



Prohibitions and Restrictions for New Water Service Connections During Drought Ordinance 452

June 1, 2021



Overview

- Summary of drought related Board actions and declarations
- Review of options for new water service connections during drought
- Ordinance 452 - prohibitions and restrictions on new water service connections

Summary of Drought Related Board Actions and Declarations

Summary of Drought Related Board Actions and Declarations

- On-going: optimized imported water supply
- February
 - Adopted Resolution 8624 requesting voluntary reductions
 - Utilized Phoenix Lake
 - Directed staff to evaluate rehabilitation of Kastania Pump Station to improve imported water supply efficiency
- March: Initiated technical analysis for alternative release schedules during critical drought period
- April
 - Adopted Resolution 8630 declaring water shortage emergency
 - Adopted Ordinance 449 implementing mandatory conservation measures

Summary of Drought Related Board Actions and Declarations

- May
 - Adopted Ordinance 450 implementing additional mandatory water conservation measures
 - Directed staff to proceed with Kastania Pump Station Rehabilitation Project
 - Utilized Soulajule Reservoir
 - Approved enhancing Drought Response programs for customers by increasing existing conservation incentives or approving new incentive programs
- Public outreach is on-going and extensive



Review of Options for New Water Service Connections During Drought

Options for New Connections During Drought Discussed on April 16 and May 18

- Option 1 - Status Quo
 - Option 2 – Landscape Restrictions
 - Option 3 – Water Demand Offsets in New Service Connections
 - Option 4 – Temporary Prohibition on New Service Connections
- Direction on May 18:
- June 1: bring ordinance to enact prohibitions and restriction on new water service connections (Option 4)
 - Develop water demand offset program for future action (Option 3)

Ordinance 452 – Prohibitions & Restrictions on New Water Service Connections

Prohibition and Restrictions on New Service Connections

- Purpose: prohibit increase in demand on District's water supplies by temporarily limiting new connections during drought
- Prior prohibitions on new service connections:
 - Effective April 1973 – November 1978
 - Effective February 1989 – March 1993

Ordinance 452 Prohibitions on New Service Water Service Connections: General Prohibition

- No new, additional, expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or other water service facilities of any kind, shall be made, allowed, approved or installed as of the effective date of this chapter, except as expressly provided herein.

Ordinance 452 Prohibitions on New Service Water Service Connections: Exemptions

- Fire hydrants
- Expansion of existing water service not requiring payment of any additional connection fees
- Required solely for fire protection
- Public agency projects to improve facilities of that public agency*
- Accessory dwelling units (ADUs) meeting criteria of Section 11.56.040(h) of District Code*

* *No landscaping until prohibitions have been repealed*

Ordinance 452 Prohibitions on New Service Water Service Connections: Consider Adding Affordable Housing Exemption

- Possible additional exemption:

“Affordable housing projects where one hundred percent of the units, with the exception of on-site manager units required for the project, are restricted to occupancy by low income households, as defined by the Health & Safety code.”

Ordinance 452 Prohibitions on New Service Connections: Exemptions – Water Service Applications

- Completed water service application received by 4:00 PM, June 30
- Completed District graywater compliance form
- Letter from fire sprinkler contractor confirming meter size
- Documentation confirming status of road moratorium to determine amount of deposit
- Payment of fees
- Defer installation of landscape until prohibitions are repealed
- Copy of building permit

Ordinance 452 Prohibitions on New Service Connections: Exemptions – Pipeline Extension Agreements

- When is a Pipeline Extension Agreement (PEA) required?
 - Projects that don't front a District main and need to extend District's pipeline
 - Example: The Residences at Preserve Subdivision, Robin Drive, Corte Madera
- Exemptions for Pipeline Extension Agreements
 - Board approved PEAs
 - Completed PEA applications on file by 4:00 PM, June 30
 - Requires all discretionary approvals from lead agency
 - Defer installation of landscape until prohibitions are repealed
 - Subject to Board approval

Ordinance 452 Prohibitions on New Service Connections: Variances

- Undue hardship (not solely financial)
- Present emergency condition affecting the health, sanitation, fire protection or safety of applicant or public
- Appeals process for variance or other decisions
 - File appeal to District's Hearing Officer within 30 days of denial
 - (Similar to County's use of "Code Enforcement Hearing Officer")
 - May appeal Hearing Officer's determination to Board of Directors within 15 days of Hearing Officer's determination

Considerations

- Potential additional water demand savings
- Sunset of ordinance:
 - Consider providing guidance in motion adopting ordinance ending ordinance if total District reservoir storage on April 1, 2022 is above or equal to 60,000 AF (would require above average rainfall)

Recommendation

- Adopt Ordinance No. 452 Adopting New Prohibitions and Restrictions on Water Service Connections Pursuant to Water Code Section 356