

RESOLUTION NO. 09-034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
ADOPTING WRITTEN POLICY CONCERNING THE PROVISION OF WATER OR SEWER
SERVICES TO PROPOSED DEVELOPMENTS THAT INCLUDE HOUSING UNITS
AFFORDABLE TO LOWER INCOME HOUSEHOLDS

WHEREAS, in 2005 the California Legislature enacted Senate Bill 1087, which amended Government Code Section 65589.7 to require all public agencies or private entities that provide water or sewer services for municipal and industrial uses to (i) adopt a written policy granting a priority for the provision of public water and sewer services to include proposed developments that include housing units affordable to lower income households, and (ii) deny or condition the approval of an application for services to, or reduce the amount of services applied for by, a proposed developments that include housing units affordable to lower income households only upon specific written findings that the denial, condition, or reduction of service is necessary due to the existence of certain circumstances specified in Section 65589.7.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, California, as follows:

Section 1. Pursuant to, and to the extent required by, Government Code Section 65589.7, the City of El Paso de Robles (“City”) hereby grants a priority for the provision of water or sewer services to proposed developments that include housing units affordable to lower income households as defined by Section 50079.5 of the California Health and Safety Code unless it makes specific written findings that the denial, condition, or reduction of service is necessary due to the existence of one or more of the following:

- a. The City does not have “sufficient water supply,” as defined in paragraph (2) of subdivision (a) of Government Code Section 66473.7, or is operating under a water shortage emergency as defined in Water Code Section 350, or does not have sufficient water treatment or distribution capacity, to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report;
- b. The City is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections;
- c. The City does not have sufficient treatment or collection capacity, as demonstrated by a written engineering analysis and report on the condition of the treatment or collection works, to serve the needs of the proposed development;
- d. The City is under an order issued by a regional water quality control board that prohibits new sewer connections;
- e. The applicant has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the City, including, but not limited to, the requirements of local, state, or federal laws and regulations or payment of a fee or charge imposed pursuant to Government Code Section 66013.

Section 2. Pursuant to subdivision (b) of Government Code Section 65589.7, except to the extent provided otherwise in Section 1 of this Resolution, the City Council hereby adopts, as its written policies and procedures for provision of services to proposed developments that include housing units affordable to lower income households, the provisions of the Municipal Code of the City of El Paso de Robles with respect to water or wastewater services.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of March 2009 by the following vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk