation. The Board shall conduct a hearing on the appeal within thirty (30) days of receipt of the appeal. An appeal must be accompanied by a deposit in the amount of the surcharge in the case of an appeal of a second, third, or fourth violation. No flow restrictor shall be maintained on the service connection while an appeal is pending. If the Board sustains an appeal of a violation for which a service restoration charge was paid by the appellant, the service restoration charge shall be refunded to the customer. The decision of the Board of Directors on an appeal shall be final and binding.

(i) **Exceptions and Exemptions**

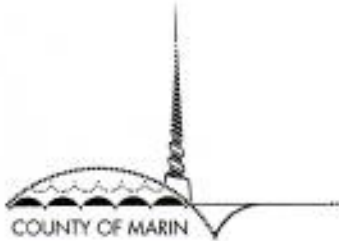
Applications for exceptions to and exemptions from provisions of this Regulation, other than as provided for elsewhere in this Regulation, may be submitted in writing to the Board of Directors. The Board shall conduct a hearing on the application within thirty (30) days of receipt of the application, and shall render a final and binding decision on the application within seven (7) days of concluding the hearing. Nothing in this Regulation shall limit or restrict any public agency engaged in providing emergency services from making any use whatsoever of the water supply for purposes associated with the provision of emergency services. Nothing in this Regulation shall limit or restrict the Water System itself from using water in any manner or fashion or for any use it deems necessary in order to operate the water system and maintain the public water supply.

* * * * *

Regulation 117: Adopted, July 2, 2001 (Ordinance 58-2001)

July 22, 2009: The reference in paragraph (f)(4) to Ordinance 82-1 as providing the mechanisms for imposing water rationing was superseded by Ordinance 78-2009, which provides mechanisms for water rationing that are to be enforced in the event of implementation of Stage 4.

December 16, 2020: Subsection (f)(1)a rewritten; reference in subsection (f)(4) to "Ordinance 82-1" updated to "Ordinance 78-2009." (Ordinance 98-2020)



INTERAGENCY REFERRAL OF PLANNING APPLICATION
Bartolini Garcia Coastal Permit and Design Review Amendment
Project ID P3100

April 6, 2021

The Marin County Planning Division is requesting that public agencies with regulatory authority over the Garcia Bartolini Coastal Permit and Design Review Amendment provide us with written comments on the project by April 20, 2021. The property is located at a vacant property along Vision Road, Inverness, further identified as Assessor's Parcel 112-141-13 (*previously APNs 112-141-03 & -04*).

The applicant's name and contact information is provided below.

Nicole Bartolini and Josh Garcia
nicolejbartolini@gmail.com
joshuajgarcia@gmail.com
415-516-7628

Project Description

On March 29, 2021, the applicants submitted a Planning Application requesting Coastal and Design Review approval to amend the Leahy Gaunt Family Trust Coastal Permit and Design Review (P2356) originally approved on October 24, 2019 via resolution of the Deputy Zoning Administrator number 19-116.

The proposed amendments include the construction of a 1,232 square-foot single-family residence on a vacant lot in Inverness. The proposed development would result in a building area of 1,402 square feet, a floor area of 1,232 square feet, and a floor area ratio of three percent on the 38,862 square-foot lot. The proposed building would reach a maximum height of 23 feet, 7 ½ inches above surrounding grade and the exterior walls would have the following setbacks: nine feet, eight inches from the southern front property line; 96 feet, three inches from the western side property line; 64 feet from the northeastern eastern side property line; and over 100 feet from the northern rear property line. Various site improvements would also be entailed in the proposed development, including a new septic system, driveway, various retaining walls, and a propane tank.

The Leahy Gaunt Family Trust Coastal Permit and Design Review (P2356) approved the construction of a new 1,628 square-foot single family residence and 120 square-foot detached accessory structure (shed) on the subject property. The development is approved to have a building area of 1,748 square feet and a floor area of 1,628 square feet, resulting in a floor area ratio of four percent on the 38,862 square-foot lot. The residence is approved to reach a maximum height of 19 feet, 9 inches above natural grade and is approved to be located 16 feet from the southern front property line; 79 feet from the eastern side property line; 104 feet from the western side property line; and more than 100 feet from the northern rear property line. Various approved site improvements include a septic system, driveway, various retaining walls, and a propane tank.

Coastal Permit approval is required pursuant to interim Marin County Code Section 22.56.0551 because the project entails improvements to a property located in a Coastal zoning district not otherwise exempt from Coastal Permit requirements. Design Review approval is required pursuant to interim Marin County Code Section 22.821 because the project site is located in a planned zoning district.

Zoning: C-RSP-0.5 (Coastal, Residential, Single-Family Planned, 1 unit/2 acres)
Countywide Plan Designation: C-SF3 (Coastal, Single-Family, 1 unit/1-5 acres)
Community Plan (if applicable): Inverness Ridge Community Plan

More information about the project will be available on the Planning Division's website at: <https://www.marincounty.org/depts/cd/divisions/planning/projects> and under the "West Marin" geographical location. Project plans, technical reports, and other documents related to the application are available on the project's webpage, where you can subscribe to receive email notifications and updates.

In your response to this referral, please provide the following information:

1. Indicate whether the application materials contain enough information for you to determine whether the applicant can readily comply with your agency's standards.
2. If the application does not contain enough information for you to determine whether the project can readily comply with your agency's standards, please list the information that you will need to make this determination.
3. If the application contains sufficient information for your review, please indicate whether the project is feasible as proposed or needs substantial modifications to comply with your agency's standards.
4. If the project needs to be substantially modified to comply with your agency's standards, please describe the scope of those modifications.

In your response, please indicate whether you would like to impose requirements on the project. We will forward your comments to the applicants/owners so they are aware of your agency's requirements.

Please contact me at (415) 473-3607 or scardoza@marincounty.org if you have any questions. Thank you.

Sabrina Cardoza
Senior Planner

Wade Holland

From: Wade Holland
Sent: Tuesday, April 20, 2021 1:32 PM
To: 'Sabrina Cardoza'
Subject: P3100 Garcia Bartolini CP & DR (P3100)
Attachments: P2356 Leahy Transmittal response 20190318.pdf

It has come to this District's attention that you have distributed a Planning Referral for the Garcia-Bartolini CP and DR (Project ID P3100) on Vision Rd. in Inverness (AP 112-141-13, -03,- 04). We are the responsible agency for fire protection and domestic water service for this property, but we have no record that we received your current referral. In future, please ensure that we are notified of applicable referrals relevant to this application.

I am attaching our March 2019 response to the previous iteration of this project (P2356). Our response today would be the same as it was in 2019, except that we must add that due to a Water Shortage Emergency that is currently in effect in this District, we would not be able at this time to actually provide water service to the property. We can accept and process an application for a New Service Connection (and Main Line Extension agreement), but any commitment to actually provide water would have to wait until such time as the Water Shortage Emergency declaration has been cancelled by action of this District's Board of Directors.

Wade B. Holland
Customer Services Manager
Inverness Public Utility District
P.O. Box 469
50 Inverness Way North
Inverness CA 94937-0469
(415) 669-1414

INVERNESS PUBLIC UTILITY DISTRICT

P.O. Box 469 ♦ 50 INVERNESS WAY NORTH
INVERNESS CA 94937-0469

(415) 669-1414 ♦ FAX (415) 669-1010 ♦ EMAIL: BILLING@INVERNESSPUD.ORG

APPLICATION FOR A NEW WATER SERVICE CONNECTION

Use this Application to apply for installation of a water meter at a property that is not already served by the IPUD Water System. A separate *Application for Customer Service and Service Agreement* will also be required once installation of the new service connection has been approved.

APPLICANT

- ♦ Name of applicant (must be the property owner) Nicole Bartolini and Joshua Garcia
- ♦ Current mailing address 5 W Brooke Dr
Norato CA 94947
- ♦ Preferred telephone contact number 415-516-7628
- ♦ Other telephone number(s) 415-850-1593
- ♦ Email address nicolej.bartolini@gmail.com

RECEIVED

MAY - 3 2021

INVERNESS PUBLIC
UTILITY DISTRICT

PROPERTY

- ♦ Street address of property to be served 88 Vision Rd Inverness CA 94937
- ♦ Assessor's Parcel Number (APN) 112-141-13
- ♦ Other contiguous parcels under the same ownership and/or considered part of this building site _____

♦ Type of service requested: Residential. Other than residential (describe) _____

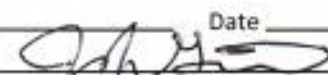
♦ When do you anticipate you will need to have the water meter installed? _____

♦ Size of service desired. A one-inch meter normally provides standard residential service, but the actual size of the service you will need may depend on the water pressure at the served location and on interior fire sprinkler requirements as determined by Marin County building codes. District does not warrant or in any way represent that the one-inch size will satisfy Marin County building code requirements. In the event a larger size connection and facilities are required, replacement of any already installed connection and facilities will be solely at applicant's (or customer's) expense.

1-inch 1½-inch 2-inch 3-inch Other As per IPUD's 6" fire hydrant requirements Will determine later

SIGNATURE(S) OF APPLICANT(S)

Nicole Bartolini  Date 4/29/21
Printed Name _____

Printed Name Josh Garcia  Date 4/29/21

This Application must be submitted with your check in the amount of the New Service Connection Fee that is in effect when a completed Application is received. Please contact the District office for the amount of the current year's New Service Connection Fee.

♦ **YOU MUST COMPLETE BOTH PAGES OF THIS APPLICATION** ♦

DEVELOPMENT

- ❖ First, describe any development that already exists on the property. Then, describe your development plans for the property:

see attached

- ❖ What is the status of your development application with the Marin County Community Development Agency?

Coastal permit

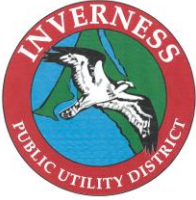
- ❖ Have you provided development drawings to the Community Development Agency? Yes No
(If not, additional information may be required before we can determine that your Application is complete.)

- ❖ Name of your CDA Planner (if applicable) Sabrina Cardoza
- ❖ Person who is principally handling your development plans and application (such as yourself or, as applicable, your architect, contractor, planning consultant, etc.). If other than yourself, please provide that person's name, relationship to your project, and contact information, including mail address, phone, email:

Nicole Bartoloni 415-516-7628
Josh Garcia 415-850-1593

Development:

The parcel is currently undeveloped, however it has an active open coastal permit (project P2356). IPUD has a "Response to community development" on file already for this project, in which it was noted that the application was complete for water system purposes but requires a mainline extension agreement. We have filed for an amendment to build a smaller, more energy efficient home. The proposed amendments include the construction of a 1,232 square-foot single-family residence on a vacant lot in Inverness. The proposed development would result in a building area of 1,402 square feet, a floor area of 1,232 square feet, and a floor area ratio of three percent on the 38,862 square-foot lot. It is a two bedroom, two bath home.



INVERNESS PUBLIC UTILITY DISTRICT

FIRE DEPARTMENT & WATER SYSTEM

POST OFFICE BOX 469

INVERNESS, CA 94937-0469

50 INVERNESS WAY NO. (415) 669-1414 FAX (415) 669-1010

ADMIN@INVERNESSPUD.ORG WWW.INVERNESSPUD.ORG

May 4, 2021

Nicole Bartolini
Joshua Garcia
5 W. Brooke Dr.
Novato, CA 94947-3641

Our Acceptance Date: May 3, 2021

Dear Ms. Bartolini and Mr. Garcia:

Pursuant to your Application for a New Water Service Connection (dated April 29, 2021, and received by IPUD on May 3, 2021), this is to confirm that the Inverness Public Utility District Water System has conditionally allocated a New Water Service Connection for provision of domestic water service to:

Assessor's Parcel No. 112-141-13
Street Address: 88 Vision Rd., Inverness CA 94937

This letter also confirms receipt of your Redwood Credit Union check No. 1694 in the amount of Seven Thousand Eight Hundred Dollars (\$7,800.00), as payment in full of the New Service Connection Fee. Our acceptance is conditional on payment by the bank of your check No. 1694.

Please note and comply with the following:

1. Installation Deposit. You must post with the Water System ~~within 180 days of our Acceptance Date~~ the following deposit to cover the estimated costs of actual installation of the water service connection facilities; installation of a water meter and appurtenant connection facilities will not be undertaken until the Installation Deposit is received:

Installation Deposit: Amount and due date to be determined once current water shortage emergency has been cancelled.

2. Conditions Precedent to Service. You must satisfy all conditions precedent to service, as listed in Paragraph "F" of IPUD Water System Regulation 101 (copy enclosed with this letter), before water service will be provided.

3. Other Requirements.

- a) District will require that you enter into a Main Extension Agreement for installation, solely at your expense, of an extension of the District's 6-inch main from approximately the intersection of Vision Rd. and Cameron St. to a point on Vision Rd. where there is frontage on your parcel 112-141-13; installation of a fire hydrant will also be required.

Extension Agreement and Deposit: Engineering and extension agreement to be determined once current water shortage emergency has been cancelled.

Board of Directors: Kenneth J. Emanuels, President • Dakota Whitney, Vice President
Kathryn Donohue, Treasurer • Brent Johnson • David Press



Shelley Redding, Administrator
James K. Fox, Chief of Operations (Fire Chief, Water System Superintendent)

- b) District will install at your expense a gate valve and swing check valve (estimated cost will be included in the Installation Deposit). These facilities will become your property and your responsibility for maintenance.
- c) Pursuant to your request, District intends to install a one-inch (1-inch) service connection and service facilities; however, District does not warrant or in any way represent that the one-inch size will satisfy Marin County building code requirements. In the event a larger size connection and facilities are required, replacement of any already installed connection and facilities will be at your expense.

Please note the following: Because of the Water Shortage Emergency that was declared in the Inverness Public Utility District on July 20, 2020, we will not be able to further process your Application or install water connection facilities (including the Main Extension) for your new service until the declared Water Shortage Emergency has been cancelled by action of the District's Board of Directors.

You become a customer, and rates and charges will apply, as of the date all conditions precedent to service, plus all requirements noted above, are satisfied and the District is prepared to install the service connection facilities and provide you with water, regardless of whether or not the service connection facilities have actually been installed.

Cordially,

Wade B. Holland
Customer Services Manager

enc. (Regulation 101)



Inverness Public Utility District

Fire Department & Water System

Post Office Box 469

Inverness, CA 94937-0469

50 Inverness Way No. (415) 669-1414 Fax (415) 669-1010
admin@invernesspub.org

RESPONSE TO COMMUNITY DEVELOPMENT AGENCY TRANSMITTAL

March 18, 2019

To: Sabrina Sihakom, Planner (ssihakom@marincounty.org)

Re: **Leahy Gaunt Family Trust Coastal Permit and Design Review**
Vision Rd., Inverness
A.P. Nos. 112-141-03 & -04
Project ID P2356

Date of Transmittal: March 5, 2015

Inverness Fire Department

1. The application appears to be complete for Fire Department purposes.
2. **Interior residential fire sprinklers** will be required per Marin County Code.

Inverness Water System

3. The application appears to be complete for Water System purposes.
4. Applicant must enter into a **Main Line Extension Agreement** with the Inverness Public Utility District in order for the District's Water System to provide domestic and fire protection water service to the subject property. **District requests that this requirement be made a condition of project approval.**

Wade B. Holland
Administrator

cc: Stacey Ford (sbcglobal@gmail.net)

Board of Directors: Kenneth J. Emanuels, President • Dakota Whitney, Vice President
Kathryn Donohue, Treasurer • Brent Johnson • David Press



Wade B. Holland, Administrator
James K. Fox, Chief of Operations (Fire Chief, Water System Superintendent)

From: [Gerald Meral](#)
To: [Shelley Redding](#)
Cc: [carlos.porrata](#); [Woody Elliott](#)
Subject: Bartolini request
Date: Friday, May 7, 2021 1:55:04 PM

Hi Shelley

Please distribute this note to the IPUD Board Members.

I support not including Nicole Barolini in the new connection moratorium, as she has requested. Since IPUD had already agreed to provide her with service, the moratorium should not apply to her.

Many thanks for considering this request.

best regards

Jerry Meral

--

Jerry Meral

jerrymeral@gmail.com
415-717-8412



Inverness Public Utility District
Special Board Meeting May 14, 2021

Agenda Item No. 4

Closed Session

Public Employee Appointment

(Fire Chief Position) pursuant to Gov. Code Section 54957



Inverness Public Utility District
Board Meeting April 28, 2021

Agenda Item No. 5

Reconvene in Open Session



Inverness Public Utility District
Special Board Meeting May 14, 2021

Agenda Item No. 6

Announcements,

Next Meeting,

Adjournment