



Yosemite West Property & Homeowners, Inc.

Notes from YW District Advisory Committee Meeting

September 12, 2019

Yosemite West District Advisory Committee (DAC) Members present:

Rosemarie Smallcombe (Mariposa County, District 1 Supervisor)
Tom Lambert (chair)
Debra Kroon
Art Cormier
Jeff Webb
Malcolm Neal
John Mock
Neal Misener

Other agency representatives present:

Joe Meyer (Yosemite National Park Chief-of-Staff)
Kristina Rylands (Nature Bridge NESC = National Environmental Science Center)
Ted Williams (YWPHI = Yosemite West Property and Homeowners Inc)
Larry Harris (Mariposa Public Works, engineering program manager)
Darryl Nielsen (Mariposa Public Works, plant technician operator)
Kassy Chauhan (by phone, Senior Sanitary Engineer, Merced district, CA State Water Resources Control Board)

Required representatives **absent**:

Mike Healy (Mariposa Public Works, director)

➤ **Tree cutting**

Blue Ridge Services is currently doing tree felling work along the main Henness Ridge Road area, and continues to solicit more homeowner permission agreements for further work. Their services are paid through an agreement made by Mariposa County where 75% of price comes from the County General Fund, and 25% comes from CA-state-level grants (so paid by California taxpayers).

➤ **Trash Collection**

Ted Williams raised the possibility for arranging with Mariposa Public Works to provide trash collection service. Currently, Yosemite West does not have county-organized trash collection, like inholding

Yosemite West Property & Homeowners, Inc.

7585 Henness Ridge Road, Yosemite National Park, CA 95389

Page 1 of 7

www.YosemiteWest.org

communities such as Wawona. Just like in other communities, the County could charge a fee per property on the Mariposa Public Works YWMD bills, and then provide public unlocked trash collection dumpsters emptied weekly. Having unlocked dumpsters would solve the perennial problem that the current private locked dumpsters create with trash left outside of dumpsters, which then becomes a danger and mess when animals such as bears and racoons get into the trash left by careless people.

Costs for county-organized trash collection would probably be in the range of \$30 to \$50 per month, which is slightly higher than the current “YW trash Co-Op” fees averaging about \$25 per month. Many residents would consider the “quality of life” worth the expense, to not have to pick up trash visitors leave outside locked dumpsters. Other homeowners expressed that the utility bills are already so high that they would vote against any extra imposed costs.

It could be possible to add an additional TOT permit condition to require all rental agencies to provide unlocked on-site dumpsters like those implemented by Scenic Wonders. However, even if implemented, this proposal is incomplete because there would still be issues about how regularly rental operators would empty their trash, and the concern that having any locked dumpsters still leads to strewn trash.

Rosemarie took the action item to consider various ideas for trash collection, and make a proposal at the 12/12/2019 YWDAC meeting.

➤ **Water Board letter**

A few days before the meeting, a letter was distributed from Kassy Chauhan dated 9/9/2019 that also referenced the Water Board’s letter to Mariposa Public Works of 9/4/2019 with requirements based on the sanitary survey on 11/6/2018 for the Yosemite West Water System.

The letters referenced a requirement of the water supply permit issued in December 2012 that required the Mariposa Public Works requirement to submit by 1/15/2013 a plan for providing a “second source” of water to mitigate the dependence of the System on well No. 9 as a single point-of-failure that could cripple the community. The letters claimed the requirement had been satisfied by Mariposa County by establishing an agreement with a neighboring property owner for an emergency connection whereby an emergency line would be run from the neighboring property to the Yosemite West storage tanks. This was a bombshell surprising statement to everyone present at today’s meeting who had no knowledge of such an agreement. Neither the Mariposa Public Works department nor Board of Supervisors could recall or produce such an agreement. Since every entity was present at the meeting that could have made such an agreement, and denied knowledge of such an agreement, it seems apparent that the agreement either never existed, or was a confusion/misinterpretation. **Kassy Chauhan took the action item** to research and provide evidence of the agreement, since it is still widely believed that Mariposa County is still under the December 2012 Notice of Violation to provide a second source of water for Yosemite West.

Kassy explained some of the stated values of consumption quoted in her letter. The following table summarizes the statements, with more conversions between GPD (gallon per day) and GPM (gallon per minute) used to fill out the comparisons:

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7585 Henness Ridge Road, Yosemite National Park, CA 95389

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	YW Parcels	Average usage	MDD (Maximum Day demand) with 1.5x factor	MDD (Maximum Day demand) with 1.5x factor	Average usage	MDD (Maximum Day demand) with 1.5x factor
		system GPD	system GPD	GPD per parcel	system GPM	system GPM
Currently built YW houses at current average usage	172	51840	77760	452	36	54
Currently built YW houses at PW stated usage	172	65000	97500	567	45	68
YW houses that could be built before hitting Well #9 limit	270	81377	122065	452	57	85
Full-buildout of all YW subdivision lots	294	88610	132915	452	62	92
Full-buildout of YW subdivision lots if sewer 250GPD EDU enforced	294	60000	90000	306	42	63
Nature Bridge NESC estimated use		12643	18965		8.78	13
Full-buildout of all YW lots + NESC		101253	151880		70	105
Well No. 9 Capacity			122400		57	85

There is still some confusion since there have been different statements of current usage quoted by Public Works and the Water Board. Regardless, it is apparent from the table that full-buildout of all Yosemite West parcels will already exceed the capacity of the current Well No. 9 capacity, and adding NESC as a customer would accelerate the time to when the System is no longer able to meet the demands of its customers. There is already a “gap” of water supply capacity for building the last 24 houses to full-buildout, and adding NESC to the water load would increase the gap to the last 54 to 60 houses. At historic rate of house construction in YW, this would mean hitting capacity limits about 8 to 10 years sooner due to adding NESC. The table and calculations thus emphasize why finding an additional source of water is so essential for the Henness Ridge region, whether or not NESC becomes part of the Yosemite West water System.

In the water board letter, Kassie Chauhan stated that proposed expansions of < 20% do not require a source capacity planning study usually required by Section 64558 of the California Code. We discussed what would happen if there were several expansions that cumulatively were > 20% and did exhaust System capacity. Kassie Chauhan stated only that this would be a later problem to solve, which was a “kick the can down the road” approach, dissatisfying to YW homeowners in attendance. Worse, Kassie Chauhan stated that the YW water system capacity limitations could stop County issuance of building permits for existing parcels in Yosemite West that have already been paying stand-by water fees for decades. Most homeowners in attendance believe this statement is just incorrect and would certainly lead to a legal challenge, since YW subdivision parcels are not asking to be a new customer of the water System but rather they should be regarded as already existing customers. **Action item** for the DAC or County to clarify this essential legal point.

Homeowners believe that if there were insufficient capacity of water within the Yosemite West system that owners would be rationed water equally by parcel or EDU (equivalent dwelling unit), in the same way that the Yosemite West WasteWater treatment facility has a “Flow Control” ordinance that would

Yosemite West Property & Homeowners, Inc.

7585 Henness Ridge Road, Yosemite National Park, CA 95389

www.YosemiteWest.org

reduce the value of an EDU allocation in order to maintain the system within operational limits. The DAC needs more research to confirm whether there are ordinances that define rationing allocations or whether commercial uses (existing rentals or new customers such as NESC) are secondary in priority to single-family residential uses.

➤ **Yosemite National Park / NESC**

The Water Board letters also reference SB1263 which states that any new proposed water system in California needs to evaluate the feasibility of connecting to existing public water systems within 3 miles before being issue a permit to operate. The intent is to encourage consolidations of water systems and discourage proliferation of a larger number of small independent fragile water systems. The Yosemite West water System already has a permit for well operations. But apparently, according to Kassie Chauhan, YNP never received a state water board operating permit for the well (that went dry) that was intended to service NESC. **It is unclear why getting a well operation permit was never addressed by YNP/NESC before.** So, even if a new well were found by YNP/NESC, Kassie Chauhan states that SB1263 would still require YNP to request an interconnection agreement with the Yosemite West water System before consideration of being issued an independent operating water permit. Of course, the goal of SB1263 is to prevent separate systems from each relying on small independent water sources. Currently, without NESC having its own water source to bring to the partnership, there is no direct relevance of SB1263.

Also, new water systems are in general only issued permits to begin operation when they can establish 2 independent sources. The Yosemite West water System is not applying for a new permit, but if YNP/NESC were to have applied for its own new water permit, it seems YNP/NESC would have needed not only 1 but 2 water sources.

Finding a second water source in the Henness Ridge area would not necessarily succeed on the first try, so even if a single well drilling cost \$100K-\$200K, Larry Harris estimated that the total cost could be much > \$250K. A second source could also be composed of several smaller wells that together could meet capacity needs (for example, 3 smaller wells, each capable of 30GPM so together could be considered a second source for 90GPM).

Joe Meyer states that YNP is committed to continuing to look for an additional water source. There remains approximately \$800K budgeted that could be used to find a water well source that could be added as a second source to the Yosemite West water System. In general, NPS money must be spent for a “National Park purpose”, and in this case finding a water source is certainly a park purpose even if the search area extends outside of the YNP lands.

Jeff Hornacek asked about what fees YNP would be charged to join the Yosemite West water System. Details would need to come from an Engineer’s study addressing both potential “buy-in” charges to compensate for past cumulative investment of Yosemite West property owners, as well as new usage-based charges. Since usage-based charges for all customers must be calculated from actual operating costs, it is possible that adding additional customers could reduce the overall usage-based rates per gallon for all Yosemite West ratepayers.

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www.YosemiteWest.org

➤ Roads

Yosemite West roads service not only the houses within the current subdivision, but also a number of other adjoining property owners, including the tracts of forest and logging areas along Henness Ridge. In a past count, there were about 20 other parcels (outside the subdivision houses) that use the Yosemite West roads to access their properties. There has previously been discussion about how to fairly assess road service fees to apply to the whole set of property owners, and not just have the current road fees (paid only by subdivision homeowners) end up subsidizing the road usage of all the other parcels outside the subdivision.

Supervisor Smallcombe stated that there is a continued plan for Mariposa County Public Works to find a legal structure for a roads fee that would apply to all the property owners using the Yosemite West roads. But making and communicating the roads plan was stated to still be a subsequent step, behind the current discussions about water.

➤ Utility Fees retention

In February 2018, Mariposa County used the Proposition 218 process to impose a tripling of water + sewer rates for the Yosemite West subdivision. However, the formation of a Zone of Benefit and subsequent “majority protest” process had a number of contested irregularities, which are currently the subject of a lawsuit. In the meantime, since March 2018, Mariposa Public Works has been collecting the increased rates anyway. Funds from the increased rates are being retained by Public Works in the operating accounts for the Yosemite West Maintenance District. Due to the uncertainty of the lawsuit outcome, Mariposa Public Works has not begun funding any of the capital improvement projects for the water and wastewater systems that had been outlined in the Engineer’s report used in the Proposition 218 rate-increase process.

The DAC inquired whether there was any sunset provision that would define how long Mariposa County could continue to collect increased rates without spending them on the promised capital improvement projects. Apparently, Mariposa county counsel has answered that there is no specific sunset, and the County intends to continue collecting the increased rates indefinitely, even without a plan to use the funds as intended for the water and wastewater capital improvements.

The DAC also inquired as to the total current accumulated from the “delta” amount of the rate increases over the elapsed period since March 2018, or how to determine the accumulated delta within the operating accounting statements. No one from Mariposa County could answer the question to provide a value for the accumulated delta, so **Rosemarie took the action item** to get an answer prior to the next DAC meeting. When the accumulated delta becomes known and if it stays reserved, the DAC will make request to allow some portion of capital improvement actions to proceed using the *rest* of the operating fund accounts, since even the prior budget (before the rate increases) had some allocation for spending beyond just minimal maintenance.

➤ **Leach field Land acquisition**

Early this year, a proposal was identified to expand the leach fields of the Yosemite West Wastewater Treatment Facility (WWTF) by having the Yosemite West Maintenance District purchase approximately 45 acres of land (the red area in the map in the appendix) from its current owner, Mr. Robert Shawver. Expanding the leach fields would be a step towards raising the treatment capacity of the WWTF from its current permitted 60,000gpd back up to the original equipment-design target of 100,000gpd. The possibility of increasing the WWTF capacity is also a reason why the water usage of the Yosemite West subdivision homes at full build-out should not be considered as limited by the WWTF capacity. If the WWTF does get certified for 100,000gpd then the limiting issue will be the well water capacity, and not the WWTF capacity or definition of an EDU in gpd.

Apparently, a troublesome step in proceeding with the purchase of the 45 acres is the county requirement for an accredited appraisal. An appraiser, Mr. David Adkins, has now finally been identified and is proceeding to make plans to visit the subject land and issue an appraisal to the County.

➤ **Next steps**

There are several action items in these notes that will hopefully be addressed by email to the DAC members in the coming weeks.

Following getting these answers, the community could consider having a workshop to further discuss the proposals relating to the Yosemite West water System.

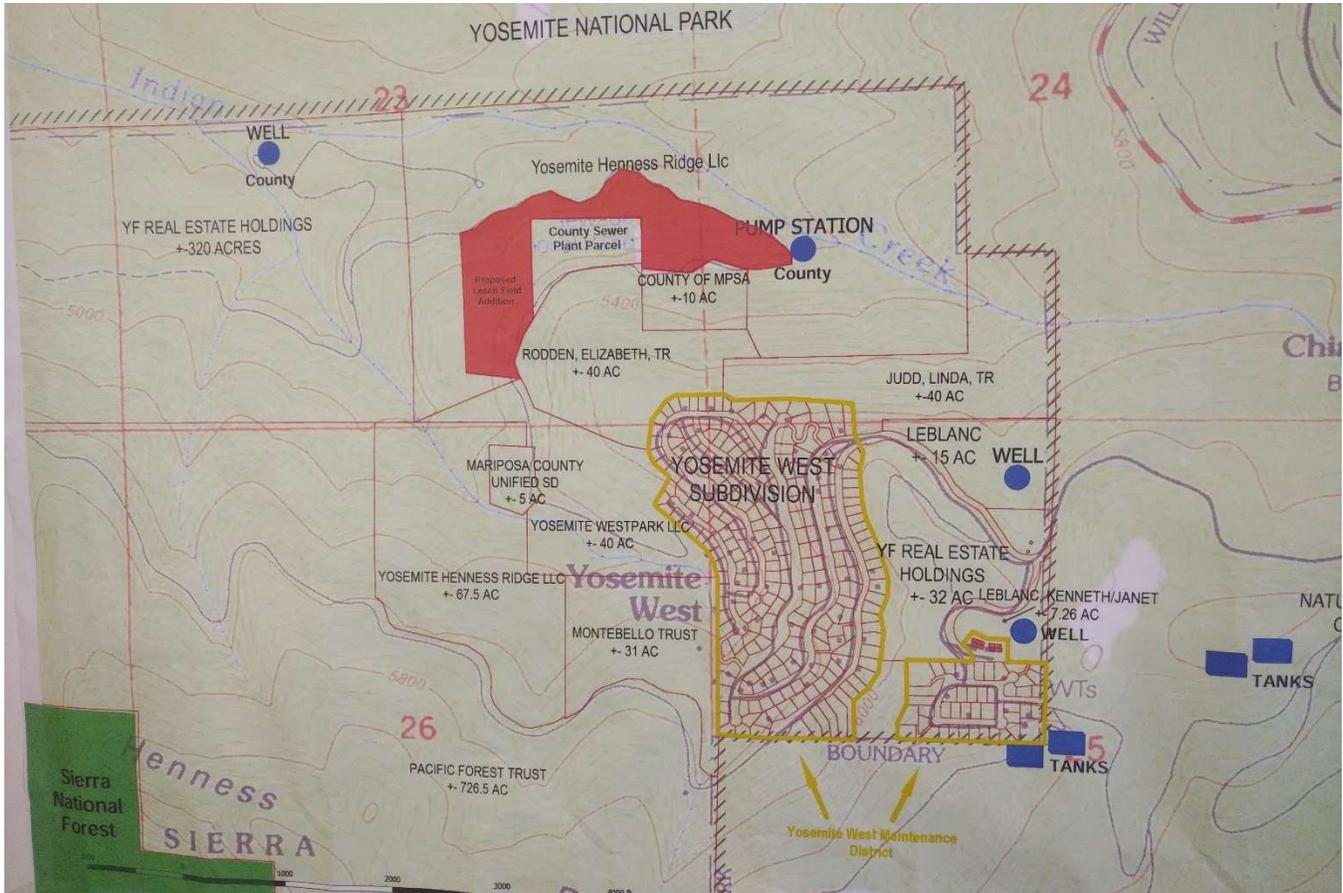
Key to making any proposal to the community would be getting agreement for the definite gating contingencies that would be requirements within a contract:

- Finding a second well (independent water source) and making a specific timeline for its addition
- Beginning construction of the fire-station at the NESC and committing to a completion timeline
- Defining a legal structure that allows the community to vote, with counting based on “votes cast”

Keeping the community involved in the process is essential. A heavy-handed approach driven by external lawyers would certainly trigger community opposition.

The next YW DAC meeting will be on December 12, 2019, tentatively also to be held at the NESC.

Appendix
Map of proposed land purchase (in red) to expand WWTF leach fields:



Yosemite West Property & Homeowners, Inc.

7585 Henness Ridge Road, Yosemite National Park, CA 95389

Page 7 of 7

www.YosemiteWest.org