

Bolinas Community Public Utility District

Resolution No. 671

Amending the Policies for Consideration of Limited Water Use Permits in the Context of Affordable Housing.

THE BOARD OF DIRECTORS OF THE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT ("BCPUD") HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, the BCPUD is a public utility district empowered to provide water service within its boundaries; and

WHEREAS, the BCPUD declared a water shortage emergency in 1971 and has reaffirmed that water emergency declaration on numerous subsequent occasions; and

WHEREAS, in consideration of the existing water shortage emergency, BCPUD has a set of rules that impose water use limitations on water connections for properties that are the subject of projects triggering building permitting from the County of Marin; and

WHEREAS, the rules governing BCPUD's limited water use permitting are set forth in Resolutions 173, 655, and 663, and Ordinance 38; and

WHEREAS, there is a local and regional need for affordable housing; and

WHEREAS, affordable housing projects may not have been contemplated in existing rules governing limited water use permitting, and said permitting may be necessary to facilitate affordable housing; and

NOW, THEREFORE, BE IT RESOLVED that the BCPUD adopts this resolution as follows:

Section 1. Authority. This resolution is enacted pursuant to BCPUD's statutory powers, Gov't Code, § 53069.4, and the water shortage emergency provisions of Water Code sections 350 *et seq.*, including but not limited to the power to implement regulations addressing the delivery and consumption of water as provided in Water Code section 353, and BCPUD resolutions and ordinances. These regulations and ordinances are issued in the sound discretion of the BCPUD Board of Directors and will conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection.

Section 2. Amendment to Ordinance 38, Section 3.e. Section 3.e of Ordinance 38 shall be amended to include a new subsection v., as shown in Exhibit A to this resolution.

Section 3. Effective Date and Sunset. This resolution shall take effect immediately. This resolution shall not have a sunset date.

Section 4. Severability Clause. If any provision of this resolution is found to be illegal, unconstitutional or unenforceable for any reason whatsoever, that provision shall be severed from the remaining provisions of this resolution, which shall remain in full force and effect.

PASSED AND ADOPTED at a regular meeting of the Board of Directors on
this 15th day of January, 2020.

AYES: COMSTOCK, GODINO, SIEDMAN, SMITH

NOES: AMOROSO

ABSTAIN: NONE

ABSENT: NONE

Attest:


Secretary



President, Board of Directors

EXHIBIT A

v. Affordable Housing Projects. For affordable housing projects (as defined in BCPUD Ordinance 38, Section 3(c) and where affordable housing is the sole purpose of said projects, except for such additional requirements as may be imposed by another federal, state or local entity with permitting jurisdiction over such projects), BCPUD shall have the authority to allow the swapping of water use allocations between properties owned by the same entity or person. In general, the swap shall not result in an overall increase in water use allocation and shall accord with the rules set forth in Resolution 173, although the BCPUD Board of Directors may make reasonable increased water use allocations if deemed appropriate.

Affordable housing projects may also utilize additional water meter allocations to “stack” allowed use allocations on a property (meaning such projects may transfer the water use allocation(s) assigned to one or more additional water service connection(s) owned by the project proponent to a single property). The decision to allow a water allocation “swap” or “stack” shall be in the discretion of the BCPUD Board, and shall take in to account all relevant factors.

Where water allocations are swapped between properties, the provisions of BCPUD Ordinance 38, Section e.ii. shall not apply.