



Posting Date: 01-14-2022

## NOTICE OF THE BOARD OF DIRECTORS' REGULAR BI-MONTHLY MEETING

**MEETING DATE:** 01-18-2022

**TIME:** Meeting begins at **6:00 p.m. (Public)**  
Closed Session begins at or after **6:01 p.m. (Only Board and Staff)**  
Open Session for the public begins at **or after 7:00 p.m. (Public)**

**LOCATION:** This meeting will be held virtually, pursuant to Assembly Bill (AB) 361.

To participate online, go to <https://us06web.zoom.us/j/82012780725>. You can also participate by phone by calling **1-669-900-6833** and entering the **webinar ID#: 820 1278 0725**.

**PARTICIPATION DURING MEETINGS:** During the public comment periods, the public may comment by clicking the "raise hand" button on the bottom of the Zoom screen; if you are joining by phone and would like to comment, press \*9 and we will call on you as appropriate.

**EMAILED PUBLIC COMMENTS:** You may submit your comments in advance of the meeting by emailing them to [BoardComment@MarinWater.org](mailto:BoardComment@MarinWater.org). All emailed comments received by 3 p.m. on the day of the meeting will be provided to the Board of Directors prior to the meeting. All emails will be posted on our website. **(Please do not include personal information in your comment that you do not want published on our website such as phone numbers and home addresses.)**

AGENDA ITEMS	RECOMMENDATIONS
Call to Order and Roll Call at 6:00 p.m.	
Adoption of Agenda	<i>Approve</i>

### **Public Comment – Only on Items on the Closed Session**

Comments will be limited to three (3) minutes per speaker, and time limits may be reduced by the board president to accommodate the number of speakers and ensure that the meeting is conducted in an efficient manner.

**Convene to Closed Session at after 6:01 p.m.**  
(Only the Board of Directors and staff will participate)

**MARIN WATER BOARD OF DIRECTORS:** LARRY BRAGMAN, JACK GIBSON, CYNTHIA KOEHLER, LARRY RUSSELL, AND MONTY SCHMITT

**AGENDA ITEMS****RECOMMENDATIONS****Closed Session Items**

1. Conference with Legal Counsel – Anticipated Litigation  
(Government Code § 54956.9)

Worker's Compensation Claim  
Number of Cases: One

2. Liability Claim  
(Government Code § 54956.9 (e)(3))

Claimant: Richardson Bay Sanitary District  
Agency Claimed Against: Marin Municipal Water District

3. Public Employee Performance Evaluation  
(Government Code § 54957)

Title: General Manager

**Convene to Open Session at or after 7:00 p.m.**

**Closed Session Report Out****Public Comment - Items Not on the Agenda**

Members of the public may comment on any items not listed on the agenda during this time. Comments will be limited to three (3) minutes per speaker, and time limits may be reduced by the board president to accommodate the number of speakers and ensure that the meeting is conducted in an efficient manner.

**Directors' and General Manager's Announcements & Committee Reports**  
(7:10 p.m. – Time Approximate)**Consent Calendar** (7:15 p.m. – Time Approximate)

All matters listed on the consent calendar are considered to be routine and will be enacted by a single action of the Board, unless specific items are removed from the consent calendar by the Board during adoption of the agenda for separate discussion and action.

4. Minutes of the Board of Directors' Regular Bi-Monthly Meeting of January 4, 2022	<i>Approve</i>
5. General Manager's Report December 2021	<i>Approve</i>
6. Resolution Continuing the Invocation of the District's Emergency Contracting Procedures for the Rehabilitation of the Kastania Pump Station	<i>Approve</i>

AGENDA ITEMS	RECOMMENDATIONS
7. Request to Fill One Temporary Meter Reader & Repair Worker I Position	<i>Approve</i>
8. Request to Fill Customer Service Field Inspector Position	<i>Approve</i>
9. Request to Fill Senior Customer Service Representative Position	<i>Approve</i>
10. Request to Fill Backflow and Reclamation Specialist Position	<i>Approve</i>
11. Recruitment and Hire of Mechanical & Electrical Maintenance Worker I/II	<i>Approve</i>
12. Request to Fill Assistant Utility/Maintenance Worker Position in the Operations Division	<i>Approve</i>
13. Request to Fill Warehouse Worker I/II Position in the Operations Division	<i>Approve</i>
14. Recruitment and Hire of Treatment Plant Trainee II	<i>Approve</i>
<b>Regular Calendar (7:20 p.m. – Time Approximate)</b>	
15. Certifying Review of the Amended Final Environmental Impact Report for the Oakview Master Plan, Use Permit, and Vesting Tentative Map for the Talus Reserve – Erin Drive Extension, and Approve a Pipeline Extension Agreement – Erin Drive, San Rafael - Talus Reserve (Approximate time 15 minutes)	<i>Approve</i>
16. Water Supply Update (Approximate time 20 minutes)	<i>Information</i>
<b>Public Hearing (7:55 p.m. – Time Approximate)</b>	
17. Adoption of Ordinance No. 457 Repealing Limits on Water Use and Associated Penalties (Approximate time 20 minutes)	<i>Approve</i>
<b>Regular Calendar (8:15 p.m. – Time Approximate)</b>	
18. Prohibiting Non-Functional Turf in Commercial Sector (Approximate time 20 minutes)	<i>Information</i>
19. Future Meeting Schedule and Agenda Items (Approximate time 5 minutes)	<i>Information</i>


**AGENDA ITEMS****RECOMMENDATIONS****Adjournment***(8:40 p.m. – Time Approximate)***ADA NOTICE AND HEARING IMPAIRED PROVISIONS:**

In accordance with the Americans with Disabilities Act (ADA) and California Law, it is Marin Water's policy to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are an individual with a disability and require a copy of a public hearing notice, an agenda, and/or agenda packet in an appropriate alternative format, or if you require other accommodations, please contact Board Secretary Terrie Gillen at 415.945.1448, at least two days in advance of the meeting. Advance notification will enable the Marin Water to make reasonable arrangements to ensure accessibility.

INFORMATION AGENDAS ARE AVAILABLE FOR REVIEW AT THE CIVIC CENTER LIBRARY, CORTE MADERA LIBRARY, FAIRFAX LIBRARY, MILL VALLEY LIBRARY, MARIN WATER OFFICE, AND ON THE MARIN WATER WEBSITE (MARINWATER.ORG)

**FUTURE BOARD MEETINGS:**

- ❖ Thursday, January 27, 2022  
Finance & Administration Committee/Board of Directors (Finance & Administration) Meeting  
9:30 a.m.
- ❖ Tuesday, February 1, 2022  
Board of Directors and Financing Authority Meetings  
7:00 p.m.
- ❖ Tuesday, February 15, 2022  
Board of Directors and Financing Authority Meetings  
6:00 p.m.
- ❖ Wednesday, February 16, 2022  
Communications & Water Efficiency Committee/Board of Directors (Communications & Water Efficiency) Meeting  
9:30 a.m.



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Board Secretary



## Approval Item

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**TITLE**

Minutes of the Board of Directors' Regular Bi-Monthly Meeting of January 4, 2022

**RECOMMENDATION**

Approve the adoption of the minutes.

**SUMMARY**

On January 4, the board had its regular bi-monthly meeting. The minutes of those meetings are attached.

**DISCUSSION**

None

**FISCAL IMPACT**

None

**ATTACHMENT(S)**

1. Minutes of the Board of Directors' Regular Bi-Monthly Meeting of January 4, 2022

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Communications & Public Affairs Department	 Terrie Gillen Board Secretary	 Ben Horenstein General Manager

**MARIN MUNICIPAL WATER DISTRICT  
BOARD OF DIRECTORS**

**MEETING MINUTES**

**Tuesday, January 4, 2022**

**Via teleconference**

(In accordance with Assembly Bill 361)

**DIRECTORS PRESENT:** Larry Bragman, John Gibson, Monty Schmitt, Larry Russell, and Cynthia Koehler

**DIRECTORS ABSENT:** None

**CALL TO ORDER AND ROLL CALL**

President Koehler called the meeting to order at 7:00 p.m.

**ADOPT AGENDA**

On motion made by Director Gibson and seconded by Director Schmitt, the board adopted the agenda.

There were no public comments.

The following roll call vote was made.

Ayes: Directors Bragman, Gibson, Schmitt, Russell, and Koehler

Noes: None

**PUBLIC COMMENT – ITEMS NOT ON THE AGENDA**

There were two (2) public comments.

**DIRECTORS' AND GENERAL MANAGER'S ANNOUNCEMENTS**

Director Gibson thanked staff for the various drought work performed.

**CONSENT CALENDAR (ITEMS 1-7)**

**Item 1 Minutes of the Board of Directors' Regular Bi-Monthly Meeting of December 14, 2021, and Special Meeting of December 20, 2021**

- Item 2            Resolution Continuing the Invocation of the District’s Emergency Contracting Procedures for the Rehabilitation of the Kastania Pump Station (Resolution No. 8668)**
- Item 3            One Tam Draft 2022-2023 Work Plan and Amendment No. 7 to the Cooperative Agreement**
- Item 4            Resolution Awarding Contract No. 1967 for Forestry Services to Bay Area Tree Specialists (Resolution No. 8669)**
- Item 5            Fiscal Year 2021/2022 California Conservation Corps Forestry, Fuels and Trails Contract**
- Item 6            Resolution to Continue Virtual Meetings Pursuant to Assembly Bill (AB) 361 (Resolution No. 8670)**
- Item 7            Recruitment and Hire of a Control System Administrator in the Operation Division**

On motion made by Director Gibson and seconded by Vice President Russell, the board adopted the Consent Calendar.

There were no public comments.

The following roll call vote was made.

Ayes:            Directors Bragman, Gibson, Schmitt, Russell, and Koehler  
Noes:            None

#### **REGULAR CALENDAR (ITEMS 8-13)**

- Item 8            Organization of the Board of Directors for 2022: (A) Election of President, (B) Election of Vice President, (C) Adoption of Board Calendar, and (D) Committee Appointments**

On motion made by Director Gibson and seconded by Director Bragman, the board moved the appointment of Director Larry Russell as Board President and Director Monty Schmitt as Board Vice President.

There were no public comments.

The following roll call vote was made.

Ayes:            Directors Bragman, Gibson, Schmitt, Russell, and Koehler  
Noes:            None

Next, staff proposed the 2022 Board Calendar. General Counsel MacLean clarified that the calendar should reflect that the regular board meetings could start as early as 5:30 pm to accommodate closed sessions, which staff will attempt to schedule on the second regular board meeting of the month. There were no objections, questions or comments from the board, and no public comments.

On motion made by Director Gibson and seconded by Director Bragman, the board moved adoption of the board meeting calendar for 2022.

There were no public comments.

The following roll call vote was made.

Ayes: Directors Bragman, Gibson, Koehler, Schmitt, and Russell  
Noes: None

Before proceeding to the discussion of committee appointments, President Russell and the directors thanked Director Koehler for her work as past board president.

Afterwards, President Russell led the discussion about the proposed 2022 Committee Appointments explaining the importance of time commitment, as well as share that the committee assignments would remain the same.

Director Gibson proposed formation of a new standing committee to address issues of water supply resiliency, which received the support of the other board members. Additionally, Director Gibson advocated for a new board policy that would set forth guidelines stemming from the agency's experience and lessons learned from the recent drought, the impending climate changes issues and the need to enhance water supply. There was general direction to the General Manager to bring these items back to a future board meeting.

There were three (3) public comments.

On motion made by Director Koehler and seconded by Director Gibson, the Board of Directors moved approval of the 2022 Committee Appointments.

The following roll call vote was made.

Ayes: Directors Bragman, Gibson, Koehler, Schmitt, and Russell  
Noes: None

**Item 9            Resolution Directing the General Manager to Engage in an Environmental Review Process Pursuant to California Environmental Quality Act (CEQA) for the Emergency Intertie Project (Resolution No. 8671)**



Operations Division Manager Paul Sellier brought forth this item. The board provided comments in support of this resolution and action taken by staff.

There were six (6) public comments.

On motion made by Director Gibson and seconded by Director Bragman, the board approved the resolution for directing the general manager to engage in the environmental review process pursuant to CEQA for the East Bay-Marín Emergency Intertie Project.

The following roll call vote was made.

Ayes: Directors Bragman, Gibson, Koehler, Schmitt, and Russell  
Noes: None

**Item 10      Review of Current Drought Restrictions and Future Considerations in Light of Improved Storage Conditions**

Water Quality Manager Lucy Croy presented this item. Following the presentation, the board and staff discussed the three proposed options to repeal or lesson the drought-related actions, including repealing drought penalties and restrictions. As a result, staff was directed to come back to the Operations Committee Meeting with more detail regarding the possible options as well as to address the State's recently adopted emergency drought regulations.

There were six (6) public comments.

This was an informational item. The board did not take any formal action.

**Item 11      Formation of a Citizen Advisory Committee Focused on Water Use Efficiency Initiatives**

Engineering Division Manager Crystal Yezman brought forth this item. Afterwards, the board provided staff feedback with regards to recruitment and communications.

There were no public comments.

This was an informational item. The board did not take any formal action.

**Item 12      Resolution Authorizing the General Manager to Execute Amendment No. 1 to Professional Services Agreement MA-5963 with Woodard & Curran, Inc. for Engineering Services for the Final Design of the Pine Mountain Tunnel Tanks Replacement Project (Resolution No. 8672)**

Associate Engineer Jake Miller brought forth this item. A brief discussion ensued.

There were no public comments.

On motion made by Director Gibson and seconded by Director Bragman, the board approved the resolution to execute Amendment No. 1 for the final design of the project.

The following roll call vote was made.

Ayes: Directors Bragman, Gibson, Koehler, Schmitt, and Russell  
Noes: None

**Item 13 Future Meeting Schedule and Agenda Items**

The board secretary announced the meetings stated on the report.

There were no comments from the board nor from the public on this item.

This being an informational item, the board did not take any formal action.

**ADJOURNMENT**

There being no further business, the regular Board of Directors' meeting of January 4, 2022, adjourned at 8:51 p.m.

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Board Secretary

## Approval Item

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**TITLE**

General Manager's Report December 2021

**RECOMMENDATION**

Approve Report

**SUMMARY****A. HIGHLIGHTS:**

- Submitted updated Emergency Action Plans for dam safety to Cal OES for review
- Executed preliminary design contract for Advanced Metering Infrastructure (AMI)
- Filed IS/MND for Pine Mountain Tunnel Replacement Project with County Clerk and State Clearing House
- The WQ lab ensured that the water supplied met or surpassed water quality regulations by collecting and analyzing over 165 Total Coliform Rule and treatment plant samples.
- Completed draft 30% design plans for 13 potential restoration sites on Lagunitas Creek and submitted CDFW grant proposal to develop 100% design plans for the 7 highest priority sites
- Submitted Annual WR95-17 Water Year Report to State Water Resources Control Board
- Completed New Fuelbreak Construction at Tailor Trail Area, 10 Acres
- Completed Broom Maintenance in Sky Oaks Meadow and Knob I – 130 Acres
- Conducted Forest Restoration project tour with California Coastal Conservancy who is partially funding this year's vegetation and forestry work on the watershed.
- Established contract with Sonoma State University to support Controlled Burn Planning and initiated consultation with Federated Indians Graton Rancheria

## DISCUSSION

### B. SUMMARY:

AF = Acre Feet

Mg/L = milligrams per liter

MPN = most probable number

MPY = mils per year

MG = million gallons

NTU = nephelometric turbidity units

### 1. Water Production:

	FY 2021/22		FY 2020/21	
	(million gallons)	(acre-feet)	(million gallons)	(acre-feet)
<b>Potable</b>				
Total production this FY	3,443	10,567	4,909	15,065
Monthly production, December	418	1,284	563	1,727
Daily average, December	13.49	41.41	18.16	55.72
<b>Recycled</b>				
Total production this FY	114.80	352.31	0.00	0.00
Monthly production, December	4.05	12.43	0.00	0.00
Daily average, December	0.13	0.40	0.00	0.00
<b>Raw Water</b>				
Total production this FY	26.94	82.68	41.23	126.53
Monthly production, December	0.00	0.00	0.33	1.01
Daily average, December	0.00	0.00	0.01	0.03
<b>Imported Water</b>				
Total imported this FY	1,087	3,336	1,182	3,628
Monthly imported, December	263	809	239	734
<b>Reservoir Storage</b>				
Total storage, December	23,771	72,952	14,897	45,718
Storage change during December	8,832	27,105	-511	-1,567
<b>Stream Releases</b>				
Total releases this FY	890	2,731	1,462	4,488
Monthly releases, December	135	414	436	1,338

2. <u>Precipitation:</u>	<u>FY 2021/22 (in.)</u>	<u>FY 2020/21 (in.)</u>
Alpine	37.88	10.08
Bon Tempe	36.82	7.58
Kent	37.34	8.13
Lagunitas *	41.26	8.31
Nicasio	23.67	4.54
Phoenix	42.99	7.41
Soulajule	25.42	5.09

\* Average to date = 19.14 inches

3. <u>Water Quality:</u>		
<u>Laboratory:</u>	<u>FY 2021/22</u>	<u>FY 2020/21</u>
Water Quality Complaints:		
Month of Record	19	14
Fiscal Year to Date	88	87
Water Quality Information Phone Calls:		
Month of Record	8	8
Fiscal Year to Date	61	80

The WQ lab ensured that the water supplied met or surpassed water quality regulations by collecting and analyzing 2,096 analyses on lakes, treatment plants and distribution system samples.

Mild steel corrosion rates averaged 3.83 (0.32 – 7.29) MPY. The AWWA has recommended an operating level of <5 MPY with a goal of <1 MPY.

Complaint Flushing: No flushing events were performed for this month on record.

Tank Survey Program: 20 water storage tank sanitary surveys were performed during the month. 98.45 % planned survey program has been completed for calendar year 2021.

Disinfection Program: 6,795' of new pipeline was disinfected during the month. Performed chlorination's on 41 water storage tanks to ensure compliance with bacteriological water quality regulations.

Tank Water Quality Monitoring Program: Performed 159 water quality-monitoring events on storage tanks for various water quality parameters this month to help ensure compliance with bacteriological water quality regulations.

Summary:

The lab performed 20 sanitary tank surveys, treated 41 tanks for low chlorine, and check an additional 159 tanks for low chlorine residual in December 2021.

**4. Water Treatment:**

<u>Treatment Results</u>	<u>San Geronimo</u>		<u>Bon Tempe</u>		<u>Ignacio</u>	
	Average	Monthly Goal	Average	Monthly Goal	Average	Monthly Goal
Turbidity (NTU)	0.05	≤ 0.10	0.03	≤ 0.10	0.05	≤ 0.10
Chlorine residual (mg/L)	2.54	2.75 *	2.55	2.50 *	2.84	2.75 *
Color (units)	0.7	≤ 15	0.2	≤ 15	0.0	≤ 15
pH (units)	7.9	7.8*	7.7	7.8*	8.1	8.1**

\* Set monthly by Water Quality Lab

\*\* pH to Ignacio is controlled by SCWA

**5. Capital Improvement:**

a. San Geronimo Treatment Plant Permanent Emergency Generator Project

Summary: This project involves the installation of two 1.5 MW generators, electrical equipment, fuel storage tanks and site grading all within the community of Woodacre.

- Project Budget: \$5,375,600
- Monthly Activities: Temporary 2 MW generator has been brought on site and connected and made operable as of May 25<sup>th</sup>. District is currently in the process of working with the Contractor and Consultants on the redesign. BAAQMD has issued new Authority to Construct permits for the Generac System. Construction anticipated to restart in January 2022.

- b. Fire Flow Improvement Program Monterey Ave Pipeline Replacement Project (F18006)  
Summary: This project involves the replacement of 7,200 feet of old leak prone, fire flow deficient pipe in the Town of San Anselmo.
- Project Budget: \$2,180,000.70
  - Monthly Activities: Contractor is currently working on pipeline disinfection and service transfers in preparation for final tie in connections.
- c. Southern Marin Pipeline Replacement Project Phase II (D20022)  
Summary: This project will install 530 feet of pipe to replace old, undersized fire flow deficient pipe in the City of Belvedere and Town of Tiburon.
- Project Budget: \$378,495.50
  - Monthly Activities: Contractor has mobilized to the job site and started installing mainline pipe.
- d. Berry Lane Pipeline Replacement Project (D21007)  
Summary: This project involves the replacement of approximately 350 feet of old leak prone pipe in the Town of Ross.
- Project Budget: \$331,333
  - Monthly Activities: This project has been completed and is currently finalizing punch list items.
- e. Kastania Pump Station Project (D21027)  
Summary: This project involves installing 220 feet of pipe and recommission the pump station.
- Project Budget: \$1,637,777
  - Monthly Activities: Contractor has finished installing all mainline pipe and conducted pipeline disinfection. Contractor should be done with work mid-January 2022.
- f. Fire Flow Improvement Program Ridge Road Pipeline Replacement Project (F21002)  
Summary: This project involves installing 5,310 feet of old leak prone, fire flow deficient pipe in the Town of Tiburon.
- Project Budget: \$2,284,120
  - Monthly Activities: Preconstruction meeting was held in December and contractor is scheduled to begin pipeline installation in January 2022.

## 6. Other:

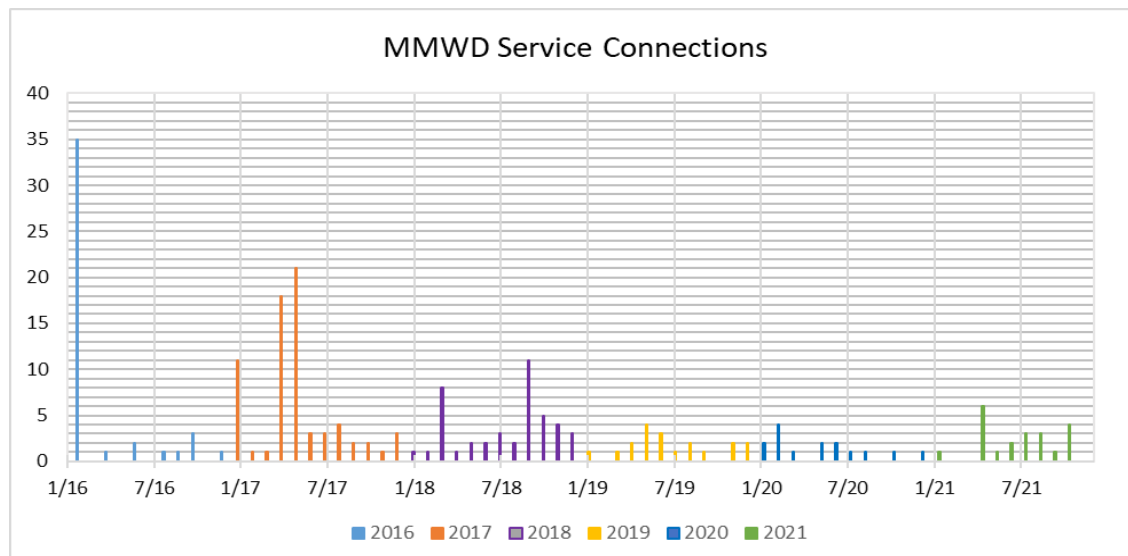
<u>Pipeline Installation</u>	<u>FY2021/22</u>	<u>FY2020/21</u>
Pipe installed during December (feet)	471	1,654
Total pipe installed this fiscal year (feet)	10,293	8,892
Total miles of pipeline within the District	908*	908*

\* Reflects adjustment for abandoned pipelines

<u>Pipe Locates</u>	<u>FY2021/22</u>	<u>FY2020/21</u>
Month of December (feet)	26,694	26,165
Total this fiscal year (feet)	258,452	221,911

<u>Main Line Leaks Repaired:</u>	<u>FY2021/22</u>	<u>FY2020/21</u>
Month of December	13	16
Total this fiscal year	98	91

<u>Services:</u>	<u>FY2021/22</u>	<u>FY2020/21</u>
Service upgrades during December	7	6
Total service upgrades this FY	75	86
Service connections installed during December	0	1
Total active services as of January 1, 2022	60,434	60,472





7. Demand Management:

	Dec-21	FY 21/22 TOTAL	FY 20/21 TOTAL	FY 19/20 TOTAL
<b>WATER-EFFICIENCY PROGRAMS</b>				
<b>Water-Use Site Surveys</b>				
Conservation Assistance Program (CAP) Consultations				
Residential properties resi 1-2 (single-family)	5	559	117	127
Residential properties resi 3-5 (multi-family units)	0	4	5	30
Non-residential properties resi 6-7 (commercial)	0	0	5	3
Dedicated irrigation accounts resi 8-10 (large landscape)	0	1	6	-
Marin Master Gardeners' Marin-Friendly Garden Walks			0	
Residential garden walks	3	74	129	91
<b>CYES Water/Energy Surveys</b>			0	
Residential surveys (on hold due to pandemic)	0	0	0	86
<b>Public Outreach and Education, Customer Service</b>			0	
Public outreach events (number of people attending)	0	0	0	1,150
Public education events (number of participants)	0	0	0	-
Laundry-to-Landscape Graywater webinars (participants)	0	85	397	-
Customer calls/emails admin staff	573	5905	5738	2,230
<b>School Education</b>			0	
School assemblies			0	
Number of activities	0	0	0	15
Number of students reached	0	0	0	6,349
Field trips			0	
Number of activities	0	0	0	11
Number of students reached	0	0	0	91
Classroom presentations			0	
Number of activities	0	0	1	11
Number of students reached	0	0	22	305
Other (e.g. booth events, school gardens)			0	
Number of activities	0	0	0	-
Number of students reached	0	0	0	-
<b>Incentives</b>			0	
Number of HECWs approved	20	130	163	53
Number of Rain Barrel/Cisterns approved	9	37	19	4
"Landscape Your Lawn" Turf Replacements approved	41	218	6	
Number of Laundry-to-Landscape Systems approved	0	26	0	-
Hot water recirculating system rebates	9	75	0	
Pool Cover rebates	11	244	0	
HET rebates	14	30	214	850
Number of Smart Controllers rebates approved	2	37	85	12
Number of Smart Controllers "Flume Direct Distribution" redeemed	73	1374	1140	-
Number of Smart Controllers "Rachio Direct Distribution" approved	8	129	233	-
<b>Advanced Metering Infrastructure (AMI)</b>			0	
AMI leak letters sent to customers (>200 GPD)	61	482	1601	1,384
			0	
<b>ORDINANCES</b>			0	
<b>Water Waste Prevention</b>			0	
No. of properties reporting activity	72	4094	589	147
<b>Landscape Plan Review</b>			0	
Plans submitted	3	23	94	89
Plans exempt	0	1	4	5
Plans completed	0	5	19	23
Plans in workflow (pass & fail)	3	64	154	145
<b>Tier 4 Exemption</b>			0	
Inspections that resulted in a pass	0	0	1	1
<b>Graywater Compliance Form</b>			0	
Applications Received (as of Dec 2019)	2	20	106	39
Systems installed	0	3	7	11

## 8. Watershed Protection:

### Visitation Remained High on Good Weather Days

The Ranger observed that on the days it wasn't raining, especially for during the two week Christmas Holiday period, there continued to be high levels of visitation to the watershed. During the Holiday period on three separate days the parking lots filled to capacity and they was also an uptick in citations issues for Non-payment of Parking Fees.



Rock Spring Parking Lot on New Year's Eve

### Medical Aid Calls

The Rangers responded to two medical aid calls during the month one for a hiker and one from a mountain biker. Both declined ambulance transports to the hospital.

### Rangers help assess for storm damage

Rangers assisted Watershed Maintenance with assessing the watershed for storm related damage. During the month the Rangers cleared multiple downed trees blocking roads and trails.

### Ranger Foot and Bike Patrols

The Rangers completed nearly 75 miles of foot patrols and 36 miles of bike patrols on the Watershed during December.



Incidents and Events	425
Visitor Assists	174
Warnings	112
Citations	62
Dam Check	24
Assist Watershed Maintenance	20
Vandalism	6
Preventative Search and Rescue	6
Citizen Complaint: Off Leash Dogs	3
Closed Parking Due to Capacity Issues	3
Medical Aid	2
Citizen Complaint: Illegal Bike Use	2
Ranger Callout	2
Assist Outside Law Enforcement	1
Misc. Law Enforcement Calls	1
Found Property	1
Misc. Call for Service	1
Citizen Complaint: Smoking	1
Theft	1
Public Outreach/Interp Activity	1
Citizen Complaint: Recreational Impacts	1
Illegal Trail Building	1

Citations	62
Non-payment of parking fees	52
Parking After Sunset	6
No Parking	2
Park on Roadway or Parking w/ 6' Center	2

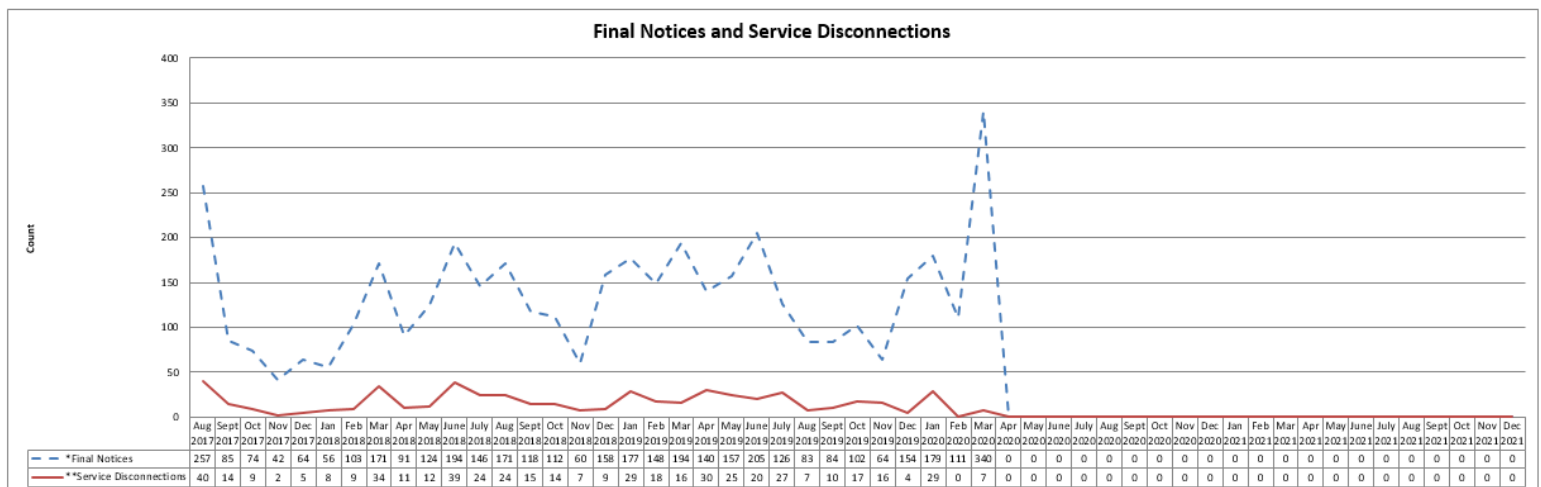
## 9. Shutoff Notices and Disconnections:

December 2021
Final Notices: 0
Service Disconnections: 0

\* Includes 5 day, 10 day and final notices

**\*\*3/13/20 Suspended termination of water service for non-payment due to COVID- 19**

**\*3/24/20 Suspended Late Fees and Final Notices**



FISCAL IMPACT  
None

ATTACHMENT(S)  
None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Office of the General Manager	<div></div> Ben Horenstein General Manager	<div></div> Ben Horenstein General Manager

## Approval Item

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**TITLE**

Continuation of Emergency Contracting Procedures for the Rehabilitation of Kastania Pump Station

**RECOMMENDATION**

Approve a resolution continuing the invocation of the District's emergency contracting procedures to ensure prompt rehabilitation of the Kastania Pump Station as needed for drought response

**SUMMARY**

In connection with the 2021 drought, the District is pursuing the rehabilitation and recommissioning of the Kastania Pump Station (KPS Project), which will enable the District operational flexibility to meet its water supply needs when they cannot be met through gravity flow from the North Marin Aqueduct.

On November 2, 2021, the Board of Directors adopted Resolution No. 8656 invoking the District's emergency contracting procedures (Code Section 2.99.055), which allowed the construction contract to be awarded after informal solicitation of bids. District Code Section 2.90.055(c) requires that the Board review the emergency action and determine by a four-fifths vote whether there is a need to continue the emergency action at each subsequent board meeting.

**DISCUSSION**

The Kastania Pump Station (KPS) is located at 4100 Kastania Road in Petaluma, CA. In 1977, the District designed and built the KPS to increase the flow and pressure in the North Marin Aqueduct and offset the hydraulic impact of increased consumption of imported water by Petaluma and the North Marin Water District (NMWD). KPS pumped water via a 30-inch discharge pipe, which was connected to the North Marin Aqueduct at a point further south on Kastania Road.

The District owned and operated KPS until 1999 when it transferred ownership of the KPS to the Sonoma County Water Agency. Approximately five years later, the California Department of Transportation began planning its Marin-Sonoma Narrows US 101 highway-widening project, which would require portions of the North Marin Aqueduct to be relocated. This led to the development of NMWD's Aqueduct Energy Efficiency Project (AEEP), which installed a new pipeline connecting the existing Kastania Pipeline to an enlarged and relocated North Marin Aqueduct. Upon completion of the AEEP in August 2015, NMWD discontinued operation of the Kastania Pump Station. It has since been out of operation.

In order to preserve the District's water supply, the District is pursuing the rehabilitation and recommissioning of the Kastania Pump Station. On November 2, 2021, the Board of Directors adopted Resolution No. 8656 invoking the District's emergency contracting procedures (Code Section 2.99.055), which allowed the construction contract to be awarded after informal solicitation of bids. In accordance with District Code Section 2.90.055(c), a vote of at least four-fifths of the Directors to continue the emergency action shall take place at every regularly scheduled board meeting thereafter until the action is terminated.

The project is almost complete and the contractor has worked diligently to timely complete the work pursuant to the contract parameters. Despite increased water storage levels, staff believes that completing the project with the current contractor is necessary to avoid increased delay and cost to the District. Therefore, District staff recommend that the Board adopt a resolution continuing the invocation of the District's emergency contracting procedures and authorizing the General Manager to execute necessary contracts to ensure expeditious rehabilitation of the Kastania Pump Station.

#### FISCAL IMPACT

The total capital cost to complete the Kastania Pump Station Rehabilitation Project is estimated to be \$1,637,777. Funding for this project is available within capital reserves.

#### ATTACHMENT(S)

1. Proposed Resolution – Continuation of District's Emergency Contracting Procedures

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Engineering	 Crystal Yezman Director of Engineering	 Ben Horenstein General Manager

**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO.**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL WATER DISTRICT CONTINUING THE INVOCATION OF THE DISTRICT'S EMERGENCY CONTRACTING PROCEDURES FOR CONSTRUCTION OF THE KASTANIA PUMP STATION REHABILITATION PROJECT**

**WHEREAS**, the District, a special purpose municipal corporation, is authorized by District Code Section 2.90.055 to award construction contracts after waiving competitive bidding requirements in certain limited emergency situations; and

**WHEREAS**, on November 2, 2021, the District Board of Directors unanimously adopted Resolution 8656 invoking the District's emergency contracting procedures and authorizing the General Manager to execute necessary contracts for the rehabilitation of Kastania Pump Station; and

**WHEREAS**, rehabilitating the Kastania Pump Station and returning it to service is necessary to improve the operational efficiency of the District's imported water supply, especially during drought when augmenting its water supply and preserving its local supply is essential; and

**WHEREAS**, the District proposes to rehabilitate and complete minor alterations to the Kastania Pump Station to improve the operational efficiency of the District's imported water supply; and

**WHEREAS**, the Board of Directors finds that a significant emergency situation continues to exist due to the ongoing drought conditions in Marin County; and

**WHEREAS**, the delay resulting from a formal competitive solicitation of bids for rehabilitation of the Kastania Pump Station would significantly impair the District's ability to complete the project; and

**WHEREAS**, the Board of Directors finds that this continued emergency action authorizing the General Manager to execute necessary contracts is required to respond to the emergency need to rehabilitate the Kastania Pump Station and to avoid delay and additional costs to the District that would result is a change of direction at this point.

**NOW, THEREFORE, THE BOARD OF DIRECTORS RESOLVES AS FOLLOWS:**

Pursuant to District Code Section 2.90.55, this continued action is necessary to ensure expeditious rehabilitation of the Kastania Pump Station in response to the drought emergency and to avoid additional delay and cost to the District.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of January, 2022, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

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**Larry L. Russell**  
**President, Board of Directors**

**ATTEST:**

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**Terrie Gillen**  
**Board Secretary**



## Approval Item

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**TITLE**

Approval to Fill One Temporary Meter Reader & Repair Worker I Position

**RECOMMENDATION**

Authorize the General Manager to recruit and hire one Temporary Meter Reader & Repair Worker I in the Administrative Services Division

**SUMMARY**

Staff is requesting authorization for the General Manager to recruit and hire one Temporary Meter Reader & Repair Worker I. The former Temporary Meter Reader & Repair Worker I was promoted to a permanent Meter Reader & Repair Worker I position on December 20, 2021, which opened up this Temporary Meter Reader & Repair Worker I position. The Meter Reader & Repair Worker I is responsible for obtaining timely and accurate meter reads, meter leak repair, replacements and investigations as well as maintenance activities needed so customers may utilize Flume devices. Filling this position will allow Meter Operations to address the daily operational needs of the department.

**FISCAL IMPACT**

Salary and benefits for each of these positions are included in the Administrative Services Division budget for FY 2022. The total annual salary with benefits for the Temporary Meter Reader & Repair Worker I position ranges from \$88,695 to \$107,179. Filling this position will not increase the total number of FTEs in the Administrative Services Division.

**ATTACHMENT(S)**

None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Administrative Services	 Charles McBride Finance Director	 Ben Horenstein General Manager

## Approval Item

**TITLE**

Approval to Fill Customer Service Field Inspector Position

**RECOMMENDATION**

Authorize the General Manager to recruit and hire a Customer Service Field Inspector in the Administrative Services Division

**SUMMARY**

Staff is requesting authorization for the General Manager to recruit and hire a Customer Service Field Inspector to fill an open position, which was vacated due to a retirement on November 29, 2021. The Customer Service Field Inspector performs a variety of standard to difficult field service inspections and customer investigations related to start/stop of water service, meter read/leak investigations, off-service water usage, and other customer service related field activities. Filling this position will allow Customer Service to address the daily operational needs of the department.

**FISCAL IMPACT**

Salary and benefits for this position is included in the Administrative Services Division budget for FY 2022. The total annual salary with benefits for the Customer Service Field Inspector position ranges from \$93,214 to \$112,573. Filling this position will not increase the total number of FTEs in the Administrative Services Division.

**ATTACHMENT(S)**

None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Administrative Services	 Charles McBride Finance Director	 Ben Horenstein General Manager



## Approval Item

### TITLE

Approval to Fill Senior (Sr.) Customer Service Representative Position

### RECOMMENDATION

Authorize the General Manager to recruit and hire a Sr. Customer Service Representative in the Administrative Services Division

### SUMMARY

Staff is requesting authorization for the General Manager to recruit and hire a Sr. Customer Service Representative to fill an open position, which was vacated due to a retirement on December 31, 2021. The Sr. Customer Service Representative performs a variety of difficult and complex customer service and office accounting support activities related to the maintenance of water service records, billing for service, delinquent account collection, service inspections, and complaint resolution. Filling this position will allow Customer Service to address the daily operational needs of the department.

### FISCAL IMPACT

Salary and benefits for this position is included in the Administrative Services Division budget for FY 2022. The total annual salary with benefits for the Sr. Customer Service Representative position ranges from \$112,590 to \$138,169. Filling this position will not increase the total number of FTEs in the Administrative Services Division.

### ATTACHMENT(S)

None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Administrative Services	 Charles McBride Finance Director	 Ben Horenstein General Manager

## Approval Item

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### **TITLE**

Approval to Fill Backflow and Reclamation Specialist Position

### **RECOMMENDATION**

Authorize the General Manager to recruit and hire one Backflow and Reclamation Specialist position in the Operations Division

### **SUMMARY**

A recent separation has resulted in the vacancy of one Backflow and Reclamation Specialist position in the Operations Division. This position implements the District's Cross-Connection Control and Recycled Water programs.

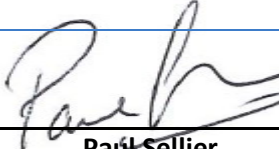

### **DISCUSSION**

The Backflow and Reclamation Specialist position fulfills a number of regulatory compliance duties associated with the District's Cross-Connection Control, Recycled Water, and Water Quality Programs. The position administers the District's cross-connection control and backflow program mandated by California Code of Regulations, Title 17. As part of this program, this position performs inspections of potable water piping as well as directs the installation, testing and repair of District- and consumer-owned backflow prevention assemblies to prevent exposure of potable water from potential contaminant sources. In addition to conducting cross-connection surveys for compliance with state health regulations, this position monitors and inspects business and residential properties to determine cross-connection hazards to the District's water system, and notifies consumers of the annual requirement to test backflow preventers. The Backflow and Reclamation Specialist position is also responsible for regulatory compliance duties associated with the recycled water system, such as recycled water sampling, recycled use monitoring and annual site inspections as required by the Code of California Regulations, Title 22 and the District's permit to operate a recycled water program. This past summer, the Backflow and Reclamation group led the daily operation of the Residential Recycled Water Fill Station at Armory Drive in San Rafael to allow customers easy access to recycled water during the drought.

### **FISCAL IMPACT**

The budgeted amount of \$32,000 reflects the median annual salary with benefits based on filling the position on April 1, 2022. Salary and benefits for the Backflow and Reclamation Specialist position are budgeted in the Operations Division for FY2022. The total annual salary with benefits ranges from a minimum of \$112,100 to a maximum of \$137,600. This position will not increase the District's total number of full-time employees (FTE).

ATTACHMENT(S)  
None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Operations Division	 Paul Sellier Operations Director	 Ben Horenstein General Manager

## Approval Item

**TITLE**

Approval to Recruit and Hire Mechanical & Electrical Maintenance Worker I/II

**RECOMMENDATION**

Authorize the General Manager to recruit and hire one Mechanical & Electrical Maintenance Worker I/II in the Operations Division

**SUMMARY**

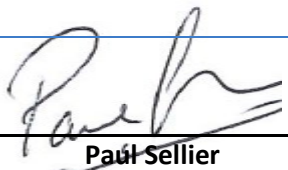
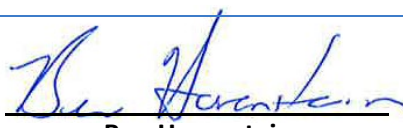
A Mechanical & Electrical Maintenance Worker position became vacant in December of 2021 upon the advancement of an incumbent. Staff is requesting authorization for the General Manager to recruit and hire one permanent Mechanical & Electrical Maintenance Worker. The Mechanical & Electrical department consists of nine positions that include the Mechanical & Electrical Maintenance Supervisor who provides supervision for eight Mechanical & Electrical Maintenance Workers. The group is responsible for maintenance and installation at the district's 3 water treatment plants, 95 pump stations, 128 storage tanks, 7 automated valve stations, 79 regulator systems and HVAC and electrical equipment at District facilities.

**FISCAL IMPACT**

The total annual salary for a Mechanical & Electrical Maintenance Worker II position at step 5 is \$104,544 plus an estimated benefit costs of \$34,500. This position is included in the Operations Division FYE 2022 and 2023 budget. Filling this position will not increase the total number of FTEs in the Operations Division

**ATTACHMENT(S)**

None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Operations Division	 Paul Sellier Operations Director	 Ben Horenstein General Manager

## Approval Item

**TITLE**

Approval to Fill Assistant Utility/Maintenance Worker Position in the Operations Division

**RECOMMENDATION**

Authorize the General Manager to recruit and hire one Assistant Utility/Maintenance Worker in the Operations Division

**SUMMARY**

There is a vacancy in the position of Utility Worker in the System Maintenance Department due to a recent separation. Staff is requesting authorization for the General Manager to recruit and hire one Assistant Utility/Maintenance Worker in the Operations Division.

**DISCUSSION**



The Assistant Utility/Maintenance Worker position is necessary to support the Division in the System Maintenance, Facilities Maintenance and Special Projects Departments. The Assistant Utility/Maintenance Worker classification performs a wide variety of unskilled and semi-skilled tasks in the construction, maintenance, repair and landscaping of District facilities and distribution systems.

**FISCAL IMPACT**

The total annual salary with benefits for the Assistant Utility/Maintenance Worker ranges from a minimum of \$87,497 to a maximum of \$106,532. Salary and benefits for the Assistant Utility/Maintenance Worker are budgeted in the System Maintenance, Operations Division budget for FY2022 and 2023. Filling this position will not increase the total number of FTEs within the Operations Division.

**ATTACHMENT(S)**

None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Operations	 Paul Sellier Director of Operations	 Ben Horenstein General Manager

## Approval Item

**TITLE**

Approval to Fill Warehouse Worker I/II Position in the Operations Division

**RECOMMENDATION**

Authorize the General Manager to recruit and hire one Warehouse Worker I/II in the Operations Division

**SUMMARY**

A Warehouse Worker position in the Operations Division will become vacant in February of 2022 upon retirement of the current incumbent. Staff is requesting authorization for the General Manager to recruit and hire one permanent Warehouse Worker I/II and any other subsequent positions that may become vacant as a result of this recruitment.

**DISCUSSION**

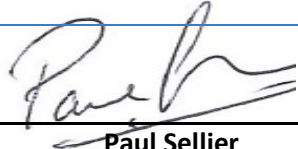

The Warehouse Worker performs a variety of tasks in the ordering, receipt, storage and distribution of materials supporting both maintenance and capital projects. These tasks include using a computerized inventory system to track and maintain adequate stock levels; maintain a variety of records relating to inventory, purchasing and general warehousing activities; conducting and reconciling the annual physical inventory; and operating equipment in connection with the receipt, storage and issuance of materials.

**FISCAL IMPACT**

The total annual salary with benefits for the Warehouse Worker II position ranges from a minimum of \$103,178 to a maximum of \$123,768. Salary and benefits for the Warehouse Worker II are budgeted in the Warehouse, Operations Division budget for FY2022 and 2023. Filling this position will not increase the total number of FTEs within the Operations Division.

**ATTACHMENT(S)**

None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Operations Division	 Paul Sellier Director of Operations	 Ben Horenstein General Manager



## Approval Item

**TITLE**

Approval to Recruit and Hire Treatment Plant Trainee II

**RECOMMENDATION**

Authorize the General Manager to recruit and hire one Treatment Plant Trainee II, in the Operations Division

**SUMMARY**

There are a total of 15 Treatment positions, including two manager positions, in the Operations Division. The incumbent Assistant Superintendent of Water Treatment is retiring in March 2022. The board approved reclassification of two positions (Assistant Superintendent and Treatment Operator) to Supervisor Operators. Since the Supervisor positions will be filled by existing staff (internal recruitment) there will be an opening for a Treatment Plant Trainee II to bring the staffing level back to 15 positions.

Depending on experience, it can take over one year to develop a Treatment Plant Trainee II into a Treatment Plant System Operator III. This approach ensures Trainees are completely familiar with the District's facilities and operations before they assume operational responsibility for a treatment plant.



Filling this position will meet the succession planning goals of the Operations Division and provides the Treatment Plants with a well-trained Treatment Plant Systems Operator III when their training is complete.

**FISCAL IMPACT**

The total annual cost for the Treatment Pant Trainee II position at step 5 is \$146,261 including salary and benefits. This position is included in the Operations Division FYE 2022 and 2023 budget. Filling this position will not increase the total number of FTEs in the Operations Division.

**ATTACHMENT(S)**

None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Operations	 Paul Sellier Director of Operations	 Ben Horenstein General Manager

## Approval Item

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### **TITLE**

Certify Review of the Amended Final Environmental Impact Report for the Oakview Master Plan, Use Permit, and Vesting Tentative Map for the Talus Reserve – Erin Drive Extension and Approve a Pipeline Extension Agreement – Erin Drive, San Rafael – Talus Reserve

### **RECOMMENDATION**

- 1) Adopt a Resolution Certifying Review of the amended Final Environmental Impact Report for the Oakview Master Plan, Use Permit, and Vesting Tentative Map for the Talus Reserve – Erin Drive Extension and approving a Pipeline Extension Agreement for the project with the Applicant, Talus, LLC,
- 2) Adopt a Resolution Making Determinations with Respect to Fees Contained in the Pipeline Extension Agreement
- 3) Adopt a Resolution Finding Impending Peril of Gradual Earth Movement and Determining and Undertaking Appropriate Action to Halt, Stabilize, or Abate Such Peril

### **SUMMARY**

An extension of the District's existing facilities is required to serve a new 28-lot residential development located in the Marinwood neighborhood of San Rafael. Both potable and recycled water mains, services and hydrants are proposed to be installed for the development within a newly created section of Erin Drive.

### **DISCUSSION**

On January 11, 2005, the Board of Supervisors approved the Oakview Master Plan. After the Board's approval, a Parcel Map was recorded creating the subject property, a property to be developed as an assisted living facility, a parcel reserved for Caltrans to build an intersection, and an open space parcel that was dedicated to the Marinwood Community Services District for ongoing public use.

On March 9, 2009, the Marin County Planning Commission approved the Oakview Vesting Tentative Map and Precise Development Plan, which authorized the subdivision of land to develop 28 single family residences. This decision is final, and the Tentative Map is now vested.

Twenty-eight (28) new single family dwellings and 5 detached accessory dwelling units will be constructed and accessed from the end of Erin Drive via an extension of Erin Drive into the subdivision.

The Marinwood Community Service District Fire Department has set the fire flow requirement for the project at 1,500 gallons per minute (gpm) with 20 psi residual pressure. Water service and fire protection for the project will require the installation of approximately 1,840' of 8" water main (potable), 1,860' of 4" water main (recycled), 6-6" potable hydrants, 1-6" recycled

hydrant, 33-1" potable services and 29 recycled services (28-5/8" and 1-1"). The purchase of 9.59 acre-feet of water entitlement, 7.50 acre-feet for the residential units and 2.09 acre-feet for the common area landscaping, is also required (see Attachment 1).

Staff has prepared a Pipeline Extension Agreement for the proposed project that will require the installation of necessary infrastructure, including the installation of individual recycled services for each residential lot to be used for landscape irrigation, all consistent with District standards and the MMRP adopted for the project. A separate recycled service will provide irrigation water for common areas.

### **ENVIRONMENTAL REVIEW**

The District is a Responsible Agency as defined in §15381 of the Guidelines for Implementation of the California Environmental Quality Act with respect to the proposed Pipeline Extension Agreement (PEA) for the Talus Reserve – Erin Drive Extension project. The District has discretionary authority to approve or deny the PEA, which constitutes a project under CEQA (§15378), and is therefore subject to environmental compliance. Prior to reaching a decision on the PEA, the board must consider the environmental effects of the project as shown in the project's Environmental Impact Report (EIR) and make findings pursuant to CEQA Guidelines section 15091.

### **BACKGROUND:**

Marin County, as lead agency, commissioned preparation of an EIR for the then proposed project – the Oakview Master Plan, Use Permit, and Vesting Tentative Map. As part of the proposed subdivision of a larger 106-acre property, the Master Plan included development of 94,400 square feet of office space (in two buildings) and 28 single family residential units. In 2003, the project sponsor revised the development proposal to replace the office development with an assisted-living facility; this change in the development proposal did not affect the single-family residential development. The amended development proposal and findings of the amended Final EIR were presented at a public meeting held on December 6, 2004. At that meeting, the Marin County Planning Commission recommended approval of the amended Oakview project. The Marin County Board of Supervisors certified the amended Final EIR, adopted a Mitigation, Monitoring and Reporting Program for the project, which as implemented was found adequate to mitigate all environmental impacts to less than significant, and approved the amended Oakview project pursuant to Resolution 2005-05 on January 11, 2005. The Notice of Determination was posted from January 19 to February 18, 2005.

The 28-unit residential development was evaluated as a project component in the amended Oakview EIR. It is this portion of the project, which is the subject of the application for a PEA. The amended Oakview EIR addressed the issue of water supply and relied upon the District's affirmation that the District "...will provide water service to the site." The attached memorandum prepared by Environmental Science Associates provides a review of the project's CEQA documentation and determined that the current project, as presented in the PEA application, is consistent with that previously evaluated under CEQA (Attachment 4).

**CEQA FINDINGS:**

Section 15096(h) of the Guidelines states “The Responsible Agency shall make the findings required by Section 15091 for each significant effect of the project and shall make the findings in Section 15093 if necessary.”

Based on review of the project’s existing CEQA documentation (Attachment 3) by staff and the District’s environmental consultant, no impacts were identified as potentially significant that are associated with water demand/supply or fireflow adequacy.

**RECOMMENDATION AND FILING OF NOTICE OF DETERMINATION:**

Staff and the District’s environmental consultant have reviewed the amended Oakview EIR for the project and have determined that the EIR and the MMRP adequately address all potentially significant environmental impacts associated with the extension of water and fireflow to the project site and that all potentially significant environmental impacts through the adopted MMRP and the project conditions will be mitigated to less than significant. On that basis, the District’s Operation Committee referred this item to the board on November 19, 2021. Staff now recommends that the Board 1) adopt a Resolution Certifying Review of the amended Final Environmental Impact Report for the Oakview Master Plan, Use Permit, and Vesting Tentative Map for the Talus Reserve – Erin Drive Extension and approving a Pipeline Extension Agreement for the project with the Applicant, Talus, LLC; 2) adopt a Resolution Making Determinations with Respect to Fees Contained in the Pipeline Extension Agreement; and 3) adopt a Resolution Finding Impending Peril of Gradual Earth Movement and Determining and Undertaking Appropriate Action to Halt, Stabilize, or Abate Such Peril.

Section 15096(h) of the Guidelines states “The Responsible Agency should file a Notice of Determination in the same manner as a Lead Agency under Section 15075 or 15094 except that the Responsible Agency does not need to state that the EIR or Negative Declaration complies with CEQA. The Responsible Agency should state that it considered the EIR or Negative Declaration as prepared by a Lead Agency.” If the Board approves the Talus, LLC PEA, staff will file a Notice of Determination pursuant to 15096(i) with the Marin County Clerk.

**FISCAL IMPACT**

None

**ATTACHMENT(S)**

1. Subdivision Overview
2. Draft Pipeline Extension Agreement
3. [Final Environmental Impact Report](#)
4. Memorandum, *Review of CEQA Documentation for the Talus Reserve – Erin Drive Project*
5. Vicinity Map
6. Site Map
7. Proposed Resolution – Fees Contained in Pipeline Extension Agreement

- 8. Proposed Resolution – Finding Impending Peril of Gradual Earth Movement and Determining and Undertaking Appropriate Action to Halt, Stabilize, or Abate Such Peril
- 9. Proposed Resolution - Certifying Review of the amended Final Environmental Impact Report for the Oakview Master Plan, Use Permit, and Vesting Tentative Map for the Talus Reserve – Erin Drive Extension and approving a Pipeline Extension Agreement for the project with the Applicant, Talus, LLC

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Engineering	 Crystal Yezman Director of Engineering	 Ben Horenstein General Manager

**SUBDIVISION OVERVIEW:**

**APPLICANT:** Robert Parish

**TYPE OF DEVELOPMENT:** Subdivision – 28 SFD's and 5 detached ADU's

**FIRE DEPARTMENT:** Marinwood CSDFD

**FIRE MARSHALL:** Bob Sinnott of SRFD obo Marinwood CSDFD

**FIRE FLOW REQUIRED:** 1,500gpm

**PIPING:** 1,840' of 8", 1,860' of 4" recycled

**HYDRANTS:** 6-6", 1-6" recycled      **Calculated Flow:** 2,600+gpm      **Residual:** 20 psi

**SERVICES:** 33-1" potable & 29 (28-5/8" & 1-1") recycled for landscape irrigation

**SYSTEM:** Lucas Valley      **Elevation:** 347'

**ELEVATION OF PROPERTY:**    Min: 70'      Max: 200'

**PRESSURE:** Max: 115psi    Min: 60psi

**ESTIMATED ANNUAL CONSUMPTION:** 0.25af/SFD + 0.10af/ADU + 2.09af for irrigation: **9.59AF**

**EXISTING HISTORICAL ENTITLEMENT:** 0.0

**LEAD AGENCY:** County of Marin

**TENTATIVE MAP APPROVED:** March 9, 2009

**CEQA:** FEIR

**MARIN MUNICIPAL WATER DISTRICT  
PIPELINE EXTENSION AGREEMENT**

**(MMWD – LUCAS VALLEY-TALUS LLC)  
ERIN DRIVE, SAN RAFAEL – TALUS RESERVE**

**THIS AGREEMENT** is made and entered into this 18<sup>th</sup> day January, 2022, by and between **MARIN MUNICIPAL WATER DISTRICT**, hereinafter called "District"; and **LUCAS VALLEY-TALUS LLC**, hereinafter called "Applicant" as follows:

For valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

Section A. Recitals

1. Applicant has requested a pipeline extension to provide water service to Assessor's Parcel No. 164-270-07 as shown on a map entitled, "Assessor's Map Book 164, Page 27, Scale 1"=400', dated May 27, 2009."
2. District has determined that service to said project will require the installation of 1,840' of 8" pipe, 1,860' of 4" pipe, 7-6" hydrants, 34-1" services and 28-5/8" services and other facilities as set forth in plans prepared therefor.
3. Prior to final approval by the City or County of a Subdivision Map, Precise Development Plan, Parcel Map or other land use application and recordation of a final map for the project, the Applicant shall enter into an agreement with the District and complete financial arrangements for water to each lot, unit or parcel of the project;
4. District has determined that the above mentioned replacement lies within the boundaries of Marinwood Community Services District Fire Department.

Section B. General Provisions

1. **Installation According to District Plans and Specifications:** The pipeline extension applied for and all work done in connection therewith shall be done under the supervision of and to the satisfaction of District, and shall be installed in accordance with detailed plans and specifications or supplemental plans as they may be prepared from time to time therefor by District, in addition to the Mitigation Monitoring and Reporting Program for Applicant's project. District shall have absolute discretion in determining the kind and quality of the work and materials. As the work progresses, District reserves and shall have the right to amend and adapt plans and specifications to meet conditions as they develop. Any extra costs arising from any such revision of plans will be charged to and paid for by Applicant.

ATTENTION IS CALLED TO THE STANDARD SPECIFICATIONS OF DISTRICT WHICH ARE REFERRED TO AND ARE INCORPORATED HEREIN BY REFERENCE AS THOUGH SET FORTH AT LENGTH. APPLICANT AND CONTRACTOR AGREE THAT ALL WORK SHALL BE DONE ACCORDING TO THE PROVISIONS OF THE STANDARD SPECIFICATIONS AND THAT APPLICANT, CONTRACTOR OR HIS SUBCONTRACTORS ARE FULLY BOUND TO ALL PROVISIONS OF THE STANDARD SPECIFICATIONS.

2. **Financial Arrangements:** Prior to issuing written certification to the City, County or State that financial arrangements have been made for construction of the required water facilities, the Applicant shall complete such arrangements with the District in accordance with Paragraph 6.

3. **Construction Scheduling:** Prior to release or delivery of any materials by the District or scheduling of construction inspection by the District, the Applicant shall:

- a. Deliver to the District prints of the utility plans approved by the City or County to enable the District to prepare final water facilities contract drawings.
- b. Grant or cause to be granted to the District without cost and in form satisfactory to the District, title to all real property and rights-of-way required by Paragraph 10.
- c. Deliver to the District a written construction schedule to ensure timely withdrawal of guaranteed funds for ordering of materials to be furnished by the District and scheduling of inspection or construction.

4. **Method of Performance of Work:** Work done under this agreement shall be performed as hereinafter indicated:

**Items of Work:**

Water mains to be installed by .....A  
Fire hydrants to be installed by .....A  
Service connections to be installed by .....A

**Methods of Doing Work:**

- (A) Private contract to be let by Applicant or performed by Applicant's own forces.
- (B) Public contract to be let by District or performed by District's own forces.



5. **Estimated Cost of Work:** The estimated cost of the pipeline replacement applied for as determined by District is as follows:

	<b>Column 1: Materials, Fees, and Charges</b>	<b>Column 2: Installation Costs</b>	<b>Column 3: Total</b>
Pipeline Installation	\$79,700	\$291,000	\$370,700
Hydrant Installation	\$34,200	\$54,000	\$88,200
Service Installation	\$46,650	\$200,650	\$247,300
Recycled Pipeline Installation	\$23,815	\$298,500	\$322,315
Recycled Hydrant Installation	\$11,400	\$9,000	\$20,400
Recycled Service Installation	\$31,523	\$186,615	\$218,138
District Labor & Equipment	\$205,900	\$0	\$205,900
Connection Fee	<u>\$359,117</u>	<u>\$0</u>	<u>\$359,117</u>
<b>TOTAL</b>	<b>\$792,305</b>	<b>\$1,039,765</b>	<b>\$1,832,070</b>

Said cost estimates are made solely for the convenience of District in determining required deposits, bonds, and guarantees. District makes no representations whatever, and assumes no responsibility whatever, regarding the accuracy of said estimates.

6. **Financial Arrangements to Be Made by the Applicant** shall consist of the following:

**Materials, Fees and Charges**

The Applicant shall pay to the District the total estimated cost of Materials, Fees and Charges set forth in Paragraph 5, Column 1, \$792,305.

**Installation Costs**

**Under Method A:** Applicant agrees to hire a private contractor to install the facilities, and therefore, shall provide financial guarantees satisfactory to the District in the form of a performance bond in the amount of \$1,039,765 guaranteeing installation of the facilities and furnishing of bulk material. Applicant's contractor shall furnish a maintenance bond in the amount of \$259,941 guaranteeing the cost of maintaining, repairing, or replacing the facilities during the first two (2) years following completion of all facilities and acceptance by the District.

In addition, the Contractor shall furnish the following insurance requirements:

- a. Workers' Compensation Insurance.
- b. Public Liability - combined single limit of not less than \$1,000,000.
- c. Policy shall specifically name Marin Municipal Water District, its officers, officials, agents, employees and volunteers as an additional insured and shall provide that said coverage is primary to any insurance carried by the District.
- d. A policy statement indicating that there shall be not less than 30 days written notice prior to cancellation.

The Applicant or Contractor may substitute a check written to the District in lieu of a performance or maintenance bond.

7. **Review of Estimates:** All estimated costs set forth in this agreement shall be subject to periodic review and revision at the District's discretion. In the event the Applicant has not completed financial arrangements with the District in accordance with Paragraph 6 within 6 months from the date of this agreement, all estimated fees, costs and charges set forth in Paragraph 5 shall be reviewed and revised if necessary. In the event Applicant has not secured final land use approval for the project from the City or County, recorded a final map and diligently commenced construction of improvements required by those agencies and the District prior to expiration of one year from the date of this agreement, the District may, at its option, either retract financial certifications issued to City, County and State agencies and terminate this agreement or require amendment of this agreement and revision of all costs contained herein. The Applicant shall pay any balance due upon demand or furnish a guarantee of such payment satisfactory to the District.

8. **Extensions of Time:** All extensions of time granted by the City or County for the Applicant to comply with conditions of land use approval or to construct improvements pursuant to a subdivision improvement agreement shall require concurrent extensions of this agreement and shall be cause for review and revision of all water facilities costs set forth in Paragraph 5 hereof. The Applicant shall apply to the District for extension of this agreement prior to approval of the Applicant's request for such extensions by either the City or the County.

9. **Delay or Failure to Complete:** If the District determines that there has been undue delay in completion of any work to be performed by Method A, or a failure to complete the same within a reasonable time, it may demand that Applicant forthwith

either complete all such work or pay to District the District's estimate of the entire amount required to complete all such work. District's determination upon the question of undue delay or failure to complete shall be final and binding upon Applicant. If Applicant fails to comply with said demand within a reasonable time, District may take possession of all parts of the project and may complete it at the expense and for the account of Applicant.

10. **Property and Rights-of-Way**: Applicant must furnish District all necessary and suitable real property and rights-of-way required by Chapter 11.40 of the Marin Municipal Water District Code at least 30 days prior to start of construction, as follows:

**"A deed from the fee owner(s) to District granting a pipeline and access right-of-way over the route of all facilities not falling within publicly dedicated and accepted streets. If, for any reason, such deed cannot be obtained, District will accept a final court decree (to be obtained at Applicant's sole cost and expense) establishing such pipeline and access right-of-way".**

11. **Changes in Estimated Costs - Additional Deposits**: At any time or times prior to completion of installation of the facilities, whether or not the plans and specifications have been changed, District may revise its estimate of any item of estimated cost payable by Applicant to District. If a revised estimate is greater than the amount previously paid, Applicant must pay the excess to District within 30 days after District requests an additional deposit. If the revised estimate is less than the amount previously paid, District will credit the difference to any account then owed by Applicant, or if no such account exists, will refund said difference to Applicant as provided in Paragraph 14.

12. **No Work to be Done Prior to Compliance**: No work shall be performed nor installation made prior to Applicant's delivery to District of all fees, charges, deposits, bonds, and guarantees required by Paragraph 6 nor prior to Applicant's furnishing to District all property and rights-of-way required by Paragraph 10, nor after 30 days has elapsed from District's request for additional deposit pursuant to Paragraph 11 unless said additional deposit has been made.

13. **Termination for Failure to Deliver Deposits, Bonds, Etc.**: Failure to deliver to District any fees, charges, deposit, bond, guarantee, property, or right-of-way, required by Paragraph 6 or 10 within the times set forth in said paragraphs, or failure to commence installation of facilities within the time set forth in Paragraphs 7 and 20, shall constitute a material breach of this agreement for which this agreement may be terminated by District without prior notice.

14. **Payment of Actual Costs**: Upon completion of installation of the facilities, District will determine the actual amount of its costs and expenses thereby incurred. If

the actual amount exceeds the estimate previously paid, Applicant will pay to District the amount of such excess promptly upon demand. If the actual amount is less than the estimate previously paid, District will, upon completion and acceptance of the facilities, credit any excess money to any account then owed by Applicant or refund it. District's determination of such costs and expenses shall be final and binding provided that such determination shall be made upon the basis of generally accepted accounting principles consistently applied and shall be free of arithmetical error. In the event a performance bond or certificate of deposit is being held, it likewise will be released to Applicant upon acceptance of the work by District to the extent that it has not been used or required.

15. **No Interest on Deposits:** No interest shall accrue to or be paid to Applicant for any funds deposited with District pursuant to this agreement except insofar as required by Government Code 53079.

16. **Right to Approve Contractor:** In the event installation is to be made or work done under Method A, District reserves the right to approve or disapprove of the contractor or forces to be used; and no installation may be made except by those approved by District.

17. **Applicant's Responsibility:** Applicant shall take all responsibility for work under this agreement; shall bear all cost or loss resulting to him or to District on account of the nature or character of the work, through timeliness with which Applicant's contractor pursues the work, or because of the nature of the ground in or on which the work is done is different from what is assumed or expected, or on account of the weather, flood, earthquake, landslide, subsidence, unforeseen difficulties, accidents, or any other causes; and Applicant shall assume the defense of, and indemnify and save harmless District and its officers, agents, and employees from all claims of any kind arising from the approval of, letting of bids for the performance of work under this agreement, and the District's approval of this Agreement for the benefit of Applicant, including, but not limited to, any challenges under the California Environmental Quality Act, claims for personal injury, death, property damage, loss of use, and loss of business, and including all such claims as may be asserted by officers, agents or employees of Applicant, his contractor or subcontractors, District, or third parties.

Applicant agrees to provide in any contract entered into with any other party for the performance of work under this agreement, that all work be done pursuant to terms of the Standard Specifications of District, and in compliance with the mitigation measures set forth in the approved Mitigation Monitoring and Reporting Program and that such other party indemnify and save harmless District and its officers, agents, and employees from all claims of any kind arising from performance of said contract or this agreement, including claims for personal injury, death, property damage, loss of use and loss of business, and including all such claims as may be asserted by officers, agents, or employees of Applicant, his contractor or subcontractors, District, or third parties for failure to so provide in any contract let by Applicant.

Applicant agrees to comply with that section of the Standard Specifications requiring public liability insurance which is primary and underlying to District's insurance and specifically naming District as an additional insured.

Before work is commenced, Applicant shall furnish District with a certificate of insurance demonstrating compliance with the worker's compensation insurance and public liability insurance requirements set forth in the Standard Specifications.

18. **Prevailing Wages:** Pursuant to Section 1770 et seq of the Labor Code of the State of California, the Contractor and all subcontractors under him shall pay not less than the prevailing wage rate. The Contractor shall forfeit to the District a penalty, \$25 for each laborer, workman, or mechanic employed for each calendar day or portion thereof such laborer, workman, or mechanic is paid less than the prevailing wage rate for any work done under this contract by him or by any subcontractor under him. Contractor shall submit to the District completed certified payrolls on a weekly basis.

19. **Grade Established:** No work shall be performed or installation made until street subgrades have been established and until curbs and gutters have been installed.

20. **Commencement of Installation:** Applicant must commence installation of the facilities provided for herein within one year after execution of this agreement. Applicant shall give notice to District at least two work days before initially commencing work under this agreement. District shall be notified when work is stopped and when it is started again.

21. **Furnishing of Materials:** All materials will be supplied by District at District's Corporation Yard or Pipe Yard and at replacement cost. Risk of loss of, or damage to materials shall pass to Applicant at the time and place of delivery. Replacement cost will be based on the "moving average unit price" method employed by District.

22. **Inspection by District:** District shall provide an inspector to inspect the installation of facilities. The cost of inspection shall be charged against the job. No part of the facilities installed by Applicant shall be covered or obstructed until same has been inspected and approved by the District inspector.

23. **Acceptance:** District assumes no obligation as to maintenance of the facilities included in this agreement until such time as they are formally accepted. Applicant will be notified in writing of acceptance of the work at such time as all facilities are satisfactorily installed in accordance with the plans and specifications and all paving work is completed. Any cost incurred by District necessitated by emergency or other repairs prior to final acceptance by District will be charged against Applicant.

24. **Title:** Immediately upon acceptance, all right, title and interest in the pipeline extension and all other facilities herein mentioned shall vest in District.

25. **Fire Hydrants:** All fire hydrants will be turned over to the local public agency having control of public fire protection in the area, to be operated and maintained by it the same as other hydrants in the area.

26. **Area Not to be Served Before Acceptance:** Nothing herein contained and no temporary service from any facility herein provided for and no installation provided for herein shall be construed as an agreement or undertaking on the part of District to serve Applicant's property prior to the time this contract shall have been performed in its entirety by Applicant and the facilities shall have been accepted by District.

27. **No Refunds:** No refunds will be made from the sale of the water from this extension.

28. **Dispute Resolution:** Any dispute or claim in law or equity between District and Applicant or Contractor arising out of this agreement, if not resolved by informal negotiation between the parties, shall be mediated by referring it to the nearest office of Judicial Arbitration and Mediation Services, Inc. (JAMS) for mediation. Mediation shall consist of an informal, non-binding conference or conferences between the parties and the judge-mediator jointly, then in separate caucuses wherein the judge will seek to guide the parties to a resolution of the case. If the parties cannot agree to a mutually acceptable member from the JAMS panel of retired judges, a list and resumes of available mediators numbering one more than there are parties will be sent to the parties, each of whom will strike one name leaving the remaining name as the mediator. If more than one name remains, JAMS arbitrations administrator will choose a mediator from the remaining names. The mediation process shall continue until the case is resolved or until such time as the mediator makes a finding that there is no possibility of resolution.

At the sole election of the District, any dispute or claim in law or equity between District and Applicant or Contractor arising out of this agreement which is not settled through mediation shall be decided by neutral binding arbitration and not by court action, except as provided by California law for judicial review of arbitration proceedings. The arbitration shall be conducted in accordance with the rules of Judicial Arbitration and Mediation Services, Inc. The parties to an arbitration may agree in writing to use different rules and/or arbitrators.

This provision is intended to be severable. If this provision is determined by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, it shall be severed from this agreement and shall not affect the validity of the remainder of the agreement.

29. **Merger:** This writing is intended both as the final expression of the agreement between the parties hereto with respect to the included terms of the agreement, pursuant to California Code of Civil Procedure Section 1856, and as a complete and exclusive statement of the terms of the agreement. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

30. **Attorney's Fees:** In the event of legal action by District to collect any sums due from Applicant hereunder, the prevailing party shall be entitled to reasonable attorney's fees to be set by the court.

31. **Interest on Unpaid Accounts:** Any monies owed the District shall begin accruing interest sixty days after the first billing date. Said interest will be the rate District earns on its investments plus one percent, but shall in no event exceed 10% per annum.

32. **Time of the Essence:** Time is of the essence.

33. **Non-Transferable:** This agreement applies only to the parcel(s) of land hereinabove described and may not be transferred to any other parcel(s) of land.

34. **Deadline to Activate Service:** The service connections covered under this agreement must be put to the use for which application was made within eight years of the completion of the facilities installed pursuant to this agreement. If activation is not achieved in the time specified, the District will cause the service to be abandoned and will refund the connection fees, less the cost of abandoning the service, to the owner of record or his designee.

35. **Water Conservation:** Applicant shall install high-efficiency toilets not to exceed 1.28 gallons per flush, showerheads that use not more than 2.0 gallons of water per minute, kitchen and lavatory faucets that use not more than 1.5 gallons of water per minute, and pressure-reducing valves set to maintain a maximum of 60 p.s.i. static pressure at the regulator outlet. Drought-tolerant landscaping and drip irrigation shall be used except where demonstrated to be infeasible. The installation of a gray water recycling system designed to reuse the maximum practicable amount of gray water on site is also required. All water conservation measures shall comply with the provisions of District rules and regulations in effect at the time water service is granted.

36. **Landscaping:** Final landscape and irrigation plans must be submitted and reviewed by District for compliance with District's current landscape water conservation ordinance. All plans must pass ordinance review before water service is granted to any portion of this project.

37. **System Protection:** Applicant shall install and maintain backflow protection on water services if deemed necessary by District.

38. **High Pressure:** Water service to said project will be granted only under the District's "High Pressure Application".

39. **Service Connections:** The individual service connections under this agreement will be granted under the District's rules and regulations in effect at the time service is granted.

40. **Satisfaction of District:** Whenever, in this agreement, the satisfaction of District must be met and District or its Board of Directors makes a determination in good faith of satisfaction or dissatisfaction, such determination shall be final and binding upon all parties hereto.

**LUCAS VALLEY-TALUS LLC  
2000 CROW CANYON PL STE 350  
SAN RAMON CA 94583**

By \_\_\_\_\_  
Name and Title

**MARIN MUNICIPAL WATER DISTRICT**

By \_\_\_\_\_  
President, Board of Directors

By \_\_\_\_\_  
Secretary





180 Grand Avenue  
Suite 1050  
Oakland, CA 94612  
510.839.5066 [phone](#)  
510.839.5825 [fax](#)

Item Number: 15  
Attachment: 04

[esassoc.com](http://esassoc.com)

# memorandum

date           October 27, 2021

to             Mr. Joseph Eischens, Marin Municipal Water District

from          Jill Hamilton  
               Dave Davis, AICP

subject       Review of CEQA Documentation for the Talus Reserve – Erin Drive Project

## Attachments

1. Vicinity Map
2. Project Maps from the Final EIR Amendment to the *Oakview Master Plan Tentative Map Amendment to the Final Environmental Impact Report*
3. Site Plan for the Currently Proposed Talus Reserve-Erin Drive Project

## Summary

This memorandum concerns environmental documents for the former Oakview Master Plan project in Marin County near Lucas Valley Road and U.S. Highway 101. Lucas Valley – Talus, LLC is moving forward with a portion of the Master Plan, the Talus Reserve – Erin Drive Project, and is seeking to secure a pipeline extension agreement (PEA) and water service from Marin Municipal Water District (MMWD or District). The County of Marin approved the Master Plan, of which the Talus Reserve – Erin Drive Project is a part. Water service and fire protection for the development will require a pipeline extension from MMWD's existing facilities in Erin Drive and Gallinas Drive.

ESA has reviewed the project's EIR and associated approval documents and contacted the Marin County Planning Department and Department of Public Works as a part of our evaluation. This memorandum includes background information on the project, compliance documentation prepared pursuant to the California Environmental Quality Act (CEQA), and approval actions for the project; and review of CEQA and project approval documentation completed for the project with a focus on the specific actions to be taken by MMWD.

MMWD is a Responsible Agency as defined in the CEQA Guidelines with respect to the proposed Pipeline Extension Agreement (PEA) for the Talus Reserve – Erin Drive Project. The District has discretionary authority to approve or deny the PEA, which constitutes a project under CEQA (§15378), and is therefore subject to environmental compliance. Prior to reaching a decision on the PEA, the Board must consider the environmental effects of the project as shown in the project's EIR documentation.

Assuming all adopted mitigation measures and conditions of approval assigned to the project by Marin County are implemented, there would be no significant impacts attributable to the Talus Reserve -- Erin Drive Project

associated with issuance of a PEA for a pipeline extension from MMWD's existing facilities in Erin Drive and Gallinas Drive.

**Attachment 1** presents a vicinity map for the Talus Reserve – Erin Drive Project.

## Project History and CEQA Background

- In 1999, an application to subdivide a property located at 200 Lucas Valley Road, identified as Assessor's Parcel No. 164-270-03 and located at the northwestern quadrant of the U.S. Highway 101 (US 101)/Lucas Valley Road interchange, was submitted to Marin County, referred to as the Oakview Project Master Plan (Oakview Project or Master Plan). This initial version of the Oakview Project included subdividing the 106.3-acre property into two parcels. Parcel 1 would include 15.3 acres reserved for eventual site development with a maximum of 28 detached single-family residences, 1.8 acres of public right of way and 34.8 acres of open space for a total of 51.9 acres. Parcel 2 would consist of 20.1 acres reserved for eventual development of a maximum of 94,400 square feet of administrative/office development, 9.0 acres reserved for future interchanges improvements to US 101, and 34.3 acres of open space for a total of 54.4 acres.
- On March 28, 2001, the County published a Draft EIR for the Oakview Project and circulated it for review to the State Clearinghouse, state and local agencies and special districts including MMWD, surrounding property owners, and other interested groups and individuals.
- The project sponsors subsequently agreed to submit project design options to address comments received on the Draft EIR.
- In June 2002, the project sponsors submitted design options, including an optional design for an assisted living residential use in lieu of the proposed office use that is intended to be compatible with the residential land use designation in the City of San Rafael's General Plan and proposed as an option to affordable housing; and an optional wetlands restoration plan that includes off site wetlands restoration. On June 27, 2002, the County distributed for review the Final EIR and Response to Comments. **Attachment 2** presents project site maps from the Final EIR. In response to comments received on the Final EIR the Marin County Planning Commission directed staff to provide additional information pertaining to cumulative impact analysis.
- In December 2002, the Community Development Agency prepared a Final EIR Response to Comments Amendment providing responses to all of the issues raised on the Final EIR. The Final EIR Response to Comments Amendment was distributed to the State Clearinghouse, state and local agencies and special districts including MMWD, and other interested groups and individuals.
- In April 2003 and June 2004, the project sponsor submitted a revised application and letter request amending the Master Plan. The revised Project subdivided the 106.3-acre property into two lots for future residential and assisted living development. Lot 1 reserves 15.3 acres of a maximum of 28 detached single-family residential lots, 1.8 acres of public right-of-way, 34.2 acres of open space, and 0.6 acres for freeway interchange improvements for a total of 51.9 acres. Lot 2 reserves 11.0 acres for a maximum 94,400 square foot assisted living facility, 34.6 acres of open space, and 8.8 acres for freeway interchange improvements, for a total of 54.4 acres. The residential component of the Master Plan designates an area for the future development of a 28-unit residential subdivision that would be accessed by a public roadway extension to Erin Drive. The Master Plan includes standards for the future residences (e.g., proposed building envelopes, maximum floor area of 4,500 square feet per home). The assisted living component of the Master Plan would provide for future development of a maximum 150-unit retirement community. The assisted living

community would be accessed Marinwood Avenue. A second amendment to the Final EIR was prepared for the revised Project.

- On January 11, 2005, the Marin County Board of Supervisors certified the EIR for the Oakview Project Master Plan and Land Division (Tentative Map) as complete and adequate and adopting the MMRP. On the same date, the Board of Supervisors adopted an ordinance modifying the Project and adopting conditions of Project approval. The conditions of project approval include the requirement that the applicant obtain approval of a pipeline extension agreement with MMWD to extend water service to the property. The Project was approved based on a residential density of 0.97 units per acres, based on 103 residential units including 28 single family residential units and 75 independent assisted living units. After the Board's approval, a parcel map was recorded creating the subject property, a property to be developed as an assisted living facility, a parcel reserved for Caltrans to build an intersection, and an open space parcel that was dedicated to the Marinwood Community Services District for ongoing public use. As part of the ordinance approving the Oakview Master Plan, the Board of Supervisors adopted a number of conditions of approval. With regard to MMWD and the provision of water service to future development of the residential component of the Master Plan on Parcel 1, the ordinance requires that the applicant must demonstrate compliance with the following conditions:
  - The landscape plan for the area of land west of the Erin Street extension shall consist of trees that are planted outside of the existing public utility easement and tree types where the drip line at maturity will not extend into the public utility easement.
  - The landscape plan shall incorporate predominantly fire-resistive, native, and drought tolerant plant species.
- On January 19, 2005 a Notice of Determination was filed with the Marin County Clerk.
- On March 9, 2009, the Marin County Planning Commission approved the Oakview Vesting Tentative Map and Precise Development Plan, which authorized the subdivision of land to develop 28 single family residences.

## **Review of CEQA Documents Completed for the Project with respect to the Pipeline Extension Agreement**

This section is based on review of the following documents:

- *Oakview Master Plan Use Permit Vesting Tentative Map Final Environmental Impact Report*. County of Marin, June 2002. Includes Draft EIR and Final EIR.
- *Oakview Master Plan Use Permit Vesting Tentative Map Final Environmental Impact Report Response to Comments Amendment*. County of Marin, December 2002.
- *Oakview Master Plan Tentative Map Amendment to the Final Environmental Impact Report*. County of Marin, November 2002
- Resolution No. 2005-05 Approving an Amendment to and Certifying the Oakview Final Environmental Impact Report, 200 Lucas Valley Road, San Rafael, Assessor's Parcel 164-270-03.

- Board of Supervisors packet containing, letter from the Marin County Community Development Agency to the Marin County Board of Supervisors and including the proposed resolution approving an amendment to and Certifying the Oakview Final Environmental Impact Report, the MMRP, proposed ordinance approving the Oakview Master Plan, and proposed resolution approving the Oakview Land Division.
- *Notice of Determination for the Oakview Master Plan Use Permit Vesting Tentative Map*. Marin County, January 19, 2005.

**Consistency of Talus Reserve – Erin Drive Project with Project Evaluated in CEQA Documentation.** Lucas Valley – Talus, LLC, is currently moving forward with a portion of the Master Plan: The Talus Reserve – Erin Drive Project (refer to **Attachment 3**). The Talus Reserve – Erin Drive Project involves the construction of 28 single-family residential units along a proposed extension of Erin Drive from Gallinas Drive. Consistent with the ordinance approving the project, the maximum allowable building area is as follows:

- For the land covered by Lots 1 through 12 the maximum allowable building area shall not exceed 3,000 square feet per residential unit. The maximum enclosed building area may be increased to 3,500 square feet if a second unit with no interior connection to the main unit is constructed.
- The maximum allowable building area for the land area that is covered by Lots 13 to 28 shall not exceed 3,500 square feet. The maximum enclosed building area may be increased to 4,000 square feet if a second unit with no interior connection to the main unit is constructed.

As currently planned and as shown in Attachment 3 of this memorandum, the Talus Reserve – Erin Drive Project appears to reflect the residential development proposed in the northern portion of Master Plan project site that was evaluated as part of the EIR and approved by Marin County.

**Water Service.** Regarding water service, the EIR concluded that no new water facilities (other than the pipeline extension) would be necessary and that MMWD had sufficient supplies to serve the project, and that the project would not add to cumulative water service impacts. The EIR states the following regarding the Master Plan as described in the Draft EIR:

*The existing water system would need to be expanded to serve proposed development at the project site. Existing MMWD facilities near the site would be able to serve to an elevation of 210 feet. No homes or fixtures within homes are expected above this level. No new water facilities would be required, except for tie-ins to the existing water distribution system in the area.*

*The project is estimated to result in an increased demand of about 20 acre-feet 9 of water per year. This estimate does not include water used for landscape irrigation as well as for non-potable uses in the commercial buildings. The MMWD ~will require use of recycled water (available from the main running adjacent to the site under Lucas Valley Road) for irrigation. Irrigation consumption cannot be determined until submittal of landscaping plans which would occur after Master Plan review. The MMWD has an involved process to determine water availability for a specific site. MMWD developed its overall water supply plan based on current zoning throughout its service area and, to be conservative, assumed maximum buildout of all parcels in the district. MMWD then estimated water demand for the year 2025, developed a water supply plan based on the expected demand, and obtained a firm water supply for the water demand through 2025. This process assumed project site development. MMWD water supplies are adequate to serve the project. Therefore, project-generated water demand would be a less-than-significant impact. The MMWD estimated that the 28 housing units would use approximately 0.38 acre-foot a year each for a total of 10.64 acre-feet a year. Commercial development would use approximately 0.10 acre-foot per 1,000 square feet of building area or about 9.4 acre-feet a year for the 94,400 square feet of commercial space proposed.*

MMWD submitted a comment letter on the Draft EIR.<sup>1</sup> MMWD's letter indicated that it had a few minor comments relating to aged data cited in the EIR (e.g., references to ordinances that had been superseded). The Final EIR contains revisions to the Draft EIR addressing MMWD's comments.

On the basis of the analysis presented in the EIR, the ordinance approving the revised Master Plan found that MMWD has sufficient water supplies for domestic and fire protection purposes to service the proposed development.

**Significant Impacts.** As documented in the Notice of Determination filed for the Project and elsewhere, the County Board of Supervisors determined that the Project in its approved form would not have a significant effect on the environment, and that mitigation measures identified in the EIR were made a condition of approval for the Project. The project itself evolved through the CEQA and project approval processes to address environmental and community concerns. The MMRP adopted for the project contains mitigation measures to mitigate significant impacts in the following topical areas: geotechnical issues, hydrology and drainage, water quality, biological resources, visual and aesthetic quality, air quality, noise, public services (related to wildland-building fire exposure), and transportation and circulation.

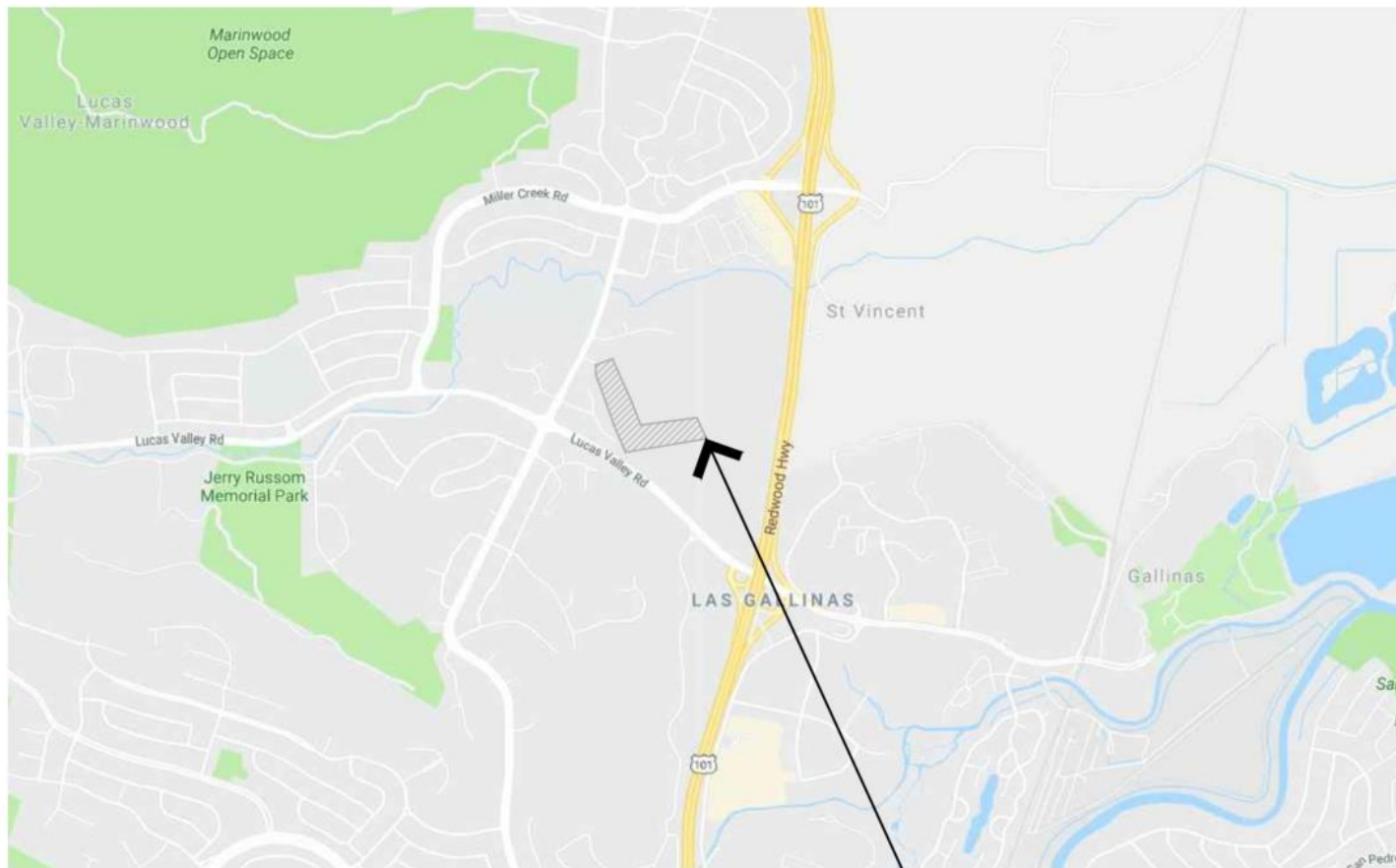
Assuming all adopted mitigation measures and conditions of approval assigned to the project by Marin County are implemented, there would be no significant impacts attributable to the Talus Reserve -- Erin Drive Project associated with issuance of a PEA for a pipeline extension from MMWD's existing facilities in Erin Drive and Gallinas Drive.

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<sup>1</sup> Refer to Letter 4 in the *Oakview Master Plan Use Permit Vesting Tentative Map Final Environmental Impact Report*, June 2002 [pdf page 437].

## **ATTACHMENT 1: VICINITY MAP**

# LOCATION MAP

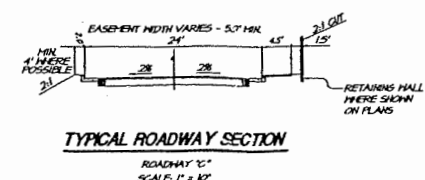
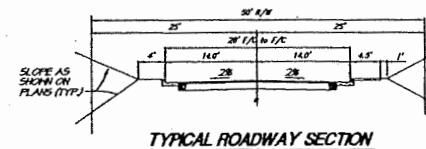
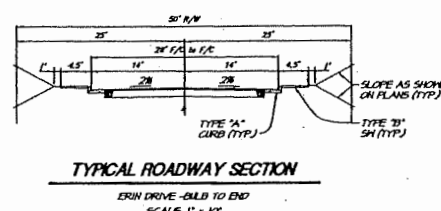


PROJECT SITE

## **ATTACHMENT 2: PROJECT MAPS FROM FINAL EIR AMENDMENT**



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MITIGATION ALTERNATIVE  
GRADING AND DRAINAGE PLAN

# OAKVIEW

A RESIDENTIAL AND ADMINISTRATIVE/PROFESSIONAL DEVELOPMENT  
MARIN COUNTY, CALIFORNIA

## GEOTECHNICAL LEGEND:

- |  |                                  |  |  |
|--|----------------------------------|--|--|
|  | COLLUVIAL SOILS                  |  | DEBRIS FLOW (HERZOG)                             |
|  | LANDSLIDE DEPOSIT (KLEINFELDER)  |  | POTENTIAL BEDROCK LANDSLIDE AREA C (KLEINFELDER) |
|  | CRETACEOUS SEDIMENTS             |  | POTENTIAL BEDROCK LANDSLIDE AREA D (KLEINFELDER) |
|  | ZONE OF SURFACE SEEPAGE (HERZOG) |  |  |
|  | GULLY EROSION                    |  |  |

NOTE: GEOLOGIC FEATURES AS DESCRIBED IN GEOTECHNICAL REPORT BY DONALD HERZOG & ASSOC. DATED MARCH 21, 1985; IN GEOTECHNICAL REPORT BY KLEINFELDER INC. DATED NOVEMBER 14, 1997, AND MODIFIED AS A RESULT OF RECENT RECONNAISSANCE CONDUCTED ON DECEMBER 17, 1999.

## LEGEND:

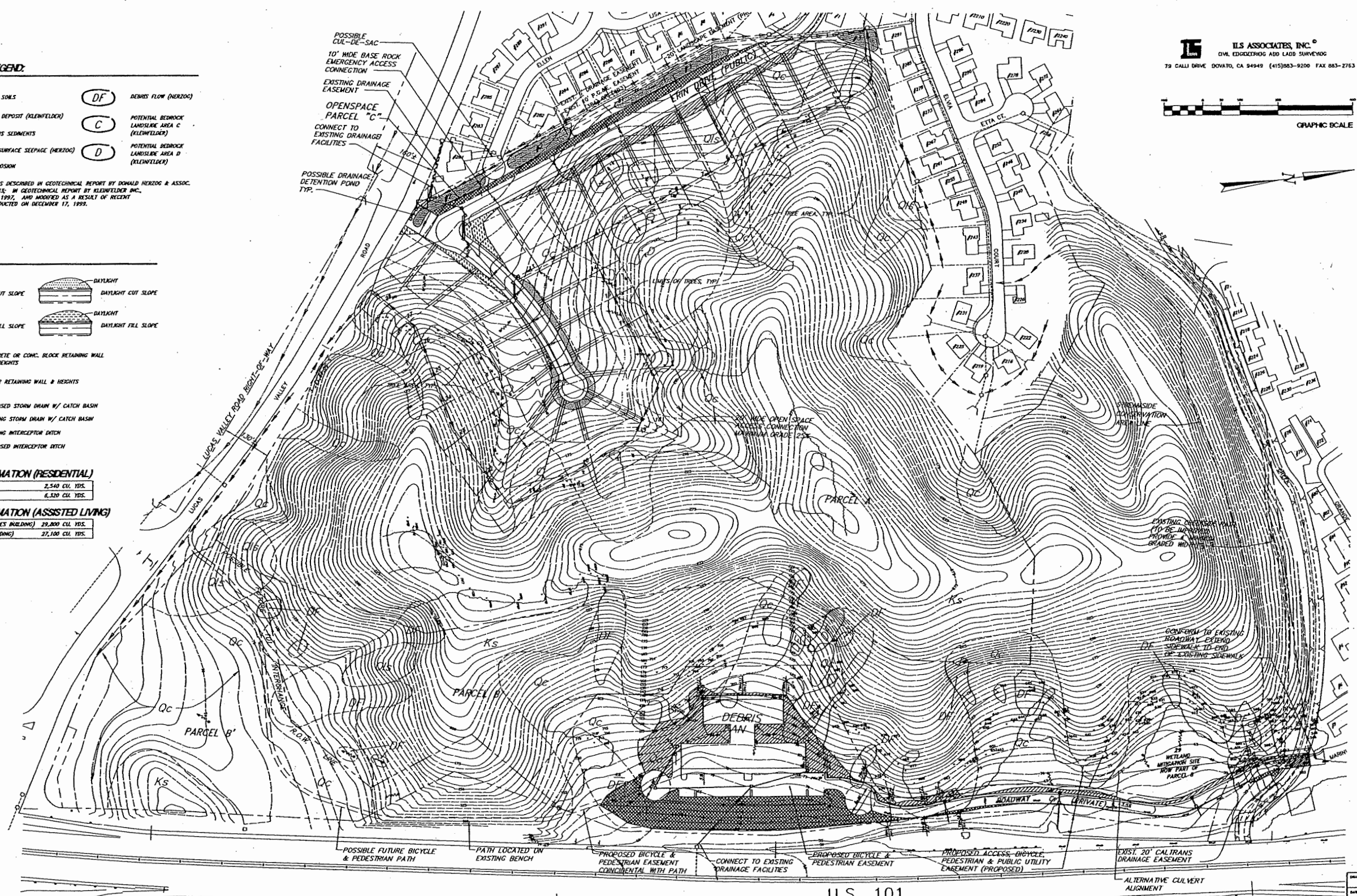
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|--|---|--|---------------------|
|  | 2:1 CUT SLOPE                                     |  | DAYLIGHT CUT SLOPE  |
|  | 2:1 FILL SLOPE                                    |  | DAYLIGHT FILL SLOPE |
|  | CONCRETE OR COM. BLOCK RETAINING WALL AND HEIGHTS |  |                     |
|  | TIMBER RETAINING WALL & HEIGHTS                   |  |                     |
|  | PROPOSED STORM DRAIN W/ CATCH BASIN               |  |                     |
|  | EXISTING STORM DRAIN W/ CATCH BASIN               |  |                     |
|  | EXISTING INTERCEPTOR DITCH                        |  |                     |
|  | PROPOSED INTERCEPTOR DITCH                        |  |                     |

## EARTHWORK ESTIMATION (RESIDENTIAL)

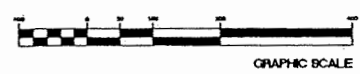
TOTAL EXCAVATION	2,540 CU. YDS.
TOTAL FILL	6,320 CU. YDS.

## EARTHWORK ESTIMATION (ASSISTED LIVING)

TOTAL EXCAVATION (INCLUDES BUILDING)	29,800 CU. YDS.
TOTAL FILL (INCLUDES BUILDING)	27,100 CU. YDS.



ILS ASSOCIATES, INC.  
CIVIL ENGINEERING AND LAND SURVEYING  
79 CALL DRIVE, DOWATO, CA 94949 (415)863-9200 FAX 863-2753



DRAWN	A.J.P.
DATE	06/26/03
JOB NO.	5140
SHEET NO.	3 OF 7

N:\PROJ2\5140\dwg\5140IMP3.dwg, ALTER. ACCESS LAYOUT, 06/30/2003 10:23:50 AM, I.L. Schwartz Assoc. -JRK





# LEGEND:

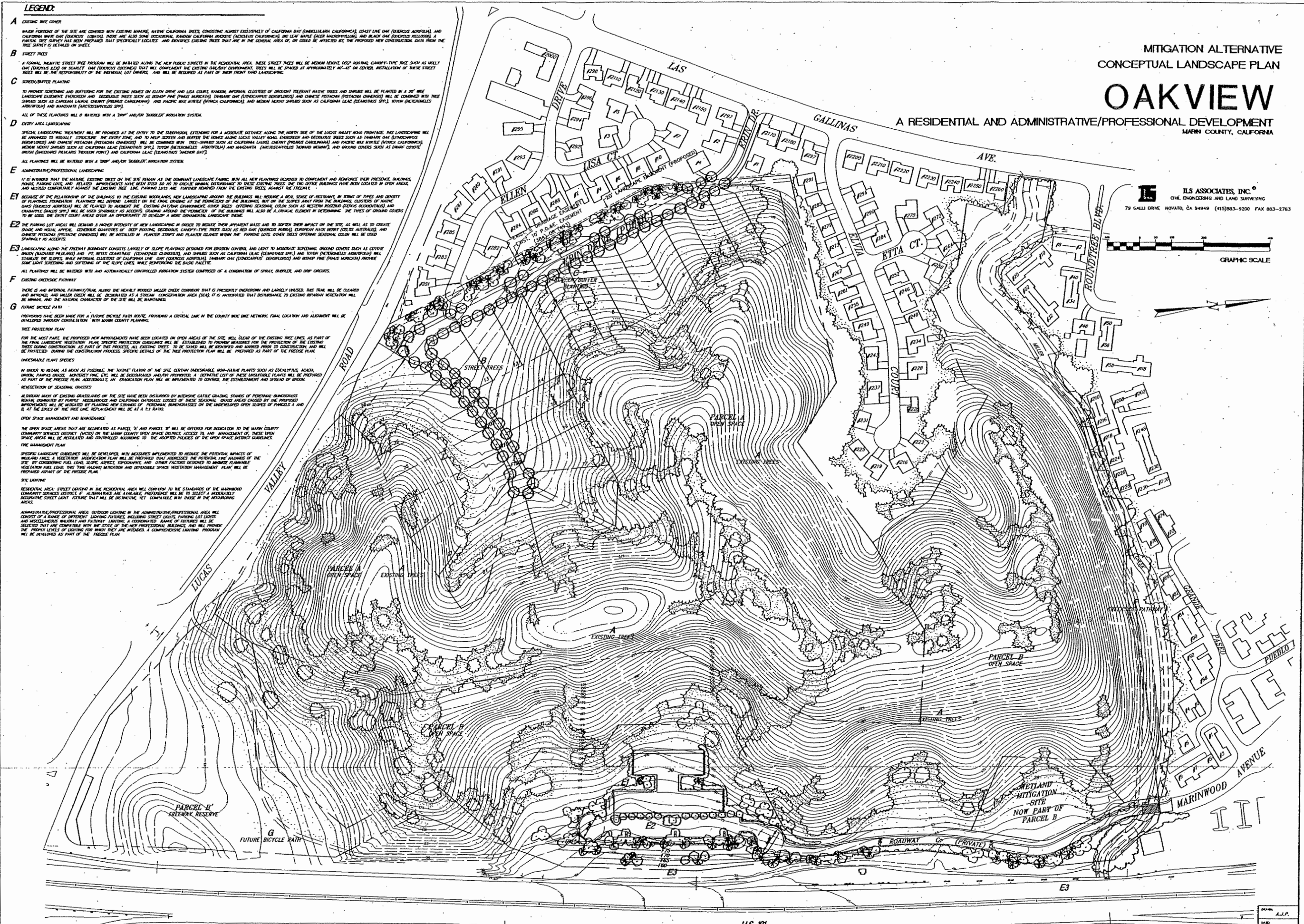
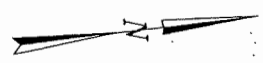
- A EXISTING TREE COVER**  
MAJOR PORTIONS OF THE SITE ARE COVERED WITH EXISTING NATURAL, NATIVE CALIFORNIA TREES, CONSISTING ALMOST EXCLUSIVELY OF CALIFORNIA BAY (UNDEVELOPED), COAST LIVE OAK (QUERCUS AGRIFOLIA), AND CALIFORNIA WHITE OAK (QUERCUS LAEVOGARRA). THERE ARE ALSO SOME OCCASIONAL RANDOM CALIFORNIA REDWOODS (SEQUOIA SEMPARVERIFOLIA), BIG LEAF MAPLE (AQUILARIA CALIFORNICA), AND BLACK OAK (QUERCUS NIGRA). A PRELIMINARY TREE SURVEY HAS BEEN CONDUCTED THAT SPECIFICALLY LOCATES AND IDENTIFIES EXISTING TREES THAT ARE IN THE GENERAL AREA OF, OR CLOSE BY, THE PROPOSED NEW CONSTRUCTION, DATA FROM THE TREE SURVEY IS DETAIL ON SHEET.
- B STREET TREES**  
A FORMAL, PLANNED STREET TREE PROGRAM WILL BE INITIATED ALONG THE NEW PUBLIC STREETS IN THE RESIDENTIAL AREA. THESE STREET TREES WILL BE MEDIUM HEIGHT, DEEP ROOTING, CANOPY-TYPE TREES SUCH AS MOUNTAIN MOUNTAIN OAK (QUERCUS LAEVOGARRA) OR SCARLET OAK (QUERCUS COCCINEA) THAT WILL COMPLEMENT THE EXISTING CALIFORNIA ENVIRONMENT. TREES WILL BE SPACED AT APPROXIMATELY 40'-45' ON CENTER. INSTALLATION OF THESE STREET TREES WILL BE THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS, AND WILL BE REQUIRED AS PART OF THEIR FRONT YARD LANDSCAPING.
- C SCREEN/BUFFER PLANTING**  
TO PROVIDE SCREENING AND BUFFERING FOR THE EXISTING HOMES ON ELLEN DRIVE AND LUCAS COURT, RANDOM, NATURAL, CLUSTERS OF DROUGHT TOLERANT NATIVE TREES AND SHRUBS WILL BE PLANTED IN A 20' WIDE LANDSCAPE EXHAUSTIVE (MEDITERRANEAN AND DECIDUOUS TREES SUCH AS BISHOP PINE (PINUS MONARCHA), TAMARISK OAK (QUERCUS LAEVOGARRA), AND CHINESE PISTACHIO (PISTACHIA CHINENSIS) WILL BE COMBINED WITH TREES SUCH AS CALIFORNIA LAUREL CHERRY (PRUNUS CALIFORNICA) AND PACIFIC BOX WITEL (VITICA CALIFORNICA), AND MEDIUM HEIGHT SHRUBS SUCH AS CALIFORNIA LEAD (CEANOTHUS SP.), TOOTH (METRAMELES ANTHYLLIFOLIA) AND MANZANITA (ADONISAMPHYLAE SP.).  
ALL OF THESE PLANTINGS WILL BE WATERED WITH A "DROPP" AND/OR "TRICKLER" IRRIGATION SYSTEM.
- D ENTRY AREA LANDSCAPING**  
SPECIAL LANDSCAPE TREATMENT WILL BE PROVIDED AT THE ENTRY TO THE SUBDIVISION, EXTENDING FOR A MODERATE DISTANCE ALONG THE NORTH SIDE OF THE LUCAS VALLEY ROAD FRONTAGE. TWO LANDSCAPES WILL BE ARRANGED TO VISUALLY STRUCTURE THE ENTRY ZONE AND TO HELP SCREEN AND BUFFER THE HOMES ALONG LUCAS VALLEY ROAD. EXISTING AND OCCASIONAL TREES SUCH AS TAMARISK OAK (QUERCUS LAEVOGARRA), REDWOODS (SEQUOIA SEMPARVERIFOLIA), AND CHINESE PISTACHIO (PISTACHIA CHINENSIS) WILL BE COMBINED WITH TREES SUCH AS CALIFORNIA LAUREL CHERRY (PRUNUS CALIFORNICA) AND PACIFIC BOX WITEL (VITICA CALIFORNICA), AND MEDIUM HEIGHT SHRUBS SUCH AS CALIFORNIA LEAD (CEANOTHUS SP.), TOOTH (METRAMELES ANTHYLLIFOLIA) AND MANZANITA (ADONISAMPHYLAE SP.).  
ALL PLANTINGS WILL BE WATERED WITH A "DROPP" AND/OR "TRICKLER" IRRIGATION SYSTEM.
- E ADMINISTRATIVE/PROFESSIONAL LANDSCAPING**  
IT IS INTENDED THAT THE NATURAL, EXISTING TREES ON THE SITE REMAIN AS THE DOMINANT LANDSCAPE FABRIC, WITH ALL NEW PLANTINGS DESIGNED TO COMPLEMENT AND REINFORCE THEIR PRESENCE. BUILDINGS, FENCES, PARKING LOTS, AND RELATED IMPROVEMENTS HAVE BEEN SITED SO AS TO MINIMIZE VISUAL INTERFERENCE TO THESE EXISTING TREES. THE TWO OFFICE BUILDINGS HAVE BEEN LOCATED IN OPEN AREAS, AND NESTED COMFORTABLY AGAINST THE EXISTING TREE LINE. PARKING LOTS ARE FURTHER REMOVED FROM THE EXISTING TREES, AGAINST THE FENCEWAY.
- F EXISTING CROSSLAND PATHWAY**  
RECOGNITION OF THE RELATIONSHIP OF THE EXISTING CROSSLAND PATHWAY TO THE EXISTING BUILDINGS WILL REQUIRE A REAL SENSE OF RESTRAINT, IN TERMS OF TYPES AND DENSITY OF PLANTINGS. PLANTINGS FORMING THE BOUNDARY OF THE PATHWAY (LARGELY ON THE SOUTH SIDE OF THE PATHWAY) WILL BE LIMITED TO THE TYPES OF PLANTINGS THAT ARE APPROPRIATE TO THE EXISTING ENVIRONMENT. OTHER TREES OFFERING SEASONAL COLOR SUCH AS WESTERN ROSEHOLM (CEANOTHUS OCCIDENTALIS) AND CHINESE PISTACHIO (PISTACHIA CHINENSIS) WILL BE USED SPARINGLY AS ACCENTS. PLANTINGS AROUND THE PERIMETER OF THE BUILDINGS WILL ALSO BE A CRITICAL ELEMENT IN DETERMINING THE TYPES OF GROUND COVERS TO BE USED. THE ENTRY COURT AREAS OFFER AN OPPORTUNITY TO DEVELOP A MORE DOMINANT LANDSCAPE TREES.
- G FUTURE BICYCLE PATH**  
PROPOSALS HAVE BEEN MADE FOR A FUTURE BICYCLE PATH ROUTE, PROVIDING A CRITICAL LINK IN THE COUNTY WIDE BICYCLE NETWORK. FINAL LOCATION AND ALIGNMENT WILL BE DEVELOPED THROUGH CONSULTATION WITH MAJOR COUNTY PLANNING.
- H OPEN SPACE MANAGEMENT AND MAINTENANCE**  
THE OPEN SPACE AREAS THAT ARE DELINEATED AS PARCELS 11 AND PARCELS 12 WILL BE OFFERED FOR DEDICATION TO THE MAJOR COUNTY COMMUNITY SERVICES DISTRICT (MCCSD) ON THE MAJOR COUNTY OPEN SPACE DISTRICT. ACCESS TO, AND MANAGEMENT OF, THESE OPEN SPACE AREAS WILL BE REGULATED AND CONTROLLED ACCORDING TO THE ADOPTED POLICIES OF THE OPEN SPACE DISTRICT GUIDELINES.
- I FUTURE BICYCLE PATH**  
THE OPEN SPACE AREAS THAT ARE DELINEATED AS PARCELS 11 AND PARCELS 12 WILL BE OFFERED FOR DEDICATION TO THE MAJOR COUNTY COMMUNITY SERVICES DISTRICT (MCCSD) ON THE MAJOR COUNTY OPEN SPACE DISTRICT. ACCESS TO, AND MANAGEMENT OF, THESE OPEN SPACE AREAS WILL BE REGULATED AND CONTROLLED ACCORDING TO THE ADOPTED POLICIES OF THE OPEN SPACE DISTRICT GUIDELINES.
- J SPECIFIC LANDSCAPE GUIDELINES**  
SPECIFIC LANDSCAPE GUIDELINES WILL BE DEVELOPED, WITH MEASURES IMPLEMENTED TO REDUCE THE POTENTIAL IMPACTS OF HILLTOPS. A VEGETATION MANAGEMENT PLAN WILL BE PREPARED THAT ADDRESSES THE POTENTIAL FIRE HAZARDS OF THE SITE, BY CONSIDERING FUEL LOAD, SLOPE, ASPECT, TOPOGRAPHY, AND OTHER FACTORS DESIGNED TO MINIMIZE FLAMMABLE VEGETATION FUEL LOAD. THIS FIRE HAZARD MITIGATION AND DEFENSIBLE SPACE VEGETATION MANAGEMENT PLAN WILL BE PREPARED AS PART OF THE PRELIMINARY PLAN.
- K SITE LIGHTING**  
RESIDENTIAL AREA STREET LIGHTING IN THE RESIDENTIAL AREA WILL CONFORM TO THE STANDARDS OF THE MAJOR COUNTY COMMUNITY SERVICES DISTRICT. IF ALTERNATIVES ARE AVAILABLE, PREFERENCE WILL BE TO SELECT A MODERATELY RECREATIVE STREET LIGHT FIXTURE THAT WILL BE DISTINGUISHING, YET COMPATIBLE WITH THOSE IN THE ADJACENT AREA.
- L ADMINISTRATIVE/PROFESSIONAL AREA OUTDOOR LIGHTING**  
OUTDOOR LIGHTING IN THE ADMINISTRATIVE/PROFESSIONAL AREA WILL CONSIST OF A RANGE OF DIFFERENT LIGHTING FIXTURES, INCLUDING STREET LIGHTS, PARKING LOT LIGHTS, AND RECREATIVE LIGHTING. LIGHTING FIXTURES WILL BE SELECTED THAT ARE COMPATIBLE WITH THE STYLE OF THE NEW PROFESSIONAL BUILDINGS, AND WILL PROVIDE THE PROPER LEVELS OF LIGHTING FOR WHICH THEY ARE INTENDED. A COMPREHENSIVE LIGHTING PROGRAM WILL BE DEVELOPED AS PART OF THE PRELIMINARY PLAN.

## MITIGATION ALTERNATIVE CONCEPTUAL LANDSCAPE PLAN

# OAKVIEW

A RESIDENTIAL AND ADMINISTRATIVE/PROFESSIONAL DEVELOPMENT  
MARIN COUNTY, CALIFORNIA

ILS ASSOCIATES, INC.  
CIVIL ENGINEERING AND LAND SURVEYING  
79 GALL DRIVE, NOVATO, CA 94949 (415)883-9200 FAX 883-2763



**ATTACHMENT 3: SITE PLAN FOR CURRENTLY PROPOSED TALUS  
RESERVE-ERIN DRIVE PROJECT**



GRASSLAND RESTORATION & ENHANCEMENT NOTES

PROTECTION MEASURES:

1. THE PROPOSED PROJECT SHALL LIMIT IMPACTS TO NATIVE GRASSLAND TO THAT WITHIN GRADED AREAS. THE FOLLOWING MEASURES SHALL BE IMPLEMENTED TO ENSURE THAT IMPACTS ARE MINIMIZED:
2. A TEMPORARY CONSTRUCTION FENCE SHALL SEPARATE AREAS PROPOSED FOR GRADING FROM AREAS DOMINATED BY NATIVE GRASSLANDS
3. LANDSCAPE TREES SHALL NOT BE PLACED IN AREAS DOMINATED BY NATIVE GRASSLAND.

REESTABLISHMENT MEASURES:

1. A QUALIFIED BIOLOGIST SPECIALIZING IN RESTORATION WILL IMPLEMENT THE GRASSLAND RESTORATION AND ENHANCEMENT PLAN.
2. NATIVE GRASSLANDS AREAS WILL BE RESTORED ON-SITE TO MITIGATE FOR IMPACTS ON NATIVE GRASSES, AS REQUIRED BY CONDITION #34. THE REPLACEMENT RATIO WILL BE 1:1, WITH REPLACEMENT PROVIDED ON A PER ACRE BASIS FOR EACH COVER CLASS LOST.

IMPLEMENTATION:

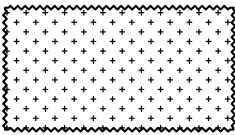
1. AFTER THE SEED BED IS PREPARED, THE SITES WILL BE IRRIGATED TO INITIATE WEED GROWTH. THE IRRIGATION WILL BE INITIATED DURING SEPTEMBER OR EARLY OCTOBER AND WILL BE REPEATED 8 TIMES, OR AS NECESSARY, OVER A 3-4 WEEK PERIOD, TO GERMINATE THE SEED SEEDS. THE WEED SEEDLINGS WILL BE TREATED WITH A SUITABLE HERBICIDE. IRRIGATION WILL BE REPEATED IN ORDER TO GERMINATE A SECOND CROP OF SEED SEEDLINGS, WHICH WILL SUBSEQUENTLY BE TREATED WITH AN HERBICIDE.
2. A HYDRO SEED MIX CONSISTING OF NASSELLA PULCHRA, FESTUCA RUBRA, JUNCUS PATENS, JUNCUS TENUIS, JUNCUS XIPHOIDES, LEYMUS TRICOIDES, AND NATIVE WILDFLOWERS WILL BE PLANTED IN THE MITIGATION AREA. SEED WILL BE PURCHASED FROM A SUITABLE GROWER.
3. SEED WILL BE SOWN AT APPROXIMATELY 20 POUNDS PER ACRE. SEED WILL BE SPREAD BY HAND OR WITH A SEED DRILL OR OTHER TYPE OF MECHANIZED EQUIPMENT. SEED WILL BE SOWN TWO WEEKS OR MORE AFTER THE SECOND CROP OF SEEDS HAS BEEN TREATED WITH AN HERBICIDE.
4. EROSION CONTROL NETTING WILL BE PLACED ON THE STEEPLY SLOPING SEEDED AREAS.
5. THE PLANTED AREA WILL BE IRRIGATED AT LEAST ONCE A WEEK, EITHER Y HAND OR BY TRUCK WATERING, UNTIL THE WINTER RAINS PROVIDE SUFFICIENT MOISTURE. IF THE RAINFALL IS LOW, THEN IRRIGATION WILL PROVIDE SUFFICIENT WATER. THE PLANTS WILL BE IRRIGATED FOR A MINIMUM OF TWO YEARS. IRRIGATION WILL OCCUR ONCE A WEEK DURING SUMMER.
6. CONTROLLING WEEDS WILL BE THE MAJOR MAINTENANCE ACTIVITY. WEEDS WILL BE CONTROLLED BY USE OF SELECTIVE HERBICIDES, CAREFULLY TIMED MOWING BEFORE MARCH OR AFTER JUNE, AND BY HAND.

SCHEDULE

- DURING SEPTEMBER OR OCTOBER, THE PLANTING AREAS WILL BE IRRIGATED TO GERMINATE WEED SEEDS.
2. DURING OCTOBER, HERBICIDE WILL BE APPLIED TO WEED SEEDLINGS.
  3. DURING OCTOBER OR EARLY NOVEMBER, IRRIGATION WILL AGAIN BE APPLIED TO THE PLANTING AREAS.
  4. DURING MID TO LATE NOVEMBER, HERBICIDE WILL BE APPLIED TO THE SECOND CROP OF SEEDLINGS.
  5. DURING LATE NOVEMBER TO EARLY DECEMBER, THE HYDRO SEED MIX WILL BE APPLIED TO THE SECOND CROP OF SEED SEEDLINGS.
  6. AFTER SEED HAS BEEN SOWN, EROSION CONTROL NETTING WILL BE APPLIED TO STEEPER PLANTING AREAS.
  7. IRRIGATION WILL BE APPLIED DURING THE RAINY SEASON AS NEEDED AND WILL BE APPLIED DURING THE DRY SEASON WEEKLY FOR TWO YEARS.
  8. THE PLANTING AREAS WILL BE MONITORED FOR FIVE YEARS FROM THE DATE OF PLANTING.

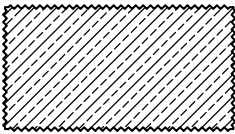
MAINTENANCE & LONG TERM MANAGEMENT

1. WEED REMOVAL IS ANTICIPATED TO BE NEEDED THROUGHOUT THE 5 YEAR MONITORING PERIOD. IT WILL BE ESPECIALLY IMPORTANT TO REMOVE WEEDS WHILE THE COVER OF THE NATIVE GRASSLAND PLANTING IS LOW. AFTER THE COVER OF NATIVE GRASSES HAS INCREASED, IT WILL BE MORE DIFFICULT FOR WEEDS TO COMPETE AND REMOVAL MAY BE NECESSARY BUT NOT AS CRITICAL AS DURING THE EARLY YEARS OF PLANTING. PARCELS A, B, & C OPEN SPACE SHALL BE HOA MAINTAINED.



HYDROSEED MIX A  
40 LBS/ ACRE TOTAL:  
FESTUCA RUBRA  
JUNCUS PATENS  
JUNCUS TENUIS  
JUNCUS XIPHOIDES  
LEYMUS TRICOIDES  
STIPA PULCHRA

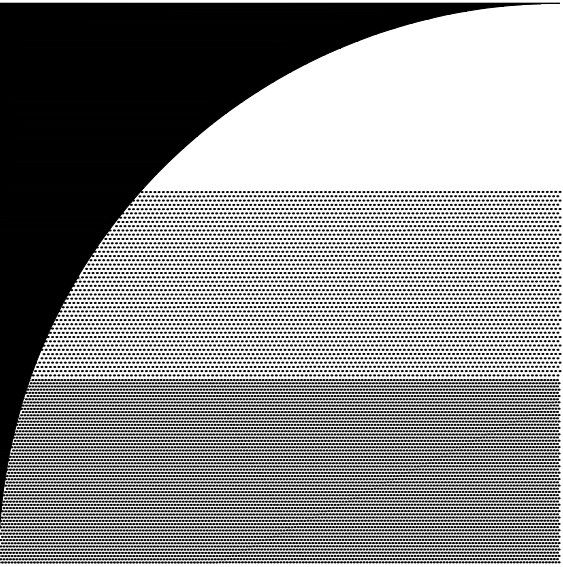
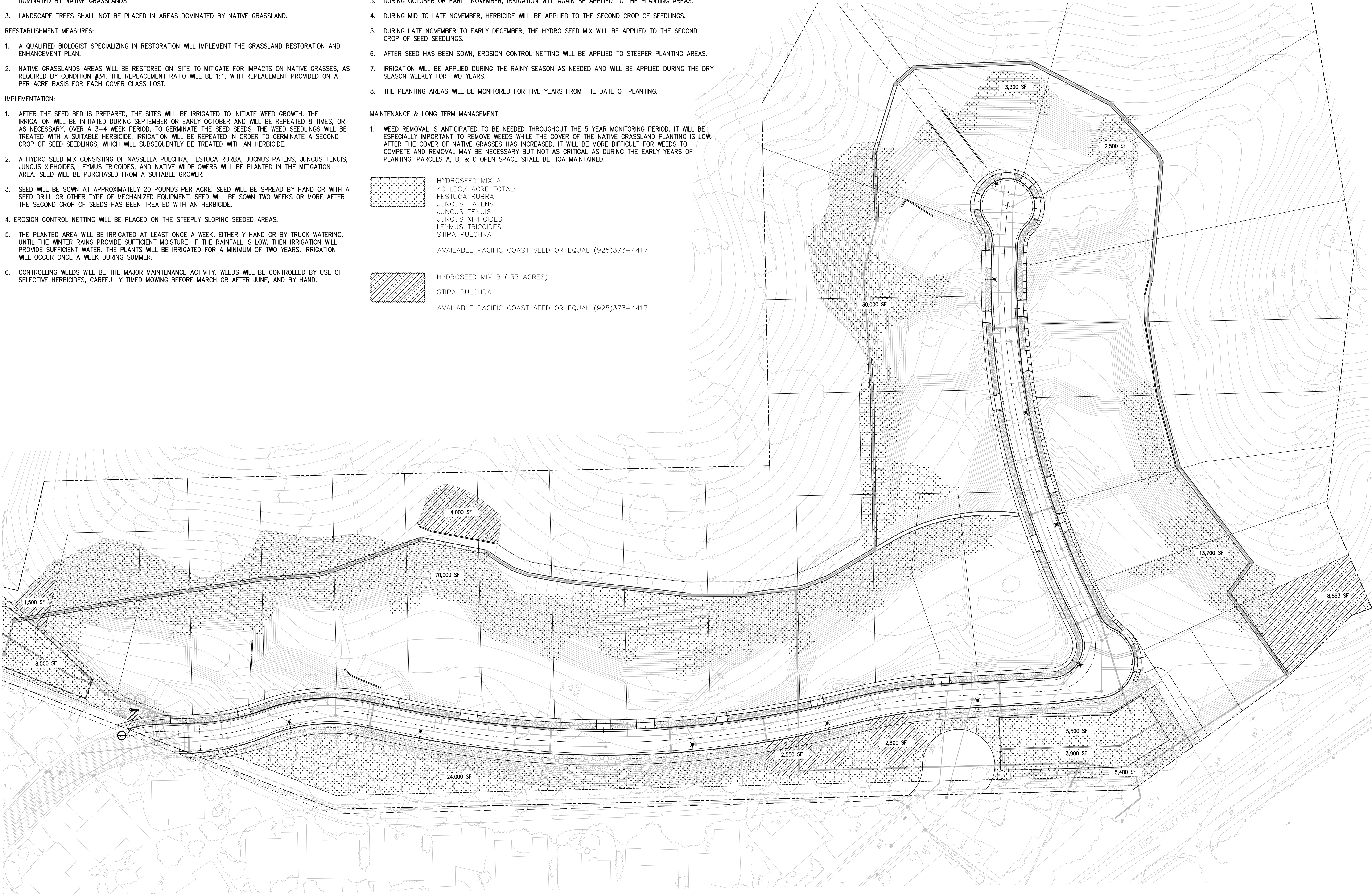
AVAILABLE PACIFIC COAST SEED OR EQUAL (925)373-4417



HYDROSEED MIX B (.35 ACRES)

STIPA PULCHRA

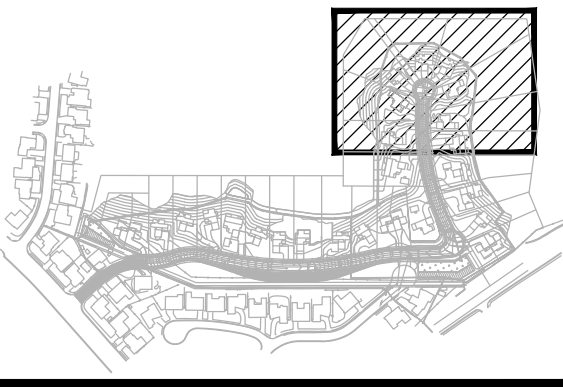
AVAILABLE PACIFIC COAST SEED OR EQUAL (925)373-4417



**GATES**  
**+ASSOCIATES**  
LANDSCAPE ARCHITECTURE  
LAND PLANNING · URBAN DESIGN  
2671 CROW CANYON RD. SAN RAMON, CA 94583  
T 925.736.8176 www.gates.com

TALUS RESERVE  
COMMON  
AREA  
LANDSCAPE

SAN RAFAEL  
CALIFORNIA

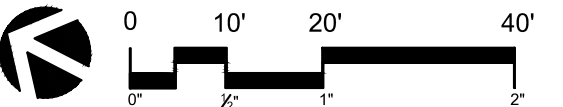


ISSUE:	DESCRIPTION:	DATE:
1	1ST CD SUBMITTAL	10/30/2019
2	FINAL MAP SUBMITTAL	04/02/2020
3	TREE REMOVAL PERMIT	04/29/2020

NOT FOR  
CONSTRUCTION



PROJECT NUMBER:	5634
DRAWN:	DB
CHECK:	KC
DATE:	04/29/2020
SCALE:	1" = 20'



GRASSLAND  
RESTORATION AND  
ENHANCEMENT PLAN

L2.5



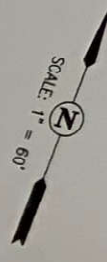
STORM DRAIN STRUCTURE SCHEDULE		
STRUCTURE	DESCRIPTION	STANDARD DETAIL
CB 1-23 (23 TOTAL)	COUNTY OF MARIN TYPE D" CATCH BASIN	DMC. NO. 240
CB 1-6 AND 9-23 (21 TOTAL)	GALLERY INLET TOP. SEE NOTE 1	DMC. NO. 240
SDMH 1-2 (2 TOTAL)	COUNTY OF MARIN TYPE 1" MANHOLE	DMC. NO. 240
SD OUTFALL (3 TOTAL)	STORM DRAIN OUTFALL TO STORMWATER TREATMENT	DMC. NO. 240
SD OUTFALL (1 TOTAL)	OVERTLOW OUTFALL	SEE DETAIL SHEET P-15

NOTE:  
1. GALLERY INLET CATCH BASINS ARE REQUIRED WHEN GUTTER SLOPE EXCEEDS 3%.

PIPE SCHEDULE	
PIPE	DESCRIPTION
WATER	1.850 LF DUCTILE IRON PIPE (DRP) WITH RESTRAINED JOINTS
8" W	150 LF DUCTILE IRON PIPE (DRP) WITH RESTRAINED JOINTS
8" RW	150 LF DUCTILE IRON PIPE (DRP) WITH RESTRAINED JOINTS
SANITARY SEWER	1.755 LF HOPE SRN 17
8" SS	1.740 LF HOPE AUS HP STORM OR APPROVED EQUAL
STORM DRAIN	1.740 LF HOPE AUS HP STORM OR APPROVED EQUAL

SANITARY SEWER STRUCTURE SCHEDULE		
STRUCTURE	DESCRIPTION	STANDARD DETAIL
SSMH 1-15, WQ42.01, WQ42.02, WQ42.03, WQ42.04, WQ42.05, WQ42.06, WQ42.07, WQ42.08, WQ42.09, WQ42.10, WQ42.11, WQ42.12, WQ42.13, WQ42.14, WQ42.15 (15 TOTAL)	LAS GALINAS VALLEY SANITARY DISTRICT STANDARD MAIN MANHOLE	SD 1.1 (SEE DETAILS SHEET P-4)
SS LATERALS 28 TOTAL	LAS GALINAS VALLEY SANITARY DISTRICT LOWER LATERAL	SEE DETAILS SHEET P-5

WATER STRUCTURE SCHEDULE		
STRUCTURE	DESCRIPTION	STANDARD DETAIL
FH 1-7 (7 TOTAL)	MAKE GLOW	MARIN MUNICIPAL WATER DISTRICT STD NO. 03
WM 28 TOTAL	MARIN MUNICIPAL WATER DISTRICT STANDARD WATER SERVICE	MARIN MUNICIPAL WATER DISTRICT STD NO. 01
RECYCLED WM 1 TOTAL	MARIN MUNICIPAL WATER DISTRICT NEW RECYCLED WATER SERVICE	MARIN MUNICIPAL WATER DISTRICT STD NO. 01R



APN: 164-270-07

cbg

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SURVEYORS

PLANNERS

83378

DANIEL A. JOHNSON

REGISTERED PROFESSIONAL ENGINEER

CIVIL

STATE OF CALIFORNIA

DATE: 8/3/2021

DRAWN BY: DAJ

PROJ. ENGR: DAJ

PROJ. MGR: DAJ

REVISIONS

NO.	BY	DATE

TALUS RESERVE

IMPROVEMENT PLANS

UTILITY MAP & SCHEDULE

COUNTY OF MARIN

SHEET NUMBER

IP-6

OF 16

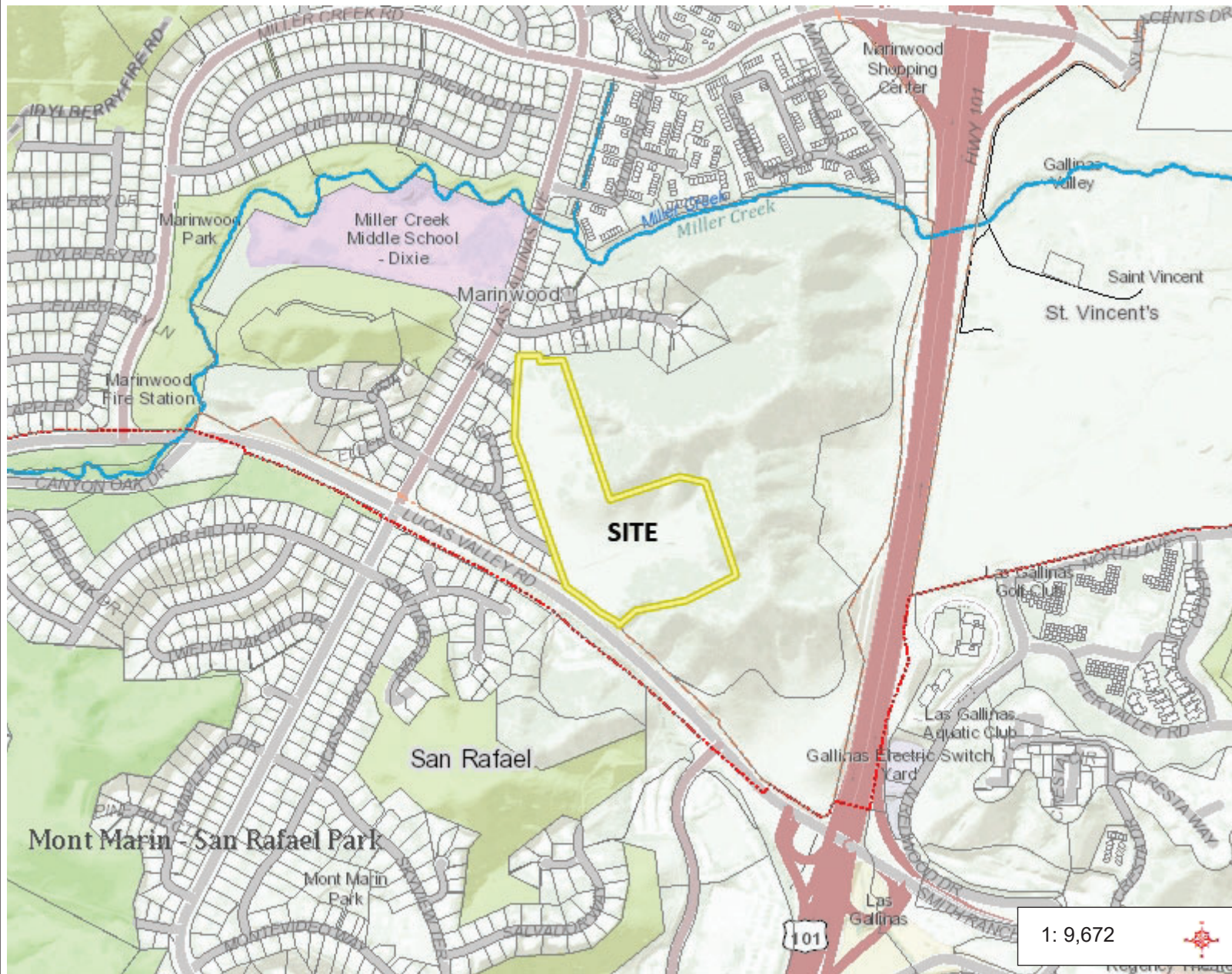




164-270-07

Item Number: 15

Attachment: 05



### Legend

- Parcel Note
  - easement
  - centerline
- Parcel
- Condominium Common Area
- Mobile Home Pad
- City
- Community
- Marin County Legal Boundary
- Other Bay Area County
- Stream - Perennial (NHD)

### Notes

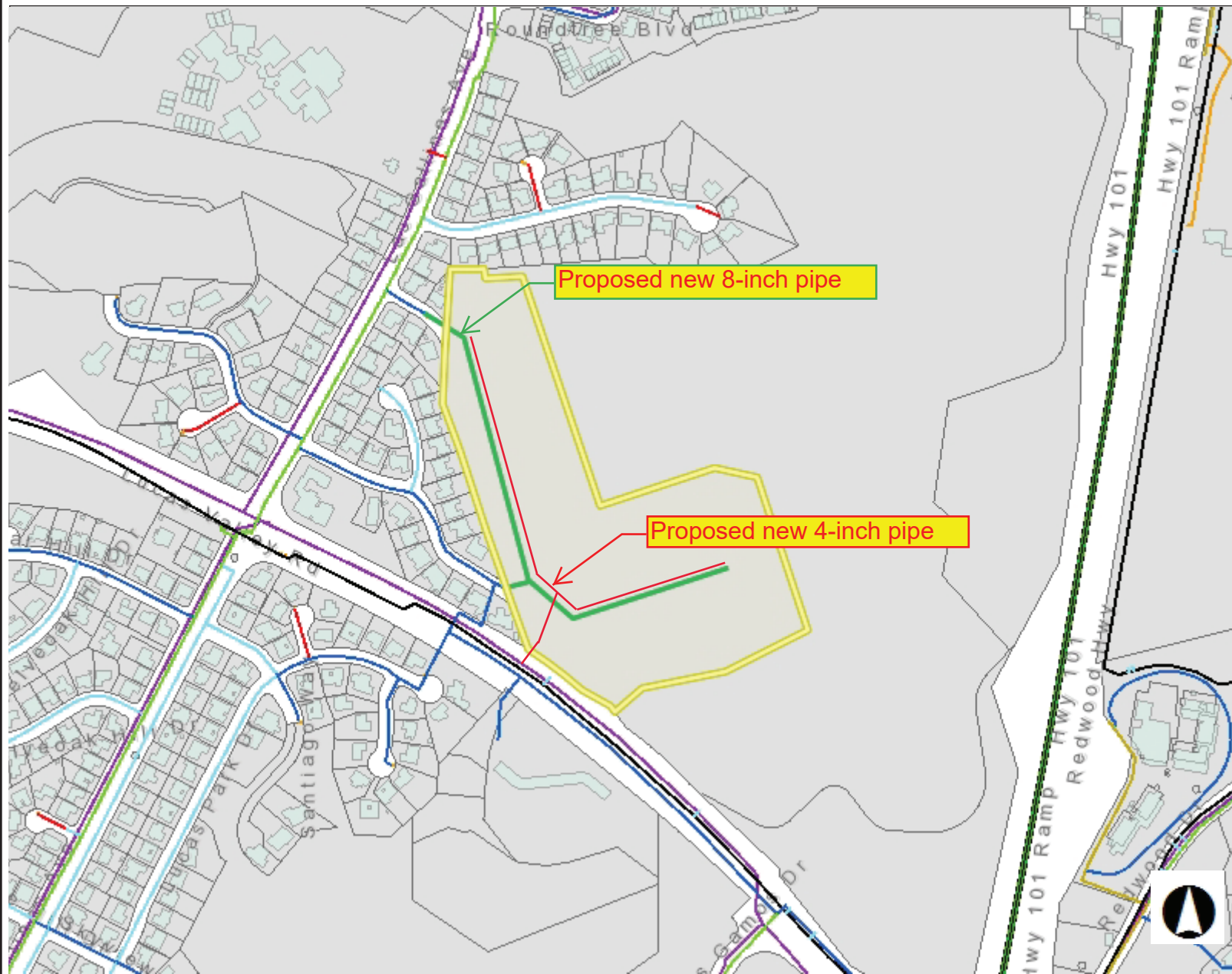
1,611.9 0 805.97 1,611.9 Feet

NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
© Latitude Geographics Group Ltd.























This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION






## Legend

-  Water Quality Test Stations
- Non-System Facilities**
  -  <all other values>
  -  Pump
  -  Tank
  -  Dam
-  Potable Pump Stations
- Potable Tanks**
  -  Error/Null Values
  -  Storage Tanks
  -  Pressure Tanks
-  Potable Treatment Plants
- Potable Pipes**
  -  Error/Null Values
  -  0.50 - 3.00
  -  4.00 - 5.00
  -  6.00
  -  8.00
  -  10.00 - 12.00
  -  14.00 - 20.00
  -  21.00 - up
-  Potable Virtual Edge
-  Recycled Pump Stations
- Recycled Tanks**
  -  Error/Null Values
  -  Storage Tanks

## Notes

977.0 0 488.51 977.0 Feet





**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO.**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MARIN  
MUNICIPAL WATER DISTRICT MAKING DETERMINATIONS WITH  
RESPECT TO FEES CONTAINED IN PIPELINE EXTENSION AGREEMENT**

**WHEREAS, APPLICANT** has applied to the District for a Pipeline Extension Agreement to serve Erin Drive, San Rafael – Talus Reserve Assessor's Parcel No. 164-270-07; and

**WHEREAS**, a study, entitled, "Erin Drive, San Rafael – Talus Reserve", was prepared by staff and dated August 3, 2021, has been conducted of the impacts of this development on the District's existing services and facilities in the San Rafael area along with an analysis of new, improved or expanded District facilities and improvements as required or appropriate to serve said development, and said study set forth the relationship between this development, those services or facilities, and the estimated cost of those improvements; and

**WHEREAS**, the Study finds as follows:

a. The purpose of the fees set forth in paragraph 5 of the proposed pipeline extension agreement for the Talus Reserve project between the District and Lucas Valley-Talus LLC (PEA) is to pay for all required water facilities directly related to providing service to Erin Drive, San Rafael – Talus Reserve and to reimburse the District for constructing, or provide funding to construct, the necessary water supply, treatment, transmission, and terminal storage facilities for subject project due to increased water supply and system capacity demands on the existing District facilities;

b. The fee specified in paragraph 5 of the PEA shall be used to finance the following facilities: 1,840' of 8" pipe, 1,860' of 4" pipe, 7-6" hydrants, 34-1" services and 28-5/8" services, payment for constructed water supply improvements at Soulajule, Kent and the Intertie; and a variety of major system improvements being constructed according to the project listing used in developing the connection fees;

c. It is appropriate and necessary for the properties to be served by the pipeline extension agreement to provide for the facilities and improvements listed in Paragraph a. above, which have not been constructed, or have been constructed, but to which new development has not contributed its fair share;

d. The facts and evidence presented establish that there is a reasonable relationship between the need for the described public facilities and the development which will be served pursuant to the PEA for which the corresponding fee is charged; and there is a reasonable relationship between the fees' use and the type of development for which the fee

is charged, as these reasonable relationships are in more detail described in the study referred to above;

e. The cost estimates set forth in the PEA are reasonable cost estimates for constructing these facilities, and the fees expected to be collected will not exceed the total of these costs.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the Marin Municipal Water District has reviewed the Study and adopts all of the findings set forth above; and

**BE IT FURTHER RESOLVED**, that the fees to be collected pursuant to paragraph 5 of the PEA shall be used solely to pay for the described public facilities to be constructed by the District, for reimbursing the District for the development's fair share of those capital improvements already constructed by the District, or to reimburse other developers who have constructed public facilities described in the pipeline extension agreement where those facilities were beyond that needed to mitigate the impacts of the other developer's project or projects.

**PASSED AND ADOPTED** this 18th day of January, 2022, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

---

**Larry L. Russell**  
**President, Board of Directors**

**ATTEST:**

---

**Terrie Gillen**  
**Board Secretary**

**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO.**

**RESOLUTION OF THE BOARD OF DIRECTORS FINDING IMPENDING PERIL OF GRADUAL EARTH MOVEMENT AND DETERMINING AND UNDERTAKING APPROPRIATE ACTION TO HALT, STABILIZE, OR ABATE SUCH PERIL**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL WATER DISTRICT AS FOLLOWS:**

1. The Board of Directors has examined the information contained in the agenda packet for this item, and based thereon finds, pursuant to Government Code Subsection 865 et.seq., that an impending peril of gradual earth movement exists on property in Marin County described as follows:

Assessor's Parcel No. **164-270-07**

2. The Board of Directors determines that the following remedial action by the District to halt, stabilize, or abate such impending peril is appropriate as a condition to the provisions of water service to said property and undertakes to see that such remedial action is carried out as a condition to provision of water service to said property:

Installation of welded steel pipe

**PASSED AND ADOPTED** on the 18th day of January, 2022, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

---

**Larry L. Russell**  
**President, Board of Directors**

**ATTEST:**

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**Terrie Gillen**  
**Board Secretary**

**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO.**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL WATER DISTRICT  
CERTIFYING REVIEW OF THE AMENDED FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
OAKVIEW MASTER PLAN, USE PERMIT, AND VESTING TENTATIVE MAP FOR THE TALUS  
RESERVE – ERIN DRIVE EXTENSION AND APPROVING A PIPELINE EXTENSION AGREEMENT  
WITH TALUS, LLC**

**WHEREAS**, the Marin Municipal Water District received an application for water service and fire protection for the Talus Reserve subdivision at the Erin Drive extension, located within the County of Marin, which would requires a pipeline extension and accompanying agreement (Pipeline Extension Agreement or PEA) between the District and Talus, LLC; and

**WHEREAS**, the County of Marin certified an amended Final Environmental Impact Report (Final EIR) for the Oakview Master Plan, Use Permit, and Vesting Tentative Map for the Talus Reserve- Erin Drive Extension Project (Project) pursuant to the California Environmental Quality Act (CEQA) and approved the Project on January 11, 2005, as set forth in County Board of Supervisors Resolution No. 2005-05 and adopted a Mitigation Monitoring and Reporting Program (MMRP) for the project; and

**WHEREAS**, a Notice of Determination was filed for the Project on January 19, 2005, to February 18, 2005; and

**WHEREAS**, District staff and its environmental consultant have reviewed the Final EIR for the Project, as well as the MMRP adopted for the Project, and have prepared an analysis, which determined that the proposed pipeline extension and PEA are consistent with the Final EIR and if approved by the Board would not result in any environmental impacts that would not be mitigated to less than significant with the implementation of the MMRP and Project conditions.

**NOW, THEREFORE, THE BOARD OF DIRECTORS RESOLVES AS FOLLOWS:**

1. The Board, acting as a Responsible Agency as defined by the California Environmental Quality Act and Guidelines, hereby certifies its review of amended Final Environmental Impact Report (Final EIR) for the Oakview Master Plan, Use Permit, and Vesting Tentative Map for the Talus Reserve- Erin Drive Extension Project (Project) pursuant to the California Environmental Quality Act.
2. The Board finds that the Final EIR is adequate for its purposes related to consideration of the Pipeline Extension Agreement for the Talus reserve subdivision, which is a component of the Project.

3. The MMRP adopted for the Project and the conditions of approval assigned to the project by the County of Marin have no adverse impact on water service for the project as designed by District staff.

4. The Board finds, in its independent judgment that with the adopted Project conditions and the mitigation measures and set forth in the MMRP adopted by the County of Marin, any potential environmental impacts have been reduced to less than significant.

5. The Board hereby further approves the proposed Talus Pipeline Extension and a Pipeline Extension Agreement in substantially the form attached to the staff report for this item.

**PASSED AND ADOPTED** this 18th day of January, 2022 by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

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**Larry L. Russell**  
**President, Board of Directors**

**ATTEST:**

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**Terrie Gillen**  
**Board Secretary**

## Informational Item

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**TO:** Board of Directors

**FROM:** Paul Sellier, Operations Director



**THROUGH:** Ben Horenstein, General Manager



**DIVISION NAME:** Operations

**ITEM:** Water Supply Update

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### **SUMMARY**

The District's reservoirs are over 95 percent of capacity with a total of 75,893 AF in storage. Staff will provide a water supply overview and an update of water supply initiatives, including the approach staff recommends to meet the Board's direction to continue all efforts to improve the District's water supply resiliency.

### **DISCUSSION**

The District's reservoir system has proved remarkably resilient over our 110 year history and we have consistently supplied water to our customers through a range of conditions including historic droughts. Climate change models are predicting a greater variability in our climate with more severe and more frequent dry periods ahead. The past two years have been an example of that variability where severe drought conditions were followed by the wettest October in 100 years. Over the course of December 2021, the net change in reservoir storage was 27,111 AF (8.8 billion gallons) an amount greater than the total annual demand for potable water by all of the District's customers.

Following the Board direction, staff continues all efforts to develop water supply projects to address the changing climate conditions. With local storage levels near maximum capacity, the District is taking this opportunity to refocus water supply planning from short-term drought response to longer-term water supply resiliency. After the "record drought" of the late 1970s, the District responded to the need by building a new reservoir, doubling the storage of an existing reservoir, developing a recycled water program, and strengthening our relationship with Sonoma Water. Following this recent drought, the District will respond in a similar fashion to this signal of a further shift in hydrologic conditions.

### **FISCAL IMPACT**

No impact

### **ATTACHMENT(S)**

None

## Approval Item

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### **TITLE**

Adoption of Ordinance No. 457 Repealing Limits on Water Use and Associated Penalties

### **RECOMMENDATION**

Adopt Ordinance No. 457 to repeal the water use limits within the District and to repeal the associated penalties that would apply to water use in excess of water use limits adopted on September 21, 2021 (Ordinance 454)

### **SUMMARY**

Due to severe drought conditions at the time, the Board adopted Ordinance No. 454 in September 2021 establishing water use limits on certain types of water accounts to further restrict outdoor water use, with limits and penalties tied to the winter and summer service periods. Given recent rainfall amounts and improved water supply conditions, proposed Ordinance No. 457 would repeal limits on water use and penalties for water use in excess of the limits adopted pursuant to Ordinance No. 454.

### **DISCUSSION**

Over the past year, the Board took a number of actions to respond to historic drought conditions impacting District operations and a severe reduction in available water supply. Ordinance No. 454 was adopted in September 2021 and established a limit on water usage. Water accounts that exceeded the limit would be charged a penalty for the amount of water exceeding the limit. At the time of adoption, District reservoirs were at historically low levels and seasonal rainfall forecasts were highly uncertain. The District has received substantial rainfall since mid-October, increasing total reservoir storage to above average levels for this time of year. As of January 5, 2022, total reservoir storage was 74,664 acre-feet (AF) or 123% of average for this date. Based on the current storage levels, there is no longer a necessity to establish water use limits and penalize water use for the District's single family, dedicated irrigation and single family dedicated irrigation water accounts.

Ordinance 454 was adopted on September 21, 2021, and became effective on December 1, 2021, applying to bi-monthly billing periods after December 1<sup>st</sup>. Due to the December 1<sup>st</sup> effective date and the first bi-monthly billing periods closing on February 1<sup>st</sup>, no bi-monthly bills with water use limit penalties have been issued. If Ordinance No. 457 is adopted, no bi-monthly bills will have been issued to District customers with the water use limit penalties and therefore no customers will be fiscally impacted by Ordinance 454.

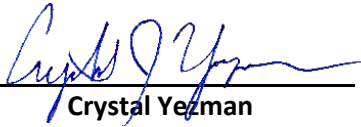
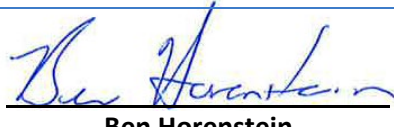
At this time, staff recommends that the Board of Directors adopt Ordinance No. 457 repealing the Ordinance No. 454 establishing water use limits and associated penalties.

**FISCAL IMPACT**

The water use limits were anticipated to initially yield increased income to the District and it was recognized as high water users change their behaviors and reduce water usage, the amount of income derived from the drought penalties was likely to decline.

**ATTACHMENT(S)**

1. Draft Ordinance No. 457

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Water Efficiency	 Crystal Yezman Engineering Division Manager	 Ben Horenstein General Manager



**DRAFT**

**MARIN MUNICIPAL WATER DISTRICT**

**ORDINANCE NO. 457**

**AN ORDINANCE AMENDING CHAPTER 13.04 ENTITLED “COMPREHENSIVE DROUGHT WATER CONSERVATION AND ENFORCEMENT MEASURES” OF TITLE 13 OF THE MARIN MUNICIPAL WATER DISTRICT CODE ENTITLED “WATER SERVICE CONDITIONS AND WATER CONSERVATION MEASURES” REPEALING LIMITS ON WATER USE AND ASSOCIATED PENALTIES**

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL WATER DISTRICT AS FOLLOWS:**

**SECTION 1. Purpose:** The Board of Directors (Board) declared a water shortage emergency on April 20, 2021 pursuant to Water Code sections 350, et seq. and 71640, et seq. as set forth in Board Resolution No. 8630 and subsequently adopted Ordinance Nos. 449, 450, 452, 453, and 455 instituting mandatory water conservation measures for all District customers to preserve the District’s water supply during the current drought. On September 21, 2021, the Board adopted Ordinance No. 454 establishing limits on water use and penalties for water use in excess of those limits. The purpose of this ordinance is to repeal the limits on water use and penalties for water use in excess of those limits adopted by Ordinance No. 454. While acknowledging that water conservation is still needed and that drought conditions still exist throughout much of the state, the repeal of these water use limits and associated penalties is in response to recent rainfall events that have increase District reservoir levels and reduced or eliminated the need for most outdoor irrigation.

**SECTION 2.** Chapter 13.04, Section 13.04.025 of the Marin Municipal Water District Code entitled “Limits on water uses” is hereby repealed in its entirety.

**SECTION 3.** Chapter 13.04, Section 13.04.026 of the Marin Municipal Water District Code entitled “Penalties for water use in excess of limits” is hereby repealed in its entirety.

**SECTION 4.** Chapter 13.04, Section 13.04.027 of the Marin Municipal Water District Code entitled “Adjustment of limits on water use for larger households” is hereby repealed in its entirety.

**SECTION 5. Findings of Necessity:** The Board of Directors, after considering all of the information and testimony presented at its January 18, 2022 public hearing regarding this ordinance, finds as follows:

- I. Historic and Current Water Supply Overview
  - A. Water is a finite and precious resource.
  - B. The District’s water supply currently remains limited to water captured in its seven reservoirs; water transported from the Russian River via the North Marin aqueduct;

and recycled water produced at the Las Gallinas Valley Sanitary District Plant (for a variety of non-potable purposes). About 73% of the District's water supply comes from its reservoirs, 25% from the Russian River through the North Marin aqueduct and 2% from recycled water. Although options to increase the District's water supply are being evaluated, the implementation of any preferred alternative will not be immediate.

- C. The water conservation program, including the mandatory water conservation measures already adopted by this Board, is still necessary to conserve additional water for beneficial use and to preserve the District's water supply.
- D. On September 16, 2021, one day prior to the posting of agenda packet containing Ordinance No. 454, the District's water storage level was 28,447 acre feet, which was 35.75% of average for that time of year.
- E. From July 1, 2021 to January 12, 2022, the District recorded 43.16 inches of rainfall at Lake Lagunitas, which is 184% of average for this time of year.
- F. As of January 13, 2022 the District's water storage level is 75,893 acre feet, which is 122% of average for this time of year.
- G. While continued water conservation is needed to assure water supply availability in the future, recent rainfall events have substantially improved the District's current water supply conditions.

## II. Repeal of Limits on Water Use and Associated Penalties

- A. On April 20, 2021, pursuant to Board Resolution No. 8630, the District declared a water shortage emergency pursuant to Water Code sections 350, et seq. and 71460, et seq.
- B. Based upon projected demand and current storage levels at that time, the District was focused (and continues to be) on preserving its remaining water supply to assure sufficient supply given the uncertainty of future weather and water storage.
- C. Article X Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use to the fullest extent of which they are capable and that the waste, unreasonable use or unreasonable method of use of water be prevented, and that conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare.
- D. California Water Code section 71640 authorizes the District to restrict the use of water during any emergency caused by drought, or other threatened or existing water shortage, and prohibit the wastage of District water or the use of District water during such periods for any purpose other than household uses or such other restricted uses as the District determines to be necessary. The District may also prohibit use of District water during such periods for specific uses which it finds to be nonessential.

- E. Pursuant to Water Code section 353 when the Board declares the existence of an emergency condition of water shortage within its service area, it shall thereupon adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will in the sound discretion of such governing body conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.
- F. The Board has adopted such regulations and restrictions on water use with the adoption of Ordinances 449, 450, 452, 453, 454, and 455 respectively.
- G. Given improved reservoir storage levels and water supply conditions, the limits on water use and the penalties for water use in excess of the those limits adopted by Ordinance No. 454 are determined to no longer be necessary. However, the regulations and restrictions on water use adopted by Ordinances 449, 450, 452, 453, and 455 respectively shall remain in full force and effect, while the District continues to monitor weather and water supply conditions.

**SECTION 6. Environmental Determination:** This project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and based upon the above findings and purposes of this ordinance, qualifies for an exemption pursuant to Section 15061(b)(3) of the CEQA Guidelines as there is no possibility that the activity in question may have a significant effect on the environment.

**SECTION 7. Severability:** If any section, subsection, sentence, clause, phrase, portion or part of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section shall not affect the validity of the remaining portions of this code. The Board of Directors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections subsections, clauses, phrases, parts or portions be declared invalid or unconstitutional.

**SECTION 8. Effective Date:** Pursuant to Water Code section 71640, this ordinance shall be effective on the day of its adoption. Within 10 days of adoption, this ordinance, or a summary hereof, shall be published in the Marin Independent Journal pursuant to Section 6061 of the Government Code.

**PASSED AND ADOPTED** this 18th day of January, 2022, by the following vote of the Board of Directors:

**AYES:**

**NOES:**

**ABSENT:**

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**Larry L. Russell**  
**President, Board of Directors**

**ATTEST:**

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**Terrie Gillen**  
**Secretary, Board of Directors**

## Informational Item

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**TO:** Board of Directors

**FROM:** Crystal Yezman, Director Engineering

**THROUGH:** Ben Horenstein, General Manager

**DIVISION NAME:** Engineering Division

**ITEM:** Prohibiting Non-Functional Turf in Commercial Sector

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### SUMMARY

A Non-Functional Turf (NFT) Prohibition is intended to prevent use of potable water on installations of turfgrass areas in new and rehabilitated commercial sites and to phase out existing commercial turf areas that provide little or no recreational or community benefit.

### DISCUSSION

The NFT Prohibition would be a phased approach beginning with new commercial developments, transitioning into removal at existing commercial sites and finally leveraging input from the Citizens Advisory Committee to develop recommendations for residential customers.

### New Commercial Development Code to Limit Non-Functional Turf

District code would be developed to ensure new development landscapes on commercial sites are not permitted to install NFT. The Code would align with the following parameters:

- The installation of turf at parks and schools is limited to active or programmed recreation areas such as sport fields;
- Turf should not be installed in areas less than 1,500 contiguous square feet, unless approved by the district for specific uses. (ie: day care facilities, veterinarians, etc);
- Turf cannot be installed closer than 10 feet to a street, sidewalk, parking area, or other non-permeable surface;
- Turf cannot be less than 30 feet in any dimension.

The new commercial connection restrictions would apply to Water Service Applications received on or after March 1, 2022. Staff will coordinate with the local land use planning jurisdictions. The code would apply to all new commercial projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review; and rehabilitated landscape projects with an aggregate landscape area equal to or greater than 1,000 square feet requiring a building or landscape permit, plan check,

or design review. Internal Landscape Plan Review will be coordinated with Water Efficiency and Development Services.

This non-functional turf prohibition would not apply to HOA common areas, churches, multi family housing, active/play areas in schools or parks. It would apply to municipal/public medians, golf courses, strip malls, retail establishments, etc. Input from the Citizens Advisory Committee will be used to develop recommendations for residential customers.

### **Converting Existing Commercial NFT**

Based on the landscape area measurement analysis, the preliminary estimate of existing NFT in the in commercial sector is approximately 73 acres (3,200,000 sqft). Converting these areas to locally appropriate, low water use plant material would result in approximately 350 AF savings each year.

Establishing a clear timeline for a NFT conversion requirement will help ensure District customers are aware of the requirement and can take advantage of incentive offerings available to support voluntary NFT conversion. Based on the 73 acres of commercial NFT, staff believes that a 3-year timeframe is appropriate to transition from a voluntary, incentive driven initiative to a mandate when financial impacts of the NFT conversions will shift to the customer.

Upon adoption of a future NFT conversion mandate, staff will notify all commercial sites with NFT of the impending mandate of January 1, 2025 and encourage voluntary NFT conversion with the help of the incentive program, which would get phased out over the 3-year transition to the commercial NFT prohibition. Recognizing local resources will be required to complete incentivized voluntary conversions, staff would notify local landscape contractors, landscape suppliers and nurseries of the upcoming non-functional turf ban. Additionally, staff would propose the incentive for conversion to climate appropriate plant material be as follows: CY 2022-2023: \$3/sqft; CY 2024: \$1/sqft; CY 2025+: no incentive available for removal of existing NFT. If all NFT turf is converted in 2022 and 2023 the cost to the District would be \$9.6M.

Enforcement will be implemented through a reduction in each commercial account's allotted Water Budget to align with the water demands required for low water use plant material. The Water Entitlement will not be affected by the reduction in the Water Budget. According to District Code section 11.08.180 a water entitlement is the maximum amount of water the district is committed to supply any non-residential individual service on annual basis and District Code section 13.03.020 states the water budget is determined by the district and the water budget for each service may be adjusted below the water entitlement. Staff will present more details on how reductions in the allocated Water Budget based on prohibited NFT following the 2025 deadline could impact water bills.

Input from the Citizens Advisory Committee on water conservation will be used to develop recommendations for residential customers.

**Variance Process**

The NFT prohibition would allow for the currently adopted variance process, District Code 13.02.050, to be utilized as appropriate.

**FISCAL IMPACT**

The fiscal impact to the District for enacting these limitations would include the incentives for the turf conversions budgeted in the Water Efficiency Program and loss of revenue from the reduction in water sales.

**ATTACHMENT(S)**

None

## Informational Item

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**TO:** Board of Directors

**FROM:** Terrie Gillen, Board Secretary



**THROUGH:** Ben Horenstein, General Manager



**DIVISION NAME:** Communications & Public Affairs Department

**ITEM:** Future Meeting Schedule and Agenda Items

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### **SUMMARY**

Review of the upcoming Board of Directors and Committee meetings

### **DISCUSSION**

Below are the upcoming meetings of the Board of Directors and/or Committees:

#### Internal Meetings

- Thursday, January 27, 2022  
Finance & Administration Committee/Board of Directors (Finance & Administration) Meeting  
9:30 a.m.
- Tuesday, February 1, 2022  
Board of Directors and Financing Authority Meetings  
7:00 p.m.
- Tuesday, February 8, 2022 (**TENTATIVE**)  
Water Resiliency Committee/Board of Directors (Water Resiliency) Meeting  
5:30 p.m.

#### External Meetings

- Friday, January 21, 2022  
Lagunitas Creek Technical Advisory Committee Meeting  
10 a.m.
- Friday, February 4, 2022  
North Bay Watershed Association (NBWA) Board Meeting  
9:30 a.m.



- Monday, February 7, 2022  
Sonoma Water Agency Commission Meeting  
9:00 a.m.

**FISCAL IMPACT**

None

**ATTACHMENT(S)**

None