

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

Resolution No. XXX--- Amendment and Replacement of 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, as required by Marin County's Environmental Health and Safety ("EHS") Department

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 permit,, 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, on February 9, 2021, County of Marin Board of Supervisors Adopted Resolution No. 2021-08 entitled, *Resolution of The Marin County Board of Supervisors to Approve and Authorize Waiver by Marin County Environmental Health Services of Marin County Regulation for the Design, Construction and Repair of Individual Sewage Disposal Systems for the Bolinas On-Site Wastewater Treatment Systems Pilot Project Proposal*, which states the following:

1. The requested OWTS design waivers for properties that meet the requirements of the Pilot Proposal include:
 - a. Waiver of the requirement for separation between the highest level of groundwater and the bottom of the dispersal system reduced to two (2) feet or 24 inches with supplemental treatment/pretreatment of the wastewater; and
 - b. Increasing the size limit of ADUs allowed on parcels with existing residential development from 500 square feet to 800 square feet; and
 - c. Allowing installation of systems that meet Class II OWTS standards.
2. Each property seeking OWTS waivers under the Pilot Proposal will be subject to site review and evaluation of existing and proposed OWTS by Marin County Environmental Health Services.
3. Properties granted waivers through the Pilot Proposal will also be subject to an LWUP from the BCPUD, restricting water use at the participating property to no more than 224 gallons of water a day.

WHEREAS, the Bolinas Community Land Trust (BCLT) has agreed to program manage the Bolinas Septic Pilot Program whereby duties will include:

1. Identifying and selecting Program Participants.
2. Interfacing with the EHS Department,
3. Ensuring that 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" which will establish the following:

1. 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).
2. The BCPUD shall monitor and enforce Septic System LWUP's as described in Exhibit A to Resolution 655, which states,

The District shall immediately notify the permittee if average water use in any one Quarter exceeds the applicable limit and require the permittee to reduce water use immediately and comply with the permit terms ("Permit Violation Notice"). The District shall further notify the permittee that failure to comply with the District's conditions, rules and regulations concerning water service (including but not limited to a failure to comply with a Limited Water Use Permit) is grounds for termination of the water service pursuant to BCPUD Resolution 312. The District will monitor the permittee's water usage to ensure compliance. If the permittee is not thereafter in compliance with the terms of the permit within thirty (30) days of the District's Permit Violation Notice, the District shall so notify the permittee and commence water service termination procedures pursuant to BCPUD Resolution 312.

3. The BCPUD will notify EHS of a violation within 3 business days of BCPUD's commencement of water termination procedures.
4. Once terminated, water service will be restored only after BCPUD receives written authorization from the EHS Department to do so.
5. 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.
6. The terms and conditions of the Septic System LWUP shall prevail over any preexisting (or future) LWUPs issued on the property.
7. The Septic System LWUP remains associated with the property and will not lapse if the property is sold, or the Bolinas Pilot Septic System program terminates.

PASSED AND ADOPTED at a special meeting of the Board of Directors of the Bolinas Community Public Utility District on this 21st day of May, 2025 by the following vote:

AYES:

NOES:

ABSTAIN:

_____ABSENT:

attest:
