SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. V-A**

FROM: Steve Mack, General Manager

Meeting Date: July 6, 2017

SUBJECT: Request for new water service at 14712 Eagles Nest Road, Rio Nido

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RECOMMENDED ACTION: Confirm District staff's decision to deny request for new water service at 14712 Eagles Nest Road, Rio Nido.

FISCAL IMPACT: The District will lose the revenue generated by a new customer, which includes initial capacity charges (app. $6,000), ongoing flat charges ($198/year), and water bill revenue when the service is active.

DISCUSSION:

This item appears on the Agenda at the request of the property owners, Michael and Erin Rickard. They have provided packet materials of their own.

The Rickards approached the District to request water service at 14712 Eagles Nest Road. Apparently, there was once a house on the property demolished by a tree during a storm in the 1960s. The Rickards maintain that they had water service until 1995; however, District staff have found no evidence of a water service to this property since the District was formed in 1992, either in the billing system or in old tax assessment records. This is important. Without such evidence, their request for water service is considered a request for a new service rather than a reconnect of an existing but unused service.

District procedure for new service line requests is to conduct an investigation to determine (1) If a new service is feasible; and (2) What the cost will be to construct the service. The investigation fee is $100. However, the Rickards request was not the first time a new service had been requested -- and rejected -- on Eagles Nest Road due to the capacity of the main line servicing that road. For that reason, there was no need to re-investigate whether a new service could be added. The Rickards were informed verbally that an additional water service on Eagles Nest Road was not feasible and why. They were not charged any fees.

So why can't a new service be added on Eagles Nest Road? The short answer is the main line servicing this road is "maxed out." Eagles Nest Road is serviced by a 1" main line, and there are no current plans to upgrade the size of that line. The small size of the main line limits the number of services that can be accommodated without compromising water pressure to all services on that line. The "max" number of services has been reached. Adding even one more service would mean existing services could no longer be adequately served.

It remains an option for the Rickards to personally pay to upgrade the size of the main line so new services can be accommodated. However, the cost to do so is prohibitive - staff estimates well over $100,000. To pinpoint the cost of upgrading the mainline would involve the assistance of an engineer, an option and expense the Rickards have not expressed interest in pursuing.

We appreciate how disappointing it must be to decide to rebuild a family home, only to find out access to a basic utility like water is is no longer an option. However, staff's priorities remain clear: the water service to existing customers should not be unduly compromised by adding an additional customer to their main line.

Michael & Erin Rickard
19120 Old Monte Rio Road
Guerneville, CA 95446

May 18, 2017

Board of Directors
Sweetwater Springs Water District
17081 CA-116
Guerneville, CA 95446

Re: Appeal of Denial of Water for 14712 Eagles Nest, Rio Nido, CA October 15, 2015 (formerly known as Upper Canyon 7)

Dear Honorable Board Members:

My husband and I have lived here and have been rate-payers in the Sweetwater Springs Water District for the past 26 years. That has included payments for any and all property tax assessments, billing adjustments and capital debt reductions.

My family has a very long and deep history with the Russian River area. We have owned the above-mentioned property since the late 1950s and it was always a cherished place for us to spend time. Unfortunately, in the late 1960s the main cabin was destroyed by a tree in a severe winter storm that fell through it and literally cut it in half (please see attached photos.)

My parents were unable to afford to rebuild the main cabin as it would have required the installation of a perimeter foundation – a cost prohibitive solution. The main cabin was demolished following that, however, a street-level garage and cottage survived and remained on the property until 1995. There was water to the cottage until that time (see attached pictures and Sonoma County demolition permit dated 4/12/95).

My father had intended to develop the property and he paid to have plans drawn up, but unfortunately he passed away before he could see its completion. He passed away in 1997 and left the property to my sister and I. It was our intent to carry his dream forward for the property.

In October 15, 2015, my sister and I attempted to sell the property. We were surprised to learn that the Water District was denying us water access and informed us that we would personally have to pay an arbitrary amount of $100,000.00 for upgrades to the pipe running up the hill to gain access. No basis for this amount was ever given to us. We were further informed that the answer was just "no." (Please see attached e-mails from Kevin Gilman dated 10/15/15 and Steve Mack dated 10/15/15.)

I was referred to the Sweetwater Springs Water District Code of Operations – specifically, section 3020.80 which states, "Applications for *new [italics added]* service connections...." However, my application is not for new service, but for reinstatement of a prior existing service.

I am writing to the Board to appeal that decision. The property had a long-standing residence on it for many years prior to the storm damage. The remaining cottage received water from Citizen's Utilities when Sweetwater Springs Water District purchased the water rights from them. It is not a "new" development, but a long-standing existing one in the service district. The property at 14712 Eagles Nest water rights would have been grandfathered into the Sweetwater Springs purchase of Citizen's Utilities.

There is currently water service provided to neighbors immediately adjacent to the property, directly across the road and numerous properties a short distance up the road. The property is about three-quarters of the way up the road, far before the sharp turn to the top.

I understand that there would be hook up costs associated with re-connection of water to the property. I also understand that the district may request payment of assessments to restore the pre-existing rights.

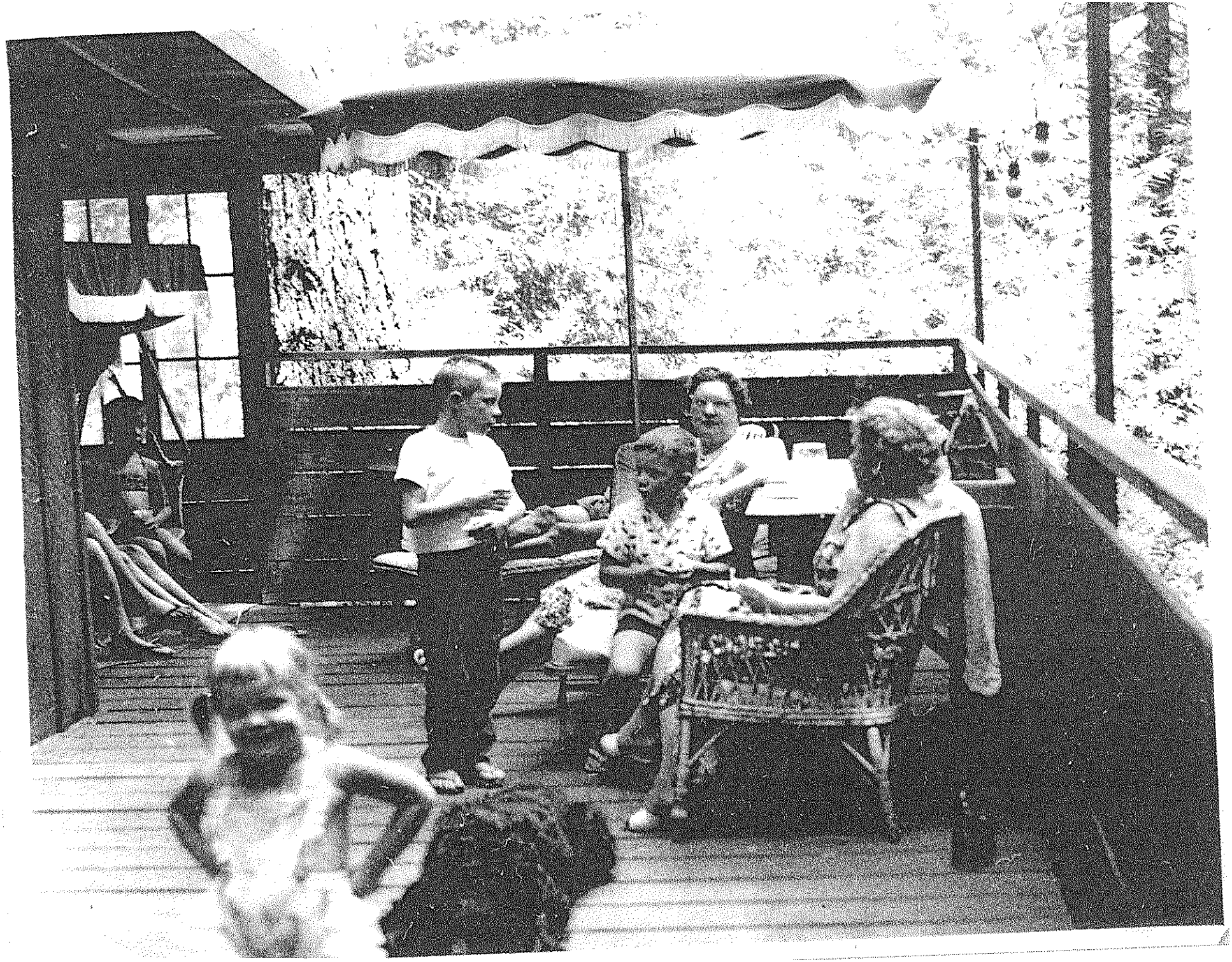
I plead with the Board to not penalize my family twice and hope that they can see their way to appreciating the huge loss my family has already sustained at the site.

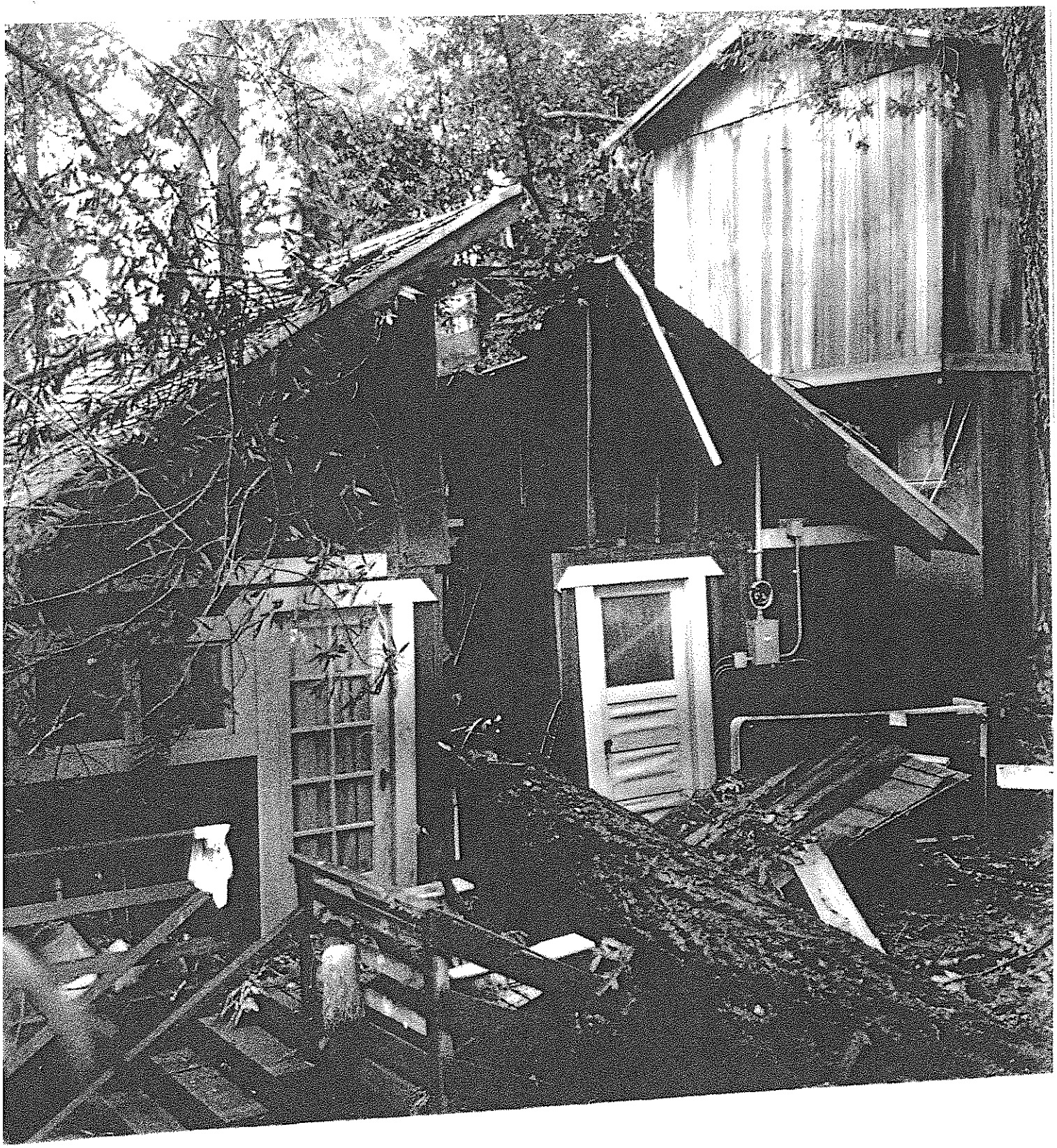
Respectfully, I request that the Board allow for the hookup of water to the property at 14712 Eagles Nest, Rio Nido, CA.

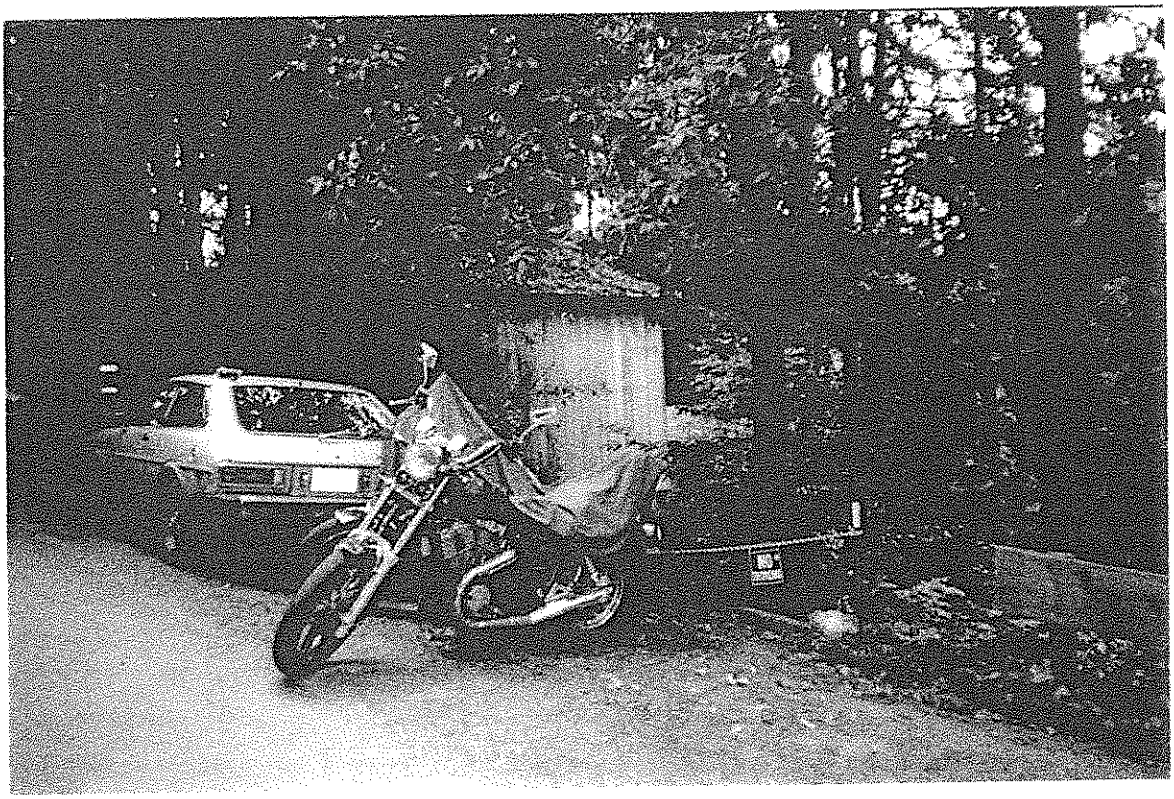
Respecfully submitted,

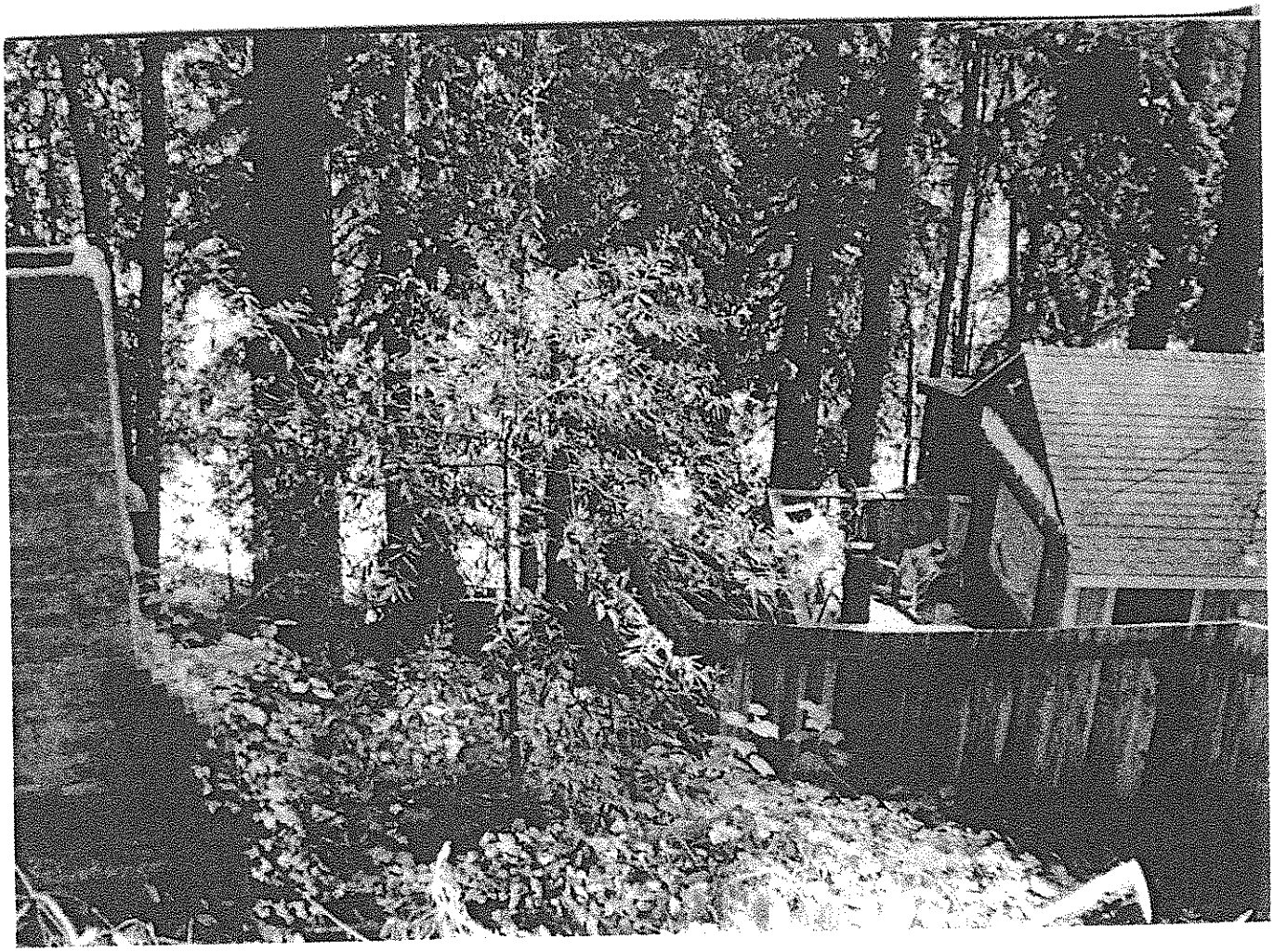
Erin Rickard

Erin and Michael Rickard









570 Administration Drive, Room 114 A Santa Rosa, CA 95403-2884 Tel. (707) 527-2221 Fax (707) 527-3767

REQUESTS FOR INSPECTION — .EAST 24 HOURS IN ADVANCE (707) 527- 1

OWNER

NAME: JAMES J. DIGGINS

MAILING ADDRESS: 3023 OAKBRIDGE DR TEL. NO: 408-274-1008

CITY: SAN JOSE CA ZIP CODE: 95121

PROJECT

ADDRESS: 14712 UPPER CANYON #7

CITY: RIO NIDO CA

SUBDIVISION NAME | UNIT NO | LOT | BLOCK

ASSESSOR'S PARCEL NO: # 070-293-040

NEAREST CROSS STREET: HWY 116

CONTRACTOR

NAME

ADDRESS TEL NO

CITY ZIP CODE

STATE LIC NO LIC CLASS

DESIGNER

NAME

ADDRESS TEL NO

CITY ZIP CODE

CONDITION OF SOIL AT JOB SITE:
☐ ORIGINAL ☐ ENGINEERED FILL ☐ LOOSE FILL
SITE REVIEW

by: Date: / /

REQUIRED REPORTS: ☐
☐ GEOLOGY ☐ SOILS ☐ COMPACTION

FLOOD ZONE: ☐ YES ☐ NO 100 YR FLOOD ELEV.

NSCAPCD: ☐ YES ☐ NO PRE-FIRM %

SEWER CONNECTION:
☐ AVAILABLE APPROVED BY
☐ FEES PAID DATE

ROAD ENCROACHMENT:
APPROVED BY
☐ FEES PAID DATE

SEPTIC TANK INSTALLATION: (Health Dept.)
Permit/Clearance #
Date Rec'd Date Issued

WORK AUTHORIZED:

Demolish [redacted]

[redacted] Garage

NEW ☐ ADDITION ☐ ALTERATION ☐ REPAIR ☐ MOVING ☐ OCC/CHG ☐

	SIZE IN SQUARE FEET	RATE PER SQUARE FOOT	VALUE
FLOOR AREA			
GARAGE CARPORT			
DECK AWNING			
TOTAL FEES - Per Chap 7, et seq. Sonoma County Code		TOTAL ➤	

☐ BUILDING 110 —
☐ PLAN CHECK
☐ PLUMBING
☐ ELECTRICAL
☐ MECHANICAL
☐ GRADING
☐ SITE/PROP
☐ PLANNING 16 —
☐ FIRE
☐ SEISMIC
☐ PROCESSING FEE 17 —
☐ INVEST. FEES 020539 110
☐ ORD #4618 FEES
☐
☐

TOTAL $ [redacted] 00

☐ PLANS APPROVED ☐ NO PLANS SUBJECT TO FIELD INSPECTION

APPROVED BY: DATE: /

DATE RECEIVED	BY	PREVIOUS PERMIT NO	DATE CLEARED FOR ISSUANCE	BY

1 LICENSED CONTRACTORS DECLARATION: I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Contractors Signature Lic. #

2 OWNER-BUILDER DECLARATION: I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5,Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by an applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500)).

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.)

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law.).

☐ I am exempt under Sec , B & P.C. for this reason:

Owners Signture

3 WORKER'S COMPENSATION DECLARATION: I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Worker's Compensation Insurance, or a certified copy thereof filed with the Permit and Resource Management Department.(Sec. 3800, Lab. C.)

Policy # Insurance Co.

Applicant's Signature Exp. Date

4 CERTIFICATE OF EXEMPTION FROM WORKER'S COMPENSATION INSURANCE: I hereby certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Worker's Compensation Laws of California.

Owner's or Contractor's Signature

5 CONSTRUCTION LENDING AGENCY: I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.)

Lender's Name

Lender's Address

PERMITTEE

THIS PERMIT SHALL EXPIRE BY LIMITATION IF WORK AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, AND IS SUBJECT TO EXPIRATION IF WORK THEREUNDER IS SUSPENDED FOR 180 DAYS.

NAME JAMES J. DIGGINS

ADDRESS 3023 OAKBRIDGE DR SJ

I certify that I have read this application and state that the above information is correct, and that I am the owner or the duly authorized agent of the owner. I agree to comply with all County and State laws relating to building construction. I hereby authorize representatives of the County of Sonoma to enter upon the above-mentioned property for inspection purposes. If, after making the Certificate of Exemption from the Worker's Compensation provisions of the Labor Code, I should become subject to such provisions, I will forwith comply. In the event that I do not comply with the Worker's Compensation law, this permit shall be deemed revoked.

Signature Date 4-2-95

JOB ADDRESS

NEAREST CROSS STREET

MAP REFERENCE

Erin Rickard

From: Kevin Gilman <sws2@sonic.net>
Sent: Tuesday, October 13, 2015 2:12 PM
To: Erin Rickard
Subject: Ordinance
Attachments: doc02216820151013130707.pdf

Hi Erin,
Please see two pages attached. Specific policy numbers are: 3010.20 & 3020.80

Thank you.

Kevin Gilman

SWEETWATER SPRINGS WATER DISTRICT

Policy Title:	**District Water Code of Operations**
Policy Number:	3000 and 3100
Date Approved:	December 8, 1992 Ordinance No. 9
Date Revised:	September 14, 1993 Ordinance No. 12
Date Revised:	June 28, 1995 Ordinance No. 14
Date Revised:	January 7, 1999 Ordinance No. 15
Date Revised:	May 4, 2000 Ordinance 17 (Adding Section 3070.70)
Date Revised:	November 1, 2001 Ordinance 18 (Amending or Repealing Sections 3010.11., 3010.120, 3020.40, 3090.110(b) and (c), 3110.10 thru 3110.80; Replacing Section 3090.70(c); Adding Section 3090.70(d))
Date Revised:	March 4, 2004 Ord 21 (Amending Section 3020.161)
Date Revised:	May 6, 2004 Ord 19 (Amending Section 3020.40)
Date Revised:	May 4, 2006 Ord. 29 (Amending various sections for fee increases)
Date Revised:	September 3, 2009 Ord 40 (Adding Sections 3020.142 thru 3020.148, Capacity Charge)
Date Revised:	May 6, 2010 Ord 44 (Adding Sections 3020.121, 3080.25, and 3090.20 (e))
Date Revised:	March 3, 2011 Ord 46 (Revising Sections 3020.10, 3080.20, 3080.25, and 3080.30)

3010.10 Purpose: The rules and regulations in this section are in compliance with a duly adopted ordinance and are intended to establish uniform practices governing water service and to define the obligations of the district to consumers and of consumers to the district.

3010.20 Availability of Service: Consumers are advised to obtain information from the district on the availability of water, water facilities to provide service, pressure conditions and other pertinent data, to assure satisfactory service, before undertaking any development or construction. Many areas within the boundaries of the district can be served only at extremely high cost to the consumers.

3010.30 Service Area: Any person whose premises are within the service limits established by the district which shall include the franchise area served by Citizens Utilities, may apply for a water service connection provided that the district then has at that location a sufficient water supply developed for domestic or fire or reclaimed water use to provide the new or additional service without detriment to those already served. The consumer, by his/her application shall be deemed to agree to abide by all district rules and regulations. A prospective consumer will be deemed to be "within service limits" only if such prospective consumer is entitled to service under all other provisions of this code and then only on the terms stated herein.

3010.40 Service Areas - Distance Limitations: District mains leading to or near a prospective service area are intended only for points of consumption within a maximum distance of one hundred twenty-five feet of the property line fronting

has been determined, and the installation made, the district shall have fulfilled its obligation insofar as the installation is concerned.

3020.50 Responsibility for Payment: All requests for service whether verbal or written will constitute an agreement to pay for all service rendered and charges incurred.

3020.60 Review of Application for New Service Connection: Receipt of application is not an indication that service will be rendered. Each application will be reviewed individually by the district. After such review, the district reserves and shall have the right to grant or reject said application for any cause which will affect district welfare.

3020.70 Fronting a Main: "Fronting a Main", as used in this section, means that a district-owned service main is located in a district easement or public way which is immediately contiguous to the parcel to be served and that an imaginary line projected at a right angle to such main extends to or beyond the centerline of the parcel's frontage or to the centerline of the structure, whichever is farther.

3020.80 Adequate Pressure: Adequate pressure must be maintained throughout the water system. Adequate pressure requirements are dictated by the State Health Department and will be strictly adhered to when applications for new service are considered. Applications for new service connections will be denied where it is found that the granting of such a connection will adversely affect the current customers being served in the area, or pressure zones above said area.

3020.90 Conditions for Approval of Standard New Service Installations: Approval of an application for a new service installation will normally be granted providing that:

a. The property to be served is fronting an existing district main;

b. The structure to be served is within one hundred twenty-five feet of the property line fronting the main;

c. Adequate pressure is available to serve all portions of the property;

d. Property to be served is not at such an elevation that either low or excessive water pressure will result;

e. Such installation is in compliance with all other district rules, regulations and conditions of service.

f. Applicants who cannot meet condition (a) or condition (b) above must arrange for a pipeline extension pursuant to Section 3100.00 of this code.

Erin Rickard

From: Steve Mack <smack@sweetwatersprings.com>
Sent: Thursday, October 15, 2015 11:44 AM
To: Erin Rickard
Cc: Kevin Gilman
Subject: Re: FW: Ordinance

Ms. Rickard, we believe the District policy you are referring to is 3020.80. Adequate Pressure. We do not know the State code section number to which the policy refers. The Field Manager, Kevin Gilman, has had communications with State Health (now the Drinking Water Program) from time to time about our system. Pressure and flow inadequacy at outlying parts of the system is one of the concerns they express at different locations and they tell us we cannot add new customers at those locations. We have never pressed them on their authority to make these findings as we agree with the general concept - new customers cannot affect existing customers to their detriment.

In the particular situation for 14712 Eagle's Nest, we have approximately 16 parcels fed by a one inch or a one and one half inch line on Eagle's Nest Road. New construction at that location would require a one inch service for fire protection flows. The current supply system cannot support that with the demands of existing customers.

We are improving system pressure and flows throughout our system for existing customers through our capital improvement program (CIP).
Improving the system to add new customers at outlying parts of the system is not a priority of our CIP - we have too much to improve for existing customers.

We can add new customers at these locations if they pay for the improvements, but a cursory look at the situation on Eagle's Nest Road indicates to us that the needed improvements would cost well over $100,000. It's an unfortunate fact of our District that much of the original development was done with inadequate infrastructure and we are constantly dealing with that. A house may have been constructed at that location under the rules of that time, but that doesn't meet the needed requirements of today.

Steve Mack
Sweetwater Springs Water District
707-869-4000

> -----Original Message-----
> From: Erin Rickard [mailto:Erin.Rickard@unitedwaywinecountry.org]
> Sent: Tuesday, October 13, 2015 4:02 PM
> To: 'Kevin Gilman'
> Subject: RE: Ordinance
>
> Hi Kevin:
>
> Thank you so much for forwarding me the local ordinance sections.
> Section
> 3010.80 of the publication refers to the State Health Department for "new"
> water hookups. Can you please site me the code section you are
> referring to?
>
> Kind regards,

>
> Erin Rickard
> Vice President Finance & Operations
> United Way of the Wine Country
> 975 Corporate Center Parkway Suite 160 Santa Rosa, CA 95407
> tel: 707.528.4485 ext 105 / fax: 707.528.2930
>
> GIVE. | ADVOCATE. | VOLUNTEER. | LIVE UNITEDT www.unitedwaywinecountry.org
> Like us on Facebook: www.facebook.com/unitedwaywinecountry
>
>
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> -----Original Message-----
> From: Kevin Gilman [mailto:sws2@sonic.net]
> Sent: Tuesday, October 13, 2015 2:12 PM
> To: Erin Rickard
> Subject: Ordinance
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> Hi Erin,
> Please see two pages attached. Specific policy numbers are: 3010.20 &
> 3020.80
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> Thank you.
>
> Kevin Gilman
>
>