

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

Resolution No. 681

Establishing a Special Category of “Septic System Limited Water Use Permits” for Issuance in Connection with the Bolinas Septic System Pilot Program.

WHEREAS, there is a worsening shortage of affordable housing in the State of California, including but not limited to Marin County and the community of Bolinas.

WHEREAS, the State of California has established policies requiring utility districts, among other things, to prioritize affordable housing with regard to the provision of utility services.

WHEREAS, the building of Accessory Dwelling Units (“ADUs”) on existing developed properties is acknowledged by the Marin County Community Development Agency as a cost-effective and expedient means by which to increase the supply of affordable housing in most rural and suburban areas of the county, including but not limited to Bolinas.

WHEREAS, in areas of rural Marin County not served by a sanitary sewer system, a significant expense associated with building an affordable housing ADU project often is the cost of upgrading the On-site Wastewater Treatment System (“OWTS”, also known as “septic system”) serving the existing developed property to meet the applicable hydraulic load capacity, which is 150 gallons/day per bedroom as presently required by Marin County’s Environmental Health and Safety (“EHS”) Department.

WHEREAS, the significant expense of upgrading a septic system to meet the EHS Department hydraulic load capacity requirements also generally deters property owners (with or without ADUs) from doing so.

WHEREAS, due to the ongoing water supply emergency in the district, the Bolinas Community Public Utility District (“BCPUD”) has long required its customers to obtain a Limited Water Use Permit (“LWUP”) for continued water delivery where there is an expansion or modification at their property that requires a County coastal, building or use permit and is anticipated to result in increased water use. LWUPs establish a maximum quarterly water use limit at the customer’s property; an LWUP may be revoked and water service to a property may be terminated if the customer violates the applicable water use limit.

WHEREAS, the Bolinas Community Land Trust (“BCLT”) proposes to implement a Bolinas Septic System Pilot Program (“Program”) whereby customers (“Participants”) seeking to build an affordable ADU (or otherwise upgrade their septic system) would be allowed by the EHS Department to do so subject to a lower hydraulic load capacity than currently required, *provided that* these Participants (among other requirements that may be imposed by the EHS Department): (1) apply for and receive from the BCPUD a Septic System LWUP with an average *daily* water use limit established in subsection (a), below; (2) agree not to exceed that average daily water use limit; and (3) acknowledge and agree that the BCPUD may revoke the Septic System LWUP and terminate the Participant’s water service if their average daily water use exceeds the water use limit established in subsection (a), below.

WHEREAS, the BCLT has agreed to be Program Manager, to identify and select Program Participants, to interface with the EHS Department, and to ensure that the Participants comply with Program requirements.

NOW, THEREFORE, BE IT RESOLVED, that the BCPUD agrees to support the Bolinas Septic Pilot Program by establishing a special category of "Septic System LWUPs" to customers participating in the Program, each of which shall require that:

- a. The maximum average daily water use at the Participant's property shall not exceed 224 gallons per day (which is equivalent to a maximum quarterly water use of 2,700 cubic feet).
- b. The BCLT as Program Manager shall collect water meter readings at the Participant's property at the intervals required by the EHS Department and shall report those readings in writing to the EHS Department and to the BCPUD on a timely basis.
- c. Upon receiving written notice from the EHS Department that the terms of a Septic System LWUP have been violated and that all reasonable efforts by the EHS Department and the BCLT to timely restore compliance have failed, the BCPUD shall within three business days send a written Permit Violation Notice to the Participant advising that water service to the property will be terminated after one week from the date of the Permit Violation Notice unless the BCPUD meanwhile is informed in writing by the EHS Department that the violation has been remedied.
- d. Once terminated, water service will be restored only after BCPUD receives written authorization from the EHS Department to do so.
- e. The special category of Septic System LWUPs established by this resolution makes no changes, express or implied, to the BCPUD's otherwise existing LWUP policies and procedures. As such, a Participant seeking to construct an ADU at their property in connection with the Program (or otherwise) must also submit a separate LWUP application pursuant to BCPUD Resolutions 173 and 655 that will survive any termination of the Septic System LWUP.
- f. In the event the Participant (or a prior owner of the subject property) previously was issued an LWUP applicable to that property pursuant to the BCPUD's then-existing LWUP policies and procedures, or obtains such an LWUP pursuant to subsection (e), above, or otherwise obtains an LWUP pursuant to BCPUD's then-existing LWUP policies and procedures in the future, the terms and conditions of the Septic System LWUP shall control for so long as the Participant's property remains in the Program.

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Resolution 681
Page Three

PASSED AND ADOPTED at a special meeting of the Board of Directors of the Bolinas Community Public Utility District on this 3rd day of March, 2021 by the following vote:

AYES: COMSTOCK, GODINO, SMITH, WALKER

NOES: NONE

ABSTAIN: NONE

ABSENT: SIEDMAN



Vice President, Board of Directors

attest:



secretary