

# Marin County Community Development Agency

Mark J. Riesenfeld, AICP, Director

## NOTICE OF PROJECT STATUS

December 15, 1995

Robert Anderson  
251 Marion Avenue  
Mill Valley, CA 94941

**Ref: Carmel Capital Resources Lot Line Adjustment 95-012**  
**Pine Mountain Tunnel Road, Fairfax**  
**Assessor's Parcel #197-100-01 & 12**

Dear Mr. Anderson:

The Planning Department and reviewing agencies have examined your Lot Line Adjustment application and have determined that it is incomplete because additional information is required. This notification is in accordance with State law which requires that we inform you in writing of the status of your application within 30 days of its acceptance for filing. Please submit the following items within the next 30 days:

Community Development Agency, Planning Division (Christine Gimmler 499-6285)

1. As requested in staff's letter dated April 6, 1995, please submit Single Holding Form application fees in the amount of \$500.00.

Community Development Agency, Environmental Health Services Division (Armando Allegria 499-6907)

2. The proposed Lot Line Adjustment is deemed incomplete until the following information has been provided: 1) the applicant must demonstrate that each lot can support an individual on-site sewage disposal system; or 2) in lieu of septic systems, the applicant must provide proof that public sewer can be provided.

Please note that staff is in the process of confirming with County Counsel the legal status of the subject parcels in relation to the Lands of Hawkins Parcel Map (P.M. 15-83), which identifies the subject property as a portion of an unsurveyed remainder parcel.

Please carefully review the items indicated above and call the pertinent agency staff member at the number listed at the top of each heading. If you require additional time to collect the information listed above, please send me a written request for an extension for a specific period, such as an additional thirty (30) days. It is important to ask for an extension if you need one because your application may be withdrawn if we do not hear from you in the next month.

If you disagree with this decision regarding completeness of your application, you may appeal it to the Planning Commission. A Petition for Appeal and a \$500.00 filing fee must be submitted in the Planning Department, Room 308, Civic Center, San Rafael, no later than 4:00 P.M., December 22, 1995. Please call me at (415) 499-6285 if you have any questions about the status of your application. If I cannot take your call for some reason, please leave a message on my voicemail.

Sincerely,



Christine Gimmler, AICP  
Planner

cg/letr/stat/carmelin.doc

cc: J.T. Wick, AICP, Principal Planner  
James Petralia, Carmel Capital Resources  
David Harp, David Harp & Associates  
Dennis and Robin Boehlje



**ROSS VALLEY SANITARY DISTRICT**

NED J. ONGARO, DISTRICT MANAGER

SANITARY DISTRICT NO. 1 OF MARIN COUNTY  
2000 LARKSPUR LANDING CIRCLE  
LARKSPUR, CALIFORNIA 94939-1828  
(415) 461-1122 FAX (415) 461-4715

## DIRECTORS:

DON MANSSELL  
GEORGE H. BUCKLE  
BRIAN P. OLIVA  
RONALD R. HILL  
JEAN M. MARIANI

December 14, 1995

Marin County Development Agency  
Attn: Christine Gimmler, AICP, Planner  
3501 Civic Center Drive, #308  
San Rafael, CA 94903

Fax No. 499-7880

Re: Carmel Capital Resources Lot Line Adjustment 95-012  
Pine Mountain Tunnel Road, Fairfax  
Assessor's Parcel No. 197-100-01 & 12

This confirms my prior telephone conversation with your office regarding your transmittal dated November 16, 1995, concerning the above-referenced project. Sanitary District No. 1 (Sanitary District) has no objection to the lot line adjustment unless public sewer availability is a consideration. Regarding sewer for the lots, the Sanitary District has the following comments:

1. If the lots are to be served by onsite septic tanks, the County of Marin Department of Environmental Health has jurisdiction regarding onsite septic tanks.
2. If the lots are to be served by public sewer, there is presently no public sewer to serve the lots, and it is unknown whether sufficient grade could be obtained to sewer by gravity. Applicant would need to do a site evaluation, feasibility study, and soils evaluation to determine whether it would be feasible to extend the public sewer to serve said lots. If it is determined that extending the public sewer is feasible, an application for public sewer extension must be filed and approved. The application for public sewer extension must include:
  - a. Proposed sewer installation plans, including a site evaluation, feasibility study, and soils evaluation for the public sewer extension.
  - b. Preparation of the Environmental Checklist to be filed with the Sanitary District.
  - d. Easements across the properties through which the public sewer extension would be installed to extend the public sewer from 460 Cascade, across the creek, and up Canyon Road to the subject lots.
  - c. Payment of the applicable fees for the public sewer extension, including fees for the environmental assessment proceeding.

If you need further information regarding this matter, please contact this office.

Sincerely,

  
Ned J. Ongaro, District Manager

cc: Armando Alegria, Marin County Department of Environmental Health - Fax 499-6907  
Robert S. Anderson, Applicant





# MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue  
Corte Madera, CA 94925-1169  
415.924.4600  
FAX 415.927.4953

**RECEIVED**  
JUL 27 1990

**HERBERT G. HAWKINS**

July 20, 1990

Herbert G. Hawkins  
Attorney at Law  
748 Lincoln Avenue  
San Rafael, CA 94901

Dear Mr. Hawkins:

This letter responds to your letter to me dated July 11, 1990, requesting I review the District's position with respect to Frank and Paul Fradelizio's request for water service and indicate the District's position.

In your letter you refer to the deed granting the Marin Municipal Water District a right-of-way through lands owned by the Cascade Land Company, the Fradelizio's predecessors-in-interest to the real property for which Paul Fradelizio now seeks to obtain a water connection. In your letter you assert your belief that the District is obligated to provide water service to the Fradelizio's property by the terms of the deed and that the District has no authority to deny water service based on the insufficiency of the District's current water supply.

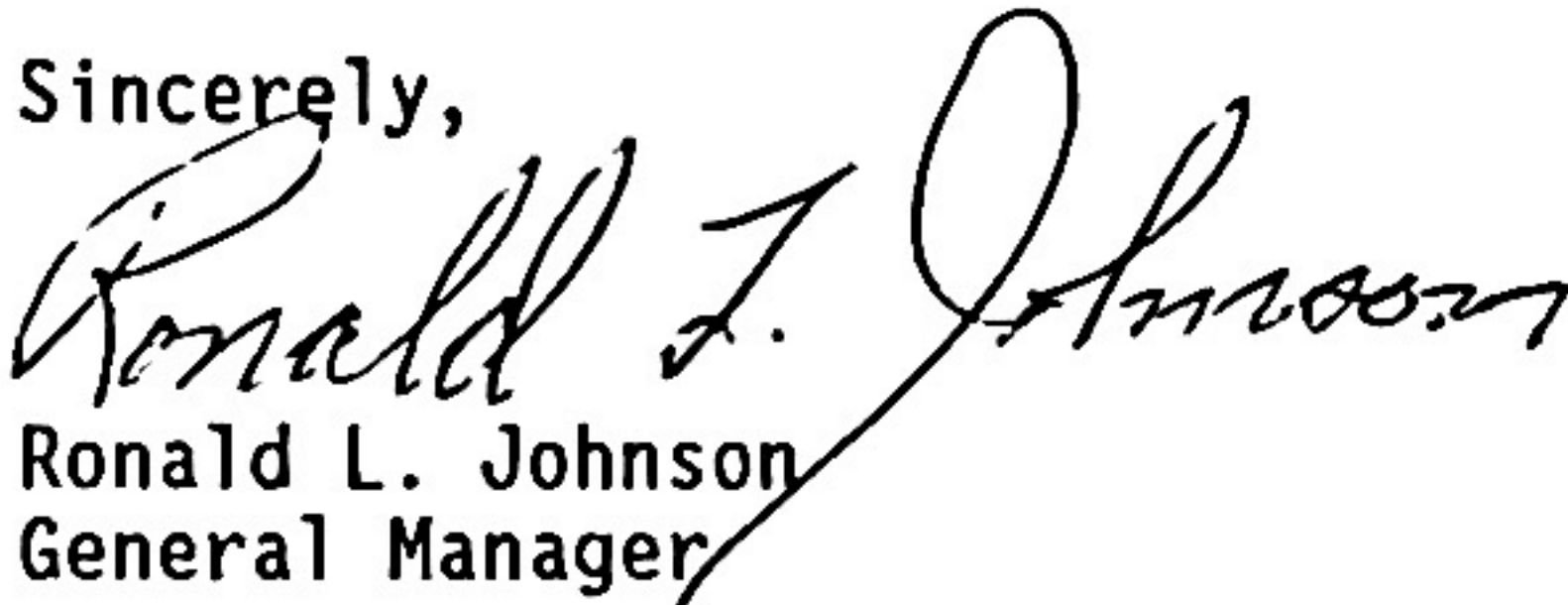
It is the District's position that the deed between the Cascade Land Company and the District specifies as an additional consideration for the conveyance of right-of-way to the District, an entitlement in the Grantor to have installed and maintained by the District at certain points specified, a connection to be installed by the District, "from which service mains [could] be connected so as to place the lands of the Cascade Land Company lying below said right-of-way under water service by gravity." The import of this language is an entitlement to connect to the District's lines at certain points convenient to the Grantor, points which would not otherwise necessarily be permitted as connection locations by the District. The deed's language does not give the Grantor an entitlement to water per se. Any such interpretation which would necessarily imply that the District, in exchange for a right-of-way, gave up an unspecified quantity of water to be put to use at the pleasure of the Grantor, at any future date up to and including 74 years later by the Grantor's successor-in-interest. Such an interpretation would be a misconstrual of the clear meaning of the contract and the public interest.



With respect to your contention that the District is without authority to restrict water connections when there is an insufficient supply of water, I refer you to Swanson v. Marin Municipal Water District, (1976) 56 Cal. App 3d 512 a decision specifying the District's obligation to protect the rights of existing consumers in the face of a water shortage emergency. Swanson and successor cases specify that the potential water user does not possess an absolute right to be treated in the same manner as an existing consumer, that a potential water user does not have a vested right to water.

Mr. Fradelizio has already been advised of the District's water situation and on June 14, 1989, was sent a copy of the enclosed letter from the District's manager of Engineering, Randy Poole, indicating that when he had received building permits for the structures which he wishes to build on the former Cascade Land Company property, the District would be happy to place him on a waiting list for service. Mr. Poole also advised him that a variance from the District's rules permitting connections as provided in the deed between the District and the Cascade Land Company would only be permitted for those lands owned by Mr. Fradelizio, which were the lands described in the original deed, that such service would be under low-pressure conditions, and that Mr. Fradelizio would need an individual pressure system in order to obtain adequate pressure.

Sincerely,



Ronald L. Johnson  
General Manager

RLJ/SDH/lac



# MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue  
Corte Madera, CA 94925-1169  
415.924.4600  
FAX 415.927.4953

January 25, 1991  
File No. 242

Mr. Paul Fradelizio  
49 Canyon Road  
Fairfax, CA 94930-2206

Re: Water Facilities  
Assessor's Parcel Nos. 197-100-12 and 14  
Pine Mountain Tunnel Road, Fairfax

Dear Mr. Fradelizio:

The District's Board of Directors, at their meeting of January 23, 1991, approved providing water to a maximum of six homes on the two above referenced Assessor's Parcels under the following conditions:

1. Owner of record of said parcels will quitclaim that portion of the original right-of-way conditions referring to the placement of the Lands of Cascade Land Company under gravity service by this District.
2. The Davies and Mr. Fradelizio to relinquish all claims for any additional water from the District.
3. District will provide water to a maximum of 6 living units on Assessor's Parcel Nos. 197-100-12 and 14.
4. Applicant must obtain building permits, apply for water and pay appropriate fees no later than July 1, 1992, and have the foundations completed within 120 days from the date of applying for service.
5. Applicant to obtain approval of a Pipeline Extension Agreement to extend the District's high-level system along the Pine Mountain Tunnel Road so that the high-level facilities front each of the lots for which water service is needed. All costs of these facilities will be borne by the applicant.



Mr. Paul Fradelizio  
January 25, 1991  
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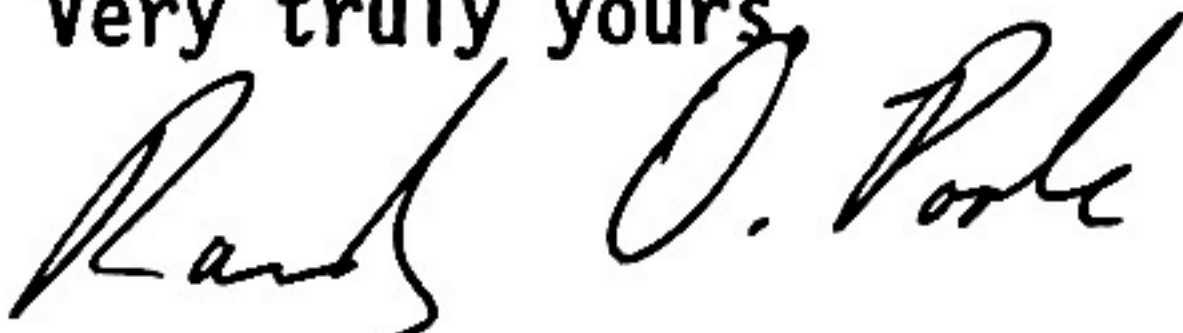
In response to your comments included in your letter of January 21, 1991, the District will prepare a document quitclaiming the paragraph referring to placing the Lands of the Cascade Land Company under water service by gravity as stated in the first paragraph on page 5 of the document. Prior to our preparing said document, we will need certain information regarding the legal ownership of your property.

In addition, the Board indicated that you must furnish building permits for each of the proposed houses no later than July 1, 1992; however, they will consider a request for a time extension on this date, provided you furnish proof that you are pursuing your project with due diligence and are encountering delays in obtaining your final planning approvals which are beyond your control. The Pipeline Extension Agreement will include the water facilities required to serve your project and will be designed in accordance with the District's standards relating to pipeline extensions. The District policy is minimum 6" pipe unless fire flow requirements deem a larger line. At such time as we have been advised by the Fire Department as to their requirements, we will then be able to adequately size the pipeline.

At such time as you have received approval of the tentative map for your land division, you may then make application for a Pipeline Extension Agreement. The present fee for the application is \$290. This will cover the cost of preparing a cost estimate.

If you have any questions regarding this matter, please contact Mr. W. C. Young at 924-4600, extension 296.

Very truly yours,



Randy D. Poole, P.E.  
Manager of Engineering

BY:ejs